



# How Confusion over Federal Rules Can Get in the Way of Smart School Spending

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## Key Points

- The complexity of the rules governing US Department of Education programs, and the way they are enforced, can unintentionally incentivize a fragmented approach to education services and spending.
- Better understanding and navigation of federal compliance requirements could result in more effective spending and improved outcomes for students.
- Those in Congress, state and federal agencies, school districts, and education advocacy groups can take steps to help ensure federal funds are spent in ways that are intended by law and best for students.

Of the many factors that affect what school districts buy and do for their students, an often-overlooked issue is the influence of federal education grant programs.

Nearly every school district in the country receives funding from the US Department of Education (ED) through grant programs that support elementary and secondary education.<sup>1</sup> While this funding represents a relatively small share of education spending overall,<sup>2</sup> the rules governing how it can be spent strongly influence local decisions about student services. This influence is hard to see, but it works as follows.

ED programs are governed by complex rules. In this report, we are not referring to accountability rules, such as how to identify and intervene in low-performing schools. Instead, we are discussing program implementation and spending rules such as who is eligible for services, what activities ED

funds can support, the time frame in which districts can spend ED funds, paperwork requirements, and other technical issues that receive little attention.

The complexity of the rules governing ED programs, and the way they are enforced, can unintentionally incentivize spending on the same activities from year to year, which limits opportunities for improvement. It can also incentivize a fragmented approach to education that favors unaligned interventions over systemic activities. These incentives affect more than just what districts do with their federal funds but also how they spend state and local funds.

As lawyers who help states, school districts, and other educational organizations navigate the federal rules governing ED programs, we see directly how important federal funds are for schools and students.

We have helped districts use federal funds to improve the reading curriculum in struggling elementary schools, establish counseling and mentoring

programs in low-income high schools, help students arrive to school safely, and engage parents in their children's school through community school approaches. Yet, spending federal funds on these kinds of systemic activities is uncommon for reasons we will discuss throughout this report.

To mitigate some of the complexities that limit ED grant spending, this report suggests ways stakeholders across the education sector could make it easier for schools and districts to understand their spending options. Specifically:

- Congress could revise program implementation rules to reduce confusion and make them easier to implement.
- ED and other federal agencies could use flexibilities that are already on the books to ease spending barriers.
- ED, state educational agencies, and entities that support states and school districts could provide state and district leaders with tools, such as simple clear explanations of the rules and implementation-oriented guidance with concrete examples of effective practices.
- State and local education leaders can engage with the rules directly so they better understand their options and obligations.
- Education advocates, policymakers, and others who care about education can study how federal rules work in practice to understand their effect on students and schools.

Helping local leaders recognize that federal requirements have a wide-ranging influence on all student services, not just those that are federally funded, and helping them better understand and more easily navigate federal compliance requirements could result in more effective spending and improved outcomes for students.

## Spending ED Funds Is Complicated

Each year ED grants more than \$40 billion to states and school districts to support elementary and secondary education. Most of this money is intended to provide extra funding to benefit specific groups of historically underserved students<sup>3</sup> and is governed by hundreds of rules,<sup>4</sup> such as the kinds of activities

the money can support and the type of paperwork states, districts, and schools must keep to prove they spent the money appropriately.<sup>5</sup>

To underscore the volume and complexity of these federal rules, here is a list of some requirements districts must consider when they spend ED money:

- Eligibility rules that define who can participate in, or benefit from, grant-funded activities;
- Use of funds rules that limit the kinds of services ED grant funds can support (including earmarks that require spending on particular activities or caps that limit spending on particular activities);
- Planning requirements that oblige districts and schools to develop written plans describing how they will carry out certain aspects of an ED grant program, which usually must be developed in prescribed ways and address prescribed issues;
- Financial tests districts must pass to show ED funds add to, and do not replace, state and local education funding;
- Reporting requirements that oblige states, districts, and schools to gather and submit certain information to ED; and
- Spending time frames that set the start and end dates for spending ED funds, which can vary from program to program and year.<sup>6</sup>

