

October 4, 2024

Melissa Siry  
Office of Elementary and Secondary Education  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

RE: Non-Regulatory Guidance, School Improvement and Related Provisions under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA)

Dear Ms. Siry:

The undersigned organizations welcome the opportunity to respond to the U.S. Department of Education's (ED's) request for comment on the draft non-regulatory guidance pertaining to the school improvement provisions within Title I, Part A of the Elementary and Secondary Education Act (ESEA). We submit these recommendations as a collaboration of national organizations seeking to advance shared education equity priorities through federal, state, and local policy advocacy.

We support and appreciate the recent guidance and want to commend the inclusion of several key components that were particularly beneficial. First, the clear, illustrative examples of ongoing state practices and other hypothetical scenarios were especially helpful in creating a better understanding of what is expected from state educational agencies (SEAs), local educational agencies (LEAs), and other stakeholders. Throughout, the guidance on how LEAs can best support school improvement efforts is also impactful and insightful. Furthermore, the guidance effectively outlines how SEAs can reduce barriers and streamline processes, while highlighting the responsibilities conferred to the states in relation to the federal government.

While this guidance is commendable, we strongly encourage the development of similar non-regulatory guidance focused on other key related areas of Title I, Part A, such as n-size, accountability indicators, the meaningful differentiation of schools, and the inclusion of recently arrived English learners and students with disabilities. These are essential elements of the ESEA accountability framework that warrant clear, detailed guidance to help states and districts navigate the challenges they face and ensure the correct implementation of the law. Consistent guidance across these areas would provide a more comprehensive roadmap to meet federal requirements while addressing the diverse needs of student populations.

Regarding areas of improvement in the draft guidance, our feedback (described in greater detail in the attachment) can be organized into several categories. First, we recommend further emphasizing the state role in supporting school improvement and addressing school needs and resource inequities. Currently, much of the focus of this guidance is on LEA's roles and responsibilities, but SEAs can play a crucial role in leveling the playing field across districts as well as supporting and incentivizing strong school improvement practices. Second, while there are several worthwhile and constructive questions and examples referencing the role of LEAs in supporting school improvement, more can be added to strengthen and further clarify this guidance. LEAs work more closely with identified schools, and additional guidance on strategies they can use to effectively support struggling schools would be beneficial.

Third, more specific recommendations for what constitute "evidence-based" school improvement strategies — and discussion of how LEA and school leaders should be evaluating evidence — are sorely needed. The current draft emphasizes three that the Department has prioritized — high-impact tutoring, extended learning time, and addressing student attendance and engagement — but there is a much broader array of strategies that are evidence-based and those should be emphasized as well, such as data-based decision-making, multi-tiered systems of support, the deployment of high-quality instructional materials, teacher pay incentives, professional development and coaching, dual and concurrent enrollment programs and career-connected learning, and family engagement.

Additionally, more specific recommendations should be provided in the guidance, particularly for schools in Comprehensive Support and Improvement (CSI) but also for Targeted and Additional Targeted Support and Improvement (TSI and ATSI, respectively) schools, about how school improvement plans (SIPs) can support specific student groups that may need tailored interventions. We also recommend ways that the final guidance could include additional suggestions about how SEAs can provide more transparency into the school improvement process. Both would enhance the guidance's inclusivity and applicability.

It would also be helpful to provide more real-world examples from ED's monitoring of SEA and LEA implementation and/or links to external ED resources on the topics in the guidance, which could offer practical insights into successful strategies and help SEAs and LEAs learn from existing models. In several areas of the guidance, we recommend expanding the discussion on the benefits and drawbacks of different allowable approaches, such as how to maximize the utility of planning years and the trade-offs associated with various allocation methods for 1003 school improvement funds from SEAs to LEAs. This would help SEAs make more informed decisions that suit their specific contexts and needs.

Lastly, we note a few places in the guidance where the language could be clarified to avoid any ambiguity. While the guidance is strong, these suggestions would further enhance its clarity, comprehensiveness, and practical utility.

We thank you for the opportunity to comment on this guidance, and we appreciate the detail and comprehensiveness of this needed resource. We look forward to reviewing the final guidance and assisting the Department and external stakeholders as they implement the ESEA school improvement provisions.

Sincerely,

All4Ed

Center for American Progress

EdTrust

Education Reform Now

Migration Policy Institute National Center on Immigrant Integration Policy

National Center for Learning Disabilities

National Urban League

Teach Plus

UnidosUS

## Specific Feedback for the Department, By Theme

### 1. Reinforce States' Roles and Responsibilities

Overall, the guidance provides clear information about the role that states, particularly SEAs, should be playing in implementing school improvement provisions under ESSA, including urging states not to abdicate their role to LEAs or schools. We particularly appreciated, in C-3, the point that having LEAs complete self-assessment protocols without state review does not meet statutory requirements for resource allocation reviews.

- *B-19. Which support and improvement plans are required to identify and address resource inequities?*

While we appreciate noting that LEAs and schools should use the results of resource allocation reviews in the development of their school improvement plans, we believe this question would be strengthened by recommending ways states could play a more active role in facilitating the identification of resource inequities in CSI and ATSI plans, particularly in LEAs without state resource allocation reviews, such as through providing templates and guidance or more direct data analysis support. Additionally, we suggest including a recommendation about how states could incorporate identification of resource inequities in SIPs in applications for 1003 funding.

