

GUIDANCE
ON
SCHOOL IMPROVEMENT GRANTS
UNDER SECTION 1003(g) OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965



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School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965

PURPOSE OF THIS GUIDANCE

The School Improvement Grants (SIG) program is authorized by section 1003(g) of the Elementary and Secondary Education Act of 1965 (ESEA). Under section 1003(g)(1) of the ESEA, the Secretary must “award grants to States to enable the States to provide subgrants to local educational agencies for the purpose of providing assistance for school improvement consistent with section 1116.” From a grant received pursuant to that provision, a State educational agency (SEA) must subgrant at least 95 percent of the funds it receives to its local educational agencies (LEAs) for school improvement activities. In awarding such subgrants, an SEA must “give priority to the local educational agencies with the lowest-achieving schools that demonstrate — (A) the greatest need for such funds; and (B) the strongest commitment to ensuring that such funds are used to provide adequate resources to enable the lowest-achieving schools to meet the goals under school and local educational agency improvement, corrective action, and restructuring plans under section 1116.” The regulatory requirements implement these provisions, defining LEAs with the “greatest need” for SIG funds and the “strongest commitment” to ensure that such funds are used to raise substantially student achievement in the persistently lowest-achieving schools in the State.

The Department published in the Federal Register a notice of final requirements for the SIG program (final requirements) on February 9, 2015 (80 FR 7224). The final requirements make changes to the SIG program requirements and implement language in the Consolidated Appropriations Act, 2014, that allows LEAs to implement additional interventions, provides flexibility for rural LEAs, and extends the grant period from three to five years. Additionally, the final requirements make changes that reflect lessons learned from four years of SIG implementation.

Prior to the publication of the final requirements, the requirements for the SIG program were set forth in 75 FR 66363 (Oct. 28, 2010). The Department issued guidance to provide assistance to SEAs, LEAs, and schools in implementing the requirements on January 20, 2010, and updated that guidance to include addenda that were released in February, March, May, and June 2010, respectively (collectively, FY 2009 guidance).

Since the issuance of the FY 2009 guidance, the Department has made numerous revisions, most recently, on January 27, 2014, updating questions C-7, H-19a, I-15, I-16, I-24a, and J-9 and including three new questions—E-3a, E-3b, and I-16a.

The Department is issuing this guidance document to provide assistance to SEAs, LEAs, and schools implementing the final requirements. The following questions were newly added to the guidance: E-18, E-19, G-6c, G-6d, G-11, H-5a, H-11a, I-8a, I-16a, I-16b, J-1b, J-1c, J-1d, J-1e, J-1f, J-1g, J-15, J-16, K-7, L-1, L-2, L-3, L-4, M-1 through M-10, N-1, N-2, N-3; the following questions were removed: F-2, G-5, G-6a, H-12b, H-21, H-21a, H-21b, I-20a, I-22a, I-22b, I-23,

I-25, I-26, I-27, I-28, J-1, J-1a, J-3, J-4, J-13; the following questions were modified: A-32c, A-32e, A-33, A-34, B-3a, B-7, C-1, C-5, C-7, C-8, C-9, C-10, D-1a, D-2, E-2, E-3, E-7, E-16, E-17, F-1, F-3, F-4, F-5, F-5a, F-6, F-7, F-8, F-10, G-1, G-1a, G-1b, G-1c, G-2, G-3, G-4, G-4a, G-6, G-7, H-1, H-2, H-3, H-4, H-4a, H-6, H-7, H-9, H-11, H-12, H-12a, H-13, H-16, H-17, H-18, H-19, H-19a, H-20, H-22, H-23, H-24, H-25, H-26, H-27, H-29, I-1, I-2, I-3, I-4, I-4a, I-5, I-6, I-7, I-8, I-9, I-10, I-10a, I-10b, I-12, I-13, I-14, I-15, I-16, I-17, I-19, I-20, I-21, I-24, I-24a, I-29, I-30, J-2, J-5, J-6, J-7, J-8, J-9, J-10, J-11, J-12, J-14, K-1, K-2, K-3, K-4, K-5, K-6, ; and the following questions are being moved to a separate guidance document on identifying eligible schools in states without ESEA flexibility: A-1 through A-30k.

The Department may supplement this document with additional guidance in the future. This guidance does not impose any requirements beyond those required to comply with applicable law or regulations. It does not create or confer any rights for or on any person. If you are interested in commenting on this guidance, please e-mail us your comments at OESEGuidanceDocument@ed.gov or write to us at the following address:

U.S. Department of Education
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(*Previously published Questions A-1 through A-30 are being moved to a separate document.)

A. INCREASED LEARNING TIME

A-31. What is the definition of “increased learning time”?

“Increased learning time” means increasing the length of the school day, week, or year to significantly increase the total number of school hours so as to include additional time for (a) instruction in core academic subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography; (b) instruction in other subjects and provision of enrichment activities that contribute to a well-rounded education, such as physical education, service learning, and experiential and work-based learning opportunities; and (c) teachers to collaborate, plan, and engage in professional development within and across grades and subjects.

A-31a. To meet the requirement for providing for increased learning time as part of the implementation of a turnaround or transformation model, must an LEA include all three components of increased learning time?

Yes. The definition of “increased learning time” requires additional time for instruction in core academic subjects, additional time for instruction in other subjects and for provision of enrichment activities that contribute to a well-rounded education, *and* additional time for teachers to collaborate, plan, and engage in professional development. Accordingly, to fully implement either the turnaround or transformation model, an LEA must use a longer school day, week, or year to provide additional time for all three types of activities as part of the LEA’s comprehensive needs-based plan for turning around the entire school. Although all three components must be included, the Department expects that, in determining precisely how to use increased learning time, an LEA will focus on, and give priority to, providing additional time for instruction in core academic subjects for all students and for teachers to collaborate, plan, and engage in professional development, since these components of increased learning time are most likely to contribute to the overall SIG goal of improving the performance of the entire school.

A-32. Does the definition of “increased learning time” include before- or after-school instructional programs?

Research supports the effectiveness of well-designed programs that expand learning time by a minimum of 300 hours per school year. (See Frazier, Julie A.; Morrison, Frederick J. “The Influence of Extended-year Schooling on Growth of Achievement and Perceived Competence in Early Elementary School.” *Child Development*. Vol. 69 (2), April 1998, pp.495-497 and research done by Mass2020.) Increasing learning time by extending learning into before- and after-school hours can be difficult to implement effectively. It is permissible under the definition in A-31 so long as LEAs using before- or after-school programs to implement the

requirement for increased learning time closely integrate and coordinate academic work in school and out of school. To satisfy the requirements in Section I.A.2(a)(1)(viii) of the turnaround model and Section I.A.2(d)(3)(A)(i) of the transformation model for providing increased learning time, a before- or after-school instructional program must be available to all students in the school.

The fact that increased learning time may be provided during before- and after-school hours does not alter the requirement that an LEA provide additional time for all three components included in the definition of increased learning time (*i.e.*, instruction in core academic subjects, instruction in other subjects and provision of enrichment activities that contribute to a well-rounded education, and time for teachers to collaborate, plan, and engage in professional development). However, an LEA's decision to conduct one of these activities during before- or after-school hours does not obligate the LEA to conduct all of these activities during those hours. For example, an LEA might provide time for instruction in subjects other than core academic subjects and for provision of enrichment activities before or after school, but provide additional time during an extended regular school day, week, or year for instruction in core academic subjects and for teachers to collaborate, plan, and engage in professional development. Indeed, in light of the overall goal of the SIG program of improving student academic achievement in persistently lowest-achieving schools, the Department encourages LEAs to provide additional time for instruction in core academic subjects during an extended regular school day, week, or year.

A-32a. May an LEA use SIG funds to pay for the portion of a teacher's salary that is attributable to providing increased learning time beyond the regular school day, week, or year?

Yes. Both the turnaround model and the transformation model require an LEA to provide increased learning time, which is generally defined as "using a longer school day, week, or year schedule to significantly increase the total number of school hours to include additional time for" instruction in core academic subjects; instruction in other subjects and enrichment activities; and teachers to collaborate, plan, and engage in professional development. See sections I.A.2(a)(1)(H), I.A.2(d)(3)(A)(i), I.A.3 of the final requirements. Because a school must operate a schoolwide program in order to implement either of these models, the LEA must provide the school all of the non-Federal funds it would otherwise receive in the absence of the SIG funds. ESEA section 1114(a)(2)(B). These non-Federal funds include the funds necessary and sufficient to provide the school's regular instructional program—*i.e.*, the program the school provides during the regular school day, week, or year. If this requirement is met, the LEA may use SIG funds in the school to support the extra costs of providing increased learning time beyond the regular school day, week, or year. See A-32b. For example, the LEA may use SIG funds to pay the pro-rata share of a teacher's salary that is attributable to a longer school day, week, or year and is necessary to implement a turnaround or transformation model, even if the teacher is providing instruction in core academic subjects during the increased learning time.

A-32b. How may an LEA determine what costs are attributable to providing increased learning time beyond the regular school day, week, or year?

To determine what costs may be attributed to providing increased learning time beyond the regular school day, week, or year, an LEA must first define its regular school day, week, or year. An LEA might do so in any one of several ways. The LEA might determine the length of the school day, week, or year in its schools that are not implementing a turnaround or transformation model and, therefore, are not required to provide increased learning time. If all its schools are implementing a turnaround or transformation model, the LEA might determine what length of school day, week, or year is necessary to comply with State law. If State law does not require a specific minimum number of instructional hours, the LEA might determine what amount of time is necessary and sufficient to provide its regular instructional program. Then, the LEA may use SIG funds to pay for additional costs to provide increased learning time under a turnaround or transformation model over and above what it would otherwise be required to provide. If, however, the LEA provides increased learning time in all of its schools—*i.e.*, both those that receive SIG funds and those that do not—the LEA would need to support the additional costs in all schools, including SIG schools, with non-Federal funds in order to meet the requirement in section 1114(a)(2)(B) of the ESEA. See A-32a.

A-32c. May an LEA use SIG funds to offset transportation costs associated with providing increased learning time?

Generally, providing transportation to students in order for them to attend school is a regular responsibility an LEA carries out for all students and, thus, may not be paid for with Federal funds unless specifically authorized. However, an LEA may use SIG funds to cover transportation costs if the costs are directly attributable to implementation of a school intervention model, are reasonable and necessary, and exceed the costs the LEA would have incurred in the absence of its implementation of the model.

As required under the turnaround and transformation models, providing increased learning time, by definition, means using a longer school day, week, or year schedule to significantly increase the total number of school hours for instruction and teacher collaboration and making it available to all students in a school (see A-31 and A-32). If an LEA provides transportation to students in order for them to attend school, those same costs would generally be incurred to transport students even if their school day has been extended. As such, the costs of transporting those students generally may not be paid for with SIG funds. To the extent, however, that providing increased learning time requires an LEA to incur additional costs that are directly attributable to the increased learning time and that exceed those costs that it would normally incur to provide transportation to students in order to attend school, the LEA may be able to use SIG funds to cover the incremental transportation costs, provided those costs are also reasonable and necessary to carry out one of the seven school intervention models. Such costs would need to be included in the LEA's proposed SIG budget and reviewed and approved by the SEA. In addition, the LEA must keep records to demonstrate that such costs are directly attributable to its implementation of a school

intervention model as well as reasonable and necessary and that it has charged only incremental transportation costs to its SIG grant.

A-32d. Must an LEA provide a minimum number of hours to meet the requirement in the turnaround and transformation models regarding providing increased learning time?

Although research supports the effectiveness of increasing learning time by a minimum of 300 hours, the final requirements do not require that an LEA implementing either the turnaround model or the transformation model necessarily provide at least 300 hours of increased learning time. An LEA has the flexibility to determine precisely how to meet the requirement to establish schedules that provide increased learning time, and should do so with an eye toward the goal of increasing learning time enough to have a meaningful impact on the academic program in which the model is being implemented.

A-32e. What does it mean for a before- or after-school instructional program to be “available to all students” in a school?

As is discussed in A-32, to satisfy the requirements in Section I.A.2(a)(1)(H) of the turnaround model and Section I.A.2(d)(3)(A)(i) of the transformation model for providing increased learning time, a before- or after-school instructional program must “be available to all students” in the school. For a before- or after-school program to meet this requirement, the school must offer all students an opportunity to participate in the program, and the school must have sufficient capacity and resources to serve any and all students who choose to accept the offer to participate. A program is not available to all students if, for example, the school has sufficient capacity to serve only some of the students who seek to enroll in the program, nor is it available to all students if it is offered to only a particular group of students, such as students in need of remedial assistance. Further, to be available to all students, a program must be accessible to all subgroups of students, including students with disabilities and English learners (ELs).

Student growth

A-33. What is the definition of “student growth”?

“Student growth” means the change in achievement for an individual student between two or more points in time. For the purpose of this definition, “student achievement” means—

- (a) For grades and subjects in which assessments are required under section 1111(b)(3) of the ESEA, a student’s score on such assessments and may include other measures of student learning, such as those described in paragraph (b) of this definition, provided they are rigorous and comparable across schools within an LEA.
- (b) For grades and subjects in which assessments are not required under section 1111(b)(3) of the ESEA, alternative measures of student learning and performance, such as student results on pre-tests, end-of-course tests, and objective performance-based assessments;

student learning objectives; student performance on English language proficiency assessments; and other measures of student achievement that are rigorous and comparable across schools within an LEA.

A-34. Why is it necessary to define “student growth” for purposes of SIG grants?

Under the requirements in Section I.A.2(d)(1)(A)(ii) of the transformation model, the LEA must implement rigorous, transparent, and equitable evaluation systems for teachers and principals, designed and developed with teacher and principal involvement that, among other things, use multiple valid measures in determining performance levels, including as a significant factor data on student growth for all students (including ELs and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources), such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys.

B. TURNAROUND MODEL

B-1. What are the required elements of a turnaround model?

A turnaround model is one in which an LEA must do the following:

- (1) Replace the principal and grant the principal sufficient operational flexibility (including in staffing, calendars/time, and budgeting) to implement fully a comprehensive approach in order to substantially improve student achievement outcomes and increase high school graduation rates;
- (2) Using locally adopted competencies to measure the effectiveness of staff who can work within the turnaround environment to meet the needs of students,
 - (A) Screen all existing staff and rehire no more than 50 percent; and
 - (B) Select new staff;
- (3) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the turnaround school;
- (4) Provide staff ongoing, high-quality job-embedded professional development that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure that they are equipped to facilitate effective teaching and learning and have the capacity to successfully implement school reform strategies;
- (5) Adopt a new governance structure, which may include, but is not limited to, requiring the school to report to a new “turnaround office” in the LEA or SEA, hire a “turnaround leader” who reports directly to the Superintendent or Chief Academic Officer, or enter into a multi-year contract with the LEA or SEA to obtain added flexibility in exchange for greater accountability;
- (6) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards;

- (7) Promote the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the academic needs of individual students;
- (8) Establish schedules and implement strategies that provide increased learning time; and
- (9) Provide appropriate social-emotional and community-oriented services and supports for students.

B-2. In addition to the required elements, what optional elements may also be a part of a turnaround model?

In addition to the required elements, an LEA implementing a turnaround model may also implement other strategies, such as a new school model or any of the required and permissible activities under the transformation intervention model described in the final requirements. It could also, for example, implement a high-quality preschool program that is designed to improve the health, social-emotional outcomes, and school readiness for high-need young children or replace a comprehensive high school with one that focuses on science, technology, engineering, and mathematics (STEM). The key is that these actions would be taken within the framework of the turnaround model and would be in addition to, not instead of, the actions that are required as part of a turnaround model.

B-3. What is the definition of “staff” as that term is used in the discussion of a turnaround model?

As used in the discussion of a turnaround model, “staff” includes all instructional staff, but an LEA has discretion to determine whether or not “staff” also includes non-instructional staff. An LEA may decide that it is appropriate to include non-instructional staff in the definition of “staff,” as all members of a school’s staff contribute to the school environment and are important to the success of a turnaround model.

In determining the number of staff members that may be rehired, an LEA should count the total number of staff positions (however staff is defined) within the school in which the model is being implemented, including any positions that may be vacant at the time of the implementation. For example, if a school has a total of 100 staff positions, only 90 of which are filled at the time the model is implemented, the LEA may rehire 50 staff members; the LEA is not limited to rehiring only 45 individuals (50 percent of the filled staff positions). (See G-1c for additional information on how an LEA should determine the number of staff members that must be replaced when taking advantage of the flexibility to continue or complete interventions that have been implemented within the last two years.)

B-3a. The response to B-3 states that “staff” includes “all instructional staff.” Does “all instructional staff” mean only teachers of core academic subjects or does it also include physical education teachers and teachers of other non-core academic subjects?

“All instructional staff” includes teachers of core academic subjects as well as teachers of non-core academic subjects. Section I.A.2(a)(1)(B) of the final requirements requires an LEA to measure the effectiveness of “staff” who work within the turnaround environment. As is stated in B-3, an LEA has discretion to determine whether or not to include non-instructional staff, in addition to instructional staff, in meeting this requirement. An LEA may decide it is appropriate to include non-instructional staff in the definition of “staff” as all members of a school’s staff contribute to the school environment and are important to the success of a turnaround model.

B-4. What are “locally adopted competencies”?

A “competency,” which is a skill or consistent pattern of thinking, feeling, acting, or speaking that causes a person to be effective in a particular job or role, is a key predictor of how someone will perform at work. Given that every teacher brings a unique skill set to the classroom, thoughtfully developed assessments of such competencies can be used as part of a rigorous recruitment, screening, and selection process to identify educators with the unique qualities that equip them to succeed in the turnaround environment and can help ensure a strong match between teachers and particular turnaround schools. As part of a rigorous recruitment, screening and selection process, assessments of turnaround teachers’ competencies can be used by the principal or district leader to distinguish between very high performers and more typical or lower-performing teachers in a turnaround setting. Although an LEA may already have and use a set of tools to screen for appropriate competencies as part of its normal hiring practices, it is important to develop a set of competencies specifically designed to identify staff that can be effective in a turnaround situation because, in a turnaround school, failure has become an entrenched way of life for students and staff, and staff members need stronger and more consistent habits in critical areas to transform the school’s wide-scale failure into learning success.

While each LEA should identify the skills and expertise needed for its local context, in addition to reviewing evidence of effectiveness in previous teaching positions (or other pre-service experience) in the form of recommendations, portfolios, or student outcomes, examples of locally adopted competencies might include acting with initiative and persistence, planning ahead, flexibility, respect for and sensitivity to norms of interaction in different situations, self-confidence, team leadership, developing others, analytical thinking, and conceptual thinking.

The value and utility of turnaround competencies for selection are dependent on the process by which an LEA or school leader or team uses them. In addition to assessing a candidate’s subject knowledge and mastery of specific instructional practices that the turnaround school uses, using a robust and multi-tiered selection process that includes interviews that ask about past practice in the classroom or situational scenarios, reviewing writing samples, observing teachers in their classrooms, and asking teachers to perform job-related tasks such as presenting information to a group of parents, are all common techniques used to screen candidates against turnaround competencies.

Note that these are merely examples of a process and set of competencies an LEA might measure and use in screening and selecting staff to meet the unique needs of the schools in which it will implement a turnaround model.

B-5. Is an LEA implementing the turnaround model required to use financial incentives, increased opportunities for promotion and career growth, and more flexible conditions as strategies to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a turnaround model?

No. The specific strategies mentioned in this requirement (see B-1(3)) are merely examples of the types of strategies an LEA might use to recruit, place, and retain staff with the skills necessary to meet the needs of the students in a school implementing the turnaround model. An LEA is not obligated to use these particular strategies, so long as it implements some strategies that are designed to recruit, place, and retain the appropriate staff.

B-6. What is job-embedded professional development?

Job-embedded professional development is professional learning that occurs at a school as educators engage in their daily work activities. It is closely connected to what teachers are asked to do in the classroom so that the skills and knowledge gained from such learning can be immediately transferred to classroom instructional practices. Job-embedded professional development is usually characterized by the following:

- It occurs on a regular basis (e.g., daily or weekly);
- It is aligned with academic standards, school curricula, and school improvement goals;
- It involves educators working together collaboratively and is often facilitated by school instructional leaders or school-based professional development coaches or mentors;
- It requires active engagement rather than passive learning by participants; and
- It focuses on understanding what and how students are learning and on how to address students' learning needs, including reviewing student work and achievement data and collaboratively planning, testing, and adjusting instructional strategies, formative assessments, and materials based on such data.