Districts must also follow federal paperwork rules, procurement rules (which might differ from state or local rules), inventory management rules, and accounting and other financial management standards.<sup>7</sup>

This list is by no means exhaustive, but each rule affects student services in specific ways. For example, earmark requirements limit choices over how grant money is spent.<sup>8</sup> Planning requirements vary between and in ED programs, which can make coordinating and aligning approaches hard. Paperwork rules require employees paid with federal funds to report the time they spend on individual programs, which can result in students receiving services in program silos.<sup>9</sup> These are some examples of how federal rules affect student services; there are many more.

And, importantly, federal rules are not the only rules governing ED programs. All of ED's major elementary and secondary education programs are "state administered," meaning ED gives money to states that are then responsible for giving ED money to districts and ensuring districts comply with federal requirements. Given their oversight responsibilities, states may, and typically do, impose their own rules for ED grants on top of the federal rules. Sometimes these state rules are based on state laws or regulations,<sup>10</sup> and sometimes they are designed to promote state policies.<sup>11</sup> Sometimes, however, state rules are based on misperceptions of federal rules, which can be hard for districts to parse out.<sup>12</sup> This layering of state rules on top of federal rules can intensify the complexity of managing federal education programs, and since districts get ED funds through their states, state rules carry a lot of weight.<sup>13</sup>

In practice, all this complexity makes spending ED funds and understanding what the funds can pay for difficult. For example, many states and districts believe Title I spending must be limited to reading and math instruction and that services funded by the Individuals with Disabilities Education Act (IDEA) for students with disabilities must be completely separate from a student's regular education program. Neither of these things is true, and in fact Congress, ED, and education advocates have tried in various ways to dispel these myths. But, the rules are so complicated to unpack that the myths persist. Even when spending options are well understood, districts must follow complex procedures to make and account for purchases made with federal funds, which disincentivizes spending in new ways.

### **Enforcement Pressures Motivate Caution**

If it seems that districts are being overly cautious in the face of complexity, understanding the significant compliance pressures they face is important.<sup>14</sup> Local compliance with ED grant-related rules is overseen by the states, ED, ED's Office of Inspector General, independent auditors, and other federal agencies. The oversight occurs throughout the year in many different ways, including state review of district applications for ED funds, state review of district payment requests, annual audits required by federal law,<sup>15</sup> state

monitoring of district activities, ED monitoring, and audits by ED's Office of Inspector General. This means districts must always be prepared to document and justify their grant-related activities.

There are genuine consequences for noncompliance, including repayment,<sup>16</sup> additional oversight, additional rules, and directives to change practices. In addition, noncompliance is often reported publicly, which can lead to local news stories, questions from school boards, and distrust from the community.

The complexity of the rules, coupled with enforcement pressures, affects districts in two important ways. First, districts are often reluctant to change how they spend ED funds once that spending has passed compliance scrutiny. This incentivizes spending on the same activities from year to year even if those activities do not improve student outcomes. Second, districts tend to spend ED funds on activities that are easy to justify from a compliance standpoint, which favors fragmented, add-on educational services as opposed to systemic activities. We discuss both issues below.

### **Spending on the Same Activities from Year to Year**

Districts tend to spend ED funds on the same things from year to year because it feels safe.<sup>17</sup> Once spending is approved by a state and passes audit scrutiny, there is an incentive to maintain the status quo. Change means taking a risk that the new spending will be found to be unallowable, which has consequences for districts. For example, proposing to spend money in a new way might delay approval of a district's application for funds, which disrupts programming and creates financial pressures. Or, proposing to spend money on a cost a state ultimately finds unallowable might increase state concern about a district, leading to more intensive oversight. And of course, if a cost is found to be unallowable after the fact, the district might have to repay funds.

This makes it hard for education advocates to convince districts to spend federal funds in new ways and for education service providers to convince districts to invest federal funds in their goods or services.