- *B-20, B-22-25 What are ways an LEA or school could address resource inequities with respect to...?*

The series of questions discussing ways LEAs and schools can address resource inequities provides strong recommendations for supporting equitable practices at the local level. (See Section 3 below for our recommendations for strengthening these responses.) However, given that many schools and districts are operating with limited resources, we recommend including a parallel set of questions that highlight the ways the states can also address inequities, particularly those identified via resource allocation reviews. The Alliance for Resource Equity's [Advocating Across Government](#) tool highlights the state's role in supporting equity via the types of resources currently highlighted in the guidance.

- *B-27. What are a state's responsibilities regarding the monitoring and periodic review of an LEA's implementation of a CSI plan?*

Rather than providing annual monitoring as an example, we would encourage stronger language that more directly recommends that approach. Additionally, we believe states would benefit from the inclusion of language about what steps states should take when their reviews of an LEA's implementation of CSI plans are unsatisfactory — such as increasing the frequency of state monitoring, requiring certain actions steps, or revising the school improvement plan (SIP). These recommendations could also be incorporated into the response to question B-32.

- *C-2. Must a state provide technical assistance to LEAs serving a significant number of CSI schools or TSI and ATSI schools?*

Rather than simply stating that many states meet technical assistance requirements by supporting all LEAs with identified schools, we'd recommend language that more strongly encourages this best practice, while noting that states could triage their support by providing the most intensive technical assistance to LEAs with the highest need — such as those with multiple identified schools or CSI schools. We also strongly recommend including an additional question here that discusses the types of technical assistance — including specific topics — that could be especially helpful for the state to provide LEAs based on ED monitoring.

- *C-12. What additional state-determined action could be implemented in a school identified for CSI that does not meet exit criteria?*

We recommend that the response to this question more strongly encourage the completion of new needs assessments for all schools needing more rigorous interventions, as well as new reviews to identify resource inequities. We would also suggest recommending that the state take an active role in supporting this process and require a subsequent revision and re-approval of school improvement plans that incorporate the findings of the newly completed needs assessment and resource equity review.

- *E-23. Must an LEA conduct a review of any external providers with which it will partner to carry out activities supported with section 1003 funds?*

Given that many LEAs may have limited capacity to properly vet external providers, particularly those with significant numbers of identified schools, we recommend updating this question to highlight the ways that states could support LEAs in selecting external providers — such as vetting providers and providing a state list of recommended partners.

## 2. Expand on Benefits of LEA Involvement, Particularly in TSI and ATSI Plans

Throughout the guidance, ED outlines many ways in which school districts can support the effective development and implementation of school improvement activities (such as questions discussing how LEAs can address inequities in access to advanced coursework and qualified educators). However, we recommend strengthening the discussion of the benefits of greater district involvement in the school improvement process in several additional places, as noted below.

- *B-3. How do the requirements differ for CSI, TSI, and ATSI plans? and B-4. When should an LEA and school begin developing and implementing the CSI, TSI, or ATSI plan?*

While the response to these questions discusses (rightly) how SEAs can help speed up developing SIPs, we recommend adding additional language to the response, or a new question to the guidance, that discusses how LEAs can be more directly involved in developing improvement plans as well, especially for ATSI and TSI schools. The draft, particularly table B1, could give the impression that these schools are largely on their own in developing SIPs. The final guidance should discuss the benefits, and provide examples (e.g., data analysis, selecting evidence-based interventions), of LEA involvement in plan development, as they could provide additional knowledge, capacity, and support to schools to help them complete needs assessments, identify evidence-based interventions, and implement their plans.

- *B-11. How can a state support LEAs and schools in identifying and selecting appropriate evidence-based interventions? and B-12. How should an LEA or school go about selecting interventions for a school identified for CSI, TSI, or ATSI?*

The response to draft question B-12 states: “After it has selected interventions, an LEA or school should support the intervention by creating a robust implementation plan, **providing adequate resources**, regularly gathering information from relevant parties to examine the approach and possible refinements, and analyzing outcome data to determine the effectiveness of the intervention” (emphasis added). An individual school likely has little control over providing resources, especially funding, to implement evidence-based interventions in identified schools. The allocation of resources is supported by SEAs and LEAs. This speaks to the need to emphasize, and strengthen, the discussion of the unique role that LEAs play in school improvement and highlight

how they should be more directly involved in the school improvement process. We would recommend using similar language to question B-11 (and potentially adding a question) asking, “How can an LEA support schools in identifying and selecting appropriate evidence-based interventions?” This could speak to how LEAs could facilitate this work and identify resources to implement improvement strategies, especially in ATSI and TSI schools.

- *B-28. What are an LEA’s responsibilities with respect to the review and approval of a TSI or ATSI plan?*

We would recommend adding language, similar to what the draft guidance uses in response to question B-26, which discusses steps LEAs should take to work with TSI and ATSI schools when a plan is not (initially) approvable. In making the response to this question more robust and similar to the discussion of the role SEAs play regarding CSI plan approval, ED could more strongly encourage LEAs to take an active role in developing TSI and ATSI plans — which we believe would result in plans that are more effective, meaningful, and likely to improve student outcomes.