Job-embedded professional development can take many forms, including, but not limited to, classroom coaching, structured common planning time, meetings with mentors, consultation with outside experts, and observations of classroom practice.

When implemented as part of a turnaround model, job-embedded professional development must be designed with school staff.

B-7. Does the requirement to implement an instructional program that is research-based and aligned (vertically and with State standards) require adoption of a new or revised instructional program?

Not necessarily. In implementing a turnaround model, an LEA must use data to identify an instructional program that is research-based and vertically aligned as well as aligned with State academic standards. If an LEA determines, based on a careful review of appropriate data, that the instructional program currently being implemented in a particular school is research-based and properly aligned, it may continue to implement that instructional program. However, the Department expects that most LEAs with Tier I, Tier II, priority, or focus schools will need to make at least minor adjustments to the instructional programs in those schools to ensure that those programs are, in fact, research-based and properly aligned.

B-8. What are examples of social-emotional and community-oriented services that may be supported with SIG funds in a school implementing a turnaround model?

Social-emotional and community-oriented services that may be offered to students in a school implementing a turnaround model may include, but are not limited to: (a) safety programs; (b) community stability programs that reduce the mobility rate of students in the school; or (c) family and community engagement programs that support a range of activities designed to build the capacity of parents and school staff to work together to improve student academic achievement, such as a family literacy program for parents who need to improve their literacy skills in order to support their children's learning.

If funds are not reasonably available from other public or private sources to support the planning and implementation of the services and the LEA has engaged in a comprehensive needs assessment, SIG funds might be used to hire a coordinator or to contract with an organization to facilitate the delivery of health, nutrition, and social services to the school's students in partnership with local service providers. SIG funds also might be used for (1) professional development necessary to assist teachers, pupil services personnel, other staff, and parents in identifying and meeting the comprehensive needs of students, and (2) as a last resort when funds are not reasonably available from other public or private sources, the provision of basic medical equipment, such as eyeglasses and hearing aids.

An LEA should examine the needs of students in the turnaround school to determine which social-emotional and community-oriented services will be appropriate and useful under the circumstances. Further, like all other activities supported with SIG funds, any services provided must address the needs identified by the needs assessment the LEA conducted prior to selecting the turnaround model for the school and must be reasonable and necessary. (See I-30.)

B-9. May an LEA omit any of the actions outlined in the final requirements and implement its own version of a turnaround model?

No. An LEA implementing a turnaround model in one or more of its schools must take all of the actions required by the final requirements. As discussed in B-2, an LEA may take additional actions to supplement those that are required as part of a turnaround model, but it may not implement its own version of a turnaround model that does not include all of the

elements required by the final requirements. Thus, an LEA could not, for example, convert a turnaround school to a magnet school without also taking the other actions specifically required as part of a turnaround model.

C. RESTART MODEL

C-1. What is the definition of a restart model?

A restart model is one in which an LEA converts a school or closes and reopens a school under a charter school operator, a charter management organization (CMO), or an education management organization (EMO) that has been selected through a rigorous review process (see C-5). A restart model must enroll, within the grades it serves, any former student who wishes to attend the school (see C-6).

C-2. What is a CMO?

A CMO is a non-profit organization that operates or manages charter schools by centralizing or sharing certain functions and resources among schools.

C-3. What is an EMO?

An EMO is a for-profit or non-profit organization that provides “whole-school operation” services to an LEA.

C-4. Prior to submitting its application for SIG funds, must an LEA know the particular EMO or CMO with which it would contract to restart a school?

No. Prior to submitting its application, an LEA need not know the particular EMO or CMO with which it would contract to restart a school, but it should at least have a pool of potential partners that have expressed an interest in and have exhibited an ability to restart the school in which the LEA proposes to implement the restart model. An LEA does not need to enter into a contract prior to receiving its SIG funds, but it must be able to provide enough information in its application for the SEA to be confident that, if awarded SIG funds, the LEA would in fact enter into a contract with a CMO or EMO to implement the restart model.

C-5. What must the “rigorous review process” used for selecting a charter school operator, a CMO, or an EMO include?

The rigorous review process must include a determination by the LEA that the selected charter school operator, CMO, or EMO is likely to produce strong results for the school. In making this determination, the LEA must consider the extent to which the schools currently operated or managed by the selected charter school operator, CMO, or EMO, if any, have produced strong results over the past three years (or over the life of the school, if the school has been open for fewer than three years), including:

- (1) Significant improvement in academic achievement for all of the groups of students described in section 1111(b)(2)(C)(v) of the ESEA;
- (2) Success in closing achievement gaps, either within schools or relative to all public elementary school and secondary school students statewide, for all of the groups of students described in section 1111(b)(2)(C)(v)(II) of the ESEA;
- (3) High school graduation rates, where applicable, that are above the average rates in the State for the groups of students described in section 1111(b)(2)(C)(v) of the ESEA; and
- (4) No significant compliance issues, including in the areas of civil rights, financial management, and student safety.

The purpose of the rigorous review process is to provide an LEA with an opportunity to ensure that the operator will use this model to make meaningful changes in a school. Through the rigorous review process, an LEA might also, for example, require a prospective operator to demonstrate that its strategies are evidence-based and that it has the capacity to implement the strategies it is proposing. In determining whether a charter school or CMO has significant compliance issues, through the rigorous review process, an LEA should ensure that the charter school or CMO has sufficient internal controls and oversight to properly administer Federal education funds.

C-6. Which students must be permitted to enroll in a school implementing a restart model?

A restart school must enroll, within the grades it serves, all former students who wish to attend the school. The purpose of this requirement is to ensure that restarting the school benefits the population of students who would be served by the school in the absence of “restarting” the school. Accordingly, the obligation to enroll any former student who wishes to attend the school includes the obligation to enroll a student who did not actually previously attend the school — for example, because the student was previously enrolled in grade 3 but the school serves only grades 4 through 6 — but who would now be able to enroll in the school were it not implementing the restart model. If the restart school no longer serves a particular grade or grades that previously had been served by the school, the restart school is not obligated to enroll a student in the grade or grades that are no longer served.

C-6a. May an EMO or CMO with which an LEA contracts to implement a restart model require students or parents to agree to certain conditions in order to attend the school?

Yes, under the restart model, a provider may require all former students who wish to attend the restart school to sign student or parent/student agreements covering student behavior, attendance, or other commitments related to academic performance. In other words, a decision by a student or parent not to sign such an agreement amounts to an indication that the student does not wish to attend the school implementing the restart model. A provider may not, however, require students to meet, for example, certain academic standards prior to

enrolling in the school.

C-7. May a restart school serve fewer grades than were previously served by the school in which the model is being implemented?

Yes. An LEA has flexibility to work with providers to develop the appropriate sequence and timetable for a restart partnership. Thus, for example, an LEA could allow a restart operator to take over one grade in the school at a time.

If an LEA allows a restart operator to serve only some of the grades that were previously served by the school in which the model is being implemented, the LEA must ensure that the SIG funds it receives for the school are used only for the grades being served by the restart operator, unless the LEA is implementing one of the other SIG models with respect to the other grades served by the school. For example, if the school in question previously served grades K-6 and the LEA allows a restart operator to take over the school only with respect to grades K-3, the LEA could use SIG funds to serve the students in grades 4-6 if it implements a turnaround model or school closure, consistent with the final requirements, with respect to those grades.

Note that, similarly, an LEA has the flexibility to develop the appropriate sequence and timetable for implementing a turnaround, transformation, or closure, such that, for example, an LEA may implement any of those models in one grade in a school at a time. Just as with the restart model, if an LEA implements a turnaround, transformation, or closure for only some of the grades that were previously served by the school in which the model is being implemented, the LEA must ensure that the SIG funds it receives for the school are used only for the grades in which the model is being implemented, unless the LEA is implementing one of the other SIG models with respect to the other grades served by the school. The Department strongly encourages LEAs to provide those students in grades not implementing a SIG model the opportunity to transfer to a higher-performing school.

C-8. May a school implementing a restart model implement any of the required or permissible activities of one of the other SIG models?

Yes. A school implementing a restart model may implement activities described in the final requirements with respect to other models. Indeed, a restart operator has considerable flexibility not only with respect to the school improvement activities it will undertake, but also with respect to the type of school program it will offer. The restart model is specifically intended to give operators flexibility and freedom to implement their own reform plans and strategies.

C-9. If an LEA implements a restart model, must its contract with the charter school operator, CMO, or EMO hold the charter school operator, CMO, or EMO accountable for meeting the final requirements?

Yes. If an LEA implements a restart model in a Tier I, Tier II, priority, or focus school, the LEA must include in its contract or agreement terms and provisions to hold the charter school operator, CMO, or EMO accountable for complying with the final requirements. An LEA should bear this accountability requirement in mind at the time of contracting with the charter school operator, CMO, or EMO, and should consider how best to reflect it in the contract or agreement.

C-10. May an LEA use SIG funds to pay a fee to a CMO or EMO to operate a restart model?

Yes, but only to the extent the fee is reasonable and necessary to implement the restart model and to the extent it provides a benefit to improve the academic achievement of students. An LEA, thus, has the responsibility, in entering into a contract with a CMO or EMO, to ensure that any fee that is part of the contract is reasonable and necessary. *See* 2 C.F.R. § 200.403 (to be allowable under a Federal grant, costs must be “necessary and reasonable for the performance of the Federal award”). *See also* 2 C.F.R. § 200.405 (“a cost [may only be charged to a Federal program] in accordance with relative benefits received”). In making this determination, the LEA must ensure that there is a direct relationship between the fee and the services that the CMO or EMO will provide using SIG funds and that those services are necessary to implement the SIG model in the school being restarted. It may not be reasonable, for example, for a CMO or EMO to charge a flat percentage of the SIG funds available, irrespective of the services to be provided, particularly in light of the significant amount of SIG funds that would be available to a school for five years. For example, if a CMO or EMO normally charges a fee of five percent of gross receipts to operate a school, it may not be reasonable to calculate that percentage on the additional \$10 million in SIG funds that could be available, absent a very strong demonstration that its costs for providing services increase commensurately with the amount of SIG funds available. Moreover, the LEA must be able to demonstrate, as part of its commitment to obtain SIG funds, that it can sustain the services of the CMO or EMO and any attendant fee after the SIG funds are no longer available (Sections I.A.4(a)(12) and II.A.2(c)) and include a budget for each school it intends to serve that identifies any fee (Section II.A.2(e)).

In addition, an SEA has the responsibility, in reviewing and approving an LEA’s application to implement the restart model in one or more of its Tier I, Tier II, priority, or focus schools, to consider the LEA’s capacity to implement the model, including the reasonableness of its SIG budget and its ability to sustain the model after SIG funds are no longer available, and may approve the LEA’s application only if the SEA determines that the LEA can implement fully and effectively the model. *See* Sections I.A.4(b) and II.B.2(b).

D. SCHOOL CLOSURE

D-1. What is the definition of “school closure”?

School closure occurs when an LEA closes a school and enrolls the students who attended that

school in other schools in the LEA that are higher achieving. These other schools should be within reasonable proximity to the closed school and may include, but are not limited to, charter schools or new schools for which achievement data are not yet available.

D-1a. How important is it for an LEA to engage families and the community in the LEA's decision to close a school under the school closure intervention model?

It is extremely important to engage families and the school community early in the process of selecting the appropriate school improvement model to implement in a school (see H-4a), but doing so is particularly important when considering school closure.

It is critical that LEA officials engage in an open dialogue with families and the school community early in the closure process to ensure that they understand the data and reasons supporting the decision to close, have a voice in exploring quality options, and help plan a smooth transition for students and their families at the receiving schools.

D-2. What costs associated with closing a school can be paid for with SIG funds?

An LEA may use SIG funds to pay certain reasonable and necessary costs associated with closing a Tier I, Tier II, priority, or focus school, such as costs related to parent and community outreach, including, but not limited to, press releases, newsletters, newspaper announcements, hotlines, direct mail notices, or meetings regarding the school closure; services to help parents and students transition to a new school; or orientation activities, including open houses, that are specifically designed for students attending a new school after their prior school closes. Other costs, such as revising transportation routes, transporting students to their new school, or making class assignments in a new school, are regular responsibilities an LEA carries out for all students and generally may not be paid for with SIG funds. However, an LEA may use SIG funds to cover these types of costs associated with its general responsibilities if the costs are directly attributable to the school closure and exceed the costs the LEA would have incurred in the absence of the closure.

D-3. May SIG funds be used in the school that is receiving students who previously attended a school that is subject to closure in order to cover the costs associated with accommodating those students?

No. In general, the costs a receiving school will incur to accommodate students who are moved from a closed school are costs that an LEA is expected to cover, and may not be paid for with SIG funds. However, to the extent a receiving school is a Title I school that increases its population of children from low-income families, the school should receive additional Title I, Part A funds through the Title I, Part A funding formula, and those Title I, Part A funds could be used to cover the educational costs for these new students. If the school is not currently a Title I school, the addition of children from low-income families from a closed school might make it an eligible school.

D-4. Is the portion of an LEA’s SIG subgrant that is to be used to implement a school closure renewable?

Generally, no. The portion of an LEA’s SIG subgrant for a school that is subject to closure is limited to the time necessary to close the school — usually one year or less. As such, the funds allocated for a school closure would not be subject to renewal.

D-5. How can an LEA determine whether a higher-achieving school is within reasonable proximity to a closed school?

The school to which students who previously attended a closed school are sent should be located “within reasonable proximity” to the closed school. An LEA has discretion to determine which schools are located within a reasonable proximity to a closed school. A distance that is considered to be within a “reasonable proximity” in one LEA may not be within a “reasonable proximity” in another LEA, depending on the nature of the community. In making this determination, an LEA should consider whether students who would be required to attend a new school because of a closure would be unduly inconvenienced by having to travel to the new location. An LEA should also consider whether the burden on students could be eased by designating multiple schools as receiving schools.

An LEA should not eliminate school closure as an option simply because the higher-achieving schools that could be receiving schools are located at some distance from the closed school, so long as the distance is not unreasonable. Indeed, it is preferable for an LEA to send students who previously attended a closed school to a higher-achieving school that is located at some distance from, but still within reasonable proximity to, the closed school than to send those students to a lower-performing school that is geographically closer to the closed school. Moreover, an LEA should consider allowing parents to choose from among multiple higher-achieving schools, at least one of which is located within reasonable proximity to the closed school. By providing multiple school options, a parent could decide, for example, that it is worth having his or her child travel a longer distance in order to attend a higher-achieving school. Ultimately, the LEA’s goal should be to ensure that students who previously attended a closed school are able to enroll in the highest-performing school that can reasonably be offered as an alternative to the closed school.

D-6. In what kinds of schools may students who previously attended a closed school enroll?

The higher-achieving schools in which students from a closed school may enroll may include any public school with the appropriate grade ranges, including public charter schools and new schools for which achievement data are not yet available. Note that a new school for which achievement data are not yet available may be a receiving school even though, as a new school, it lacks a history of being a “higher-achieving” school.

E. TRANSFORMATION MODEL

E-1. With respect to elements of the transformation model that are the same as elements of the turnaround model, do the definitions and other guidance that apply to those elements as they relate to the turnaround model also apply to those elements as they relate to the transformation model?

Yes. Thus, for example, the strategies that are used to recruit, place, and retain staff with the skills necessary to meet the needs of students in a turnaround model may be the same strategies that are used to recruit, place, and retain staff with the skills necessary to meet the needs of students in a transformation model. For questions about any terms or strategies that appear in both the transformation model and the turnaround model, refer to the turnaround model section of this guidance.

E-2. Which activities related to developing and increasing teacher and school leader effectiveness are required for an LEA implementing a transformation model?

An LEA implementing a transformation model must:

- (1) Replace the principal who led the school prior to commencement of the transformation model;
- (2) Implement rigorous, transparent, and equitable evaluation and support systems for teachers and principals, designed and developed with teacher and principal involvement, that —
 - (a) Will be used for continual improvement of instruction;
 - (b) Meaningfully differentiate performance using at least three performance levels;
 - (c) Use multiple valid measures in determining performance levels, including as a significant factor data on student growth (see A-33) for all students (including ELs and students with disabilities), and other measures of professional practice (which may be gathered through multiple formats and sources), such as observations based on rigorous teacher performance standards, teacher portfolios, and student and parent surveys;
 - (d) Evaluate teachers and principals on a regular basis;
 - (e) Provide clear, timely, and useful feedback, including feedback that identifies needs and guides professional development; and
 - (f) Will be used to inform personnel decisions.
- (3) Use the teacher and principal evaluation and support system described above to identify and reward school leaders, teachers, and other staff who, in implementing the transformation model, have increased student achievement and high school graduation

rates and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so; and

(4) Implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of the students in the school, taking into consideration the results from the teacher and principal evaluation and support system, if applicable.

E-3. Must the principal and teachers involved in the development and design of the evaluation system be the principal and teachers in the school in which the transformation model is being implemented?

No. The requirement for teacher and principal evaluation and support systems that “are designed and developed with teacher and principal involvement” refers more generally to involvement by teachers and principals within the LEA using such systems, and may or may not include teachers and principals in a school implementing the transformation model.

E-4. Under the final requirements, an LEA implementing the transformation model must remove staff “who, after ample opportunities have been provided for them to improve their professional practice, have not done so.” Does an LEA have discretion to determine the appropriate number of such opportunities that must be provided and what are some examples of such “opportunities” to improve?

In general, LEAs have flexibility to determine both the type and number of opportunities for staff to improve their professional practice before they are removed from a school implementing the transformation model. Examples of such opportunities include professional development in such areas as differentiated instruction and using data to improve instruction, mentoring or partnering with a master teacher, or increased time for collaboration designed to improve instruction.

E-5. In addition to the required activities, what other activities related to developing and increasing teacher and school leader effectiveness may an LEA undertake as part of its implementation of a transformation model?

In addition to the required activities for a transformation model, an LEA may also implement other strategies to develop teachers’ and school leaders’ effectiveness, such as:

- (1) Providing additional compensation to attract and retain staff with the skills necessary to meet the needs of students in a transformation school;
- (2) Instituting a system for measuring changes in instructional practices resulting from professional development; or
- (3) Ensuring that the school is not required to accept a teacher without the mutual consent of the teacher and principal, regardless of the teacher’s seniority.

LEAs also have flexibility to develop and implement their own strategies, as part of their efforts to successfully implement the transformation model, to increase the effectiveness of teachers and school leaders. Any such strategies must be in addition to those that are required as part of this model.

E-6. How does the optional activity of “providing additional compensation to attract and retain” certain staff differ from the requirement to implement strategies designed to recruit, place, and retain certain staff?

There are a wide range of compensation-based incentives that an LEA might use as part of a transformation model. Such incentives are just one example of strategies that might be adopted to recruit, place, and retain staff with the skills needed to implement the transformation model. The more specific emphasis on additional compensation in the permissible strategies was intended to encourage LEAs to think more broadly about how additional compensation can contribute to teacher effectiveness.

E-7. Which activities related to comprehensive instructional reform strategies are required as part of the implementation of a transformation model?

An LEA implementing a transformation model must:

- (1) Use data to identify and implement an instructional program that is research-based and vertically aligned from one grade to the next as well as aligned with State academic standards;
- (2) Promote the continuous use of student data (such as from formative, interim, and summative assessments) in order to inform and differentiate instruction to meet the academic needs of individual students; and
- (3) Provide staff ongoing, high-quality, job-embedded professional development (for example, regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to implement successfully school reform strategies.

E-8. In addition to the required activities, what other activities related to comprehensive instructional reform strategies may an LEA undertake as part of its implementation of a transformation model?

In addition to the required activities for a transformation model, an LEA may also implement other comprehensive instructional reform strategies, such as:

- (1) Conducting periodic reviews to ensure that the curriculum is being

implemented with fidelity, is having the intended impact on student achievement, and is modified if ineffective;

- (2) Implementing a schoolwide “response-to-intervention” model;
- (3) Providing additional supports and professional development to teachers and principals in order to implement effective strategies to support students with disabilities in the least restrictive environment and to ensure that limited English proficient students acquire language skills to master academic content;
- (4) Using and integrating technology-based supports and interventions as part of the instructional program; and
- (5) In secondary schools—
 - (a) Increasing rigor by offering opportunities for students to enroll in advanced coursework, early-college high schools, dual enrollment programs, or thematic learning academies that prepare students for college and careers, including by providing appropriate supports designed to ensure that low-achieving students can take advantage of these programs and coursework;
 - (b) Improving student transition from middle to high school through summer transition programs or freshman academies;
 - (c) Increasing graduation rates through, for example, credit recovery programs, re-engagement strategies, smaller learning communities, competency-based instruction and performance-based assessments, and acceleration of basic reading and mathematics skills; or
 - (d) Establishing early-warning systems to identify students who may be at risk of failing to achieve to high standards or to graduate.