The incentive toward the status quo is so strong that even states themselves, which have a substantial say in how districts spend ED funds, can have a hard time convincing their districts to change. We worked with a state that invested significant resources to support districts in improving literacy only to see districts spend their Title I funds on one particular reading program year after year. The state's leadership did not believe the program was effective, but it had been recommended by the state's Title I office and had never been flagged in an audit, which motivated districts to support that reading program over others.

### **Spending on Fragmented Services over Systemic Improvements**

Most ED programs limit what districts can buy with program funds and who can participate in program activities. It can be easiest to demonstrate compliance with those limits if ED-funded services are different and separate from the services provided to students generally. In practice this favors spending on interventions over systemic improvements such as improving curriculum, training teachers on effective instructional practices, implementing positive behavior or mentoring supports, or redesigning school schedules to better support students. Often, interventions paid for with federal funds are deliberately unaligned to the general curriculum to make it clear they are different and separate.<sup>18</sup> This is not required by federal law, but in our experience, many state and local administrators believe it is.

Take Title I as an example. Researchers Nora Gordon of Georgetown University and Sarah Reber of the University of California, Los Angeles, interviewed Title I administrators and found they often described their Title I activities as “supplemental” and as an “intervention,” avoiding the term “core” and clarifying that Title I materials are “separate from the regular curricular materials.”<sup>19</sup> This is consistent with research that shows districts mostly spend Title I funds on supplemental instruction for reading and math,<sup>20</sup> a pattern that has been consistent for decades.<sup>21</sup>

Largely, this preference for “supplemental” activities has been driven by a federal fiscal rule known as “supplement not supplant.” The rule is intended to ensure that federal education funds add to, and do

not replace, state and local funds. Historically, districts have complied by showing each federally funded service is separate and distinct from any other service the district provides. This made it hard to align federally funded services to the rest of a district's educational program. Congress recently made changes to Title I's supplement not supplant requirement to make it easier to spend Title I funds on systemic improvements in Title I schools, but the changes will take time to saturate, and supplement not supplant is not the only federal rule that incentivizes separated services.

This issue is not limited to Title I, and we know from experience with other federal education laws that changing fiscal rules does not always lead to changes in spending without robust support.<sup>22</sup> For example, a number of states believe federal law prohibits districts from using IDEA funds for services for students with disabilities if other struggling students without disabilities receive the same services. In practice, this (incorrect) interpretation means a district could not use IDEA funds to deliver a reading intervention to a student identified for special education services if the district delivered the same intervention to nondisabled students with another funding source.

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This approach is not required by federal law and is even discouraged by ED, which recognizes struggling students with and without disabilities often benefit from the same services. But this misunderstanding persists based, in part, on old regulations that have been off the books for more than two decades. ED has tried to flag that the regulations changed, but its guidance has tended to be technical and complicated and has lacked examples of what the changes mean in practice for how districts can spend IDEA funds.

Even when fiscal rules are well understood, other federal rules incentivize fragmentation. For

instance, federal inventory management rules require districts to show that items purchased with ED grant funds were used exclusively by eligible participants. This is easiest to do when the items are kept separate. Many other rules, and even reporting requirements, have the same effect.

All this tends to fragment student services in detrimental ways.<sup>23</sup> For example, many districts use Title I funds to support one kind of reading intervention for Title I students, IDEA funds to support a different reading intervention for students with disabilities, and Title III funds to support yet a different reading intervention for English learners, all of which is separate from the core reading instruction delivered to all students. Federal law does not require this, but it is considered a safe way to spend. And since decisions about how to spend federal funds tend to be made by federal program staff rather than instructional staff, compliance considerations tend to play a more prominent role than academic ones do.

This kind of spending has implications for not only students but also district operations and state and local spending. One of our district clients realized it was using hundreds of different reading programs across 50 elementary schools largely because it believed it had to use federal funds to pay for different programs for different student groups. Having so many programs spread across so many different schools affected how the district staffed its schools, provided professional development to staff, set up school schedules, and made other operational decisions.

