



***DISCUSSION OUTLINE***

**MODEL STATE  
"REQUEST FOR APPLICATIONS"  
FOR LOCAL EDUCATIONAL AGENCY GRANTS UNDER THE  
THE ELEMENTARY AND SECONDARY EDUCATION ACT (ESEA)**

**TO CARRY OUT:**

**SEC. 1003A DIRECT STUDENT SERVICES**

**ISSUED BY:**

**--- State Department of Education**

**2016**

## **Background:**

Sec. 1003A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), allows States to set-aside 3% of their Title I allocation to carry out a program of Direct Student Services (DSS). Prior to making the determination to set aside these funds, the State sought the input from a variety of local educational agencies (LEAs), as required under the law. As part of this outreach, some LEAs raised concerns regarding the impact of funds flowing to a smaller number of LEAs and about services being delivered through alternative providers. However, there was also support expressed for providing additional resources for those LEAs facing the greatest challenges, particularly those with a high number or percentages of struggling schools identified for improvement. There was also support expressed for providing educational options that may not otherwise exist for students in these schools.

Ultimately, the State decided to move forward in setting aside funds for DSS based largely on the view that we should take advantage of new approaches that may offer solutions to address challenges which have been vexing many of our State's lowest-performing schools and students for many years. By offering a wide range of new opportunities to students and providing parents a greater role in selecting additional educational interventions for their child, our hope is that this program will help not only in making individual students more successful, but in helping entire schools improve.

## **Goals of Program:**

**This section should be customized to align with state goals and theory of action for how DSS can support the state's overall school improvement strategy**

Under this application, we invite LEAs to apply for funds to establish a district-level program of DSS. The overall goal of this initiative is to provide expanded educational options for students who are from low-income families and those who attend struggling schools. More specifically, the DSS program would support attainment of the following outcomes:

- Creating new opportunities for students to participate in courses not otherwise available to them at their school, particularly advanced courses and innovative career and technical education (CTE) courses that lead to industry-recognized credentials and that prepare students beyond high school;
- Providing additional support and options for students who need to accelerate their academic studies in order to graduate on time;
- Supporting students who are ready to take on more challenging postsecondary-level coursework that earn college credit; and
- Providing new and expanded pathways for individualized learning, including approaches such as high-quality academic tutoring.

We believe that the DSS program represents a unique opportunity for LEAs to work in collaboration with other partners, think creatively in developing innovative interventions focused on students in struggling schools, and expand choice for students and parents. LEAs should view this program as a way to test these interventions that, if successful, may serve as models for future investment. The State also encourages LEAs to approach this their overall program broader school improvement.

<b>Legislative Authority</b>	DSS programming is authorized under Title I, Section 1003A of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA).
<b>Source of Funding:</b>	U.S. Department of Education (ED)
<b>Purpose</b>	The purpose of DSS is to provide the opportunity for LEAs to receive additional funds in order to offer students expanded options, such as public school choice, tutoring, and access to CTE and advanced courses.
<b>Eligible Applicants</b>	<p>Any LEA in the State is eligible to apply for a DSS grant.</p> <p>ESEA defines an LEA as “a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.”</p> <p>Charter schools that are constituted as LEAs are eligible to apply.</p>
<b>Availability of Funds</b>	<p>Under Section 1003A, the State educational agency (SEA) is authorized to reserve 3 percent of funds received under Subpart 2 of Part A of Title I in order to carry out a program of DSS.</p> <p>The total amount of funds for DSS in FY17 in [state] is \$X</p>
<b>Amount of Grants</b>	<p>LEAs may request funds ranging from \$X to \$X based on need and proposed services to be offered to the target populations. [There is no min/max specified in the law.]</p> <p>[States may, at their determination, use a per-pupil amount (ex. Up to \$1,500) and then base the total amount of the grant on this cap multiplied by the number of students expected to be served.]</p>
<b>Project Period</b>	<p>[The law does not specify a grant period. Given the time and resources necessary to establish and maintain a viable program within a LEA, States may want to consider a 3-5 year grant period.]</p> <p>The grant period is XX, subject to annual appropriations. Funding beyond the first year is also subject to prior compliance, satisfactory performance, and the number of students served in the prior year measured against the number projected to be served in the application.</p> <p>An SEA may suspend funding to any project that fails to provide required reports or carry out the priorities and requirements of the SEA, as identified in the Request for Applications.</p>
<b>Mandatory Notice of Intent</b>	Some States require a Notice of Intent to apply to the RFP. This will help the State plan for the consideration of LEA applications.
<b>Applicant Training</b>	Some States offer (or require) pre-application webinars or training sessions.

