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ESSA regulatory provisions clarifying uses of Title I funds to advance leadership in low-performing schools

ESSA's final regulations clarify certain provisions regarding the use of Title I funds for support and interventions in low-performing schools. The following are select ESSA provisions that clarify opportunities to advance leadership in low-performing schools.

- ESSA requires districts to develop a comprehensive support and improvement plan for any school that is identified for comprehensive support and improvement. This plan must include at least one evidence-based intervention that has promising, moderate, or strong evidence, and is supported, to the extent practicable, by the strongest level of evidence and evidence from a sample population or setting that overlaps with the identified school's context. The final regulations provide a list of examples (not required interventions) of such evidence-based interventions, including the example of replacing school leadership with "leadership who are trained for or have a record of success in low-performing schools." (§200.21 (d)(3)) ESSA provides new flexibility to states, districts, and schools in determining the interventions in low-performing schools. For example the law no longer includes prescribed options for school improvement models as under the School Improvement Grants program, some of which required the replacement of the school leader.

- ESSA also requires districts to conduct a needs assessment in schools identified for comprehensive support and improvement, in partnership with stakeholders, to be addressed in the school's comprehensive support and improvement plan. The final regulations clarify that the needs assessment must address, at a minimum, the school's unmet needs including with respect to school leadership and instructional staff among other needs. (§200.21 (c)(4)(ii)) This provision is an addition and was not included in the proposed regulations.

- Additionally, the final regulations clarify that states may create an exhaustive or non-exhaustive list of state-approved, evidence-based interventions for use in schools implementing comprehensive or targeted support and improvement plans. (§200.21 (d)(3)(iv)) This list, if created, could be informed by the RAND report on school leadership interventions and the ESSA evidence tiers. ¹

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34 CFR §200.21 Comprehensive support and improvement

(c) Needs assessment.
For each identified school, an LEA must conduct, in partnership with stakeholders (including principals and other school leaders, teachers, and parents), a comprehensive needs assessment that examines, at a minimum—
(1) Academic achievement data on each of the assessments required under section 1111(b)(2)(B)(v) of the Act for all students in the school, including for each subgroup of students described in § 200.16(a)(2);
(2) The school’s performance, including among subgroups of students described in § 200.16(a)(2), on the long-term goals and measurements of interim progress and indicators described in §§ 200.13 and 200.14;
(3) The reason or reasons the school was identified for comprehensive support and improvement under § 200.19(a);
(4) The school’s unmet needs, including those with respect to—
   (i) Students (e.g., wrap-around support);
   (ii) School leadership and instructional staff (e.g., professional development, working conditions, time for planning, career ladder, and leadership opportunities);
   (iii) Quality of the instructional program;
   (iv) Family and community involvement;
   (v) School climate; and
   (vi) Distribution of resources (e.g., based on the State periodic review of resources under § 200.23(a)); and
(5) At the LEA’s discretion, the school’s performance on additional, locally selected measures that are not included in the State’s system of annual meaningful differentiation under § 200.18 and that affect student outcomes in the identified school.

(d) Comprehensive support and improvement plan.
Each LEA must, with respect to each school identified by the State for comprehensive support and improvement, develop and implement a comprehensive support and improvement plan for the school to improve student outcomes that—
(1) Is developed in partnership with stakeholders (including principals and other school leaders; teachers; parents and, as appropriate, students; and, for LEAs affected by section 8538 of the Act, Indian tribes), as demonstrated, at a minimum, by describing in the plan how—
   (i) Early stakeholder input was solicited and taken into account in the development of the plan, including any changes made as a result of such input; and
   (ii) Stakeholders will participate in an ongoing manner in the plan’s implementation;
(2) Includes and is based on the results of the needs assessment described in paragraph (c) of this section;
(3) Includes one or more interventions (e.g., increasing access to effective teachers or adopting incentives to recruit and retain effective teachers; increasing or redesigning instructional time; interventions based on data from early warning indicator systems; reorganizing the school to implement a new instructional model; strategies designed to increase diversity by attracting and retaining students from varying socioeconomic, racial, and ethnic backgrounds; replacing school leadership with leaders who are trained for or have a record of success in low-performing schools; increasing access to high-quality preschool (in the case of an elementary school); converting the school to a public charter school; changing school governance; closing the school; and, in the case of a public charter school, working in coordination with the applicable authorized public chartering agency, revoking or non-renewing the school’s charter by its authorized public chartering agency consistent with State charter school law and the terms of such a school’s charter) to improve student outcomes in the school that—

(i) Meet the definition of “evidence-based” under section 8101(21) of the Act;
(ii) Are supported, to the extent practicable, by evidence from a sample population or setting that overlaps with the population or setting of the school to be served;
(iii) Are supported, to the extent practicable, by the strongest level of evidence that is available and appropriate to meet the needs identified in the needs assessment under paragraph (c) of this section;
(iv) May be selected from a non-exhaustive list of evidence-based interventions if such a list is established by the State, and must be selected from an exhaustive list of evidence-based interventions if such a list is established by the State, consistent with § 200.23(c)(2);
(v) May be an evidence-based intervention determined by the State, consistent with State law, as described in section 1111(d)(1)(3)(B)(ii) of the Act and § 200.23(c)(3); and
(vi) May include differentiated improvement activities that utilize interventions that meet the definition of “evidence-based” under section 8101(21) of the Act in any high school identified under § 200.19(a)(2) that predominantly serves students—
(A) Returning to education after having exited secondary school without a regular high school diploma; or
(B) Who, based on their grade or age, are significantly off track to accumulate sufficient academic credits to meet high school graduation requirements, as established by the State;...