Spending on fragmented interventions has persisted despite decades of research demonstrating systemic approaches benefit vulnerable populations, particularly in high-poverty schools.<sup>24</sup> Congress and ED have made it increasingly clear federal funds can pay for systemic activities in many cases, but funds are rarely spent this way largely because states and districts are unaware of these options given the complexity of federal programs.<sup>25</sup>

We do not point any of this out to suggest a preference for systemic approaches over interventions. Interventions can be an important and effective support for struggling students, particularly when they align to a strong core instructional program.<sup>26</sup> Rather, we point this out to show that districts often make choices about the kind of approach to take

*because of their perceptions* about federal requirements, rather than instructional preferences.<sup>27</sup>

Once a district makes a choice about how to approach federally funded services, it can shape the district's whole educational model, in which struggling students are served primarily through interventions rather than through effective core instruction and supports. This certainly has implications for students, and it also ends up driving how districts spend their state and local dollars, how they set up their school schedules, and how they deploy staff and other resources, all of which has major implications for how districts purchase goods and services in general.

## **Supporting Districts to Navigate Compliance Complexity**

Given the long-standing effect federal rules have had on local decision-making,<sup>28</sup> which has not changed substantially over the years despite federal efforts to increase flexibility, what can be done now to help districts invest in effective programs? Stakeholders across the education sector can acknowledge how complex ED programs are and equip leaders to manage them effectively.

First and foremost, this means having leaders who will engage with compliance as an essential part of their job and something necessary to accomplish goals for students. This means leaders should understand:

- The influence federal rules have over their organizations,
- The obligations that come with accepting federal funds, and
- The mechanisms available for achieving their goals in their regulated environments.

Yet, leaders in the education sector often defer decisions on federal compliance issues to others in their organizations. Such deference can minimize a leader's effectiveness, particularly considering the pervasive misunderstandings about what federal rules actually require.<sup>29</sup>

Ultimately, understanding federal rules can lead to better programming for schools and students. For example, we worked with a school improvement leader who was routinely told she could not spend federal funds on comprehensive improvements in

a struggling school.<sup>30</sup> Skeptical, this leader dug into the rules herself and with our support found she could add collaborative planning time for teachers by adding music and art to the school’s schedule. To do so, however, she had to understand the rules and the lanes she could run in.

It certainly is not reasonable—or even ideal—to expect education leaders to master all the intricate ins and outs of the rules governing ED programs, but there is a lot education stakeholders can do to give leaders the tools they need to better navigate the compliance environment they work in. Below are some suggestions.

## What Congress Can Do

Congress can support states and districts by ensuring technical rules support effective program implementation.

**Consider technical changes to federal law to support program implementation.** When people think about the rules governing ED programs, they often think about things such as Title I’s accountability rules or IDEA’s rules for ensuring students with disabilities receive a free appropriate public education. But ED programs also have program implementation rules that govern what states and districts must do as part of the programs (such as develop certain plans or send certain notifications to parents) and what they can do with program funds. The way these program implementation rules are written can make it difficult to coordinate services.

For example, federal law requires two different types of plans for certain low-performing Title I schools—a school-developed plan that describes the school’s strategies for meeting its needs<sup>31</sup> and a district-developed plan that describes the school’s strategies for improving student achievement.<sup>32</sup> Although the Title I law encourages districts to align these plans, each plan must address different things, be developed by different entities (school versus district), and have slightly different stakeholder engagement requirements, all of which can make them hard to align in practice while still meeting compliance requirements. There are many other examples of these kinds of disconnects, which Congress can address through modest technical changes.

## What ED and the Office of Management and Budget (OMB) Can Do

ED and OMB can support states and districts by promoting existing flexibilities, providing clear guidance about federal requirements, and promoting clearer distinctions between federal and state rules.