### **3. Additional Guidance on Evidence-based Practices**

Throughout the guidance, ED provides thoughtful recommendations about the types of best practices and policies states, LEAs and schools could consider as a part of their school improvement efforts, all of which we greatly appreciate. However, the final version of the guidance would benefit from additional discussion about how state, LEA, and school leaders can evaluate the strength of evidence and determine whether they are relevant to the specific needs of students the interventions are intended to serve, as well as the importance of implementing interventions with fidelity to see similar changes in outcomes.

We also recommend including these more specific suggestions, based on our collective research and policy positions, which could strengthen the final guidance:

- *Introduction*

In addition to calling out acceleration strategies aligned with ED’s “Raise the Bar” initiative, we recommend the inclusion of a broader set of evidence-based improvement strategies, such as data-based decision-making; multi-tiered systems of support; the deployment of high-quality instructional materials; teacher pay incentives, particularly at high-poverty schools and in specialization shortage areas including STEM, special education, and bilingual education;

professional development and coaching; dual and concurrent enrollment programs and career-connected learning; and family engagement.

- *A-6. What are the responsibilities of a state or LEA regarding parent notification when a school has been identified for CSI, TSI, or ATSI? (and throughout)*

We appreciate the inclusion of this question about parent notification, particularly as ESSA no longer requires such notification. However, we would encourage more inclusive language that is broader than “parents,” such as “students and families.” We would encourage similar language throughout the guidance whenever parents are mentioned.

- *A-24. How does a school closure or consolidation impact identification status?*

Given the impact of experienced, effective educators and school leaders on student achievement and growth, we recommend also suggesting that states consider the percentage of teachers from the original school who are employed in the newly consolidated school and whether the originally identified school leader(s) are leading the newly formed school when considering identification status of the consolidated school.

- *B-8. What should be included in the needs assessment for a school identified for CSI?*

To supplement the strong list of recommended data LEAs should consider as part of needs assessments for CSI schools, we encourage including references to following, all of which support student success:

- Standards-aligned and culturally inclusive curricula and HQIM
- School counselors and post-secondary navigational supports
- Community-based internships and apprenticeship opportunities
- Specialized instructional support staff (e.g., interventionists, coaches)

Additionally, we strongly encourage including additional language that emphasizes that school improvement plans should be directly informed by the results of the needs assessment.

- *B-9. How must a CSI, TSI, or ATSI plan be informed by all indicators in the statewide accountability system, including student performance against state-determined long-term goals?*

To support the effective development of data-driven SIPs, we encourage this question to more clearly state that the primary way accountability indicators should inform SIPs is through the selection of evidence-based interventions that



are shown to improve outcomes on indicators where identified schools have low-performance (e.g., interventions proven to improve student attendance if an identified school has high chronic absenteeism in a state that uses this as an SQSS indicator). Additionally, we suggest including language that discusses what additional data that should be used to develop SIPs, including needs assessments and identification of resource inequities.

- *B-12. How should an LEA or school go about selecting interventions for a school identified for CSI, TSI, or ATSI?*

We appreciate the call to ensure LEAs and schools choose interventions that are of sufficient “dosage” and “intensity” to ensure supports are getting to students with the most need, but we’d encourage additional language that urges LEAs and schools to also consider the extent to which selected interventions are sufficiently “differentiated” and “targeted” to ensure they are effective with the students with the most need, particularly for students in group(s) which triggered TSI or ATSI identification.

- *B-14. What evidence-based interventions could an LEA or school consider implementing to support learning acceleration as part of CSI, TSI, and ATSI plans?*

In alignment with our suggestions for the introduction and B-8, we suggest highlighting additional types of interventions, practices, and policies LEAs and schools should consider to improve student outcomes, including the adoption of standards-aligned, culturally inclusive curricula and HQIM, [high expectations](#), [strong school leadership](#), [data-driven and collaborative decision-making](#), multi-tiered systems of support, dual and concurrent enrollment and career-connected learning, and family engagement. Additionally, we would encourage language that notes "curricula should provide appropriate targeted supports for English learners and students with other specific learning needs and instruction should be aligned with other supplementary services" and include English language development as a topic for extended learning time.

- *B-19. Which support and improvement plans are required to identify and address resource inequities?*

We appreciate the broad approach to resource equity taken by ED in this question, including highlighting federally required data collections that could support analyses. To supplement the strong information already provided in this response, we would suggest adding that the state plan must describe how children of color and children from low-income backgrounds enrolled in schools

assisted under Title I, Part A are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers, and the measures the SEA will use to evaluate and publicly report the progress of the SEA with respect to such description.