E-9. What activities related to increasing learning time and creating community-oriented schools are required for implementation of a transformation model?

An LEA implementing a transformation model must:

- (1) Establish schedules and strategies that provide increased learning time; and
- (2) Provide ongoing mechanisms for family and community engagement.

E-10. What is meant by the phrase “family and community engagement” and what are some examples of ongoing mechanisms for family and community engagement?

In general, family and community engagement means strategies to increase the involvement and contributions, in both school-based and home-based settings, of parents and community partners that are designed to support classroom instruction and increase student achievement. Examples of mechanisms that can encourage family and community engagement include the establishment of organized parent groups, holding public meetings involving parents and community members to review school performance and help develop school improvement plans, using surveys to gauge parent and community satisfaction and support for local public schools, implementing complaint procedures for families, coordinating with local social and health service providers to help meet family needs, and parent education classes (including

GED, adult literacy, and ESL programs).

E-10a. How should an LEA design mechanisms to support family and community engagement?

To develop mechanisms to support family and community engagement, an LEA may conduct a community-wide assessment to identify the major factors that significantly affect the academic achievement of students in the school, including an inventory of the resources in the community and the school that could be aligned, integrated, and coordinated to address these challenges. An LEA should try to ensure that it aligns the family and community engagement programs it implements in the elementary and secondary schools in which it is implementing the transformation model to support common goals for students over time and for the community as a whole.

E-11. In addition to the required activities, what other activities related to increasing learning time and creating community-oriented schools may an LEA undertake as part of its implementation of a transformation model?

In addition to the required activities for a transformation model, an LEA may also implement other strategies to extend learning time and create community-oriented schools, such as:

- (1) Partnering with parents and parent organizations, faith- and community-based organizations, health clinics, other State or local agencies, and others to create safe school environments that meet students' social, emotional, and health needs;
- (2) Extending or restructuring the school day so as to add time for such strategies as advisory periods that build relationships between students, faculty, and other school staff;
- (3) Implementing approaches to improve school climate and discipline, such as implementing a system of positive behavioral supports or taking steps to eliminate bullying and student harassment; or
- (4) Expanding the school program to offer full-day kindergarten or pre-kindergarten.

E-11a. What are examples of services an LEA might provide to create safe school environments that meet students' social, emotional, and health needs?

Services that help provide a safe school environment that meets students' social, emotional, and health needs may include, but are not limited to: (a) safety programs; (b) community stability programs that reduce the mobility rate of students in the school; or (c) family and community engagement programs that support a range of activities designed to build the capacity of parents and school staff to work together to improve student academic achievement, such as a family literacy program for parents who need to improve their literacy skills in order to support their children's learning.

E-12. How does the optional activity of extending or restructuring the school day to add time for strategies that build relationships between students, faculty, and other school staff differ from the requirement to provide increased learning time?

Extra time or opportunities for teachers and other school staff to create and build relationships with students can provide the encouragement and incentive that many students need to work hard and stay in school. Such opportunities may be created through a wide variety of extra-curricular activities as well as structural changes, such as dividing large incoming classes into smaller theme-based teams with individual advisers. However, such activities do not directly lead to increased learning time, which is more closely focused on increasing the number of instructional minutes in the school day or days in the school year.

E-13. What activities related to providing operational flexibility and sustained support are required for implementation of a transformation model?

An LEA implementing a transformation model must:

- (1) Give the school sufficient operational flexibility (such as staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates; and
- (2) Ensure that the school receives ongoing, intensive technical assistance and related support from the LEA, the SEA, or a designated external lead partner organization (such as a school turnaround organization or an EMO).

E-14. Must an LEA implementing the transformation model in a school give the school operational flexibility in the specific areas of staffing, calendars/time, and budgeting?

No. The areas of operational flexibility mentioned in this requirement are merely examples of the types of operational flexibility an LEA might give to a school implementing the transformation model. An LEA is not obligated to give a school implementing the transformation model operational flexibility in these particular areas, so long as it provides the school sufficient operational flexibility to implement fully a comprehensive approach to substantially improve student achievement outcomes and increase high school graduation rates.

E-15. In addition to the required activities, what other activities related to providing operational flexibility and sustained support may an LEA undertake as part of its implementation of a transformation model?

In addition to the required activities for a transformation model, an LEA may also implement

other strategies to provide operational flexibility and sustained support, such as:

- (1) Allowing the school to be run under a new governance arrangement, such as a turnaround division within the LEA or SEA; or
- (2) Implementing a per-pupil school-based budget formula that is weighted based on student needs.

E-16. In implementing the transformation model in an eligible school, may an LEA gather data during the first year of SIG funding on student growth, multiple observation-based assessments of performance, and ongoing collections of professional practice reflective of student achievement, and then remove staff members who have not improved their professional practice at the end of that first year?

Yes. Although we expect an LEA that receives SIG funds and decides to implement the transformation model in a SIG school to implement that model fully on the first day of the school year (except for an LEA that has applied for and received SIG funds for a planning year), we recognize that certain components of the model may need to be implemented later in that process. For example, because an LEA must implement rigorous, transparent, and equitable evaluation and support systems for teachers and principals, designed and developed with teacher and principal involvement, and then provide staff with ample opportunities to improve their practices, the LEA may not be able to remove staff members who have not improved their professional practices until later in the implementation process. (See E-3, E-4, and F-2.)

E-17. May an LEA implement the transformation model in a high school that has grades 9-12 by assigning the current principal to grades 10-12 and hiring a new principal to lead a 9th-grade academy?

No. The final requirements for the SIG program are intended to support interventions designed to turn around an entire school (or, in the case of the school closure model, provide better educational options to all students in a school). Removing a single grade from a high school to create a new school for that grade as part of a strategy to improve the performance of feeder schools would not meet this requirement for whole-school intervention. Similarly, to meet the requirement that a principal be replaced, the new principal must serve all grades in a school, not just one particular grade.

E-18. How have the requirements for teacher and principal evaluation and support systems changed in the final requirements?

Under both the 2010 SIG requirements and the final requirements, an LEA implementing the transformation model in a school must implement an educator evaluation system that incorporates student growth and is used to drive professional development and guide personnel decisions. The final requirements do not fundamentally change these

requirements. Rather, the final requirements clarify that the Department's expectations for high-quality teacher and principal evaluation and support systems are consistent across Department programs and initiatives and that an LEA in an SEA with ESEA flexibility would ideally develop one system to meet both the SIG requirements and the ESEA flexibility requirements.

E-19. Some SEAs with ESEA flexibility have received additional flexibility from the Department to delay full implementation of teacher and principal evaluation and support systems. In such an SEA, is an LEA that is implementing the transformation or early learning model required to implement the teacher and principal evaluation and support system in its first full year of implementation of the SIG model?

Yes. An LEA may select among up to seven SIG models and should consider, in making its selection, whether it will be able to implement fully each requirement of that model. An LEA that chooses to implement the transformation or early learning model will receive up to two million dollars a year for up to five years and the Department expects and requires that the LEA will use those funds to meet each requirement of its selected model.

However, the Department recognizes the potential challenges an LEA may face in fully implementing a teacher and principal evaluation and support system under the transformation and early learning models in a case where an SEA has received flexibility from the Department to delay full implementation under ESEA flexibility. If, under this scenario, an LEA determines that implementing its evaluation and support system on a slightly different timeline than the SEA's timeline is unduly burdensome or unfeasible, then the Department would work with the SEA and LEA to determine the timeline for implementing the educator evaluation system requirements under the transformation and early learning models.

F. CROSS-CUTTING ISSUES

F-1. How may an LEA implement a SIG intervention model in a Tier I or Tier II Title I participating school operating a targeted assistance program?

The Secretary is inviting requests for waivers to enable a Tier I or Tier II Title I participating school operating a targeted assistance program to operate a schoolwide program so it can implement a turnaround, restart, school closure, transformation, evidence-based, whole-school reform, early learning, or (in an SEA with an approved State-determined model) State-determined model, each of which impacts the entire educational program of the school in which it is implemented. Such a waiver is necessary because a school operating a targeted assistance program may only provide Title I services to students who are failing, or most at risk of failing, to meet a State's student academic achievement standards; it may not provide Title I services for the school as a whole. To the extent that the percentage of students from low-income families attending a Tier I school operating a targeted assistance program is at or above 40 percent, a waiver is not needed, as the school already meets the statutory poverty

threshold for operating a schoolwide program. Further, although the decision to operate a schoolwide program is typically made by the school in consultation with the LEA, an LEA may require a Tier I or Tier II Title I school to operate a schoolwide program in order to implement one of the intervention models, consistent with the overall goal of the SIG program.

A Tier I or Tier II Title I participating school in which an LEA implements a waiver to enable the school to operate a schoolwide program or a Tier I or Tier II Title I participating school that is operating a schoolwide program for the first time, but not through the implementation of a waiver (*i.e.*, because it meets the 40 percent poverty threshold), must meet all the programmatic requirements of section 1114 of the ESEA. However, because the provisions of section 1114 and the SIG intervention models are intended to upgrade the instructional program of an entire school, simply by implementing one of the intervention models, an LEA would likely be complying with most, if not all, of the requirements for a schoolwide program. Further, the fact that a school is implementing one of the models is sufficient to enable an LEA to make a determination that a school needs less than a full year to develop its schoolwide plan. Once a school begins implementing a waiver to operate a schoolwide program, it may continue to operate the schoolwide program as long as it so chooses without needing additional waivers.

As a reminder, a priority or focus school that previously operated a targeted assistance program is already permitted to operate a schoolwide program as a result of the waivers granted through ESEA flexibility.

(*Question F-2 has been deleted because it is no longer relevant.)

F-3. What requirements that apply to schools receiving Title I, Part A funds apply to schools that receive SIG funds?

Schools receiving SIG funds under section 1003(g) that also receive funds under Title I, Part A are Title I schools and must comply with all Title I requirements, as applicable. This would include, for example, for an SEA that does not have ESEA flexibility, all of the requirements in section 1116, including the requirements regarding school improvement plans, except to the extent the LEA implements a waiver enabling Tier I schools implementing a SIG intervention model to start over in the school improvement timeline.

A non-Title I school that receives SIG funds must comply only with the requirements of section 1003(g), the final requirements, and the conditions of any waiver it implements related to its SIG funds.

F-4. Must SIG funds supplement, and not supplant, non-Federal funds a school would otherwise receive?

Essentially, yes. Two provisions in Title I of the ESEA require a school receiving Title I

funds to use those funds to supplement, and not supplant, State and local funds that the school would receive in the absence of Title I funds: section 1114(a)(2)(B) and section 1120A(b) of the ESEA. As discussed further below, the two provisions operate slightly differently, particularly with respect to their effect on SIG funds. However, in combination with other statutory requirements, they effectively ensure the supplemental use of SIG funds.

Under section 1114(a)(2)(B), if an LEA has a school operating a schoolwide program, the LEA may use “funds available to carry out this section” only to supplement the amount of non-Federal funds that the school would otherwise have received if it were not operating a schoolwide program, including those funds necessary to provide services required by law for students with disabilities and ELs. “[F]unds available to carry out this section” include Title I, Part A funds, other Federal education funds, and SIG funds. Thus, an LEA must provide a Title I school operating a schoolwide program all of the non-Federal funds the school would have received were it not a schoolwide school, and SIG funds, like Title I, Part A and other Federal education funds, must supplement those non-Federal funds. The Department believes that the great majority of schools receiving SIG funds, particularly Tier I, priority, and focus schools, will be Title I schools operating schoolwide programs and, thus, will be covered by section 1114(a)(2)(B). Note, however, that the school does not need to demonstrate that SIG funds are used only for activities that supplement those the school would otherwise provide with non-Federal funds. (ESEA section 1114(a)(2)(A)(ii)).

The situation is somewhat different for a Title I school operating a targeted assistance program with SIG funds—*i.e.*, a Tier III school that does not implement one of the school intervention models. Under section 1120A(b), if an LEA has a school operating a targeted assistance program, the LEA must ensure that the Title I, Part A funds the school receives are used only for activities that supplement those that would be available from non-Federal funds for Title I participating students in the absence of the Title I, Part A funds. In other words, the focus of section 1120A(b) is on ensuring the supplemental nature of the activities funded or services provided with Title I, Part A funds. The supplement not supplant requirement in section 1120A(b) does not apply to SIG funds because they are not funds available under Part A of Title I. However, there are two ways that SIG funds would be protected from supplanting when used in a Title I school operating a targeted assistance program. First, an LEA seeking to implement a school intervention model in a Title I targeted assistance school that does not meet the 40 percent poverty threshold for a schoolwide program would be required to seek a waiver of that threshold in order to convert the school to a schoolwide program (see G-3); accordingly, that school would then be covered by section 1114(a)(2)(B). Second, an LEA is obligated to ensure that all of its Title I schools, including those operating a targeted assistance program, are comparable to its non-Title I schools in accordance with section 1120A(c) of the ESEA.

Finally, under section II.A.5 of the final requirements, an LEA that receives SIG funds to serve one or more schools that do not receive Title I, Part A funds must ensure that each such school receives all of the State and local funds it would have received in the absence of the SIG funds. In other words, this requirement operates the same as the supplement not supplant requirement in section 1114(a)(2)(B) of the ESEA.

F-5. What happens if an LEA receives SIG funds to implement one of the seven models in a particular school but subsequently is unable to implement the model in that school?

An LEA that receives SIG funds to implement an intervention model in a particular school may subsequently determine that it is unable to implement the model in that school, for example, because it is unable to hire a principal to implement the turnaround model or is unable to contract with a CMO or an EMO to implement the restart model. If that happens, the LEA must notify its SEA immediately that it is unable to implement the model for which it applied and was awarded funds and must cease obligating SIG funds in that school. An LEA that does not want to implement a different SIG model in the school need not take any further action. The SEA should then rescind the relevant portion of the LEA's SIG grant. Any portion of the LEA's grant that is rescinded should be carried over and combined with the funds available for the following year's SIG competition.

For an LEA that does want to implement one of the other SIG models, the SEA has discretion to determine whether it will terminate the LEA's SIG grant with respect to the funds allocated for that school or to invite the LEA to submit a new or amended application for SIG funds. If the SEA permits the LEA to submit a new or amended application, the SEA must then determine whether, consistent with the SEA's criteria for awarding SIG funds, the LEA is able to implement another model fully and effectively during the year for which SIG funds were awarded. In making this determination, the SEA should give very careful consideration to the LEA's ability to meet all the requirements of another model during the school year for which SIG funds were awarded and whether permitting the LEA to change its model after the award of SIG funds would undermine the integrity of the SEA's competitive process. If the SEA determines that the LEA is able to implement another model and approves the new or amended application, the SEA must post the new or amended application on the SEA's Web site (see I-6). If, on the other hand, the SEA determines either that the LEA is unable to implement another model fully and effectively or that permitting the LEA to do so would adversely affect the SEA's competitive process for the SIG program, the SEA should deny the new or amended application and rescind the relevant portion of the LEA's SIG grant. As noted above, any portion of the LEA's grant that is rescinded should be carried over and combined with the funds available for the following year's SIG competition.

F-5a. What happens if an LEA decides to close a school after the LEA has received SIG funds to implement an intervention model other than school closure in the school?

Given the rigorous LEA application and SEA review process required to receive a SIG grant, it should be exceedingly rare that an LEA receiving funds to implement a model (other than school closure) in a school subsequently decides to close the school instead. However, the Department recognizes that under certain rare circumstances that could not have been foreseen at the time an LEA developed its original application, an LEA might decide that

closing such a school is the best course of action.

As discussed in F-5, an SEA has the discretion to terminate and rescind, in relevant part, the grant of an LEA that will not fully implement the school intervention model it was originally approved to implement, including an LEA that decides to close a school that was originally approved to implement another model. If, however, the SEA is willing to accept a new or an amended application from such an LEA, as part of its amended application, the LEA must submit, among other required information, a revised plan for implementation and a revised budget, each of which should reflect the anticipated school closure. In considering both of these aspects of the new or amended application, the LEA should bear in mind that, given the anticipated closure, continuing the implementation of the originally selected model as the LEA had originally planned and continuing to spend all the funds previously anticipated as necessary for the first year of implementation might not be prudent. For example, if an LEA is still working with teachers and principals to develop a rigorous evaluation and support system for the school, it might not be worth continuing to invest the time and resources necessary to complete that evaluation system, given that it would not be in place for long enough to benefit students or teachers in the school. On the other hand, if implementing certain model components, even if only for one year, would help increase students' academic achievement, it might be worth the continued costs, particularly if the up-front costs have already been paid and the work necessary to begin full implementation has already been completed. For example, if an LEA has already invested in the up-front costs of providing increased learning time (e.g., already notified parents and students of the increased time, revised bus routes as necessary, arranged for additional teacher and bus driver time, and planned for how the increased time will be used), the benefit to students of continuing to provide that increased learning time while the school remains operational would likely be worth the costs incurred.

In creating the new or amended budget, the LEA should consider that, because it is often significantly less costly to close a school than to implement any of the other models, the LEA might not need any additional SIG funds in order to carry out the school closure beyond what it originally received for the first year of implementation. Moreover, if the closure is to be supported with SIG funds, the closure must comply with the SIG requirements for the school closure model. In particular, students who attended the closed school must be enrolled in other schools in the LEA that are higher achieving. An LEA that is contemplating closing a school after the school has begun to implement one of the other school intervention models should give careful consideration to all of these issues, and should consult with its SEA as needed.

An SEA that is presented with this issue should carefully review the LEA's new or amended application. In particular, the SEA should closely scrutinize the LEA's revised plan and budget and, in so doing, should consider which elements of the model the LEA was originally funded to implement have already been implemented and which the LEA has not begun to implement. Particularly if elements of the model have not yet been implemented, the SEA should consider rescinding the funds that were originally awarded for those activities. In addition, the SEA should review the circumstances that led to the LEA's decision to change to

the school closure model and may take those circumstances into account in determining whether the LEA should receive any continued funding. The SEA should also be sure not to renew the LEA's original grant for any additional years except to the extent necessary and proper to support the closure. If an LEA has been awarded SIG funds that it will not use as a result of switching to the school closure model, the SEA should rescind the relevant portion of the LEA's SIG grant and carry over and combine those funds with the funds available for the following year's SIG competition.

F-6. May an LEA use SIG funds for general district-level improvement activities?

An LEA may use SIG funds to pay for district-level activities to support implementation of one of the school intervention models in each Tier I, Tier II, priority, and focus school it commits to serve and to support other school improvement strategies in the Tier III schools it commits to serve. For example, an LEA might hire a district-level turnaround specialist to establish an "early warning system" designed to identify students in schools who may be at risk of failing to achieve high standards or graduate, or to support implementation of a turnaround model. However, an LEA may not use SIG funds to support district-level activities for schools that are not receiving SIG funds.

F-7. How can an LEA ensure that it is able to implement fully and effectively all required components of a selected school intervention model, given that some components may be affected by collective bargaining agreements or other contracts?

Some of the required components of the intervention models may be affected by collective bargaining agreements or other contracts. For example, a collective bargaining agreement may include provisions regarding systems that may be used to evaluate teachers, professional development requirements, or strategies that may be used to retain staff. Because such provisions may impact an LEA's ability to implement the intervention models, effective implementation is dependent on the close collaboration of LEA and school administrators, teachers, and other partners, as appropriate. The Department encourages such collaboration with respect to all model components. The Department also recognizes that, beyond collaboration, full and effective implementation of a selected model may require negotiation with teachers' unions. The Department encourages LEAs to involve teachers' unions early in the process of implementing the final requirements to ensure that the LEA can implement fully and effectively the selected intervention model in each school it commits to serve.

In addition to collective bargaining agreements or teacher contracts, other types of agreements may impact an LEA's ability to implement fully and effectively one or more of the school intervention models. For example, if an LEA contracts with an outside provider to provide certain services that are necessary for full implementation of a model (e.g., a contract to provide community-oriented services and supports as required for the turnaround model or a contract to provide ongoing mechanisms for family and community engagement as required by the transformation model), that contract will likely impact how the model is implemented.