**Promote existing flexibilities.** ED and OMB currently have authority to grant flexibility around rules that can inhibit effective spending. For example, ED can extend certain spending deadlines and relieve districts and schools from duplicative planning requirements that can complicate program implementation.<sup>33</sup> OMB can exempt states and districts from certain paperwork requirements and promote and approve innovative funding models that make it easier to coordinate across programs.<sup>34</sup>

For the most part, neither agency, however, has proactively solicited these kinds of flexibilities in the past. Taking steps such as advertising flexibility options, giving examples of how flexibilities could improve programming for students and how states and districts could pursue these flexibilities, articulating a clear review and approval process for requests, and making a commitment to approve reasonable requests for flexibility unless there are compelling reasons not to could help make the most of these existing opportunities.

**Provide clear guidance.** Leaders need clearer explanations of federal rules. We and others have written extensively about the need for clearer federal guidance,<sup>35</sup> but a few points stand out.

- Guidance should be written as plainly as possible with minimal use of technical terms.
- Guidance should be as user-friendly as possible.<sup>36</sup>
- Guidance should be targeted to a wide audience—the “full range of school building and central personnel”<sup>37</sup>—not just federal program administrators.
- Guidance should be easy to find and access.
- Guidance should use examples, with particular importance on providing various permissible spending examples.

- Guidance should address and clarify common misinterpretations of federal rules.<sup>38</sup>
- Special effort is needed to make sure guidance is made available to, understood by, and used by auditors to enhance audit quality and reduce compliance fears.

**Promote clear distinctions between federal and state rules.** ED’s two largest programs, Title I and IDEA, require states to identify state-imposed rules on those programs, yet ED rarely enforces this requirement.<sup>39</sup> When ED monitors states, it would be helpful to flag areas where states impose stricter rules than federal law requires. This would help in three ways. First, states may not be aware they are being more restrictive than required. Second, it promotes transparency so districts understand where a rule is coming from. Third, it would help ED identify and address widespread misunderstandings about federal requirements.

### What State Educational Agencies Can Do

State educational agencies can support districts by providing clear guidance, ensuring state oversight of federal funds is consistent with federal rules and aligned to state goals, and partnering with districts to address barriers.

**Provide clear, state-developed guidance, distributed to appropriate local audiences.** States should also provide clear and accurate guidance consistent with the suggestions above. Not only can states help put rules into local context and disseminate guidance to district staff more directly than ED can, research shows school districts receive most of their information about federal rules from their state.<sup>40</sup>

**Ensure state oversight of federal funds is consistent with federal rules and aligned to state goals.** States oversee local implementation of ED programs in many different ways (e.g., technical assistance, reviewing and approving local applications for federal funds, paperwork reviews and other forms of monitoring, and data reviews). This oversight is often diffused across multiple offices in a state, so ensuring oversight aligns across offices and processes and is consistent with state goals is

important.<sup>41</sup> For example, if a state includes chronic absenteeism in its accountability system, its technical assistance, application approval procedures, and monitoring should support district spending on activities to reduce chronic absences.<sup>42</sup> In our experience, misalignment is common.

**Partner with districts to address barriers.** Districts are on the front lines of federal program administration and have keen insight into where barriers to effective spending exist. We have worked on several projects in which states and districts partnered to address those barriers and have found that these kinds of collaborative projects tend to be more sustainable because they account for real-world implementation challenges.

### What School Districts Can Do

School districts can engage with federal rules and work together with other districts to navigate barriers.

**Engage with the rules.** Often, districts tend to accept what they hear about federal rules from states or third parties that hold themselves out as compliance experts.<sup>43</sup> While it is true federal rules are complicated, there is value in looking independently at federal laws, regulations, and guidance.

For example, we worked with one district official who learned she could use Title I funds for school counselors from reading ED guidance, an option her state did not know about. When she showed ED’s guidance to her state, they allowed her district to spend on counselors.

**Work together with other districts.** It can be daunting for a district to challenge a state’s interpretation of federal rules. Some districts we work with find it easier to coordinate with other districts to tackle shared challenges jointly.

### What Education Advocacy and Support Groups Can Do

Education advocacy and support groups can support states and districts by providing accurate and practical technical assistance about federal programs and assisting with access to lawyers when necessary.