### **Competition Priorities:**

Pursuant to Sec. 1003A(b)(2) of ESEA, the State must prioritize awards under this competition to LEAs that, when compared to other LEAs in the state, are serving the highest percentage of schools that are:

- Identified by the State for comprehensive support and improvement under Section 1111(c)(4)(D)(i) of ESEA; or
- Implementing by the State for targeted support and improvement plans under Section 1111(d)(2).

### **Discussion Points:**

- States may need to address the issue of the 2017 transition, with respect to using prior “Priority” and “Focus” school designations.
  - States may consider including, as part of the application, a list of the LEAs in the state rank- ordered by the highest percentage of schools identified for comprehensive or targeted support and improvement.
- In addition to the statutorily required priorities, States may want to establish additional priorities for awarding grants to LEAs, such as prioritizing those LEAs proposing to target resources to low-income students; targeting secondary schools faced with high dropout rates; focusing on a certain type of intervention; agreeing to coordinate the DSS program with related statewide initiatives, such as course access programs; proposing pay-for-success initiatives; or otherwise using funds for other Statewide priorities.
- States may decide how best to implement these priorities, such as by awarding additional priority points to applications that meet the above criteria.

## **APPLICATION CONTENTS**

### **1. Executive Summary of Proposal (# points)**

Summarize the goals of the LEA in implementing a DSS program, including how the LEA proposes to implement the program in a way that is likely to enable success in reaching such goals.

This summary should include: (1) an overview of the key design elements of the program; (2) the capacity of the LEA to carry out its proposed DSS program; and (3) evidence of the LEA’s coordination with school leaders and teachers from schools likely to be participating in the program.

### **Discussion Points:**

- States may want to ensure that LEAs incorporate the State’s goals into how the LEA plans to implement the program.

## **2. Need for Project (# points)**

Describe the population to be served by the program and discuss how the proposed program will offer these students educational opportunities that are not currently available.

## **3. Key Elements of Program Design (# points)**

Describe how the LEA proposes to implement DSS in accordance with ESEA and other requirements set forth under this application instructions, including with respect to the following objectives:

### **Objective #1: Ensure Parental Awareness of DSS Opportunities**

- ✓ Describe how the LEA will provide adequate outreach to ensure that parents may exercise a meaningful choice of DSS for their child’s education.

#### **Discussion Points:**

- States may want to require LEAs to specifically describe how they will use available DSS funds (up to 1 percent of their grant award) for outreach and communication to parents about available DSS.
- States may also want to require LEAs to describe how they will coordinate DSS activities with those supported with funds set aside under Sec. 1116 of ESEA for Parent and Family Engagement activities (1 percent of Title I).
- States may want to require LEAs to demonstrate how they will ensure on-going outreach to parents/families as well as how they will respond to parent [?] priorities/concerns throughout the availability of DSS.
- As part of the application, States may want LEAs will describe how they will conduct outreach to the schools in which the LEA plans to make services available and demonstrate the level of commitment that principals, teachers and parents would have in implementing a DSS program in the event the LEA was awarded a grant.

- ✓ Describe how the LEA will ensure that parents have adequate time and information to make a meaningful choice prior to enrolling their child in a DSS program.

#### **Discussion Points:**

- States may decide what constitutes “adequate time” and “information.”

- States may want to set a minimum time period for consultation, or require LEAs to provide information on how much time they will provide to parents along with a justification of why that amount of time is adequate.
- States may also want to provide guidance on how to adequately and successfully provide outreach to parents through multiple mechanisms, such as local parent-teacher associations or parent advisory councils, as well as information on best parent engagement practices States have used in the past.
- States may want to provide guidance or requirements for LEAs with respect to: (1) providing information to parents on the specific services being offered; and (2) providing a listing of providers for such services along with information on the quality and outcomes achieved by providers to ensure parents are able to make an informed choice in selecting a provider. States may also want to publish a catalogue of state-approved high-quality tutoring providers on their website from which LEAs may choose to use for their DSS program with respect to offering tutoring services.
- States may want to assist LEAs in simplifying application forms and (based upon parent input) ensuring that they are clear and concise and that parents are able to understand the options available to their child. This could include the State developing a high-quality standardized application to be used by all LEAs for purposes of signing up students.