Additionally, we suggest recommending reviews of resource inequities consider:

- The supports English learners are receiving from highly qualified EL specialists, along with a reminder that ESSA requires English learners be served on the same basis of other students—including in services provided by Title I funds.
  - LEA salary schedules for educators and other staff or other LEA methods or formulas for allocating resources among schools.
  - Access to full-day kindergarten, alongside current mentions of pre-school (We also recommend including this in the response to C-6.)
- *B-20, B-22-25 What are ways an LEA or school could address resource inequities with respect to...?*

As noted earlier, we are appreciative of this series of questions, particularly the depth of policy recommendations and links to relevant ED resources. To strengthen the existing content, we would suggest adding some additional questions that discuss how to address inequities with respect to:

- Experienced and effective school leaders
- Access to technology
- Access to summer and other out-of-school learning (to supplement related best practices in B-14)
- Access to supports for multilingual learners (including access to linguistically and culturally appropriate instruction, bilingual education/educators, certified EL specialists, and language access for LEP individuals)

We'd also suggest including language encouraging the use of pay differentials or bonuses to attract and retain high-quality educators to high-poverty schools and specialty areas including STEM, special education, and bilingual education to the responses to B-20 and B22.

Finally, we encourage two additions to B-25: First, language that support personnel should be culturally competent and be bilingual and/or have access to interpretation services, and second, a reference to how districts and states can

explore taking advantage of new Medicaid flexibility to seek reimbursement for some of these types of personnel.

- *B-32. May a school or LEA amend its CSI, TSI, or ATSI plan after it is developed and approved?*

To support thoughtful changes to SIPs, we suggest specifically calling out the types of data that should be leveraged in the process including summative assessment scores, interim assessment data, formative assessments, chronic absenteeism data, and student and parent surveys. Additionally, we'd suggest clarifying that changes to SIPs should be made as part of continuous improvement cycles, rather than be driven by specific events such as leadership changes or budget cuts.

- *C-8. How might a state take action based on the results of its resource allocation review?*

As noted earlier, we strongly recommend that this guidance include more specific recommendations about how states can address resource inequities to parallel the series of questions related to LEAs and schools. For this question specifically, we would suggest adding language about how states could address the inequitable distribution of effective school leaders such as, "Increasing investments in high-quality principal pipeline and development programs, alongside learning networks and other opportunities for collaboration and knowledge transfer." We also recommend including additional actions to recruit and retain qualified, effective educators at schools identified for support and improvement, such as bonuses, pay differentials, loan forgiveness, housing incentives, and other supports.

- *C-10. How could a state use the results of resource allocation reviews when determining how to prioritize awards under ESEA section 1003(f) when allocating ESEA section 1003 funds for school improvement?*

Given [recent research from AIR](#) on the amount of funds identified schools could receive based on the amount of 1003 funds available for school improvement and the number of identified schools, we recommend including some additional discussion about the importance of states supplementing 1003 funding with state funding to support the full implementation of school improvement activities. A similar recommendation could also be included in C-8.

- *E-14. Does the ESEA require a minimum subgrant size for section 1003 school improvement awards?*  
We would recommend including additional language that clarifies and recommends that the identification of resource inequities completed for the development of CSI and ATSI SIPs can be used as a factor when determining award size for section 1003 funds.
- *E-21. On what basis might a state determine which LEAs have demonstrated the greatest need for section 1003 funds?*  
Similar to our recommendation for E-14, we suggest that, in addition to the resource allocation reviews, the guidance encourage states to use the identification of resource inequities in CSI and ATSI plans as evidence of need.
- *E-29. What planning activities may be supported with section 1003 funds?*  
This question clearly outlines the types of planning activities that are allowed using 1003 funds. However, in the Family and Community Engagement sections, we would recommend stating whether 1003 funds can be used for translation/interpretation.

#### **4. Stronger Recommendations for TSI Schools and other Student Group Considerations**

The guidance provides strong recommendations for states, LEAs, and schools related to how the performance of student groups should be considered, particularly for ATSI schools. However, there are many places where we believe the guidance could go further and offer more and stronger recommendations for practices related to TSI schools, as well as specific considerations related to individual student groups.

- *A-13. What is the definition of a consistently underperforming student group?*  
ED’s explanation of how states should define a consistently underperforming student group contains helpful information, particularly the clarification that a student group may meet the definition of consistently underperforming based on low performance on as few as one indicator, if all indicators are considered. We also appreciate the statement that states’ definitions allow them to use TSI as a signal prior to ATSI identification, though we would encourage additional discussion about using TSI identification as an “early warning” signal including how states could consider their capacity to support schools identified for TSI when determining their definition of consistently underperforming student groups.

We would also recommend ED consider:

- Including an example definition of consistently underperforming that is criterion-based, such as Colorado, which identifies groups as consistently underperforming if they receive the lowest rating on any three indicators.
  - Clarifying in the example “several States identify a school for TSI if a student group in the school performs at or lower than the lowest 10 percent of schools...” that the 10% of schools here is based on data for “all students,” not data for a particular group of students. In this clarification, the guidance should discourage identification of schools for TSI based on relative performance compared to other schools for that group of students, as this effectively holds different groups of students to different standards.
  - Adding language to this question, or an additional question, that explicitly names which student groups must be considered in a state’s definition of consistently underperforming and clarifies how supergroups or combined groups of students (e.g., high-risk students) may or may not be used for identification.
  - Adding language here, or additional questions, which clarify whether a TSI school can be identified based on the performance of multiple student groups and how such schools should develop their SIP to support the needs of all student groups the led to identification.
- *A-16. What are the requirements for identifying schools for ATSI?*  
 We recommend providing additional clarifying language here to specify whether states can identify ATSI schools from among all TSI schools in the current school year or the prior school year, or whether either approach is consistent with statutory requirements. Providing an example or two from approved state plans could also be beneficial. Additionally, like our recommendation for A-13, we recommend clearly stating all student groups that must be considered for ATSI identification and the extent to which combined, or supergroups of students may be considered.
- *A-17. How frequently must a state identify schools for ATSI?*  
 We appreciate the recommendation that states align their identification timelines for CSI and ATSI, but we would encourage stronger language in this recommendation, including a discussion of the benefits of aligning these timelines. Additionally, we recommend including whether states must define their ATSI identification timelines, as these stated timelines could be useful for monitoring.

- *B-6. What partner engagement requirements must an LEA or school meet with respect to the development and implementation of a CSI, TSI, or ATSI plan?*

We strongly appreciate the robust response to this question, including its recommendations about the inclusion of specific groups beyond what is statutorily required and ways that LEAs and schools can make feedback “meaningful and continuous.”

We recommended further strengthening this response by adding organizations representing specific groups of students and their rights (e.g., disability rights organizations) to the list of recommended groups. We also would encourage ED to strengthen the language around best practices to clarify that LEAs and schools ensure hearing from a diversity of voices *within* groups of stakeholders, with a focus on those traditionally underrepresented in these conversations, and more explicitly call out the importance of ensuring engagement opportunities are accessible and inclusive.

- *B-8. What should be included in the needs assessment for a school identified for CSI?*

While needs assessments are only required for CSI schools, we encourage the Department to use the response to this question to strongly encourage needs assessments for TSI and ATSI schools, including a recommendation for state guidance and technical assistance to support all identified schools in the completion of a needs assessment and referring to ED resources linked in B-4. Additionally, rather than recommending considering student groups for *select* types of data, we suggest considering student group access and performance for *all* listed data whenever possible to ensure schools are adequately considering equity within needs assessments.

- *B-10. What are the requirements for evidence-based interventions in support and improvement plans?*

In addition to the robust discussion of evidence-based interventions included in this question, we strongly recommend including language that states TSI and ATSI schools should be considering the extent to which interventions are effective with the specific student group(s) that led to identification when considering evidence, including the consideration of students with multiple needs or identifications such as English learners with disabilities.

- *B-19. Which support and improvement plans are required to identify and address resource inequities?*

Similar to our comments on B-8, we encourage ED to strongly recommend that TSI schools also identify and address resource inequities in their SIPs. We also recommend specifically calling out additional student groups in the bulleted list on page 31, specifically students from low-income families, students of color, migrant students, and English learners.

- *B-29. How may an LEA meet the requirement to monitor a school's implementation of its TSI or ATSI plan?*

Again, we recommend that ED strongly encourage annual state monitoring of TSI SIP implementation, in addition to ATSI SIP implementation. We also suggest adding language that outlines what types of actions states and/or LEAs could take if monitoring reveals unsatisfactory plan implementation to support getting schools back on track. This discussion could also be included in the response to B-32.

- *D-2. Is a State required to establish exit criteria for TSI schools?*

While, as stated, states are not required to establish exit criteria for TSI schools, we strongly encourage the guidance to recommend that states do so, including providing examples of strong state TSI exit criteria.

- *D-9. Must an LEA take action if a TSI school does not successfully implement its support and improvement plan or if a non-Title I ATSI school does not meet the statewide exit criteria?*

As with D-2, this question should reiterate the recommendation that states set strong TSI exit criteria. Additionally, we suggest including recommendations about how states should determine if a TSI school hasn't successfully implemented its SIP in the absence of exit criteria, as well as examples of actions states, LEAs, and schools should take if student outcomes have not improved in TSI and non-Title I ATSI schools—including conducting new needs assessments and resource equity reviews and subsequent revisions of improvement plans.

- *D-4. When assessing the performance of a school identified for CSI or ATSI against exit criteria, what does it mean to have improved "student academic achievement"?*

The clarification of what it means to have "improved student academic achievement" is an appreciated inclusion to the guidance. We would encourage

also recommending that states specifically consider the English Language Proficiency indicator when English learners are the group that led to TSI or ATSI identification.

- *E-23. Must an LEA conduct a review of any external providers with which it will partner to carry out activities supported with section 1003 funds?*

In addition to the considerations included in this question, we strongly recommend the guidance clarify that any external provider must demonstrate expertise in improving achievement of the student group(s) that led to TSI or ATSI identification.

- *E-46. What actions should a state take as part of its monitoring and evaluation of the use of section 1003 funds by its LEAs?*

We appreciate the inclusion of the consideration of leading indicators alongside accountability indicators when monitoring uses of 1003 funds. In addition, we recommend ED's response clarify that states should specifically consider the improvement of outcomes for students in group(s) that led to TSI or ATSI identification, including for the leading indicators.