**Provide accurate and practical technical assistance about federal requirements.** National organizations and education advocacy groups are in a unique position to explain federal rules and how they play out in practice. For example, the California Alliance for Arts Education, which advocates for high-quality arts education for all students, created websites to help districts understand how they can use Title I funds to support arts education.<sup>44</sup> The websites include links to ED guidance, stories from districts that used Title I successfully, and, importantly, tips for how to implement programs effectively. Although many national organizations have put together resources, the resources do not always explain federal requirements correctly, which undermines their value. If organizations wish to effectively support education, they must also try to master the rules that states and districts must implement.

**Assist with access to lawyers when necessary.** State and district leaders also need access to lawyers

## About the Authors

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## Notes

1. For example, more than 90 percent of school districts receive funding through Title I, Part A, ED's largest elementary and secondary education program. See, for example, US Department of Education, Institute of Education Sciences, *National Assessment of Title I Final Report, 2007*, <https://ies.ed.gov/ncee/pubs/20084012/>.

2. Federal funding makes up about 8 percent of elementary and secondary public school revenues nationally, which includes funding from ED and other agencies (such as the Department of Health and Human Services and the Department of Agriculture). See J. McFarland et al., *The Condition of Education*, National Center for Education Statistics, May 2019, 136, <https://nces.ed.gov/pubs2019/2019144.pdf>. Please note this is an average; the percentage is much higher in some districts.

3. For example, Title I, Part A of the Elementary and Secondary Education Act (ESEA)—ED's largest K–12 program—supports educationally disadvantaged students in high-poverty schools; Title III, Part A of ESEA supports English learners; and Part B of the Individuals with Disabilities Education Act supports students with disabilities.

4. ED's Office of Inspector General (OIG) once estimated that Title I, Part A alone contained more than 500 discrete compliance requirements. US Department of Education, Office of Inspector General, "Compliance Requirements Within Title I, Part A of the No Child Left Behind Act," 2006. While that estimate was based on a prior version of the law, most of the requirements OIG counted are still part of the law today.

5. Not all these rules come from Congress. States and districts that receive ED funds must also follow rules set by the Office of Management and Budget and ED.

6. These program-specific requirements are established by federal education laws, such as Title I, Part A of the Elementary and Secondary Education Act; Part B of the Individuals with Disabilities Education Act; and the General Education Provisions Act.

7. These grants management requirements are established by a set of regulations that govern all federal grants, known as the Uniform Grant Guidance.

8. For example, most of ED's major programs require districts to set aside some of their money to provide services to private school students (a requirement since the 1960s), which limits the amount available for public school programs and requires districts

to help them understand their options, determine what federal law actually requires, assess risks, and challenge misinterpretations when necessary. We are not talking about litigation, though there is a role for that. Instead, we mean using lawyers as problem solvers to help navigate the complexity of federal rules and get around day-to-day roadblocks to accomplish what is needed for schools and students.<sup>45</sup>

## Conclusion

We must recognize the substantial influence ED grant programs, and the rules attached to them, have on local decision-making. The more we recognize this influence and support leaders in better navigating these rules, the better positioned districts will be to spend on the goods and services that meet their schools' and students' needs.



to devote sufficient administrative capacity to running private school programs, a responsibility federal law prohibits districts from delegating. Likewise, the new Title IV, Part A program requires districts receiving over \$30,000 to spend 20 percent on safe and healthy schools, 20 percent on well-rounded education, and “some” on technology, with a 15 percent cap on technology infrastructure, such as devices, equipment, and software. In other words, just because a district receives a certain amount of money through an ED grant does not mean it has discretion to spend all that money on its own priorities.

