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CORE SCHOOL-LEVEL PROGRAM PROVISIONS OF TITLE I -- KEY TO ENSURING QUALITY EDUCATION

School-level provisions of Title I of the Elementary and Secondary Education Act (ESEA), enacted mostly in 1994 and preserved in NCLB, are the core components of the program. They are the closest thing we have in federal law to key elements of a right to high-quality education that will enable children to achieve at high levels. Yet they are little understood, let alone implemented at the school/community level because they have not been a major focus of USED and, in turn of state and district education agencies (SEAs and LEAs), despite legal obligations to ensure both capacity and compliance. Placing a high priority on them as the core of the program would be a major step toward ensuring high-quality education to all, while also correcting many distortions in the way that NCLB is understood and implemented.

A. Key school-level requirements for program quality

1. **Key program components of a quality education program are required to be provided to every student in a Title I school (in the case of schoolwide program schools¹) or program (in the case of targeted assistance schools²), including: (a) accelerated and enriched curriculum aligned with state standards; (b) effective instructional methods; (c) timely and effective assistance whenever the student is having difficulty mastering any of the standards; and (d) highly qualified teachers who are receiving high-quality, ongoing professional development to enable every student to meet the state standards.**
2. **How** the school will implement each of these program components must be spelled out in the school's Title I program plan that must be: (a) Based on a comprehensive needs assessment of the entire school – which must include not only student achievement data but also assessment of the needs of the school in relation to each of the required program components above³; and (b) **jointly developed with the parents** of the school.⁴
3. **How** the program plan will be jointly developed with the parents of the school must be spelled out in the school's parent involvement policy, which in turn must: (a) **be jointly developed with and approved by the parents of the school**; and (b) spell out **how** a variety of parent involvement requirements will be implemented, including not only joint development of the program plan but various requirements for ensuring parents get the information, training, and other assistance they need to fully participate in this and other Title I activities.⁵

B. Both the district (LEA) and the state (SEA) are required both to ensure compliance with these school-level responsibilities and to help schools develop the capacity to comply, (See short appendix for details.)

C. Why they are important -- what good implementation would do

1. First and foremost, full implementation of these required program components would be tantamount to fulfilling core rights to a high-quality education and enabling children to achieve at high levels. If we want students to master high-level skills and knowledge, few things are more critical than curriculum, instruction, and individual attention – i.e., teaching those things, teaching them well, and attending to individual learning needs.
2. In the process, many of the troubling perceived problems in implementation of NCLB would be addressed:
 - a. Correcting the notion that Title I is nothing more than an accountability system for measuring achievement and applying pressure when it's not increasing fast enough – by recognizing that the "program" consists of the core program components above (which the \$14B is devoted to assisting), not the accountability system, which is an important check on the program;
 - b. Transcending the assumption that if schools and educators only have student outcome data and sufficient incentives (positive or negative) to change that data, they will know what to do and be able to do it – by focusing on the core program components and understanding and addressing what needs to change to enable each student to achieve;
 - c. Righting the widespread confusion over what is a legal mandate (esp. the required program components) and what is not (AYP/ AMOs) but instead are targets, which trigger further program attention – and in the process, also making sense of the 100% goal as attending to every child not on a path to proficiency;
 - d. Combining a rights-based sense of urgency that these are program quality components that every child must receive with a ongoing, deliberative practice-based process about what they mean and how best to ensure them is the key to creating a strong professional learning community in a school that is focused on the kind of practice that will lead to high achievement, while minimizing the risks of counterproductive practices to make the numbers look good at the expense of students and their real learning.

D, Despite these clear school-level provisions that are the heart of the Title I program, and despite LEA, SEA, and USED responsibility to ensure their implementation, both through assistance and compliance activity, there is little actual implementation or even awareness at the school/community level. Many of the inadequacies of program plans and parent involvement policies fall into common categories:

1. Parroting the requirements without fulfilling the duty to spell out *how* each requirement will be carried out;
2. Descriptions of implementation activities that may be concrete but do not appear to be remotely sufficient to meet the requirement for the component (e.g., effective instructional methods for all students);
3. Failure to carry out the required comprehensive needs assessment of each required program component or to base the implementation plan for each component on that assessment;
4. Lack of a development and approval process for the parent involvement policy that is truly joint and informed, followed by failure to spell out and then carry out an informed process for jointly developing the program plan.

