



Title I, Part A of the Every Student Succeeds Act (ESSA): School Improvement Systems of Support

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A. Introduction to the Utah School Improvement Systems of Support

In 2017, the Utah Legislation passed Senate Bill 234 titled the School Turnaround and Leadership Development Act. The Act provides for the designation of low performing Utah schools and defines the requirements for conducting a needs assessment, root-cause analysis and turnaround plan. This Act is being implemented in conjunction and collaboration with Title I, Part A School Support and Improvement Activities under the Every Student Succeeds Act of 2015. Regarding school improvement efforts, the Utah State Board of Education's (USBE) intent is to align with the following principles:

- There should be one accountability and school improvement system for the state;
- Identification for improvement status should align with the ratings in the state's accountability system;
- Expectations for identification and exiting improvement status should be clear, easy for schools to understand, and transparent;
- Exit criteria should be based on the reason for which a school was identified;
- To the extent possible, exit criteria should reflect actual, sustained improvement, not normative criteria comparing a school with other schools' performance. [Utah Consolidated ESSA State Plan](#)

It is the mission of the USBE School Improvement Team to collaboratively develop and implement transparent, systemic transformation to ensure continuous school improvement and educational excellence for each Utah student.

B. General Spending Provisions that Apply to Title I, Part A School Support and Improvement Activities and State School Turnaround

1. Fiscal Requirements for School Support and Improvement Activities for the State Education Agency (SEA) under Every Student Succeeds Act (ESSA):

Below are SEA requirements for set aside Title I, School Support and Improvement Activities under ESSA:

- 1% cap on State administrative funds
- Mandatory 7% set-aside for school improvement interventions and technical assistance (1003)(a)
- 5% of 7% for State Administration, Technical Assistance, and Monitoring
- 95% of the 7% for formula, competitive, or hybrid subgrants to Local Education Agencies (LEAs)
- No hold-harmless provision for LEAs in FFY 2017
- Optional 3% set-aside for Direct Student Services
- 1% of 3% for State Administration (1003)(a)(2)
- Competitive subgrants to LEAs (priority to LEAs with identified schools)
- Allowable expenditures include academic/CTE coursework, credit recovery, AP/IB test fees, and transportation of LEAs implementing school choice
- To receive a 1003(a) subgrant under ESSA, an LEA must submit an application that describes how the LEA will support schools implementing comprehensive (CSI) or targeted support and improvement (TSI) activities.
- A state must give priority to districts that:

- Serve high numbers or percentage of schools implementing comprehensive or targeted support and improvement plans;
- Demonstrate the greatest need for the funds; and
- Demonstrate the strongest commitment by the LEA to using the funds to implement evidence-based practices to increase achievement in the LEA’s lowest-achieving schools.

2. Fiscal Requirements for School Support and Improvement Activities under the School Turnaround and Leadership Development Act for the SEA:

Below are SEA requirements for funding appropriation under School Turnaround and Leadership Development Act:

- The board may use up to 5% of the appropriation provided under this part to hire or contract with one or more individuals to conduct a needs assessment described in root cause analysis.
- The state will allocate funds to identified LEAs for the selection of turnaround experts to develop school turnaround plans, professional development, and follow up. These costs shall include travel, payment milestones, and may include pay for performance provisions. A detailed budget specifying how the school turnaround plan will be funded is required.

C. Overview of School Support and Improvement Activities under ESSA and the School Turnaround and Leadership Development Act

Utah State law requires USBE to annually identify a school for improvement if the school falls into the lowest-performing 3 percent for two consecutive school years, regardless of whether the school is a Title I school (UCA Title 53A, Chapter 1, Part 12, School Turnaround and Leadership Development Act). State law also requires USBE to assign schools a rating of, A, B, C, D, or F based on the school’s performance on the indicators in the state’s accountability system (UCA Section 53A-1-1105). Utah’s proposal for identification of schools for improvement status attempts to align with current efforts within the state, namely State Turnaround.

Utah identifies a school for comprehensive support and improvement if the school consistently meets the identification criteria for two consecutive years. This enables the state to target critical resources for schools that consistently demonstrate the need for comprehensive intervention (i.e., schools that are assigned an “F” rating and are therefore schools with critical needs).