9. For more information about how time and effort requirements shape program services, see Melissa Junge and Sheara Krvaric, “‘Time and Effort’ Takes Too Much Time and Effort,” *Education Week*, October 26, 2011, [https://blogs.edweek.org/edweek/rick\\_hess\\_straight\\_up/2011/10/time\\_and\\_effort\\_takes\\_too\\_much\\_time\\_and\\_effort.html](https://blogs.edweek.org/edweek/rick_hess_straight_up/2011/10/time_and_effort_takes_too_much_time_and_effort.html). The federal rules governing time and effort changed since we wrote this blog post to be, in theory, more flexible, but neither ED nor OMB has issued guidance on how to satisfy the new rules, so the vast majority of districts still keep the records described in this blog post.

10. For example, federal law typically requires districts to keep records related to federal grants for three years, but a state might require districts to keep records longer based on state law.

11. For example, a state might require districts to submit more information to justify spending on activities that do not align to state policy.

12. See, for example, US Government Accountability Office, *Elementary and Secondary Education: Flexibility Initiatives Do Not Address Districts’ Key Concerns About Federal Requirements*, September 1998, 4, <https://www.gao.gov/assets/160/156363.pdf>.

13. For an overview of how states affect local spending choices, see Nora Gordon and Sarah Reber, “The Quest for a Targeted and Effective Title I ESEA: Challenges in Designing and Implementing Fiscal Compliance Rules,” *Russell Sage Foundation Journal of the Social Sciences* (2015), <https://www.rsfsjournal.org/content/rsfjss/1/3/129.full.pdf>.

14. For more about compliance fears and how they affect districts, see Melissa Junge and Sheara Krvaric, *Federal Compliance Rules Can Work Against Education Policy Goals*, Federal Education Group, 2011, <https://www.fededgroup.com/s/EDU-2011-06-g.pdf>.

15. This is required for any entity that spends more than \$750,000 in federal funds in a year.

16. While researchers have found that ED rarely imposes financial penalties on districts that run afoul of federal rules, in our experience, states—that have authority to order repayments—often do. See, for example, Gordon and Reber, “The Quest for a Targeted and Effective Title I ESEA,” 3.

17. Kerstin Carlson Le Floch et al., *Study of Title I Schoolwide and Targeted Assistance Programs: Final Report*, US Department of Education, 2018, 38, <https://www2.ed.gov/rschstat/eval/title-i/schoolwide-program/report.pdf>; and Beatrice F. Birman, *The Current Operation of the Chapter 1 Program: Final Report from the National Assessment of Chapter 1*, Office of Education Research and Improvement, 1987, 33, <http://files.eric.ed.gov/fulltext/ED289935.pdf>.

18. This has been the case for decades. See, for example, Birman, *The Current Operation of the Chapter 1 Program*, 87–91.

19. Gordon and Reber, “The Quest for a Targeted and Effective Title I ESEA,” 12.

20. Le Floch et al., *Study of Title I Schoolwide and Targeted Assistance Programs*, xi.

21. See, for example, Gordon and Reber, “The Quest for a Targeted and Effective Title I”; General Accountability Office, *School Districts Have Used Title I Funds Primarily to Support Instruction*, 2011, <https://www.gao.gov/assets/330/321048.pdf>; US Department of Education, Institute of Education Sciences, *National Assessment of Title I Final Report*, 2007, <https://ies.ed.gov/ncee/pubs/20084012/>; and Birman, *The Current Operation of the Chapter 1 Program*.

22. See, for example, Birman, *The Current Operation of the Chapter 1 Program*, 9.

23. Le Floch et al., *Study of Title I Schoolwide and Targeted Assistance Programs*, 1.

24. Le Floch et al., *Study of Title I Schoolwide and Targeted Assistance Programs*, 1.

25. Le Floch et al., *Study of Title I Schoolwide and Targeted Assistance Programs*, xv.

26. See, for example, Gordon and Reber, “The Quest for a Targeted and Effective Title I ESEA,” 11–12; and Kenneth L. Wong, Gail L. Sunderman, and Jaekyung Lee, “Redesigning the Federal Compensatory Education Program: Lessons from the Implementation of Title I Schoolwide Projects,” in *Implementing School Reform Practice and Policy Imperatives*, ed. Margaret C. Wang and Kenneth K. Wong (Philadelphia, PA: Temple University, 1997), <http://files.eric.ed.gov/fulltext/ED433391.pdf>.