Although an LEA may outsource the implementation of some components of a selected intervention model in this manner, ultimately, the LEA is responsible for ensuring that the model is implemented fully and effectively. Accordingly, the LEA should include in any contracts with outside providers terms or provisions that will enable the LEA to ensure full and effective implementation of the model.

F-7a. In implementing a school intervention model, must an LEA comply with State and local laws and agreements, including collective bargaining agreements?

Yes. Nothing in the SIG final requirements gives an LEA the authority to take action it is not otherwise permitted to take. Accordingly, an LEA must implement the school intervention models in a manner that complies with all governing laws, regulations, and agreements, which includes providing the rights, remedies, and procedures afforded to LEA employees under existing collective bargaining agreements. For example, in many States, an LEA has an obligation to bargain with its union over issues that are affected by elements of the school intervention models before those elements may be implemented. Some State tenure laws also establish processes with which an LEA must comply before removing staff, which may impact an LEA's ability to implement the models. At the same time, however, an LEA may not fail to implement specific components of a school intervention model because they conflict with one or more of those rights, remedies, or procedures. For example, under the transformation model, an LEA must implement a teacher evaluation system that includes student growth as a significant factor; an LEA would not be exempt from this requirement because its collective bargaining agreement prohibits teacher evaluation based on student achievement. Therefore, as discussed in F-7, an LEA that has such a collective bargaining agreement and wishes to apply for SIG funds to implement a transformation model must negotiate with its collective bargaining unit to modify the collective bargaining agreement in a manner that enables the LEA to comply with the SIG final requirements without violating the agreement. If an LEA cannot resolve the conflict in a way that permits it to implement one of the school intervention models fully and effectively, it would not be able to apply for SIG funds.

F-8. What are an SEA's responsibilities for ensuring proper implementation of SIG grants?

As with any Federal education program administered through a State, an SEA is responsible for ensuring that SIG funds are awarded to LEAs and are used by LEAs in accordance with the statutory requirements and the SIG final requirements. In other words, an SEA must ensure that SIG funds it awards to an LEA are used to implement one of the approved school intervention models in each eligible school the LEA commits to serve and to carry out school improvement activities in the Tier III schools the LEA commits to serve. Fulfilling this responsibility includes designing an LEA application, carrying out the application review process, and monitoring implementation.

An SEA may, consistent with section 1903 of the ESEA, issue rules and regulations or adopt

policies that support and facilitate implementation of SIG grants.

F-9. May an SEA require an LEA to adopt a particular model for a particular school?

No. Each LEA has the discretion to determine which model to implement for each school it elects to serve with SIG funds. The only exception to this is if, consistent with State law, the SEA takes over the LEA or school.

F-10. Is an SEA or LEA that receives SIG funds required to comply with applicable Federal civil rights laws?

Yes. An SEA or LEA that receives SIG funds is required to comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. For information on applicable civil rights laws, see the Notice on Civil Rights Obligations Applicable to the Distribution of Funds under the American Recovery and Reinvestment Act of 2009 (Notice, available at: <http://www.ed.gov/policy/gen/leg/recovery/notices/civil-rights.html>). The civil rights laws discussed in the Notice apply to an SEA or LEA receiving any SIG funds.

G. PROVIDING FLEXIBILITY

G-1. May an SEA award SIG funds to an LEA for an eligible school that has implemented, in whole or in part, a turnaround model, restart model, transformation model, evidence-based, whole-school reform model, early learning model, or (in an SEA where one is approved) a State-determined model during the school year in which the LEA applies for SIG funds or during the two school years prior to that school year?

Yes, Section I.B.1 of the final requirements allows an SEA to award SIG funds to an LEA for an eligible school that has implemented, in whole or in part, one of the models during the school year in which it applies for SIG funds or during the two school years prior to the school year in which the LEA applies for SIG funds so that the LEA and school can continue or complete the intervention being implemented. For example, if an eligible school has hired a new principal during the previous school year as part of a school reform effort, consistent with G-1b, the SEA may award funds to the school's LEA to implement a model in the school and the school would not be required to hire another new principal. A school that receives SIG funds in accordance with this flexibility must fully implement the selected model pursuant to the final requirements. In other words, if the school had been implementing the model only in part, it must use the SIG funds it receives to expand its implementation so that it fully complies with the requirements of the selected model.

Note that this flexibility does not supersede the requirement in section II(b)(10) of the final requirements that, in identifying Tier I, Tier II, priority, and focus schools for purposes of

allocating SIG funds, an SEA exclude from consideration any school that was previously identified as a Tier I, Tier II, priority, or focus school and in which an LEA is implementing one of the SIG intervention models using SIG funds.

G-1a. To take advantage of the flexibility afforded in Section I.B.1 of the final requirements, what is the earliest time at which an LEA could have begun implementing, in whole or in part, a school intervention model?

As noted in G-1, under Section I.B.1, an SEA may award SIG funds to an LEA that has implemented, in whole or in part, one of the school intervention models “within the last two years” in an eligible school. To take advantage of this flexibility in an application submitted, for example, to start full implementation of an intervention model in the 2015–2016 school year with SIG funds, the earliest an LEA could have begun to implement one of the school intervention models is the start of the 2012–2013 school year. However, an SEA may decide to implement this flexibility by using a subsequent point in time as the earliest that an LEA could have begun implementing a model in order to use SIG funds to continue its implementation (e.g., no earlier than the start of the 2013–2014 school year).

G-1b. Does the flexibility afforded in Section I.B.1 of the final requirements enable an LEA to retain any principal who has been hired for an eligible school within the last two school years?

No. The flexibility in Section I.B.1 is not intended to protect the job of any recently hired principal in an eligible school. Rather, the flexibility provided is intended to permit an LEA to continue a previously implemented intervention aimed at turning around a low-achieving school that included hiring a new principal for that purpose. Accordingly, an LEA taking advantage of this flexibility should be able to demonstrate that: (1) the prior principal in the school at issue was replaced as part of a broader reform effort, and (2) the new principal has the experience and skills needed to implement successfully a turnaround, restart, or transformation model.

G-1c. How should an LEA determine the number of staff members that must be replaced for purposes of implementing the turnaround model when the LEA is taking advantage of the flexibility to continue an intervention it has begun to implement within the last two school years?

If an eligible school implementing a turnaround model has replaced staff members within the last two school years as part of a school reform effort, consistent with G-1b, the school may count the staff it has already replaced in determining the number of additional staff that would have to be replaced in accordance with the model.

As described in B-3, in determining the number of staff members that may be rehired, an LEA should count the total number of staff positions (however staff is defined) within the school in which the model is being implemented, including any positions that may be vacant at the time

of implementation. For example, if a school has a total of 100 staff positions, including some that may be vacant, the LEA may rehire up to 50 staff members. That means the LEA must replace at least 50 staff members in the school. However, if within the last two school years, the school had replaced 20 staff members by using locally-adopted competencies to hire 20 new staff members as part of a school reform effort, consistent with G-1b, the LEA would need to replace an additional 30 staff members. On the other hand, if the school had replaced 20 staff members, but only 10 of those staff members were replaced with new staff that were screened using locally-adopted competencies as part of a school reform effort, consistent with G-1b, the LEA would need to replace an additional 40 staff members to meet the requirements of the turnaround model. In other words, new staff that were screened using locally-adopted competencies and hired within the last two school years as part of a school reform effort, consistent with G-1b, do not count as staff that are “rehired.” Rather, although these new staff members may be retained in the school, they count as “replaced” staff.

G-2. May an SEA award SIG funds to an LEA for a Tier III school that has implemented, in whole or in part, a SIG intervention model within the last two school years so that the LEA and school can continue or complete their implementation of the model?

Yes, SIG funds may be awarded to an LEA for a Tier III school to continue or complete its implementation of a turnaround, restart, or transformation model. However, the fact that a Tier III school would use its SIG funds to continue or complete its implementation of one of these models would not permit an SEA to award SIG funds to an LEA for a Tier III school before the SEA has awarded funds for all of the Tier I and Tier II schools its LEAs seek to serve, and that the SEA determines its LEAs have capacity to serve. In other words, although this is a permissible use of funds in a Tier III school, it does not provide a basis for altering the priority set forth in section II.B.7 of the final requirements.

G-3. For which statutory requirements affecting an LEA’s ability to implement fully and effectively the intervention models described in the final requirements is the Secretary specifically inviting an SEA to seek a waiver?

In order to help an SEA and its LEAs increase their ability to implement the SIG program effectively in eligible schools in order to improve the quality of instruction and raise the academic achievement of students in those schools, the Secretary is specifically inviting an SEA to seek a waiver, with respect to its FY 2014 SIG funds, of the requirement in the General Education Provisions Act (GEPA), section 421(b), 20 U.S.C. § 1225(b), that funds be obligated prior to the end of the fiscal year succeeding the fiscal year for which they were appropriated. A waiver of this provision with respect to FY 2014 funds would allow an SEA to extend the period of availability of those SIG funds so as to make those funds available until September 30, 2020. In approving an SEA’s request for a waiver of this statutory provision, the Department will also grant a waiver of 34 C.F.R. § 76.709(a), the regulatory provision implementing this GEPA requirement. See section I.B.4 of the final requirements.

Additionally, the Secretary is specifically inviting an SEA without ESEA flexibility to seek a waiver of the following Title I requirements (which have already been waived for an SEA that has ESEA flexibility):

- (1) The requirement in section 1116(b)(12) of the ESEA for an LEA to identify a school for improvement, corrective action, or restructuring until the school has made AYP for two consecutive years. A waiver of this provision (school improvement timeline waiver) would allow a Tier I or Tier II Title I participating school implementing a SIG intervention model to “start over” in the school improvement timeline. In approving an SEA’s request for a waiver of this statutory provision, the Department will also grant a waiver of 34 C.F.R. § 200.35(b), the regulatory provision implementing this statutory requirement. See section I.B.2 of the final requirements.
- (2) The requirement in section 1114(a)(1) of the ESEA that a school have a poverty percentage of 40 percent or greater in order to operate a schoolwide program. A waiver of this provision (schoolwide waiver) would allow a Tier I or Tier II Title I participating school with a poverty percentage of less than 40 percent to operate a schoolwide program. In approving an SEA’s request for a waiver of this statutory provision, the Department will also grant a waiver of 34 C.F.R. § 200.25(b)(1)(ii), the regulatory provision implementing this statutory requirement. See section I.B.3 of the final requirements.

School Improvement Timeline Waiver

G-4. What would the new improvement timeline be for a school implementing a school improvement timeline waiver?

A school implementing a school improvement timeline waiver would begin the improvement timeline anew beginning the first year in which the improvement model is being implemented. For example, with respect to SIG grants made with FY 2014 funds for full implementation (or planning, if the LEA applied for and received a planning year) beginning in the 2015–2016 school year, the school would start the improvement timeline over beginning with the 2015–2016 school year. That means the earliest such a school could enter the first year of improvement under section 1116(b) of the ESEA would be the beginning of the 2017–2018 school year (*i.e.*, based on the failure to make AYP based on assessments administered in the 2015–2016 and 2016–2017 school years).

G-4a. Please confirm which schools may implement a waiver to “start over” the accountability timeline if implementing a SIG intervention model.

Under section I.B.2 of the final requirements, the Department invited an SEA to seek a waiver of the school improvement timeline in section 1116(b)(12) for any Title I school in improvement, corrective action, or restructuring that is identified as a Tier I or Tier II school and that implements a SIG intervention model. As a result, if an SEA (or LEA if its SEA does

not apply for a waiver) receives such a waiver, any Tier I or Tier II school that receives both Title I, Part A and SIG funds and is located in the SEA (or LEA) may implement the waiver to “start over” in the school improvement timeline. In seeking a waiver, an SEA (or LEA) also may apply to implement the waiver with regard to a Title I school in improvement, corrective action, or restructuring that is identified in Tier III and is implementing the SIG intervention model with SIG funds. Note that Tier I and Tier II schools that do not receive Title I, Part A funds are not subject to the school improvement timeline in section 1116(b)(12) and therefore do not need the benefit of a waiver.

Waiver to Extend the Period of Availability of SIG Funds

(*Question G-5 has been deleted because it is no longer relevant.)

G-6. May an SEA request a waiver of section 421(b) of GEPA to extend the period of availability of its FY 2014 SIG funds?

Yes, an SEA may request a waiver to extend the period of availability of its FY 2014 SIG funds until September 30, 2020, to allow it to use FY 2014 SIG funds to provide all five years of funding to grantees, including funds for full implementation, planning, and/or sustainability (*i.e.*, “frontloading” grants). By requesting this waiver, an SEA is not bound to use FY 2014 SIG funds to cover implementation through the end of the 2019–2020 school year, but would have the flexibility to do so.

(*Question G-6a has been deleted because it is no longer relevant.)

G-6b. If an SEA does not receive a waiver to extend the period of availability of its FY 2014 SIG funds, must an LEA that receives FY 2014 SIG funds to implement a school intervention model still implement the model for at least three years?

Yes. Under Section II.A.2(e)(1) of the SIG final requirements, as amended in February 2015, an LEA that receives SIG funds to serve a Tier I, Tier II, priority, or focus school must commit to serve that school for a minimum of three years. Accordingly, in an SEA that does not receive a waiver to extend the period of availability of its FY 2014 SIG funds, the second and third years of implementation (plus up to two additional years, if awarded by the SEA) will be funded out of continuation grants made with FY 2015 and FY 2016 SIG funds (and FY 2017 and FY 2018, as applicable), assuming the availability of those funds.

G-6c. In the absence of a waiver, when will the period of availability for FY 2014 SIG funds expire?

In the absence of a waiver, the period of availability for FY 2014 SIG funds expires September 30, 2016. Thus, the funds are available for planning, implementation, or sustainability activities in the 2015–2016 school year.

G-6d. Why might an SEA want to be able to frontload grants made with FY 2014 SIG funds?

Under the requirements for the SIG program that were in place beginning in December 2009, an LEA that received funds for a Tier I or Tier II school was able to receive SIG funds only to support full implementation of an intervention model in that school. Frequently, an LEA received the same amount of SIG funds for each of the three years of full implementation in a school. As a result, it was relatively simple for an SEA to use a continuation grant model to fund an LEA's SIG grant.

The final requirements for the SIG program, as amended in February 2015, however, permit an SEA to award a SIG grant to an LEA for a period of up to five years, including one year of planning, three years of full implementation, and one or two years of sustainability activities. Using a continuation grant model to support the five years of an LEA's SIG grant may now be much more complicated, as the amount of SIG funds an LEA is likely to need for the three different types of activities that can be supported with SIG funds (planning, full implementation, and sustainability) are likely to vary. In particular, an LEA is likely to need significantly more SIG funds to support full implementation than it will for either planning or sustainability. Accordingly, in order to ensure each LEA will receive the amount of SIG funds it needs for each of the five years of its SIG grant, an SEA may wish to use FY 2014 funds to cover all five years, and thereby ensure that it is appropriately allocating SIG funds to each LEA that receives a SIG subgrant.

Cross-Cutting Information on SIG Waivers

G-7. What is the process for an SEA to apply for waivers specifically integral to implementing SIG grants?

The SEA application for SIG funds includes a section for an SEA to indicate which of the waivers specifically integral to implementing school improvement grants it is requesting. All of the waivers discussed above are included in this section. As noted in G-6a, an SEA may request the waiver to extend the period of availability of FY 2014 SIG funds by complying with the requirements in section 9401 of the ESEA, which are described in the Department's Title I, Part A Waiver Guidance (available at: <http://www2.ed.gov/programs/titleiparta/title-i-waiver.doc>) and which are summarized in the FY 2014 SIG application.

G-8. What is the process for an LEA to request approval to implement a SIG-related waiver granted to an SEA?

An LEA may implement the SIG-related waivers granted to its SEA simply by indicating on its application for SIG funds that, if awarded the funds, it would implement the waiver. If an SEA requests and receives one or more waivers, the LEA application the SEA develops must include a section for an LEA to indicate which of these waivers the LEA would implement if awarded SIG funds. That section of the LEA application must require the LEA to indicate the schools for which it will implement the waiver if the LEA does not intend to implement the waiver with respect to each applicable school.

G-9. Prior to applying for one or more of the waivers discussed in the final requirements through the submission of its application for SIG funds, must an SEA comply with the notice-and-comment requirements in section 9401 of the ESEA?

Yes. In particular, the SEA must provide all interested LEAs in the State with notice and a reasonable opportunity to comment on the request (ESEA section 9401(b)(3)(A)(i)). The SEA must submit all comments it receives from those LEAs to the Secretary along with its application for SIG funds (ESEA section 9401(b)(3)(A)(ii)). The SEA must also provide notice and information regarding the waiver request to the public in the manner in which the SEA customarily provides such notice and information to the public (ESEA section 9401(b)(3)(A)(iii)), such as through a public Web site.

G-10. Must an SEA seek any of the waivers discussed in the final requirements?

No. An SEA is never obligated to request a waiver of statutory or regulatory requirements.

G-11. Must a rural LEA implement each element of its selected model?

Under certain circumstances, no. An LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA (rural LEA) may choose to modify one element of the turnaround or transformation model so long as the modification still results in the LEA's meeting the intent and purpose of the original element. For example, if a rural LEA applying to implement a turnaround model seeks to modify the element of the model that requires the LEA to replace the principal, the LEA must demonstrate in its application how it will ensure strong leadership in the school. The LEA could do this by demonstrating to the SEA that the current principal has a track record in improving student achievement and has the experience and skills needed to implement the intervention.

H. LEA REQUIREMENTS

H-1. Which LEAs may apply for a SIG grant?

For SEAs with an approved ESEA flexibility request, an LEA that receives Title I, Part A funds and that has one or more priority or focus schools may apply for a SIG grant. For SEAs that do not have an approved ESEA flexibility request, an LEA that receives Title I, Part A funds and that has one or more Tier I, Tier II, or Tier III schools may apply for a SIG grant. See section II.A.1 of the final requirements. Note that an LEA that is in improvement but that does not have any eligible schools is not eligible to receive SIG funds.

H-2. May an educational service agency apply for a SIG grant on behalf of one or more LEAs?

Only LEAs are eligible to apply to an SEA for a SIG grant. An educational service agency (ESA) may apply for a SIG grant on behalf of one or more LEAs if the ESA is itself an LEA

under the definition in section 9101(26) of the ESEA and each LEA for whom the ESA is applying receives Title I, Part A funds and has at least one eligible school. Moreover, the SEA must have the authority and capability to implement the whole-school intervention models required in the final requirements in Tier I and Tier II schools (or priority and focus schools) in the LEAs for which it applies to serve.

H-3. Must an LEA that wishes to receive FY 2014 SIG funds to support interventions in schools that are not being served with previously awarded SIG funds submit a new application?

Yes. An LEA that wishes to receive FY 2014 SIG funds through the FY 2014 competition to support interventions in schools that are not being served with previously awarded SIG funds must submit a new application. However, an SEA may wish to permit its LEAs that have schools that are implementing SIG intervention models under a current SIG award to apply to receive a fourth or fifth year of funding to support additional years of full implementation or sustainability activities. In that case, the LEA would not need to submit a new application but would be required only to amend its previously approved application. See J-1b for additional information on what must be included in the amended application.

H-4. What must an LEA include in its application to the SEA for SIG funds?