E. How the bar can help address these problems and make the law come alive for schools and students

Consistent with the call of the ABA policies on right to quality education, attorneys and the organized bar can:

1. Help schools, communities (including students, parents, and community groups), school districts, and states understand these important requirements, their significance, and how to put them in place collaboratively, and then to assist with actual implementation. We start with the belief that in most cases the implementation problems come from not understanding, rather than a desire to circumvent, these things that are clearly in the interest of kids and in schools' attaining desired achievement goals.
2. Provide representation to students and families, including in compliance action through administrative complaints, where collaborative approaches to schools or education agencies are met with resistance.
3. Assist on policy reform – including the drafting of local, state, and federal agency regulations and guidance – to foster and ensure better implementation approaches.

While all three types of pro bono work are needed, some attorneys may feel best positioned to focus on one. The Center for Law and Education (CLE) can assist and partner in all three types of work. CLE can help not only in (a) understanding and applying the law also in (b) understanding and using the connections between Title I and other relevant laws – including civil rights laws, IDEA, and (for certain high schools) the Perkins Act; and (c) understanding educational research and practice that are central to good implementation and to making the right to quality education a reality.

Appendix – SEA and LEA responsibilities regarding the key school-level program requirements

SEAs and LEAs are required both to ensure that the schools comply with the key school-level program components, program plans, and parent involvement and to help schools develop the capacity to do so.

1. **SEAs and LEAs sign legally binding assurances** that the Title I program will be conducted in accordance with the law, regulations, and all applicable program plans and applications (including the program plans above) and **that they will ensure compliance and correct deficiencies.**⁶ Additionally:
2. Under ESEA section 1111, **the SEA's state plan must describe how it will help each LEA and school** develop the capacity to comply with each of the requirements for LEAs, schoolwide programs, and targeted assistance schools. Help on certain of those aspects is then also addressed more specifically – the state plan must further: (a) describe how it will help each LEA and school provide additional assistance to individual students needing help to achieve the state's standards; (b) describe the specific steps it will take to ensure that schools meet the SWP and TAS requirements for providing instruction by highly qualified instructional staff; (c) assure that it will help LEAs develop or identify high-quality, effective, aligned curricula and how it will disseminate that curricula to each LEA and school; and (d) describe how it will support collection and dissemination to LEAs and schools of effective, research-based parental involvement practices geared toward lowering barriers to greater parent participation in school planning, review, and improvement;
3. Under section 1112, (a) **the LEA's program plan** must, for example, describe how it will provide (i) additional assistance to individual students needing help in meeting the standards and (ii) help in developing and implementing the school-level plans, and (b) the LEA's parent involvement policy, which must be developed jointly with and approved by the parents of participating children in the district, must spell out *how*, among other things, (i) this LEA program plan will be jointly developed with the parents, (ii) the parents will be involved in school review and improvement under section 1116, (iii) the annual evaluation of parent involvement will be conducted (with parent involvement), and (iv) the various capacity-building requirements will be carried out.

Notes

1. Elementary and Secondary Education Act, Section 1114.
2. ESEA Section 1115.
3. This clarification was, at CLE's behest, added to the final regulations. 34 C.F.R. Section 200.26(a)(1)(B)(ii).
4. ESEA Section 1118.
5. *Id.* Most high-poverty Title I schools use a schoolwide program model. Unlike schoolwide program schools, targeted assistance schools are not explicitly required to have a written program plan. But it is difficult to imagine how a school can consistently provide all participating students with each required program element above without one. And, through the required, written parent involvement policy under Section 1118 noted here, the Title I parents in a TAS must jointly develop and agree upon the methods by which parents will be involved, in an organized, ongoing, and timely way, in the development, review, and improvement of the program.
6. ESEA sections 9304 and 9306.