27. Gordon and Reber, “The Quest for a Targeted and Effective Title I ESEA,” 3; and Birman, *The Current Operation of the Chapter 1 Program*, 56.

28. Researchers have highlighted the influence federal compliance rules have on district practices for decades. See, for example, Birman, *The Current Operation of the Chapter 1 Program*; and Gordon and Reber, “The Quest for a Targeted and Effective Title I ESEA.”

29. Gordon and Reber, “The Quest for a Targeted and Effective Title I.”

30. Melissa Junge and Sheara Krvaric, “Managing the Law in Education: Strategies for Education Leaders and the Organizations That Support Them,” American Enterprise Institute, October 23, 2014, <https://www.aei.org/research-products/report/managing-law-education-strategies-education-leaders-organizations-support/>.

31. This is known as a “schoolwide plan” and is required for any high-poverty Title I school that operates a schoolwide program under Section 1114 of ESSA.
32. This is known as a “comprehensive support and improvement plan” and is required for certain low-performing schools identified by the state through its accountability system under Section 1111(d) of ESSA.
33. ESEA Section 8401.
34. 2 CFR § 200.102.
35. Nora Gordon, *Increasing Targeting, Flexibility, and Transparency in Title I of the Elementary and Secondary Education Act to Help Disadvantaged Students*, Brookings Institution, March 2016, <https://www.brookings.edu/research/increasing-targeting-flexibility-and-transparency-in-title-i-of-the-elementary-and-secondary-education-act-to-help-disadvantaged-students/>; Junge and Krvaric, “Managing the Law in Education”; and Junge and Krvaric, *Federal Compliance Rules Can Work Against Education Policy Goals*.
36. For example, ED guidance on a single topic is often split across multiple documents. Guidance on related topics should be combined to the extent possible.
37. Gordon, *Increase Targeting, Flexibility, and Transparency in Title I of the Elementary and Secondary Education Act*, 12.
38. See, for example, US Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, September 2016, 5–7, <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.
39. ESEA Section 1603(a)(1), IDEA Section 608.
40. Gordon and Reber, “The Quest for a Targeted and Effective Title I,” 2. For more information about state-developed guidance, see Melissa Junge and Sheara Krvaric, *Developing Effective Guidance: A Handbook for State Educational Agencies Delivering Guidance on Federal Education Programs to Drive Success*, Council of Chief State School Officers, January 2017, <https://ccsso.org/sites/default/files/2017-10/CCSSODevelopingEffectiveGuidanceHandbook.pdf>.
41. For more information about state oversight processes under ESSA, see Melissa Junge and Sheara Krvaric, *A Guide to State Educational Agency Oversight Responsibilities Under ESSA: The Role of the State in the Local Implementation of ESSA Programs*, Council of Chief State School Officers, March 2017, [https://ccsso.org/sites/default/files/2017-10/CCSSO\\_State\\_Authority\\_Over\\_ESSA\\_Programs.pdf](https://ccsso.org/sites/default/files/2017-10/CCSSO_State_Authority_Over_ESSA_Programs.pdf).
42. For more information about promoting alignment, see Melissa Junge and Sheara Krvaric, *Decision Guide for Implementing ESSA: State Considerations for Effective Grant Programs*, Council of Chief State School Officers, <https://ccsso.org/sites/default/files/2017-10/CCSSODecisionGuideForESSAImplementation.pdf>.
43. There is a compliance industry that sells federal compliance-related materials to districts. Unfortunately, these materials are sometimes inaccurate.
44. See California Alliance for Arts Education, “Title I Initiative,” [https://www.artsed411.org/action\\_center/title1](https://www.artsed411.org/action_center/title1); and Title1arts, <https://www.title1arts.org/>.
45. For more specific suggestions about how education organizations and education schools can help state and district leaders better use lawyers and navigate legal requirements without lawyers, see Junge and Krvaric, “Managing the Law in Education,” 7–9.

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