In addition to any other information that the SEA may require, the LEA must:

- (1) Identify the Tier I, Tier II, and Tier III or priority and focus schools the LEA commits to serve;
- (2) Identify the school intervention model the LEA will implement in each Tier I and Tier II or priority and focus school it commits to serve;
- (3) For each Tier I and Tier II and priority and focus school that the LEA commits to serve, demonstrate that the LEA--
 - Has selected an intervention for each eligible school that is designed to meet the specific needs of the school, based on a needs analysis that, among other things, analyzes the school improvement needs identified by families and the community;
 - Has taken into consideration family and community input in selecting the intervention for each school;
 - Has meaningfully engaged and will continue to meaningfully engage families and the community in the implementation of the intervention on an ongoing basis;
 - Will provide effective oversight and support for implementation of interventions in its schools;
 - Has the capacity to enable each school to implement, fully and effectively, the required activities of the school intervention model it has selected.
- (4) If the LEA is not applying to serve each Tier I school (or in an SEA with ESEA flexibility, each priority school), explain why it lacks capacity to serve each Tier I

- school (or each priority school);
- (5) Describe actions it has taken, or will take, to:
- Design and implement interventions consistent with the final requirements;
 - Use SIG funds to provide adequate resources and related support to each school it commits to serve in order to implement fully and effectively the selected intervention on the first day of the first school year of full implementation;
 - Recruit, screen, and select external providers, if applicable, to ensure their quality;
 - Regularly review the external provider's performance and hold the external provider accountable for its performance;
 - Align other resources with the interventions;
 - Modify its practices or policies, if necessary, to enable it to implement the interventions fully and effectively;
 - Provide effective oversight and support for implementation of the selected intervention for each school it proposes to serve, such as by creating an LEA turnaround office;
 - For an LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA that chooses to modify one element of the turnaround or transformation model under the rural flexibility offered in section I.B.6, meet the intent and purpose of that element;
 - For an LEA that applies to implement an evidence-based, whole-school reform model in one or more eligible schools, implement a model with evidence of effectiveness that includes a sample population or setting similar to the population or setting of the school to be served and partner with a whole-school reform model developer;
 - For an LEA that applies to implement the restart model, conduct a rigorous review process in selecting the charter school operator, CMO, or EMO to operate or manage the school or schools it proposes to serve with SIG funds;
 - Sustain the reforms after the funding period ends; and
 - Implement, to the extent practicable, in accordance with its selected SIG intervention model, one or more evidence-based strategies.
- (6) Include a timeline delineating the steps it will take to implement the selected intervention in each school identified in the LEA's application;
- (7) Include a budget indicating how it will allocate SIG funds among the schools it commits to serve;
- (8) For an LEA that intends to use the first year of its SIG award for planning and other pre-implementation activities, include a description of those activities.
- (9) Describe the annual goals for student achievement on the State's assessments in both reading/language arts and mathematics that it has established in order to monitor its Tier I and Tier II schools (or priority and focus schools) that receive SIG funds;

- (10) For each Tier III school the LEA commits to serve, identify the services the school will receive or the activities the school will implement;
- (11) Describe the goals the LEA has established to hold accountable the Tier III schools it serves with SIG funds;
- (12) Include the required assurances; and
- (13) Indicate any waivers that the LEA will implement with respect to its SIG funds.

See generally sections II.A.2-II.A.8 of the final requirements.

Note that, even in a State that does not request a waiver to extend the period of availability of its FY 2014 SIG funds, the timeline delineating the steps the LEA will take to implement the selected intervention ((6) above), the required annual goals ((9) and (11) above), and the budget ((7) above) should cover all of the years over which the LEA will receive SIG funding.

H-4a. Should families and other members of the community be included among the relevant stakeholders with whom an LEA consults regarding its application for SIG funds and implementation of school improvement models in its eligible schools?

Yes. Family and community engagement is a critical component of a successful intervention in an eligible school. For that reason, an SEA is required, under sections I.A.4(a)(1), I.A.4(a)(8), and II.B.2(b)(2), to take into account the extent to which the LEA's application demonstrates that it has or will meaningfully engage families and the community in the selection of the intervention model and the implementation of the selected intervention on an ongoing basis. For example, an LEA might hold community meetings to discuss the school intervention model it is considering implementing and the reasons it believes that the model is appropriate; survey families and the community to gauge their needs; or provide updates to families and the community about the application process and status of the LEA's application.

Given the importance of family and community engagement to the success of an intervention, the open dialogue and engagement with these stakeholders should not end when an LEA's application is approved, but should continue through the planning and pre-implementation stage and throughout the implementation of the intervention model.

H-5. Must an LEA identify every Tier I, Tier II, and Tier III school located within the LEA in its application for SIG funds?

No, an LEA need not identify every Tier I, Tier II, and Tier III school located within the LEA in its application; the LEA need only identify the Tier I, Tier II, and Tier III schools that it commits to serve with SIG funds.

H-5a. Must an LEA identify every priority and focus school located within the LEA in its application for SIG funds?

No, an LEA need not identify every priority and focus school located within the LEA in its application; the LEA need only identify the priority and focus schools that it commits to serve with SIG funds.

H-6. Must an LEA commit to serve every Tier I (or priority school) located within the LEA?

An LEA that applies for a SIG grant must serve each of its Tier I schools—including both Tier I schools that are among the State’s persistently lowest-achieving schools and Tier I schools that are newly eligible to receive SIG funds that the SEA has identified as Tier I schools—or, in an SEA with ESEA flexibility, each of its priority schools using one of the intervention models unless the LEA demonstrates that it lacks sufficient capacity to do so. See section II.A.4 of the final requirements.

H-7. How might an LEA demonstrate that it lacks sufficient capacity to serve one or more of its Tier I or priority schools?

An LEA might demonstrate that it lacks sufficient capacity to serve one or more of its Tier I or priority schools by documenting efforts such as its unsuccessful attempts to recruit a sufficient number of new principals to implement the turnaround or transformation model; the unavailability of CMOs or EMOs willing to restart schools in the LEA; or its intent to serve Tier II schools instead of all its Tier I schools (see H-9). In addition, for an LEA in a State with ESEA flexibility, the LEA may also demonstrate that it lacks sufficient capacity to serve one or more of its priority schools by demonstrating that it is already implementing a SIG intervention model or an intervention aligned with all of the ESEA flexibility turnaround principles in that school using funds other than SIG funds.

An LEA may not demonstrate that it lacks capacity to serve one or more of its Tier I schools based on its intent to serve Tier III schools or the fact that it is currently serving Tier III schools. Nor may an LEA demonstrate that it lacks capacity to serve one or more priority schools based on its intent to serve focus schools or the fact that it is currently serving focus schools.

H-8. Is an LEA obligated to serve its Tier II schools?

No. Each LEA retains the discretion to determine whether it will serve any or all of its Tier II schools. Moreover, although an LEA must serve all of its Tier I schools unless it lacks sufficient capacity to do so, an LEA has the choice to serve only a portion of its Tier II schools.

H-9. May an LEA take into account whether it will serve one or more of its Tier II schools in determining its capacity to serve its Tier I schools?

Yes. An LEA must serve all of its Tier I schools if it has the capacity to do so. However, an

LEA may take into consideration, in determining its capacity, whether it also plans to serve one or more Tier II schools. In other words, an LEA with capacity to serve only a portion of its Tier I and Tier II schools may serve some of each set of schools; it does not necessarily have to expend its capacity to serve all of its Tier I schools before serving any Tier II schools. See section II.A.4 of the final requirements.

H-10. May an LEA commit to serving only its Tier II schools?

Yes. Even an LEA that has one or more Tier I schools may commit to serving only its Tier II schools. In particular, an LEA that has one or more Tier I schools may commit to serving only its Tier II schools if serving those schools will result in a lack of capacity to serve any Tier I schools (see H-9).

H-11. May an LEA commit to serving only its Tier III schools?

Only an LEA that has no Tier I schools may commit to serving only Tier III schools. See section II.A.6 of the final requirements. This means that an LEA that has Tier II schools, but no Tier I schools, may commit to serve only its Tier III schools. Note, however, that in awarding SIG funds, an SEA must give priority to an LEA that commits to serve Tier I or Tier II schools over an LEA that commits to serve only Tier III schools (see I-7).

H-11a. May an LEA commit to serving only its focus schools?

Only an LEA that has no priority schools may commit to serving only its focus schools. See section II.A.7 of the final requirements. This means that an LEA that has focus schools, but no priority schools, may commit to serve only its focus schools. Note, however, that in awarding SIG funds, an SEA must give priority to an LEA that commits to serve priority schools over an LEA that commits to serve only focus schools.

H-12. May an LEA commit to serving only a portion of its Tier III schools or focus schools?

Yes. Just as an LEA has discretion with respect to whether it will serve any Tier II schools and, if so, which ones, an LEA retains discretion with respect to whether it will serve its Tier III schools or focus schools and, if so, whether it will serve all, only a portion, or any of those schools. Although the final requirements do not impose any restrictions with respect to which Tier III or focus schools an LEA may choose to serve, an SEA may impose requirements that distinguish among Tier III and focus schools (see I-11). An LEA should review its SEA's requirements carefully before determining which, if any, Tier III or focus schools it will commit to serve in its application.

H-12a. May an LEA continue to serve as a Tier III school a school that was previously identified as a Tier III school and is currently being served with SIG funds but is identified as a Tier I or Tier II school for the next SIG competition?

In general, no; if it is to be served, the school must be served as a Tier I or Tier II school and

must implement one of the SIG intervention models. If a school that was previously identified as a Tier III school and is currently being served with SIG funds is identified as a Tier I or Tier II school for purposes of the next competition for SIG funds, that school may not continue to receive SIG funds as a Tier III school beyond the current school year. (See section II.A.4(b) of the SIG final requirements, providing that an LEA “may not serve with [SIG] funds ... a Tier I or Tier II school in which it does not implement one of the interventions”) If the LEA in which such a school is located wishes to continue receiving SIG funds for that school, it must apply for SIG funds through the next competition to serve the school as a Tier I or Tier II school, as appropriate. The exception to this rule is that a Tier III school that is using SIG funds to implement one of the school intervention models may continue to receive SIG funds over the full five years of its grant to support that implementation.

(*Question H-12b has been deleted because it is no longer relevant.)

H-13. How do the requirements and limitations described in H-6 through H-12a work together to guide an LEA’s determination of which schools it must commit to serve with SIG funds?

The following chart summarizes how the requirements and limitations described in H-6 through H-12a work together to guide an LEA’s determination of which schools it must commit to serve with SIG funds if it wishes to receive SIG funds:

For States without ESEA Flexibility:

If an LEA has one or more . . .	In order to get SIG funds, the LEA <u>must</u> commit to serve . . .
Tier I, Tier II, and Tier III schools	Each Tier I school it has capacity to serve; at a minimum, at least one Tier I school <i>OR</i> at least one Tier II school.* An LEA in which one or more Tier I schools are located, and that does not apply to serve all of these schools, may not apply for a grant to serve one or more Tier III schools.

¹ The number of Tier I schools an LEA has capacity to serve may be zero if, and only if, the LEA is using all of the capacity it would otherwise use to serve its Tier I schools in order to serve Tier II schools.

Tier I and Tier II schools, but no Tier III schools	Each Tier I school it has capacity to serve; at a minimum, at least one Tier I school <i>OR</i> at least one Tier II school ¹
Tier I and III schools, but no Tier II schools	Each Tier I school it has capacity to serve; at a minimum, at least one Tier I school. An LEA in which one or more Tier I schools are located, and that does not apply to serve all of these schools, may not apply for a grant to serve one or more Tier III schools.
Tier II and Tier III schools, but no Tier I schools	The LEA has the option to commit to serve as many Tier II and Tier III schools as it wishes
Tier I schools only	Each Tier I school it has capacity to serve
Tier II schools only	The LEA has the option to commit to serve as many Tier II schools as it wishes
Tier III schools only	The LEA has the option to commit to serve as many Tier III schools as it wishes

For States with ESEA Flexibility:

If an LEA has one or more . . .	In order to get SIG funds, the LEA must commit to serve . . .
Priority schools only	Each priority school it has the capacity to serve
Focus schools only	The LEA has the option to commit to serve as many focus schools as it wishes

Priority schools and focus schools	Each priority school it has capacity to serve; at a minimum, at least one priority school. An LEA in which one or more priority schools are located and that does not apply to serve all of these schools may not apply for a grant to serve one or more focus schools.
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H-14. If an LEA wishes to serve a Tier III school, must it provide SIG funds directly to the school?

No. An LEA may “serve” a Tier III school by providing services that provide a direct benefit to the school. Accordingly, a Tier III school that an LEA commits to serve must receive some tangible benefit from the LEA’s use of SIG funds, the value of which can be determined by the LEA, but the school need not actually receive SIG funds. For example, an LEA might use a portion of its SIG funds at the district level to hire an outside expert to help Tier III schools examine their achievement data and determine what school improvement activities to provide based on that data analysis. Similarly, an LEA might provide professional development at the district level to all or a subset of its Tier III schools.

H-15. Are there any particular school improvement strategies that an LEA must implement in its Tier III schools?

No. An LEA has flexibility to choose the strategies it will implement in the Tier III schools it commits to serve. Of course, the strategies the LEA selects should be research-based and designed to address the particular needs of the Tier III schools.

H-16. May an LEA use SIG funds to continue to implement school improvement strategies that do not meet the requirements of one of the intervention models but that have helped improve achievement in the LEA?

Yes. An LEA may use SIG funds for these activities in Tier III schools or may add them to the school intervention models in eligible schools implementing SIG intervention models with SIG funds, to the extent they are consistent with the requirements of those models. The LEA may also use other sources of funds, such as school improvement funds it receives under section 1003(a) of the ESEA or under Title I, Part A, for these other strategies.

H-17. May an LEA implement several of the school intervention models among the eligible schools it commits to serve?

Generally, yes. An LEA may use whatever mix of school intervention models it determines is appropriate.

H-18. How can an LEA demonstrate that it has the capacity to use SIG funds to provide adequate resources and related support to each eligible school it commits to serve in order to implement fully and effectively one of the school intervention models?

An LEA can demonstrate that it has the capacity to use SIG funds to provide adequate resources and related support to each eligible school it commits to serve by addressing a number of matters. For example, the LEA might emphasize the credentials of staff who have the capability to implement one of the school intervention models. The LEA might also indicate its ability to recruit new principals to implement the turnaround, transformation, and early learning models or the availability of CMOs and EMOs it could enlist to implement the restart model. The LEA might also indicate the support of its teachers' union with respect to the staffing and teacher evaluation requirements in the turnaround, transformation, and early learning models, the commitment of its school board to eliminate any barriers and to facilitate full and effective implementation of the models, and the support of staff and parents in schools to be served. In addition, the LEA should indicate through the timeline required in its application that it has the ability to begin implementing the school intervention model it selects fully and effectively by the beginning of the first school year of full implementation.

H-19. How can an LEA use “external providers” to turn around its lowest-achieving schools?

The most specific way an LEA can use “external providers” is to contract with a charter school operator, a CMO, or an EMO to implement the restart model in an eligible school. The LEA might also contract with a turnaround organization to assist it in implementing the turnaround model. The LEA might also use external providers to provide technical expertise in implementing a variety of components of the school intervention models, such as helping a school evaluate its data and determine what changes are needed based on those data; providing job-embedded professional development; designing an equitable teacher and principal evaluation and support system that relies on student achievement; and creating safe school environments that meet students' social, emotional, and health needs.

H-19a. How should an LEA select external providers to assist it in turning around its persistently lowest-achieving schools?

As discussed above in Section C of the guidance (see, in particular, C-5), if an LEA wishes to contract with a charter school operator, a CMO, or an EMO to implement the restart model, it must select that charter school operator, CMO, or EMO through a “rigorous review process.” All other external providers must also be screened for their quality. (See section I.A.4(a)(4) of the final requirements, providing that, in its application for SIG funds, an LEA must describe, among other things, the actions it has taken, or will take, to recruit, screen, and select external providers to ensure their quality, and regularly review and hold accountable such providers for their performance.) The purpose of such screening is similar to the purpose of the “rigorous review process,” in that both processes permit an LEA to examine a

prospective provider's reform plans and strategies. Screening external providers helps an LEA ensure that the provider with which it contracts has a meaningful plan for contributing to the reform efforts in the targeted school. An effective screening process includes requiring a potential external provider to demonstrate its competencies through interviews and documentation, and may include other evidence as well. In screening a potential external provider, an LEA should, for example, require the provider to demonstrate that its strategies are research-based or that it has the capacity to implement the strategies it is proposing. The Department strongly encourages an LEA to also ask the provider to include evidence of its success with other LEAs and schools with similar student populations.

In conducting its rigorous review process or in screening external providers, an LEA should be as specific as possible in its Requests for Proposal (RFP) or other document made available to potential providers regarding its expectations for how the provider will perform and be held accountable. Once a provider is selected, the LEA should continue to make those expectations clear by including specific provisions in the signed memorandum of understanding (MOU), contract, or other agreement to hold the provider accountable for achieving the LEA's desired outcomes. The Department requires an LEA to make these expectations clear by establishing measures against which the performance of the external provider will be assessed and developing, together with the selected provider, targets for these measures. Meaningful measures will address the progress of the provider in meeting specific contractual obligations as well as the provider's general contribution to the effort to reform the targeted school. For example, the measures for a restart model school operator could examine such factors as the school's academic achievement, student attendance, and parent and community engagement. The MOU, contract, or other agreement might also include a provision that would relieve the external provider of its duties should it not meet the performance targets, which would be reviewed on a yearly or more frequent basis.

In the case of an LEA that is partnering with a charter school operator or CMO to convert a school to a charter school under the restart model, the LEA should ensure that its MOU, contract, or other agreement with the provider is consistent with the terms and conditions of the performance contract between the charter school and its authorizer if the authorizer is an agency other than the LEA.

Beyond screening external providers prior to selection and including clear expectations in the provider's contract, an LEA must review the performance of external providers regularly throughout the contract period to ensure that they are on track to meet the LEA's expectations. For example, the LEA might request that the external provider prepare monthly or quarterly reports or briefings for the LEA that detail the provider's activities during that period or its progress toward achieving the outcomes for which it was hired (or its progress on the performance measures). The LEA might also conduct interim or formative assessments throughout the contract period to inform contract renewal decisions. The Department requires an LEA to specify the type of ongoing review process it intends to use within the MOU, contract, or other agreement.

H-20. What are examples of “other resources” an LEA might align with the interventions it commits to implement using SIG funds?

An LEA might use a number of other resources, in addition to its SIG funds, to implement the school intervention models in the final requirements. For example, an LEA might use school improvement funds it receives under section 1003(a) of the ESEA. The LEA might also use its general Title I, Part A funds as well as funds it receives under other ESEA authorities, such as Title II, Part A, which it could use for recruiting high-quality teachers, or Title III, Part A, which it could use to improve the English proficiency of ELs.

(*Questions H-21, H-21a, and H-21b have been deleted because they are no longer relevant.)

H-22. If an LEA lacks capacity to implement any of the SIG intervention models in all of its Tier I or priority schools, may it apply for SIG funds to provide other services to some of its Tier I or priority schools?

No. The only services an LEA may provide to a Tier I or a priority school using SIG funds are services entailed in the implementation of one of the intervention models described in the final requirements (*i.e.*, turnaround model, restart model, school closure, transformation model, evidence-based, whole-school reform model, early learning model, and (in a State where one is approved, State-determined model). If an LEA lacks capacity to implement one of those models in some or all of its Tier I or priority schools, the LEA may not use any SIG funds in those schools. See section II.A.4 of the final requirements.

H-23. May an LEA use SIG funds to serve a school that feeds into an eligible school?

No. Only a school that is a Tier I, Tier II, or Tier III school or, in an SEA with ESEA flexibility, a priority or focus school, may be served with SIG funds. See section II.A.1 of the final requirements.

H-24. What criteria must an LEA use to monitor each Tier I, Tier II, priority, and focus school that receives SIG funds?

An LEA must monitor each Tier I, Tier II, priority and focus school that receives SIG funds to determine whether the school:

- (1) Is meeting annual goals established by the LEA for student achievement on the State’s ESEA assessments in both reading/language arts and mathematics; and
- (2) Is making progress on the leading indicators described in the final requirements.

See section II.A.8(a) of the final requirements.

H-25. What are examples of the annual goals for student achievement that an LEA must establish for its Tier I, Tier II, priority, and focus schools?

An LEA must establish annual goals for student achievement on the State's ESEA assessments in both reading/language arts and mathematics that it will use to monitor each Tier I, Tier II, priority, and focus school that receives SIG funds. See section II.A.8 of the final requirements. Annual goals that an LEA could set might include making at least one year's progress in reading/language arts and mathematics or reducing the percentage of students who are non-proficient on the State's reading/language arts and mathematics assessments by 10 percent or more from the prior year.

Note that the determination of whether a school meets the goals for student achievement established by the LEA is in addition to the determination of whether the school makes AYP as required by section 1111(b)(2) of the ESEA or makes the AMOs established for the school under ESEA flexibility, as applicable. In other words, each LEA receiving SIG funds must monitor the schools it is serving to determine whether they have met the LEA's annual goals for student achievement and must also comply with its obligations for making accountability determinations under section 1111(b)(2) of the ESEA or the SEA's ESEA flexibility request, as applicable.

Further, note that the LEA should establish annual goals to cover all five years of implementation of the school intervention model, even if some years will be funded out of continuation grants.