Utah will identify all public high schools for comprehensive support and improvement by identifying schools with a four-year adjusted cohort graduation rate of less than or equal to 67 percent for two consecutive school years. Utah will identify schools with graduation rates at or below 67 percent for comprehensive support and improvement every two years beginning in school year 2018–19.

A TSI School will be identified as one with a “consistently underperforming” student group if any of its student groups falls below the percentage of points (cut score) associated with the lowest rating in the state’s accountability system for two consecutive years (i.e., currently less than 38 percent for high schools and less than 35.5 percent for elementary and middle schools). Student groups include economically disadvantaged students, students with disabilities, students who are English Learners, and students by major racial and ethnic groups (i.e., American Indian, African American, White, Pacific

Islander, Asian, Hispanic, and Multiracial students). This identification occurs annually beginning school year 2018–2019. Schools already identified for comprehensive support and intervention will not be identified for targeted support and improvement. [Utah Consolidated ESSA State Plan](#)

1. School Support and Improvement Activities under ESSA:

Under 1003(a) in ESSA, states must identify two types of low-performing schools:

- *Targeted support and improvement (TSI) schools*, which are schools with one or more consistently underperforming subgroups,¹ and
- *Comprehensive support and improvement (CSI) schools*, which include:
 - The lowest-performing five percent of Title I schools in the state,
 - Any public high school failing to graduate one-third or more of its students, and
 - Title I schools with a consistently underperforming subgroup that, on its own, is performing as poorly as students in the lowest-performing five percent of Title I schools, and that has failed to improve after four years.²

TSI and CSI schools³ must develop plans for improving student outcomes that (among other things):

- Are informed by all the indicators for differentiating schools listed above,
- Include evidence-based interventions (see Appendix A), and
- Are based on an assessment of the school’s needs.⁴

Under ESSA, TSI and CSI schools that receive Title I funds have the same Title I, Part A spending options as any other Title I school, and can also use their Title I, Part A funds to support the school’s TSI and CSI initiatives.

It is important to note the distinction between how Title I, Part A funds may be used in a TSI or CSI school versus how Section 1003 school improvement funds must be used. Under ESSA, Title I, Part A funds may support any allowable Title I, Part A cost whether it meets ESSA’s definition of evidence-based or not. This is different from how Section 1003 school improvement funds must be used. Section 1003 funds can only be used to support activities that meet ESSA’s top three tiers of evidence. In other words, Section 1003 funds can only be used to fund activities, strategies, or interventions based on a study that demonstrates the activity, strategy, or intervention has a *statistically significant effect* on improving student outcomes.⁵

¹ ESSA, Section 1111(c)(4)(C)(iii) and Section 1111(d)(2). ESSA does not define what it means to be consistently underperforming, but rather leaves it for states to define.

² ESSA, Section 1111(c)(4)(D).

³ For CSI schools, the LEA develops the plan, which must be approved by the school. ESSA, Section 1111(d)(1)(B).

⁴ ESSA, Section 1111(d)(1)(B) and Section 1111(d)(2)(B).

⁵ ESSA, Section 8101(21)(B) stating:

Therefore, while TSI and CSI schools must implement evidence-based interventions under ESSA’s school improvement requirements, this requirement does not directly affect their use of Title I, Part A funds under ESSA.

2. School Support and Improvement Activities under the School Turnaround and Leadership Development Act:

- The Board shall annually designate a school as a low performing school:
 - "Low performing school" means a district school or charter school that has been designated a low performing school by the Board because the school is: for two consecutive years in the lowest performing 3% of schools statewide according to the percentage of possible points earned under the school grading system; and a low performing school according to other outcome-based measures.
- The Board shall conduct a needs assessment for a low performing school and complete a root cause analysis.
- The Board shall provide a list of approved Turnaround Experts to LEAS.
- The local board or charter board shall solicit proposals from a turnaround expert.
- The LEA shall partner with the school turnaround committee to select a proposal.
- Board approved Turnaround Experts shall submit the proposal to the local board for review and approval; and contract with a turnaround expert.
- The contracted Turnaround Expert shall create a plan and strategies to address the root causes of the low performing school's low performance and provide the scope of work to facilitate implementation of the strategies.⁶

3. Other Spending Rules under ESSA and School Improvement

Maintenance of Effort

LEAs that receive Title I funds must comply with a maintenance of effort requirement.⁷ In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

Supplement not Supplant

Title I has a supplement not supplant (SNS) requirement. In general terms, this means that Title I funds should add to (supplement) and not replace (supplant) state and local funds. Prior to ESSA, supplement not supplant was typically tested by analyzing an individual Title I cost’s compliance with “three

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term “evidence-based” means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

⁶ S.B. 234, 53A-1-1202

⁷ ESSA, Sections 1118(a) and 8521.

presumptions of supplanting.”⁸ Under ESSA, compliance with SNS will no longer be tested through individual Title I costs,⁹ so these three presumptions no longer apply.