## **5. Stronger State Transparency**

The guidance provides helpful recommendations for states and LEAs to ensure transparent, timely, and effective communication with school leaders, families, students, and other education stakeholders. To make these recommendations stronger and more practical, we recommend including more details such as when, where, and how to share information.

- *A-6. What are the responsibilities of a State or LEA regarding parent notification when a school has been identified for CSI, TSI, or ATSI?*

Parents, families, and caregivers are essential partners in supporting student success. We applaud the inclusion of this question about parent notification, particularly given that it is no longer required by the law. In addition to notifying parents when a school is identified, we believe ED should strongly encourage States and LEAs to (1) notify parents again after the SIP has been developed and provide them access to the approved plan; and (2) give parents a yearly update on the school's progress in implementing the plan and improving student outcomes. Moreover, ED should encourage states and LEAs to emphasize and include information about how school identification will lead to additional resources and supports that will benefit their children.



- For all the questions listed below, we believe it would be beneficial to reiterate in ED’s responses that LEAs and schools have obligations to provide language assistance in order to meaningfully engage parents and families with limited English proficiency (LEP). ED should consider updating the responses to these FAQs by adding text or footnotes similar to the last paragraph of the response to B-6: “Meaningful engagement also includes the voices of parents with limited English proficiency (LEP). LEAs and schools must provide language assistance, consistent with their obligations under Title VI of the Civil Rights Act of 1964, in order for LEP individuals to participate meaningfully in the needs assessment and development of the support and improvement plan.”
  - *A-6. What are the responsibilities of a State or LEA regarding parent notification when a school has been identified for CSI, TSI, or ATSI?*
  - *B-1. What must be included in a CSI plan for an identified school?*
  - *B-2. What must be included in a TSI or ATSI plan for an identified school?*
  - *B-15. What evidence-based interventions could an LEA or school consider implementing to address chronic absenteeism as part of CSI, TSI, and ATSI plans?*
  - *C-9. How may a state share the results of a resource allocation review to encourage collaboration across LEAs and schools?*
  - *C-12. What additional state-determined action could be implemented in a school identified for CSI that does not meet exit criteria?*
  - *E-22. What factors might a state consider in determining which LEAs have demonstrated the strongest commitment to use section 1003 funds to enable the lowest-performing schools to improve student achievement and student outcomes?*
  - *E-29. What planning activities may be supported with section 1003 funds?*
  - *F-8. What must an LEA include in its application for section 1003A direct student services funding?*
  - *F-9. May an LEA use funds awarded under section 1003A for anything other than to pay the costs of providing direct student services?*
  - *F-14. What are the requirements that apply to the state with respect to providers of high-quality tutoring that will be supported with section 1003A funds?*
  - *F-18. What requirements apply to an LEA using section 1003A funds to transport a student who has transferred from a CSI school to another public school that is not identified for CSI (i.e., public school choice)?*
- *B-7. Must an LEA or school make CSI, TSI, or ATSI plans publicly available?*

We appreciate ED's recommendation of making SIPs publicly available. To ensure transparency, we believe ED should encourage states to make SIPs available not only on LEA and school websites but, more importantly, on report card websites, as school report cards are the primary source of information for parents and families when it comes to their children's education. Also, like our comment on A-6 in this section, we believe the communication would be more effective and efficient if LEAs and schools notify parents directly about where they can find the approved SIPs and provide them, and the public, with regular updates on the implementation of the plans.

- *C-9. How may a state share the results of a resource allocation review to encourage collaboration across LEAs and schools?*

We appreciate that the FAQ provides states with specific examples, such as creating data visualization tools and implementing professional development activities to engage and support LEA and school leaders. However, we believe states should, first and foremost, make sure the results of resource allocation reviews are publicly available on state report card websites. State report cards are a valuable platform for States to provide comprehensive, contextual data and information, so that LEA and school leaders can better understand the reality of resource inequities.

- *E-44. What information must be included on the state report card with respect to section 1003 funds?*

We recommend ED update this response to strongly encourage states to publish information related to section 1003 funds not only on state report cards, but on LEA and school report cards as well. Again, it is important for parents and families to understand that school identification will lead to additional resources and supports and will, thus, benefit their children. Therefore, publishing information regarding section 1003 funds on local report cards reinforces this message by showing parents and families how funding dedicated to school improvement is allocated to identified schools.

- *E-46. What actions should a state take as part of its monitoring and evaluation of the use of section 1003 funds by its LEAs?*

Like the allocation of section 1003 funds, the monitoring and evaluation results of the use of the funds should also be publicly available. We recommend the Department update the response to encourage states to publish their findings

regarding the effectiveness and impact of section 1003 funds on State and local report cards.

## **6. Add Clarity to Strengthen the Final Guidance**

While the guidance overall is thorough and answers many of the most commonly asked questions by states, districts, and other stakeholders in a comprehensive manner, a few questions would benefit from additional detail and clarity.

- *A-2. When must a state identify schools for CSI, TSI, or ATSI?*

We encourage ED to update the guidance to more specifically encourage states to identify schools *prior* to the start of the following school year and elaborate on the benefits of doing so to jump start the improvement process, including the ability of LEAs to access funds for identified schools. Late notifications of school identification can inhibit LEAs and schools from developing SIPs and implementing them effectively to improve student outcomes.