H-26. What are examples of the goals an LEA must establish to hold accountable the Tier III schools it serves with SIG funds?

An LEA must establish, and the SEA must approve, goals to hold accountable the Tier III schools it serves with SIG funds (see section II.C(1) of the final requirements), although the LEA has discretion in establishing those goals. For example, the LEA might establish for its Tier III schools the same student achievement goals that it establishes for its Tier I and Tier II schools, or it might establish for its Tier III schools goals that align with the already existing AYP requirements, such as meeting the State's annual measurable objectives or making AYP through safe harbor. Note that the goals that the LEA establishes must be approved by the SEA.

H-27. What are the leading indicators that will be used to hold schools receiving SIG funds accountable?

The following metrics constitute the leading indicators for the SIG program:

- (1) Number of minutes within the school year;
- (2) Student participation rate on State assessments in reading/language arts and in mathematics, by student subgroup;
- (3) Dropout rate;

- (4) Student attendance rate;
- (5) Number and percentage of students completing advanced coursework (e.g., AP/IB), early-college high schools, or dual enrollment classes;
- (6) Discipline incidents;
- (7) Chronic absenteeism rates;
- (8) Distribution of teachers by performance level on an LEA's teacher evaluation and support system; and
- (9) Teacher attendance rate.

See section III.A of the final requirements.

H-28. Is there a limit on the amount of SIG funds an LEA may carry over?

No. The provision in section 1127(a) of the ESEA that limits the amount of Title I, Part A funds an LEA may carry over to the subsequent fiscal year does not apply to SIG funds.

H-29. May an LEA use SIG funds to pay for the costs of minor remodeling necessary to the implementation of a school intervention model?

Yes, an LEA may use SIG funds to pay for the costs of minor remodeling if the costs are directly attributable to the implementation of a school intervention model and are reasonable and necessary.

The overall goal of the SIG program is to improve student academic achievement in the State's lowest-achieving schools through the implementation of one of the SIG school intervention models. If an LEA determines, with an eye toward the ultimate goal of improving student achievement, that, for example, the use of new technology is essential for the full and effective implementation of one of the models, it may deem the costs associated with that new technology a reasonable and necessary use of SIG funds. For example, if an LEA chooses to accelerate learning by implementing Web-based interim assessments and aligned on-line instructional materials for students and that implementation requires computers placed in classrooms rather than in a computer lab and wireless connectivity, it may use SIG funds to carry out minor remodeling needed to accommodate the computers in the classrooms and the wireless connectivity. Similarly, if an LEA determines, again with an eye toward the ultimate goal of improving student achievement, that minor remodeling is necessary due to the addition of a preschool program, for example, SIG funds may be used to make minor alterations to bathroom facilities to accommodate small children.

Please note that, under 34 C.F.R. § 77.1(c), "minor remodeling" means "minor alterations in a previously completed building," and also includes the "extension of utility lines, such as water and electricity, from points beyond the confines of the space in which the minor remodeling is undertaken but within the confines of the previously completed building." "Minor remodeling" specifically "does *not* include building construction, structural alterations to buildings, building maintenance, or repairs." (34 C.F.R. § 77.1(c) (emphasis added).)

Any costs for minor remodeling that an LEA wishes to support with SIG funds must be included in the LEA's proposed SIG budget and reviewed and approved by the SEA. In addition, the LEA must keep records to demonstrate that such costs are directly attributable to its implementation of a school intervention model as well as reasonable and necessary.

I. SEA REQUIREMENTS

I-1. What must an SEA do to receive a SIG grant?

To receive a SIG grant, an SEA must submit an application to the Department at such time, and containing such information, as the Secretary shall reasonably require.

The SEA's application must also provide the criteria it will use to evaluate an LEA's application (see I-2), as well as certain assurances related to its SIG grant. See generally section II.B.1 of the final requirements and the FY 2014 SIG State application.

I-2. Before approving an LEA's application, what factors must an SEA consider to determine whether the application meets the final requirements?

An SEA must have criteria to evaluate the following information in an LEA's application (see section II.B.2(b) of the final requirements):

- (1) Whether the LEA has agreed to implement one of the interventions identified in section I.A.2 of the final requirements in each Tier I and Tier II school or, for an SEA with an approved ESEA flexibility request, each priority and focus school included in its application;
- (2) The extent to which the LEA's application demonstrates the LEA's strong commitment to use SIG funds to implement the selected intervention by addressing the factors in section I.A.4 of the final requirements;
- (3) Whether the LEA has the capacity to implement the selected intervention fully and effectively in each school identified in its application; and
- (4) Whether the LEA has submitted a budget that includes sufficient funds to implement the selected intervention fully and effectively in each school it identifies in its application.

The SEA must also evaluate the actions an LEA has taken, or will take, to do the following (see section II.A.2(c) of the final requirements):

- (1) In selecting the intervention for each eligible school, ensure that the selected intervention is designed to meet the specific needs of the school, based on a needs analysis that, among other things, analyzes the needs identified by families and

- the community, and take into consideration family and community input;
- (2) Design and implement interventions consistent with the final requirements;
 - (3) Use the SIG funds to provide adequate resources and related support to each school it commits to serve in order to implement fully and effectively the selected intervention on the first day of the first school year of full implementation;
 - (4) Recruit, screen, and select external providers, if applicable, to ensure their quality, and regularly review and hold accountable such providers for their performance;
 - (5) Align other resources with the selected intervention;
 - (6) Modify its practices or policies, if necessary, to enable it to implement the selected intervention fully and effectively;
 - (7) Provide effective oversight and support for implementation of the selected intervention for each school it proposes to serve, such as by creating an LEA turnaround office;
 - (8) Meaningfully engage families and the community in the implementation of the selected intervention on an ongoing basis;
 - (9) For an LEA eligible for services under subpart 1 or 2 of part B of title VI of the ESEA that chooses to modify one element of the turnaround or transformation model under the rural flexibility offered in section I.B.6 of the final requirements, meet the intent and purpose of that element;
 - (10) For an LEA that applies to implement an evidence-based, whole-school reform model in one or more eligible schools, implement a model with evidence of effectiveness that includes a sample population or setting similar to the population or setting of the school to be served, and partner with a whole-school reform model developer, as defined in the final requirements;
 - (11) For an LEA that applies to implement the restart model in one or more eligible schools, conduct a rigorous review process, as described in section I.A.2(b) of the final requirements, of the charter school operator, CMO, or EMO that it has selected to operate or manage the school or schools;
 - (12) Sustain the reforms after the funding period ends; and
 - (13) Implement, to the extent practicable, in accordance with its selected SIG intervention model, one or more evidence-based strategies.

I-3. In completing its application for SIG funds, must an SEA check the boxes that appear on the application next to each of the required assurances in order to make those assurances? Must it check the boxes next to the requirements for which a waiver may be sought if it wants to receive waivers of those requirements?

Yes. The application for SIG funds has been updated to enable an SEA to complete it electronically. In order for the Department to determine whether an SEA has made a particular assurance or is requesting a particular waiver, the SEA must “check” the box that appears next to each assurance and next to each waiver that it is requesting.

I-4. May an SEA require an LEA to implement a particular intervention in one or more of its eligible schools?

No. An SEA may not require an LEA to implement a particular intervention in one or more of its eligible schools unless the SEA has taken over the school (or the LEA) in accordance with State law. See section II.B.3 of the final requirements. As discussed in I-9, an SEA may, however, prioritize certain interventions over others in deciding which applications it will fund.

I-4a. May an SEA impose additional requirements for the implementation of the SIG program beyond those set forth in the final requirements?

The final requirements for the SIG program vest an LEA with the authority to select the appropriate school intervention model and to determine how best to meet the requirements for that model in each of the schools it commits to serve. A key principle of the SIG program is that these decisions will be made based on an LEA's careful analysis of local needs and capacity.

However, an SEA may issue rules, regulations, and policies to support the implementation of the SIG program so long as those rules, regulations, and policies conform to the purposes of Title I and are consistent with the Title I requirements. (ESEA section 1903.) An SEA that wishes to impose additional requirements for the SIG program must have authority under State law to do so; the final requirements for the SIG program do not authorize an SEA to take action that it is not otherwise permitted to take. Additionally, in accordance with section 1903(a)(1)(D) and 1903(b) of the ESEA, any additional requirements imposed by an SEA must be reviewed by the State's Committee of Practitioners and must be identified by the SEA as State-imposed requirements.

If an SEA chooses to impose additional requirements, any such requirements should be thoughtfully designed to support its schools' effective implementation of the SIG program in order to improve outcomes for students. Thus, requirements should be flexible enough to permit adaptation to meet local needs and circumstances. These additional requirements should be part of a coherent SEA strategy to turn around its persistently lowest-achieving schools.

An SEA may not, however, issue rules, regulations, or policies that would be inconsistent with the final requirements for SIG. For example, an SEA could not require an LEA implementing the school closure model to enroll students who attended the closed school in the closest school unless that school also was a higher-achieving school, consistent with the requirement that students from the closed school be enrolled in higher-achieving schools.

I-5. Must an SEA take into account the extent to which an LEA conducts a needs assessment in determining which intervention will best address the needs of the Tier I, Tier II, priority, and focus schools it commits to serve?

Yes. An SEA must take into account the extent to which an LEA (1) includes a demonstration in its application that the intervention selected for each eligible school is

designed to meet the specific needs of the school, based on a needs analysis that, among other things, analyzes the school improvement needs identified by families and the community, and (2) takes into consideration family and community input in selecting the intervention for each school.

I-6. What information related to the SIG program must an SEA post on its Web site?

An SEA must post on its Web site, within 30 days of awarding SIG grants to LEAs and within 30 days of approving any amendments to LEA applications, all approved LEA applications (including applications to serve Tier I, Tier II, Tier III, priority, and focus schools and approved amendments) as well as a summary of those grants that includes the following information:

- (1) Amount of each LEA's grant.
- (2) Name and National Center for Education Statistics (NCES) identification number of each school to be served.
- (3) Type of intervention to be implemented in each Tier I, Tier II, priority, and focus school.

See section II.B.6 of the final requirements.

I-7. How must an SEA prioritize among LEAs seeking SIG funds?

If an SEA does not have sufficient SIG funds to support fully and effectively each school for which its LEAs have applied throughout the period of availability, an SEA must give priority to LEAs seeking to fund Tier I or Tier II schools or, in an SEA with ESEA flexibility, priority schools. See section II.B.7 of the final requirements. This priority applies irrespective of whether the Tier I or Tier II schools an LEA applies to serve are among the State's persistently lowest-achieving schools or whether they are newly eligible schools identified as Tier I or Tier II schools at the State's option.

I-8. May an SEA award an LEA funds to serve its Tier III schools before it awards funds to serve all of the Tier I and Tier II schools that its LEAs commit to serve and that its LEAs have capacity to serve?

No. An SEA may not award SIG funds to an LEA for any Tier III schools unless and until the SEA has awarded funds to support the full and effective implementation of one of the school intervention models throughout the period of availability in each Tier I and Tier II school its LEAs commit to serve and that the SEA determines its LEAs have capacity to serve. In other words, only if an SEA has awarded funds to serve each Tier I and Tier II school that its LEAs commit to serve, and that the SEA determines its LEAs have the capacity to serve, may the SEA award funds to its LEAs to serve any Tier III schools. See section II.B.7 of the final requirements.

I-8a. May an SEA award an LEA funds to serve its focus schools before it awards funds to serve all of the priority schools that its LEAs commit to serve and that its LEAs have capacity to serve?

No. An SEA may not award SIG funds to an LEA for any focus schools unless and until the SEA has awarded funds to support the full and effective implementation of one of the school intervention models throughout the period of availability in each priority school its LEAs commit to serve and that the SEA determines its LEAs have capacity to serve. In other words, only if an SEA has awarded funds to serve each priority school that its LEAs commit to serve, and that the SEA determines its LEAs have the capacity to serve, may the SEA award funds to its LEAs to serve any focus schools. See section II.B.7 of the final requirements.

I-9. If an SEA does not have sufficient SIG funds to allocate funds for every Tier I and Tier II school (or, in an SEA with ESEA flexibility, every priority school) that its LEAs seek to serve, and that the SEA determines its LEAs have capacity to serve, what factors might an SEA use to determine the schools for which it will award funds to its LEAs?

An SEA that does not have sufficient SIG funds to allocate funds for every Tier I and Tier II school, or priority school, its LEAs commit to serve, and that the SEA determines its LEAs have capacity to serve, might use any one or more of a number of factors to determine the schools for which it will award funds. For example, an SEA might give priority to awarding funds to LEAs to serve Title I participating schools or other high-poverty schools. The SEA might also determine the schools for which it will award funds based on such factors as the interventions an LEA is implementing in those schools, where the schools fall in the rank ordering of schools in terms of achievement, or other factors the SEA deems appropriate. The SEA may also take into account the geographic distribution of schools to ensure that schools throughout the State are served, as well as the extent to which an LEA applying for a SIG award demonstrates that it will implement one or more evidence-based strategies.

I-9a. May an SEA use the number of students in a school as a priority factor for awarding SIG funds?

An SEA may not use the number of students in a school to prioritize between tiers (e.g., Tier III over Tier I or Tier II schools). The SEA may, however, give priority within a tier to schools based on school size.

I-10. May an SEA award an LEA a lesser amount of SIG funds than the LEA requests in its application?

Yes. An SEA's decision to award SIG funds to a particular LEA does not obligate the SEA to award the LEA all of the funds it requested. An SEA's decision to award fewer SIG funds than the LEA requested could come about in two different ways: (1) the SEA could decide to award fewer funds than the LEA requested for each school the LEA commits to serve; or (2)

the SEA could decide to award funds for only some of the schools the LEA commits to serve. For example, consistent with the priority established in the final requirements, an SEA could approve an LEA's application with respect to all of its priority schools, but only a portion (or none) of its focus schools. An SEA might also decide to award fewer funds than the LEA requested if the SEA determines, for example, that the LEA has not properly analyzed the needs of its schools or identified appropriate services for the schools.

I-10a. What is the maximum amount of SIG funds that an SEA may award to an LEA for an individual school implementing a SIG intervention model?

The maximum per-school SIG award is capped at \$2 million annually.

I-10b. May an SEA reduce the amount it allocates each year over a five-year period to an LEA for its eligible schools to ensure sustainability after the funding runs out?

Yes, an SEA may award declining amounts of funding for implementation of a school intervention model over the five-year grant period as part of a strategy to encourage sustainability of the model following the end of Federal support. However, an SEA must award SIG funds in a manner that provides an LEA with the amount needed to support full and effective implementation of the selected intervention model throughout the years in which the LEA is fully implementing an intervention model (a minimum of three years).

An SEA may also reduce the amount it allocates each year to a particular LEA, even if the subsequent years of the LEA's grant are funded through continuation grants.

I-11. What are examples of additional criteria an SEA may use to differentiate among Tier III schools when setting priorities among LEA applications for funding?

An SEA might consider establishing criteria to target Tier III schools that are in the lowest-achieving sixth to tenth percentile in the State, to reward a Tier III school that would have been a Tier I school but has made progress over several years, or to focus on clusters of Tier III elementary schools that are feeder schools into Tier I and Tier II secondary schools. Note that these are only examples of criteria that an SEA might consider; an SEA should determine the criteria that work best for the State based on its unique needs.

I-12. May an SEA take over an LEA or specific schools?

An SEA may, consistent with State law, take over an LEA or specific schools in order to implement the interventions in the final requirements. See section II.B.3 of the final requirements.

I-13. What SIG funds may an SEA use to implement a school intervention model in a school it has taken over?

If an SEA has authority under State law to take over a school, the SEA may retain the SIG

funds that it would otherwise have allocated to an LEA for the school and use those funds to implement a school intervention model in the school.

I-14. May an SEA work directly with entities such as charter school operators to implement a SIG model in a Tier I, Tier II, priority, or focus school?

Yes. As authorized in section 1003(g)(7) of the ESEA, with the approval of the LEAs that would otherwise receive a SIG grant, an SEA may provide school improvement services directly or arrange for their provision through other entities such as school support teams, educational service agencies, charter school operators, or CMOs. This option may be particularly useful if an LEA lacks the capacity to implement any of the intervention models itself in its Tier I, Tier II, priority, or focus schools. An SEA may be better equipped than some LEAs, for example, to enter into a contract with an external provider or charter school operator to implement the restart model. Of course, the SEA must have the authority and capability, either directly or through an arrangement with an external provider, to implement one of the school intervention models in each Tier I, Tier II, priority, or focus school in which it provides services directly. That is, the SEA must be able, for example, to govern the school, employ and evaluate staff, implement the instructional program, provide increased learning time, etc.

If the SEA intends to provide services directly to any schools, the SEA must identify those schools in its SIG application to the Department and, for Tier I, Tier II, priority, or focus schools, indicate the school intervention model the SEA will implement in each school, and provide evidence of the LEA's approval to have the SEA provide the services directly. For example, an SEA might indicate that, through an agreement with a charter school operator, it will implement a restart model in one or more priority schools in an LEA that has agreed to allow the SEA to work directly with the charter school operator in this manner. If, at the time an SEA submits its application, it has not yet determined whether it will provide services directly to any schools, it may omit this information from its application. However, if the SEA later decides that it will provide such services, it must amend its application to provide the required information.

I-15. If a Tier I, Tier II, priority, or focus school meets the annual student achievement goals established by the LEA, must the SEA renew the LEA's SIG award with respect to that school?

Yes. In accordance with section II.C.1 of the final requirements, the SEA must renew an LEA's SIG grant with respect to the Tier I, Tier II, priority, and focus schools that meet annual student achievement goals.

However, this requirement does not diminish an SEA's general authority under the Education Department General Administrative Regulations (EDGAR) to take enforcement action with respect to an LEA that is not complying with the terms of its grant. In particular, if an SEA determines that an LEA is not complying with the terms of its SIG grant including, but not

limited to, failure to account properly for funds, using SIG funds to support unallowable activities, or not carrying out all required elements of the selected intervention model, the SEA may take any one or more of the enforcement actions set forth in 34 C.F.R. § 80.43 in EDGAR, as appropriate. Those enforcement actions include, among others, withholding funds pending correction of the deficiency, disallowing costs, or wholly or partly suspending or terminating the grant. Pursuant to 34 C.F.R. § 80.43(b), all such enforcement actions may be taken only after the SEA has provided the LEA an opportunity for a hearing, appeal, or other administrative proceeding to which the LEA is entitled under any applicable statute or regulation. This provision of EDGAR grants an SEA the authority to terminate any LEA's award for non-compliance at any time, and the provision in the final requirements regarding the renewal of a SIG grant for an LEA with Tier I or Tier II schools that have met their annual student achievement goals does not supersede that authority.

I-16. Under what other circumstances may an SEA renew an LEA's SIG award with respect to a Tier I, Tier II, priority, or focus school?

An SEA may renew an LEA's SIG award with respect to a Tier I, Tier II, priority, or focus school if the SEA determines that:

- (1) The school is making progress toward meeting the annual goals for student achievement established by the LEA;
- (2) The school is making progress on the leading indicators in section III of the final requirements; or
- (3) The LEA is implementing interventions in the school with fidelity to applicable requirements and to the LEA's application.

The SEA is encouraged to make its determination only after extensive interaction with and monitoring of the school at issue so that the SEA has sufficient information to make an informed decision on the school's performance and turnaround efforts.

I-16a. What should an SEA consider when evaluating fidelity to applicable requirements and to the LEA's application?

To determine whether a school has been implementing a SIG model with fidelity, the Department strongly encourages the SEA to consider qualitative and quantitative information about the school's implementation of the requirements of the SIG model, including whether or not implementation of SIG is consistent with the LEA's approved SIG application. The SEA is encouraged to make its determination only after extensive interaction with and monitoring of the school at issue so that the SEA has sufficient information to make an informed decision on the school's performance and turnaround efforts. As noted in I-15, an SEA is authorized to take enforcement action for an LEA's failure to comply with the SIG final requirements, including terminating the LEA's SIG grant.

I-16b. What must an SEA consider when renewing the award of an LEA that received a year of funds for planning and other pre-implementation activities?

When renewing the award of an LEA that received a year of funds for planning and other pre-implementation activities, an SEA must review the performance of the LEA against its approved application and determine whether the LEA will be able to fully implement the selected intervention on the first day of the following year. The SEA is not required to consider whether affected schools are meeting the annual goals for student achievement established by the LEA.