Instead, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I school with all of the state and local money it would receive if it did not participate in the Title I program.¹⁰

This should expand Title I’s spending options. (Note that every Title I cost must still be allowable and must still support eligible students among other requirements.)

Comparability

As a condition of receiving Title I, LEAs must ensure that state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title I schools.¹¹

Equitable Services

Title I funds are subject to an equitable services requirement.¹² In short, this means LEAs must reserve funds to provide Title I services to eligible private school students, teachers and other educational personnel, and families. ESSA makes important changes and clarifications to the way LEAs must reserve Title I funds for equitable services. ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I *prior* to any expenditures or transfers of funds.¹³ This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.¹⁴

⁸ Under NCLB and previous versions of ESEA, a Title I supplanting violation was presumed if Title I, Part A paid for:

- 1) An activity required by federal, state, or local law,
- 2) An activity that was paid for with state or local funds in the prior year, or
- 3) The same services for Title I students that state and local funds support for non-Title I students.

⁹ ESSA, Section 1118(b)(3)(A).

¹⁰ ESSA, Section 1118(b)(2).

¹¹ ESSA, Section 1118(c).

¹² ESSA, Section 1117.

¹³ ESSA, Section 1117(a)(4).

¹⁴ See U.S. Department of Education, *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA)* (November 2016), Q&A O-1, available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>. This guidance will be referred to as “ED 2016 Fiscal Changes Guidance” for the rest of this document.

D. Appendix A

Definition of “Evidence-Based” in ESSA¹⁵

Evidence-based means an activity, strategy, or intervention that:

- i. demonstrates a **statistically significant effect on improving student outcomes or other relevant outcomes based on—**
 - (I) **strong evidence from at least one well-designed and well-implemented experimental study;**
 - (II) **moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or**
 - (III) **promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or**
- ii. (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and
(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

¹⁵ ESSA, Section 8101(21)(A).

E. Glossary

1. **AP:** Advanced Placement
2. **CSI:** Comprehensive Support and Intervention is a term used in school improvement under the Every Student Succeeds Act. Schools designated as CSI schools include: (a) Title I schools that fall within the lowest-performing 5% of Title I schools in the State averaged over 3 years, (b) all public high schools with 4 year cohort graduation rates less than 67% averaged over 3 years, and (c) Title I schools that were previously identified for Targeted Support and Intervention (TSI) that haven't made adequate improvement after a 4 year period.
3. **CTE:** Career Technical Education
4. **ESEA:** The Elementary Secondary Education Act (ESEA) was signed into law in April 1965 by President Lyndon B. Johnson. ESEA established the Title I program as part of the War on Poverty.
5. **ESSA: The Every Student Succeeds Act (ESSA)** represents the latest Congressional reauthorization of the Elementary Secondary Education Act. The ESSA was signed into law on December 10, 2015, by President Barack Obama.
6. **FFY:** Federal Fiscal Year
7. **IB:** International Baccalaureate
8. **LEA:** Local Education Agency represents a local school district, a charter school that operates multiple campuses, or a single campus charter school.
9. **NCLB:** The No Child Left Behind (NCLB) Act was the 2001 Congressional reauthorization of the ESEA. It was signed into law by President George W. Bush.
10. **SEA:** State Education Agency, i.e., in Utah this is the office of the Utah State Board of Education.
11. **SNS:** Supplement not Supplant.
12. **Title I, Part A:** Improving Basic Programs Operated by Local Education Agencies
13. **TSI:** Targeted Support and Intervention School is a term used in school improvement under the Every Student Succeeds Act. Schools designated as TSI schools include any public school in which one or more disaggregated group of students is under-performing.
14. **USB:** The Utah State Board of Education and its staff.