- *A-7. What are the requirements for identifying a school for CSI – Low Performing?*

We suggest ED update the final guidance to clarify the data states must use to identify these schools. In particular, the guidance should state that identification of CSI – Low Performing schools must be based on “all students” data, except for the ELP Progress indicator. However, the guidance could also elaborate on whether, and how, states may consider the performance of individual groups of students, in addition to all students schoolwide, in their methodologies.

- *A-11. May a state identify more schools for CSI – Low Performing or CSI – Low Graduation Rate than statutorily required?*

We recommend ED add an additional example that speaks to states that use school ratings (e.g., an A-F grade or 1-5 stars) to identify CSI – Low Performing schools to provide additional clarity on whether non-Title I schools identified under this method would be eligible for 1003 funds. For example, if a state identifies all 1-star schools for CSI, would non-Title I schools with that rating be eligible for funding? Likewise, we would include the third category of CSI schools (Title I ATSI schools that did not meet their exit criteria and are escalated to CSI status) in this question. If a state chose to escalate non-Title I ATSI schools that failed to meet their exit criteria to CSI status, would such schools be eligible for 1003 funding? While this is answered in question D-7, we would reference D-7 within A-11 as well.

- *B-5. May an LEA or school have a planning year when developing and implementing the CSI, TSI, or ATSI plan?*  
Because TSI schools are identified annually, the response to this question should be updated to address the possibility that a TSI school uses its planning year but is subsequently not identified in the following year (when it should have begun implementation of its plan). In those cases, is a school exited from status and not required to implement its plan? If so, we urge ED to include this clarification as a potential drawback of using a planning year in TSI schools.
- *B-10. What are the requirements for evidence-based interventions in support and improvement plans?*  
We recommend ED update this response to clarify the restriction on 1003 funds to interventions that meet one of the three highest tiers of evidence, as defined in the ESEA, and refer to that question in section E.
- *B-11. How can a state support LEAs and schools in identifying and selecting appropriate evidence-based interventions?*  
We suggest ED update the response to note: "The statute does not require that a state limit an LEA or school to only select interventions from the state developed list, but it has the discretion to do so if permitted by state law, regulation, or policy." This clarification would be helpful in states where it is possible to require LEAs and schools to select from a list of strategies and interventions.
- *B-16. Is a school identified for CSI, TSI, or ATSI required to implement interventions over a particular number of years?*  
We suggest ED add detail to clarify the statutory requirements and elaborate on steps that could be taken, even if they are not required. We especially encourage ED to add examples of actions SEAs and LEAs may take to ensure SIPs are sustainable, including if/when section 1003 funding is no longer available.
- *B-19. Which support and improvement plans are required to identify and address resource inequities?*  
We strongly encourage ED to update this FAQ to clarify that the review of resource inequities in SIPs should: (1) compare resources available in the identified school currently to the resources needed to implement its plan; (2) compare resources available *within* the identified school to different groups of

students; and (3) compare resources available within the identified school to resources available within other schools in the LEA.

- *C-6. What resources should a state consider during its periodic review of resource allocation in each LEA serving a significant number or percentage of schools identified for CSI, TSI, or ATSI?*

We appreciate this response's language on considering inequities between LEAs in resource allocation reviews. However, we suggest updating the response to clarify that reviews should compare resources available in the LEA's identified schools to resources available in that LEA's non-identified schools. We would also encourage SEAs to consider reviewing resources in the LEA's identified schools compared to schools statewide. This would clarify what "across and within" LEAs means. Finally, we recommend strengthening the encouragement to include State and local funds in resource allocation reviews.

- *C-12. What additional State-determined action could be implemented in a school identified for CSI that does not meet exit criteria?*

ESEA says state-determined, more rigorous interventions in CSI schools that fail to exit "may include addressing school-level operations." However, the guidance is notably silent on what this means. We recommend updating the final guidance to clarify what "addressing school-level operations" means and include examples of interventions that address these operational issues.

- *D-4. When assessing the performance of a school identified for CSI or ATSI against exit criteria, what does it mean to have improved "student academic achievement"?*

We suggest ED clarify its response to encourage states (if they use indicators of individual student growth in exit criteria) to consider growth metrics that measure absolute progress, such as a value table, instead of measures that compare students' relative performance, such as student growth percentiles.

## **7. Provide Additional Examples and Resources**

Throughout the guidance, ED includes many helpful examples to highlight best practices, research-based resources, and recommended approaches. To add more clarity and strengthen this guidance, we recommend ED provide more examples in the responses to the following questions.

- *B-8. What should be included in the needs assessment for a school identified for CSI?*

We appreciate the comprehensive list of topics that LEAs should consider in a needs assessment. While most topics in this list are straightforward, it is unclear to us what the last item, a community asset analysis, would look like in practice. We hope the Department can elaborate on this item by providing specific examples of a community asset analysis and/or links to related resources.

- *B-19. Which support and improvement plans are required to identify and address resource inequities?*

We appreciate ED for providing a broad list of data points and highlighting federally required data collections that are already available and could support resource analyses. To strengthen this response, we recommend ED reference its own resources related to resource equity, such as [the Dear Colleague Letter on Title I Resource Equity](#).