I-17. What goals must a Tier III school meet to establish that the LEA's grant with respect to that school must be renewed?

For a grant to be renewed with respect to a Tier III school, the school must meet the goals established by the LEA and approved by the SEA (see H-27), or make progress toward meeting those goals. See sections II.C.1 and II.C.2(d) of the final requirements.

I-18. May an SEA renew an LEA's SIG grant even if the SEA determines that one or more of its schools do not warrant renewed funding?

Yes. Even if an SEA determines that one or more of an LEA's schools do not warrant renewed funding, the SEA may continue to award the LEA SIG funds for other eligible schools. The SEA would reduce the LEA's grant, however, by the amount allocated for the schools for which funding is not being renewed.

I-19. What happens to SIG funds when an SEA does not renew funding to schools?

If an SEA does not renew all or part of an LEA's SIG grant because the LEA's schools are not meeting the requirements in section II.A.8 of the final requirements (*i.e.*, meeting or making progress on the LEA's annual goals for student achievement and the leading indicators) or because the LEA's Tier III schools are not meeting or making progress on the goals established for those schools by the LEA, the SEA may reallocate those funds to other eligible LEAs, consistent with the final requirements. See section II.C.3 of the final requirements.

I-20. May an SEA renew an LEA's SIG grant with respect to a school that exits improvement or exits priority school status?

Yes. The fact that a Title I school may have exited improvement or a priority school has met the State's exit criteria for priority schools during the period of availability of SIG funds or after the initial award of SIG funds to implement a school intervention model would not prevent an SEA from renewing an LEA's SIG grant with respect to that school.

(*Question I-20a has been deleted because it is no longer relevant.)

I-21. Must an SEA run another SIG competition for grants funded with FY 2014 funds?

Not necessarily. The Consolidated Appropriations Act, 2014 appropriated \$506 million in SIG funds for FY 2014. Many SEAs will want to run another competition for those funds. It is possible, however, that an SEA might not want or need to conduct a new competition for FY 2014 funds. In particular, depending on the particular circumstances in a State, an SEA might also use its FY 2014 funds: (1) to provide continuation grants to LEAs that received the first or second years of a three-year SIG grant with FY 2013 funds; or (2) to support a fourth year of implementation or sustainability activities for current SIG grantees, as is now permitted by the final requirements for the SIG program.

(*Questions I-22, I-22a, I-22b, and I-23 have been deleted because they are no longer relevant.)

I-24. How can an SEA support its LEAs and schools with their implementation of the school intervention models discussed in the final requirements?

An SEA can support its LEAs and eligible schools in implementing a school intervention model in a number of ways. These might include helping to identify and recruit new principals within and outside the State; recruiting CMOs and EMOs to the State to restart schools; providing model procedures for LEAs to use to screen and select high-quality external providers; working to reduce any State-level barriers that may impede an LEA's ability to implement a particular model; developing a model teacher evaluation and support system; researching instructional programs that have proven effective in low-achieving schools; and developing longitudinal data systems to enable schools to use data to identify the needs of individual students. The SEA can also support its Tier III schools by providing technical assistance, for example, through its school support teams.

I-24a. How can an SEA provide technical assistance to its LEAs regarding their processes for recruiting, screening, and selecting external providers to ensure their quality and regularly reviewing and holding them accountable for their performance?

An SEA may take a number of actions to assist its LEAs with recruiting, screening, and selecting high-quality external providers and regularly reviewing and holding them accountable for their performance. By way of example, the SEA might:

- (1) Develop and discuss with LEAs sample rubrics to assess external providers;
- (2) Distribute samples of high-quality RFPs, MOUs, or contracts with external providers;
- (3) Provide LEAs with links to high-quality resources and tools to assess external providers;
- (4) Provide guidance on how to assess the organizational and financial capacity of

- external providers; or
- (5) Provide examples of how external providers are being used to successfully support reform efforts throughout the State.

The SEA should consider the particular technical assistance that would be most beneficial to its LEAs based on its experience with its LEAs and any relevant circumstances in the State.

(*Questions I-25, I-26, I-27, and I-28 have been deleted because they are no longer relevant.)

I-29. May an SEA allocate funds it reserves under section 1003(a) of the ESEA along with section 1003(g) funds in making SIG grant awards to its LEAs in order to increase the total amount available to implement the SIG program?

Yes, an SEA may allocate funds it reserves under section 1003(a) of the ESEA along with section 1003(g) (SIG) funds in making SIG grant awards to its LEAs in order to increase the total amount available to implement the SIG program. However, there are three issues to keep in mind if an SEA decides to combine section 1003(a) and section 1003(g) funds. First, absent a waiver, section 1003(a) funds may be awarded only to participating Title I schools that have been identified for improvement, corrective action, or restructuring. However, an SEA may request a waiver from the Department that would permit its LEAs to use section 1003(a) funds in Title I schools that are no longer in improvement because they are implementing either the turnaround model or the restart model and are implementing the school improvement timeline waiver available to schools implementing those SIG models. An SEA with ESEA flexibility has already received a waiver permitting it to provide section 1003(a) funds to its priority and focus schools. Second, the SEA must ensure that those funds are expended consistent with the SIG final requirements. With respect to Tier I, Tier II, priority, and focus schools, therefore, section 1003(a) funds would be able to be used only to implement one of the school intervention models.

Note that if an SEA wishes to award section 1003(a) funds so that a Tier I, Tier II, priority, or focus school that will not receive SIG funds will be able to use section 1003(a) funds to implement one of the school intervention models consistent with the SIG final requirements, the SEA might want to request, with respect to its section 1003(a) funds, each of the waivers the SEA has received with respect to its SIG funds—*i.e.*, the waiver to extend the period of availability of the funds and, for an SEA without ESEA flexibility, the waiver for a targeted assistance school to operate a schoolwide program and the school improvement timeline waiver. These waivers would help ensure that a school implementing a school intervention model using section 1003(a) funds is treated in a manner consistent with schools that are using SIG funds to implement the interventions.

I-30. What should an SEA consider in determining whether a particular use of SIG funds proposed by an LEA for a Tier I, Tier II, priority, or focus school it commits to serve is allowable?

All of the SIG funds an LEA uses in a Tier I, Tier II, priority, or focus school must be used to support the LEA’s implementation of one of the school intervention models, each of which represents a comprehensive approach to addressing the particular needs of the students in a school as identified through the LEA’s needs assessment. Accordingly, in determining whether a particular proposed use of SIG funds is allowable, an SEA should consider whether the proposed use is directly related to the full and effective implementation of the model selected by the LEA, whether it will address the needs identified by the LEA, and whether it will advance the overall goal of the SIG program of improving student academic achievement in the State’s lowest-achieving schools. In addition, in accordance with general cost principles governing the SIG program, an SEA must ensure that a proposed use of funds is reasonable and necessary. Further, an SEA must consider whether the proposed use of SIG funds would run afoul of the “supplement not supplant” requirement— *i.e.*, for a school operating a schoolwide program, the school must receive all of the non-Federal funds it would have received if it were not operating a schoolwide program, including all non-Federal funds necessary for the operation of the school’s basic educational program.

For example, if an LEA proposes to use SIG funds to reduce class size in a school, an SEA seeking to determine whether such a use of SIG funds is permissible should consider the factors discussed above. One way an SEA might do this would be to ask the following questions:

- (1) whether class-size reduction is directly related to, as well as reasonable and necessary for, the full and effective implementation of the selected model, including whether it is directly related to, and reasonable and necessary for, implementing activities required or permitted under the model;
- (2) whether, through its needs assessment, the LEA identified a specific need or needs that can be addressed through class-size reduction;
- (3) whether class-size reduction represents a meaningful change that could help improve student academic achievement from prior years (and is not, for example, just intended to reverse increases in class size made by the LEA because of recent budget cuts);
- (4) whether the specific class-size reduction proposed is supported by research indicating that, in fact, it will help improve academic achievement; and
- (5) whether the proposed class-size reduction represents a significant reform that goes beyond the basic educational program of the school, including whether the class-size reduction would exceed minimal requirements set by state or local law or policy.

If the answer to any of these questions is no, then an SEA using this process to review the proposed use of SIG funds to support class-size reduction would determine that the proposed use is not permissible.

J. LENGTH OF AWARDS, PLANNING, AND PRE-IMPLEMENTATION, AND SUSTAINING REFORMS

(*Section J has been renamed in this guidance).

(*Questions J-1 and J-1a have been deleted because they are no longer relevant.)

J-1b. For how many years may an SEA make a SIG award to an LEA?

With respect to an individual Tier I, Tier II, priority, or focus school, an SEA may make a SIG award to an LEA for up to five years, of which the LEA:

- May use one year of funding for planning and other pre-implementation activities;
- Must use at least three years for full implementation of the selected intervention; and
- May use up to two years for activities related to sustaining reforms following at least three years of full intervention implementation.

An LEA may not receive more than five years of continuous funding with respect to an individual school. Thus, if an LEA receives a year of funding for planning and other pre-implementation activities, it may receive only one year for activities related to sustaining reforms following full intervention implementation (if it wishes to receive funding for such activities).

J-1c. Must an LEA receive five years of SIG funding?

No. An LEA may request and receive fewer than five years of funding; however, an LEA receiving an award must use at least three years for full implementation of the selected intervention (subject to the SEA's renewal authority).

J-1d. May an SEA provide additional years of funding to an LEA with an existing SIG award?

An SEA may provide additional years of funding to an LEA with an existing SIG award, provided that the LEA does not receive more than five years of continuous funding with respect to an individual school. For example, an LEA that initially received a three-year award from the SEA may receive up to two additional years of funding.

An LEA that wishes to receive additional years of funding must amend its approved application consistent with section II.A.2 of the final requirements, including by indicating whether it is requesting additional years of funding for continued full implementation of the selected intervention or for activities related to sustaining reforms following full implementation. In approving an LEA's request for additional years of funding, an SEA must ensure that the LEA's amended application meets applicable requirements consistent with section II.B.2 of the final requirements and must also apply to the LEA the same criteria it uses to renew LEA awards consistent with section II.C of the final requirements.

Planning and Pre-Implementation

J-1e. Must an LEA use a year of funding for planning and other pre-implementation activities?

No. An LEA is not required to use a year of funding for planning and other pre-implementation activities and may instead receive funding for full implementation of the selected intervention beginning in the first year. In addition, an LEA that receives funding for full implementation in the first year may use those funds to pay for costs of planning or other pre-implementation activities it undertakes between the time it receives a SIG award and the beginning of that school year.

In determining whether to request a year of funding for planning and other pre-implementation activities, an LEA should consider whether the length of time between its anticipated receipt of an award and the beginning of the first implementation school year is sufficient to make the structural and personnel changes required under its selected intervention and to engage school staff, parents, and the community in the preparatory work of turning around a low-performing school.

J-1f. For an LEA that wishes to use the funds it receives for full implementation in the first school year to pay for costs of planning or other pre-implementation activities it undertakes between the time it receives a SIG award and the beginning of that school year, is there a limit on the amount of funds that may be used for this purpose?

No. However, funds for these activities come from an LEA's first-year award, which may not exceed \$2 million per school. When developing its budget, an LEA in this circumstance should accordingly bear in mind that funds from its first-year award must cover full intervention implementation through the duration of the first year in addition to activities carried out during the pre-implementation period.

J-1g. What criteria should an SEA use in evaluating an LEA's proposed uses of SIG funds for planning and pre-implementation?

In evaluating an LEA's proposed uses of SIG funds for planning and pre-implementation, an SEA should apply the same criteria that it uses to evaluate all other proposed uses of SIG funds, including activities proposed to be carried out during full implementation. In particular, and as discussed more fully in I-30, an SEA should consider whether the activities proposed to be carried out during a planning and pre-implementation period:

- Are directly related to the selected model;
- Are reasonable and necessary for the full and effective implementation of the selected model;
- Are designed to address a specific need or needs identified through the LEA's needs assessment;
- Represent a meaningful change that could help improve student achievement from

- prior years;
- Are research-based; and
- Represent a significant reform that goes beyond the basic educational program.

In J-2, we provide a number of examples of SIG-related activities that may be carried out during the planning and pre-implementation period. Note that, given the foregoing considerations, not all of these activities are necessarily appropriate for all LEAs or schools. Rather, they represent activities that might be appropriate if the activities are aligned with the criteria set forth above. An SEA is not exempt from considering the above criteria simply because an LEA proposes planning or other pre-implementation activities that are consistent with the examples in J-2.

Note that an LEA that wishes to use a year of funding for planning and other pre-implementation activities must include in its application to the SEA a description of the planning or other pre-implementation activities it will undertake, the timeline for implementing those activities, and a description of how the activities will lead to successful implementation of the selected intervention.

J-2. What are examples of planning and other pre-implementation activities?

The following activities are examples of possible planning and pre-implementation activities that an LEA may carry out using SIG funds, depending on the needs of particular SIG schools:

- **Family and Community Engagement:** Hold community meetings to review school performance, discuss the school intervention model to be implemented, and develop school improvement plans in line with the intervention model selected; survey students and parents to gauge needs of students, families, and the community; communicate with parents and the community about school status, improvement plans, choice options, and local service providers for health, nutrition, or social services through press releases, newsletters, newspaper announcements, parent outreach coordinators, hotlines, and direct mail; assist families in transitioning to new schools if their current school is implementing the closure model by providing counseling or holding meetings specifically regarding their choices; or hold open houses or orientation activities specifically for students attending a new school if their prior school is implementing the closure model.
- **Rigorous Review of External Providers:** Conduct the required rigorous review process to select a charter school operator, a CMO, or an EMO and contract with that entity (see C-5); or properly recruit, screen, and select any external providers that may be necessary to assist in planning for the implementation of an intervention model (see H-19a).
- **Staffing:** Recruit and hire the incoming principal, leadership team, instructional staff, and administrative support; or evaluate the strengths and areas of need of current staff.
- **Instructional Programs:** Provide remediation and enrichment to students through

- programs with evidence of raising achievement; identify and purchase instructional materials that are research-based and aligned with State academic standards, and have data-based evidence of raising student achievement; or compensate staff for instructional planning, such as examining student data, developing a curriculum that is aligned to State standards and aligned vertically from one grade level to another, collaborating within and across disciplines, and devising student assessments.
- **Professional Development and Support:** Train staff on the implementation of new or revised instructional programs and policies that are aligned with the school’s comprehensive instructional plan and the school’s intervention model; provide instructional support for returning staff members, such as classroom coaching, structured common planning time, mentoring, consultation with outside experts, and observations of classroom practice, that is aligned with the school’s comprehensive instructional plan and the school’s intervention model; or train staff on the new evaluation system and locally adopted competencies.
 - **Preparation for Accountability Measures:** Develop and pilot a data system for use in SIG-funded schools; analyze data on leading baseline indicators; or develop and adopt interim assessments for use in SIG-funded schools.

As discussed in F-4, in general, SIG funds may not be used to supplant non-Federal funds, but only to supplement non-Federal funding provided to SIG schools. In particular, an LEA must continue to provide all non-Federal funds that would have been provided to the school in the absence of SIG funds. This requirement applies to funding for planning and pre-implementation activities, as well as for full intervention implementation.

(*Questions J-3 and J-4 have been deleted because they are no longer relevant.)

Staffing

J-5. May SIG funds be used to recruit and hire the incoming principal and leadership team, who will begin planning for full implementation in the following school year?

Yes. Once it receives SIG funds, an LEA may use those funds to recruit and hire the incoming principal and leadership team so that they may begin planning for full and effective intervention implementation at the beginning of the following school year. However, an LEA that will be bringing on a new principal should be sure to consider and address the following issues with respect to State and local laws and requirements:

- The authority of the incoming principal in relation to the current-year principal; and
- The timeframe within which the incoming principal may make human resource decisions regarding current and newly recruited school staff.

J-6. May SIG funds be used to continue paying unassigned teachers who have been removed from the classroom?

No, SIG funds may not be used to continue paying unassigned teachers who have been removed from the classroom and are not participating in activities to prepare their school for full implementation of a school intervention model. According to 2 C.F.R. § 200.405, “a cost [may only be charged to a Federal program] *in accordance with relative benefits received*” (emphasis added). Continuing to pay unassigned teachers who have been removed from the classroom would not provide any benefits to improve the academic achievement of students through SIG funds. Thus, SIG funds may not be allocated for this purpose.

J-7. May an LEA use SIG funds to buy out the remainder of the current principal’s contract?

No, an LEA may not use SIG funds to buy out the remainder of the current principal’s contract. As noted in J-6, in accordance with 2 C.F.R. § 200.405, “a cost [may only be charged to a Federal program] in accordance with relative benefits received.” Although a principal may need to be replaced in order to fully implement a SIG intervention model, buying out the remainder of the current principal’s contract would not provide any benefits to improve the academic achievement of students and, therefore, SIG funds may not be allocated for this purpose.

Development of External Partnerships

J-8. For a school implementing the restart model, may an LEA use SIG funds to conduct the rigorous review process required to select a charter school operator, a CMO, or an EMO?

Yes, an LEA may use SIG funds to conduct the required rigorous review process for selecting a charter school operator, CMO, or EMO to implement the restart model, and to contract with the selected entity. Conducting the rigorous review process during the planning and pre-implementation period should enable the LEA to ensure that the charter school operator, CMO, or EMO it selects to implement the restart model will be ready to begin full implementation by the start of the following school year and provide a benefit to improve the academic achievement of students. (See C-5.)

J-9. May an LEA use SIG funds to hire external providers to assist in planning for and carrying out activities necessary for full implementation of a school intervention model in the following year?

Yes, an LEA may use SIG funds to hire external providers to assist in planning for and carrying out activities necessary for full implementation of a school intervention model in the following year. However, an LEA should be sure that all external providers with which it contracts are screened to ensure their quality and regularly reviewed and held accountable for

their performance. Like the rigorous review process for charter school operators, CMOs, and EMOs, screening other external providers enables an LEA to ensure that a provider with which it contracts is qualified to assist the LEA in making meaningful changes and implementing comprehensive reform in the schools the LEA serves with SIG funds (see H-19a; I-24a).

As discussed in H-19, the Department requires LEAs to conduct rigorous performance reviews of all external providers in the restart, as well as in the other, models throughout the period of a SIG grant. By taking a performance management approach to working with external providers, an LEA can ensure that these providers are fulfilling the obligations under their contracts or MOUs and are contributing to increased student achievement in schools that are implementing a SIG model. Thus, although an LEA may hire external providers to assist it in the planning that will be done during pre-implementation, the Department requires an LEA to use the planning and pre-implementation period to conduct a robust screening and hiring process, including developing an RFP and drafting language to be included in an MOU, contract, or other agreement with providers regarding the LEA's expectations for how the providers will perform and be evaluated throughout the period of the grant. An LEA might also use the planning and pre-implementation period to develop interim or formative assessments that will be used to evaluate an external provider's performance during the contract period.

Instructional Programs

J-10. May an LEA use SIG funds to provide supplemental remediation or enrichment to students in schools that will begin full implementation of a SIG model at the beginning of the following school year?

Yes, an LEA may use SIG funds to provide supplemental remediation or enrichment services to students enrolled in a school that will begin full implementation of a SIG model at the beginning of the following school year. Within those schools, an LEA may use SIG funds, for example, for supplemental activities, including summer school for rising ninth-graders, designed to prepare low-achieving students to participate successfully in advanced coursework, such as AP or IB courses, early-college high schools, or dual enrollment in postsecondary credit-bearing courses; or to provide after-school tutoring for low-achieving students. Note that, to be supplemental, the remediation or enrichment supported with SIG funds must be in addition to what would otherwise be offered to students in the school (e.g., SIG funds may not be used to support a program that would supplant a regular summer school program offered to all students).

Professional Development and Support

J-11. May an LEA use SIG funds to pilot an evaluation and support system for teachers and principals at schools receiving SIG funds to implement a transformation or early learning model?

Yes, an LEA may use SIG funds to pilot a rigorous, transparent, and equitable evaluation and support system for teachers and principals, designed and developed with teacher and principal involvement, which is required in schools implementing the transformation and early learning models. To meet the requirements of the transformation and early learning models, the pilot evaluation system must take into account data on student growth as a significant factor as well as other factors. Although an LEA might want to establish and implement a teacher and principal evaluation and support system that includes all teachers and principals within the LEA, SIG funds may not be used for district-wide activities except as described in F-6. However, prior to launching a district-wide teacher and principal evaluation and support system, an LEA may use SIG funds to pilot the system for teachers and principals only at schools that are being served with SIG funds to ensure that the system is a useful tool that operates as intended.

Similarly, an LEA may use SIG funds to support the salaries of evaluators who, as part of the LEA's preparation to fully implement an intervention model, observe and evaluate teachers in schools that are receiving SIG funds to begin implementing an intervention model at the beginning of the 2015–2016 school year. An LEA might also consider using SIG funds to provide additional training to the individuals who will be observing and evaluating teachers in schools receiving SIG funds.

Preparation for Accountability Measures

J-12. May an LEA use SIG funds to pay for a needs assessment in order to select appropriate school intervention models for inclusion in the LEA's SIG application?

No, an LEA may not use SIG funds to pay for a needs assessment in order to determine which model to implement in particular schools prior to submitting its SIG application. An LEA may use SIG funds only after the LEA has received a grant award.

An SEA may use its section 1003(a) funds or part of the SIG funds it may reserve for administration, evaluation, and technical assistance expenses to support a needs assessment in its LEAs.

Other

(*Question J-13 has been deleted because it is no longer relevant.)

J-14. May an LEA use SIG funds for minor remodeling of school facilities to enable the use of technology?

Yes, an LEA may use SIG funds during a planning and pre-implementation period to pay for the costs of minor remodeling that are necessary to support technology if the costs are directly attributable to the implementation of a school intervention model and are reasonable and necessary.

The overall goal of the SIG program is to improve student academic achievement in the State's lowest-achieving schools through the implementation of one of the school intervention models. If an LEA determines, with an eye toward the ultimate goal of improving student achievement, that the use of new technology is essential for the full and effective implementation of one of the models, it may deem the costs associated with that new technology a reasonable and necessary use of SIG funds.

Sustaining Reforms

J-15. Must an LEA use funding for activities related to sustaining reforms following at least three years of full intervention implementation or may the LEA continue to fully implement the intervention model in a particular school?

An LEA is not required to use funds for activities related to sustaining reforms following at least three years of full intervention implementation and may instead receive funding for continued full implementation. As noted in J-1, an LEA may not receive more than five years of continuous funding with respect to an individual school.

J-16. What are examples of activities related to sustaining reforms?

In order to ensure that SIG reforms are sustained beyond the grant period, SEAs, LEAs and schools should create sustainability plans during the initial grant planning process. This planning process should broaden the focus beyond sustaining funds to a focus on sustaining results.

Sustainability plans should place an emphasis on building structures, systems, and processes to support reform efforts, including the creation of formal mechanisms and feedback loops to capture data from the field to inform continuous professional development and effective program implementation; shifting existing resources to support activities that have demonstrated success; and creating and sustaining strategic partnerships with community stakeholders that assist in maintaining community support and leveraging resources after the grant period ends.

Some examples of activities to sustain reforms include training trainers within the LEA or school to develop staff capacity; developing performance management and continuous improvement processes; creating SIG budgets that invest funds strategically and gradually decrease each year; developing leadership pipelines, including distributed leadership strategies; creating ongoing, meaningful family and community engagement opportunities on planning

committees, advisory boards and work groups; and involving students in age-appropriate leadership opportunities to increase self-direction and responsibility.

K. REPORTING METRICS

K-1. May an SEA add to the list of leading indicators in the final requirements?

Yes. However, an SEA may not deny a request for renewal of a SIG grant with respect to a school that fails to make progress on any such additional leading indicators if the school has met its LEA's achievement goals.

K-2. Which reporting metrics are required for the SIG program and must be annually reported by an SEA receiving a SIG grant?

The following reporting metrics for the SIG program must be annually reported, by school, in each SEA receiving a SIG grant via the reporting mechanism indicated in brackets after the metric:

- (1) Which intervention the school used (*i.e.*, turnaround, restart, school closure, transformation, State determined model, evidence-based model, or early learning model) [EdFacts file 167]
- (2) Number of schools in rural LEAs implementing an intervention model with a modified element pursuant to section I.B.6 of the SIG final requirements [EdFacts file 167]
- (3) Which intervention the school in a rural LEA implementing an intervention model with a modified element pursuant to section I.B.6 of the SIG final requirements used [EdFacts file 167]
- (4) AYP status, if relevant [EdFacts file 103]
- (5) Which AYP targets the school met and missed, if relevant [EdFacts files 106-111]
- (6) School improvement status [EdFacts file 130]
- (7) School-year minutes [EdFacts file 167]
- (8) Percentage of students at or above each proficiency level on State assessments in reading/language arts and mathematics (e.g., Basic, Proficient, Advanced), by grade and by student subgroup [EdFacts file 175, 178]
- (9) Average scale scores on State assessments in reading/language arts and mathematics, by grade, for the "all students" group, for each achievement quartile, and for each subgroup [EdFacts 159]
- (10) Average statewide scale scores on State assessments in reading/language arts and mathematics and the associated standard deviations. The average scale score and standard deviation should be calculated using school-level scale scores and not student-level scale scores. These average statewide school-level scale scores allow for a better understanding of school-level variation and provide the appropriate context for interpreting SIG schools' average scale scores [EdFacts 159]

- (11) Student participation rate on State assessments in reading/language arts and in mathematics, by student subgroup [EdFacts files 185, 188]
- (12) Percentage of limited English proficient students who attain English language proficiency [EdFacts file 139]
- (13) Number and percentage of students completing advanced coursework (*e.g.*, AP/IB), early-college high schools, or dual enrollment classes [EdFacts file 167]
- (14) College enrollment rates [EdFacts file 160]
- (15) Teacher attendance rate [EdFacts file 167]
- (16) Student attendance rate [EdFacts file 159]
- (17) Increased learning time [EdFacts file 167]
- (18) Chronic absenteeism [Civil Rights Data Collection]
- (19) Discipline incidents [EdFacts file 030]
- (20) Distribution of teachers by performance level on LEA's teacher evaluation system [EdFacts file 166]

See generally section III.A of the final requirements as well as the link below to the file specifications for more detail. <http://www2.ed.gov/about/inits/ed/edfacts/file-specifications.html>.

K-3. For which schools must an SEA report on the metrics that are new for the SIG program?

An SEA must report on the metrics that are new for the SIG program for each Tier I, Tier II, priority, and focus school in the State that is served with SIG funds in the year for which the SEA is reporting and for the school year prior. See section III.A.3 of the final requirements. Note, however, that, for a Tier I, Tier II, priority, or focus school that is subject to school closure, the SEA need only report the identity of the school and the intervention used (*i.e.*, school closure) (see section III.A.4 of the final requirements). An SEA is not obligated to report on the metrics for Tier III schools that are served with SIG funds.

K-4. For which metrics must an SEA report “baseline data” for the school year prior to the implementation of one of the seven interventions?

An SEA must report “baseline data” for the school year prior to the implementation of one of the seven interventions (*e.g.*, for the 2014–2015 school year for schools that will begin to fully implement an intervention model in the 2015–2016 school year) on every SIG metric, except that an SEA does not need to report any baseline data on increased learning time. See section III.A.4 of the final requirements and see the EdFacts Web site for a calendar of all files and due dates. This may require an LEA to conduct new analyses or calculations if it does not already have the data in the precise form requested for SIG reporting purposes to provide to the SEA.

The Department recognizes that some data simply may not be available, even through an analysis of various sources. An SEA is not obligated to provide baseline data with respect to data that simply are not available from any source.

K-5. How frequently must an SEA report on the SIG metrics?

An SEA must report on the metrics annually, with the first report providing baseline data and each subsequent report providing data based on the prior year of implementation of one of the SIG intervention models. The SEA must provide such annual reports for each year for which the SEA allocates SIG funds under section 1003(g) of the ESEA. See section III.A.4 of the final requirements. The Department will be reaching out to SEAs at different times of the year to revise file submissions.

K-6. Will the Department provide other guidance about the process for submitting and the substance to be included, in the required reports?

Yes. The Department will issue separate guidance to provide SEAs with information regarding the specific process for submitting the required reports and the information to be contained in the reports. For data submitted to EdFacts, SEAs should work with their State EdFacts coordinator. For more information on each required metric definition, see: <http://www2.ed.gov/about/inits/ed/edfacts/file-specifications.html>.

K-7. When and how should an SEA report a substantive change that has occurred at a SIG school? For example, how should an SEA report that a SIG school has lost its funding, is operating under a different model than previously reported, has split or merged, or has experienced an NCES ID change?

An SEA should contact the Department’s Office of State Support as soon as it is aware of any substantial change, including a change in NCES ID numbers.

L. EVIDENCE-BASED WHOLE-SCHOOL REFORM MODEL

L-1. For purposes of the SIG program, what is a whole-school reform model?

Section I.A.3 of the final requirements defines “whole-school reform model” as a model that is designed to:

- (1) Improve student academic achievement or attainment;
- (2) Be implemented for all students in a school; and
- (3) Address, at a minimum and in a comprehensive and coordinated manner, each of the following:
 - School leadership;
 - Teaching and learning in at least one full academic content area (including professional learning for educators);
 - Student non-academic support; and
 - Family and community engagement.

L-2. What are the evidence requirements for an evidence-based whole-school reform model?

An evidence-based whole-school reform model must be supported by evidence of effectiveness including at least one study of the model that:

- (1) Meets What Works Clearinghouse evidence standards with or without reservations (*i.e.*, is a qualifying experimental or quasi-experimental study);[†]
- (2) Found a statistically significant favorable impact on a student academic achievement or attainment outcome, with no statistically significant and overriding unfavorable impacts on that outcome for relevant populations in the study or in other studies of the intervention reviewed by and reported on by the What Works Clearinghouse; and
- (3) If meeting What Works Clearinghouse evidence standards with reservations, includes a large sample and a multi-site sample as defined in 34 C.F.R. § 77.1.

Multiple studies can cumulatively meet the large and multi-site sample requirements so long as each study meets the other requirements above.

L-3. Which evidence-based whole-school reform models may LEAs implement?

An LEA seeking to use SIG funds to implement an evidence-based whole-school reform model in a school must choose from among the models reviewed and identified by the Department as meeting applicable requirements. The Department intends to publish a list of such models and will notify SEAs when that list is available. (For more information on the review and identification process, see <http://www2.ed.gov/programs/sif/npr-wholeschlreform.html>.)

Prior to approving the application of an LEA seeking to implement a selected evidence-based whole-school reform model, an SEA must ensure the appropriateness of the model by considering the extent to which the evidence supporting the model includes a sample population or setting similar to the population or setting of the school to be served (see I-2).

L-4. With whom must an LEA partner to implement an evidence-based whole-school reform model?

An LEA must implement an evidence-based whole-school reform model in partnership with a

[†] See What Works Clearinghouse Procedures and Standards Handbook (Version 3.0), which can currently be found at the following link:
http://ies.ed.gov/ncee/wwc/pdf/reference_resources/wwc_procedures_v3_0_standards_handbook.pdf.

model developer. Section I.A.3 of the final requirements defines “whole-school reform model developer” as an entity or individual that:

- (1) Maintains proprietary rights for the model; or
- (2) If no entity or individual maintains proprietary rights for the model, has a demonstrated record of success in implementing a whole-school reform model (as defined in the final requirements) and is selected through a rigorous review process that includes a determination that the entity or individual is likely to produce strong results for the school.

Prior to approving the application of an LEA seeking to implement a selected evidence-based whole-school reform model, an SEA must consider the extent to which the model developer with whom the LEA proposes to partner meets the above definition (see I-2).

M. EARLY LEARNING MODEL

M-1. What are the required elements of an early learning model?

An early learning model is one in which an LEA does each of the following in an elementary school:

- (1) Offers full-day kindergarten;
- (2) Establishes or expands a high-quality preschool program;
- (3) Provides educators, including preschool teachers, with time for joint planning across grades to facilitate effective teaching and learning and positive teacher-student interactions;
- (4) Replaces the principal who led the school prior to commencement of the early learning model;
- (5) Implements a rigorous, transparent, and equitable evaluation and support system for teachers and principals, designed and developed with teacher and principal involvement;
- (6) Uses the teacher and principal evaluation and support system to identify and reward school leaders, teachers, and other staff who have increased student achievement and identify and remove those who, after ample opportunities, have been provided for them to improve their professional practice, have not done so;
- (7) Implements such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions that are designed to recruit, place, and retain staff with the skills necessary to meet the needs of students in the school, taking into consideration the results from the teacher and principal evaluation and support system;
- (8) Uses data to identify and implement an instructional program that—
 - a. Is research-based, developmentally appropriate, and vertically aligned from one grade to the next as well as aligned with State early learning and development standards and State academic standards; and

- b. In the early grades, promotes the full range of academic content across domains of development, including math and science, language and literacy, socio-emotional skills, self-regulation, and executive functions;
- (9) Promotes the continuous use of student data (such as from formative, interim, and summative assessments) to inform and differentiate instruction in order to meet the educational and developmental needs of individual students; and
- (10) Provides staff ongoing, high-quality, job-embedded professional development such as coaching and mentoring (e.g., regarding subject-specific pedagogy, instruction that reflects a deeper understanding of the community served by the school, or differentiated instruction) that is aligned with the school’s comprehensive instructional program and designed with school staff to ensure they are equipped to facilitate effective teaching and learning and have the capacity to implement successfully school reform strategies.

M-2. With respect to elements of the early learning model that are the same as elements of the turnaround or transformation models, do the definitions and other guidance that apply to those elements as they relate to the turnaround or transformation models also apply to those elements as they relate to the early learning model?

Yes. Thus, for example, the strategies that are used to recruit, place, and retain staff with the skills necessary to meet the needs of students in a turnaround model may be the same strategies that are used to recruit, place, and retain staff with the skills necessary to meet the needs of students in an early learning model. For questions about any terms or strategies that appear in both the early learning model and the turnaround model, refer to the turnaround model section of this guidance. For questions about any terms or strategies that appear in both the early learning model and the transformation model, refer to the transformation model section of this guidance.

M-3. Must the required elements of the early learning model be implemented across all grades in an elementary school implementing the model?

Yes, with two limited exceptions. The requirements that an LEA implementing an early learning model in a school offer full-day kindergarten and establish or expand a high-quality preschool program are limited in scope. All other requirements apply to all grades served by the elementary school implementing the early learning model, including the requirements to: implement rigorous, transparent, and equitable evaluation and support systems for teachers and principals; implement such strategies as financial incentives, increased opportunities for promotion and career growth, and more flexible work conditions; and use data to identify and implement an instructional program that is research-based, developmentally appropriate, and

vertically aligned from one grade to the next. The Department encourages LEAs implementing the early learning model to coordinate services across all grades in the school.

M-4. What is the definition of “high-quality preschool program” as that term is used in the discussion of an early learning model?

A “high-quality preschool program” means an early learning program that includes structural elements that are evidence-based and nationally recognized as important for ensuring program quality, including at a minimum:

- (1) High staff qualifications, including a teacher with a bachelor’s degree in early childhood education or a bachelor’s degree in any field with a State-approved alternate pathway, which may include coursework, clinical practice, and evidence of knowledge of content and pedagogy relating to early childhood, and teaching assistants with appropriate credentials;
- (2) High-quality professional development for all staff;
- (3) A child-to-instructional staff ratio of no more than 10 to 1;
- (4) A class size of no more than 20 with, at a minimum, one teacher with high staff qualifications;
- (5) A full-day program;
- (6) Inclusion of children with disabilities to ensure access to and full participation in all opportunities;
- (7) Developmentally appropriate, culturally and linguistically responsive instruction and evidence-based curricula, and learning environments that are aligned with the State early learning and development standards, for at least the year prior to kindergarten entry;
- (8) Individualized accommodations and supports so that all children can access and participate fully in learning activities;
- (9) Instructional staff salaries that are comparable to the salaries of local K-12 instructional staff;
- (10) Program evaluation to ensure continuous improvement;
- (11) On-site or accessible comprehensive services for children and community partnerships that promote families’ access to services that support their children’s learning and development; and
- (12) Evidence-based health and safety standards.

M-5. What is the definition of “full-day” as that term is used in the early learning model?

An LEA has discretion to determine how “full-day” is defined. However, in other Department programs, a “full day” is defined as a day that is equivalent to a full school day at the public elementary schools in the State and not fewer than five hours a day. The Department encourages an LEA implementing the early learning model in a school to adopt this definition.

M-6. In addition to the required elements, what optional elements may also be a part of an early learning model?

In addition to the required elements, an LEA implementing an early learning model may also implement other strategies, such as a high-quality, evidence-based literacy intervention or any of the permissible activities under one of the other models described in the final requirements. It could, for example, implement a literacy intervention using a reliable and valid screener to identify students who, after at least one year in school, are identified as being at risk of literacy failure. The key is that these actions would be taken within the framework of the early learning model and would be in addition to, and not instead of, the actions that are required of an early learning model.

M-7. May an LEA provide home visiting services as part of its implementation of the early learning model in an elementary school?

Yes. While it is not required to do so, an LEA may use SIG funds to provide evidence-based home visiting services under any of the SIG models, including the early learning model. Home visiting must be in addition to the strategies required as part of the early learning model.

M-8. Is an LEA implementing the early learning model required to ensure adequate family and community engagement?

Yes. In implementing any of the seven SIG models, including the early learning model, an LEA must engage families and the community in the selection of the SIG model and also meaningfully engage families and the community on a continuous basis throughout implementation. LEAs and schools may do this in a variety of ways, including, but not limited to: using surveys analyzing parent and community satisfaction, providing professional development to teachers about how to actively engage parents, and establishing organized parent and community groups.

M-9. May a high-quality, community-based provider provide high-quality preschool services as part of the early learning model?

Yes. As part of its implementation of the early learning model, an LEA may contract with a community-based provider to provide high-quality preschool programs for students enrolled in an elementary school implementing the model. Any SIG school working with a community-based provider should ensure coordination across all grades in the elementary school, including preschool, to ensure continuity of high-quality early learning and appropriateness of transitions into the elementary grades. An LEA may choose to use an

external provider in implementing its early learning model, or enter into a partnership with various entities, such as an existing high-quality child care or Head Start program within the LEA or nearby community.

M-10. Must a high-quality preschool program funded through SIG be physically located in the elementary school implementing the early learning model?

No. A preschool is not required to be physically located in the implementing elementary school. However, all students participating in the preschool program must be enrolled in the SIG school that is implementing the early learning model to receive preschool services funded through the SIG program. Therefore, a preschool program that intends to send some, but not all, of its students to the SIG-participating elementary school implementing the early learning model may not be funded by SIG.

M-11. May an LEA omit any of the actions outlined in the final requirements and implement its own version of an early learning model?

No. An LEA implementing the early learning model in one or more of its schools must take all of the actions required by the final requirements. As discussed in M-6, an LEA may take additional actions to supplement, but not counteract, those that are required as part of the early learning model, but it may not implement its own version of an early learning model that does not include all of the elements required by the final requirements. Thus, an LEA could not, for example, only implement a preschool program without also taking the other actions specifically required as part of the early learning model.

N. STATE-DETERMINED SCHOOL IMPROVEMENT INTERVENTION MODEL (STATE-DETERMINED MODEL)

N-1. What must an SEA submit for the Secretary’s review in order to receive approval to implement a State-determined model?

To be approved to implement a State-determined model, an SEA must include that State-determined model in its SIG application to the Department. An SEA must ensure that, at a minimum, its State-determined model meets the definition of “whole-school reform model,” as set forth in the final requirements.

Section I.A.3 of the final requirements defines “whole-school reform model” as a model that is designed to:

- (1) Improve student academic achievement or attainment;
- (2) Be implemented for all students in a school; and
- (3) Address, at a minimum and in a comprehensive and coordinated manner, each of the following:
 - o School leadership;

- Teaching and learning in at least one full academic content area (including professional learning for educators);
- Student non-academic support; and
- Family and community engagement.

An SEA may also include any other elements or strategies that it determines will help increase student achievement.

An SEA that demonstrates that its proposed State-determined model meets the requirements of the evidence-based, whole-school reform model will not be required to make any additional demonstration to receive the Secretary's approval to implement that model.

N-2. May an SEA request to implement more than one State-determined model?

No. Each SEA may request to implement only one State-determined model.

N-3. May an LEA in an SEA that is not approved to implement a State-determined model implement a State-determined model approved for another State?

No. If an SEA elects not to submit a State-determined model to the Secretary for approval, or if the State-determined model submitted by an SEA is not approved by the Secretary, an LEA in that SEA's State may not implement a State-determined model.