- For each of the questions below, we appreciate the clarity and emphasis on the role of SEAs and LEAs in reviewing, approving, and monitoring SIPs. However, the responses are mainly focused on what is statutorily required. We believe states and LEAs can really benefit from more examples and best practices in this area. We strongly recommend adding examples, if any, from the Department's [report](#) on support programs and resources allocation monitoring to the following:
  - *B-26. Which entities must approve a CSI plan?*
  - *B-27. What are a state's responsibilities regarding the monitoring and periodic review of an LEA's implementation of a CSI plan?*
  - *B-28. What are an LEA's responsibilities with respect to the review and approval of a TSI or ATSI plan?*
  - *B-29. How may an LEA meet the requirement to monitor a school's implementation of its TSI or ATSI plan?*
- For each of the questions below regarding "Support for School Improvement," we strongly recommend adding examples, if any, from ED's [report](#) on support programs and resources allocation monitoring to make these responses more practical and useful for state and LEA leaders:
  - *C-1. May a state establish additional requirements for schools identified for CSI, TSI, or ATSI?*
  - *C-2. Must a state provide technical assistance to LEAs serving a significant number of CSI schools or TSI and ATSI schools?*

- *C-6. What resources should a state consider during its periodic review of resource allocation in each LEA serving a significant number or percentage of schools identified for CSI, TSI, or ATSI?*
  - *C-12. What additional state-determined action could be implemented in a school identified for CSI that does not meet exit criteria?*
  - *C-14. What resources are available to fund more rigorous state-determined action for a school identified for CSI that does not meet exit criteria?*
- *E-8. May a State use a portion of the school improvement funds it reserves under section 1003 to carry out its responsibilities with respect to those funds?*  
In this response, the Department provides a short list of responsibilities, at minimum, that States can use the reserved portion of their section 1003 funds to carry out. However, we recommend adding more examples of activities that a State could use its reserved funds for beyond just the “minimum.” For instance, ED could mention activities such as hiring school improvement support personnel to serve identified schools, as discussed in E-32.
- *E-17. How is an LEA’s application for section 1003 funds related to the support and improvement plans required under ESEA section 1111(d)?*  
We appreciate the inclusion of this question, as it discusses the possibilities of coordinating and streamlining SIPs and section 1003 applications, which we believe could substantially reduce administrative burdens. We encourage ED to point to an example state or two that has consolidated its applications as a model practice and to emphasize the benefits of aligning the procedures, processes, and documentation required for the two documents.

## **8. Expand on the Trade-Offs of State Choices in Key Areas**

ESSA shifted many responsibilities and decisions related to school improvement to states. Therefore, it is critical for state leaders to understand the implications of their choices on the ability of LEAs and schools to effectively develop and implement school improvement strategies. We encourage ED to include more nuanced discussion of the trade-offs of different design choices, particularly regarding planning years and the methods SEAs use to allocate 1003 funds.

- *B-5. May an LEA or school have a planning year when developing and implementing the CSI, TSI, or ATSI plan?, E-6. May an LEA have a planning year*

*for its section 1003 award?, and B-12. How should an LEA or school go about selecting interventions for a school identified for CSI, TSI, or ATSI?*

We appreciate the guidance's clarity on the ability of identified schools to have a planning year prior to implementation of their SIPs. A planning year could be leveraged to collect stakeholder feedback, conduct a needs assessment, identify interventions, and vet external partners, and evaluate and apply for available resources to implement the plan. However, the guidance would be stronger if there was a more complete discussion about the possible benefits and drawbacks of taking a planning year, particularly in the case of TSI schools where a school may not be subsequently identified in the following year. In such cases, by using a planning year, is it possible that the school improvement plan would never be fully implemented? The discussion of tradeoffs of various approaches could also include examples of how SEAs have used planning years, particularly with regard to 1003 funds.

- *E-14. Does the ESEA require a minimum subgrant size for section 1003 school improvement awards? and E-15. May a state choose to award section 1003 funds on either a competitive or formula basis?*

Given recent [research](#) on school improvement funding, we are concerned about the inadequacy of the 7% set-aside to support identified schools. Many identified schools appear to see little to no additional funding because of their identification, and we worry most SEAs are not providing awards of “sufficient size to enable the LEA receiving the funds to effectively implement proposed strategies,” as stated in response to question E-14. Given these realities, we would strongly encourage ED to provide greater discussion in response to these questions about the trade-offs SEAs should consider in designing methods for allocating 1003 funds — in particular, the pros and cons of using competitive-versus formula-based strategies. For example, using a formula to distribute funds may emphasize “fairness” so that each category of identified schools is awarded a similar amount and so that most LEAs get some level of funding. However, such an approach may spread 1003 funds so thinly that LEAs are unable to use funds in meaningful ways. Competitive methods for allocating funds may better ensure award sizes are “adequate” and “sufficient” for LEAs to implement school improvement activities, but many LEAs may receive no funding. To that end, the guidance could also strongly encourage states and localities to leverage their own funds for school improvement.