**Objective #2: Ensure Sufficient Options to Provide Meaningful Choice to Parents**

- ✓ In cases where the LEA plans to offer public school choice as part of its DSS implementation,\* describe how the LEA will ensure sufficient availability of seats in the public schools that the LEA will make available for public school choice options.

\*Note that an LEA that reserves funds under Section 111(d)(1)(d)(v) to provide transportation for public school choice may not do so under DSS.

**Discussion Points:**

- States may want to provide a definition of “sufficient availability” or refer to any current State law or regulations on that issue.
- Note that the law does not specify that supporting inter-district transfers is an allowable expenditure.

- ✓ Describe how the LEA will use funds made available under the grant to pay the costs associated with one or more of the following direct student services—

**Discussion Points:**

- LEAs have the discretion to determine which specific services will be made available to students. However, States may want to encourage LEAs to focus on certain

activities (such as by prioritizing applications in which LEAs agree to focus on certain activities).

- Certain allowable expenditures include costs associated with a particular policy or practice. States may want to define “associated” -- for example, they may want to include or exclude costs such as transportation, the purchase of computers and other technology.
- The timing for the availability of services is not defined in the law. Courses may span the entire school year or alternatively (such as in the case of covering AP/IB assessments) may be a single event. States may want LEAs to describe the timeframe for which activities may be provided to students.

- Enrollment and participation in academic courses not otherwise available at a student’s school, including—

**Discussion Points:**

- States may want to define “not otherwise available.” Is it the same as “not offered”? What about if a course is offered, but there is no space left for new students?
- States may also want to place a priority for awarding grants to LEAs that agree to apply this concept of “not otherwise available” to other activities to be carried out through DSS .
- States may want to decide if funds can be used to provide transportation from one school to another when a course is not available at the first school.
- States may want to decide whether they will allow or encourage the use of virtual schools or courses.
- States may want to address the extent to which DSS offerings may be provided during non-school hours.

- o Advanced courses;

- o CTE coursework that—

- is aligned with the challenging State academic standards; and
- leads to industry-recognized credentials that meet the quality criteria established by the State under section 123(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

- Credit recovery and academic acceleration courses that lead to a regular high school diploma;

- Activities that assist students in successfully completing postsecondary-level instruction and examinations that are accepted for credit at institutions of higher education (IHEs), including Advanced Placement (AP) and International Baccalaureate (IB) courses. This may include reimbursing low-income students to cover part or all of the costs and fees for such examinations.

**Discussion Points:**

- With respect to “advanced courses”, State may want to encourage or prioritize applications where an LEA plans to offer specific courses or programs in particular subjects areas based upon identified needs (e.g., computer science).
- States may want to define “activities that assist” and how broad they want those activities to be. For example, can they be non-academic in nature? Note that ED might eventually provide guidance on this issue.
- States might suggest guidelines as to what type of activities could be included– college entrance counseling, SAT/ACT test fees, others.
- With respect to activities related to AP/IB, States may want to require LEAs to identify how such activities will be coordinated with existing State and local efforts reimbursing students for the costs of examination fees, including the extent to which the LEA plans to use funds under the Title IV-A Student Support and Academic Enrichment Grants for that purpose.

- Components of a personalized learning approach, which may include high-quality academic tutoring.

**Discussion Points:**

- States are required to “ensure that each LEA receiving an award is able to provide an adequate number of high-quality academic tutoring options to ensure parents have a meaningful choice of services.” While further clarification may be necessary from the the US Dept of Ed, this language likely means that States have the responsibility to ensure a list of providers is made available from which LEAs may choose IF they decide to offer tutoring (but it does not mean that all LEAs receiving a grant must offer such services.)
- What are other examples of personalized learning approaches that are not tutoring?
- Other allowable direct student services encompass activities that some may define as “tutoring.” While federal guidance may, at some point, provide a clear definition of “tutoring,” the law is not clear. Therefore, States may want to consider whether to limit the specific activities for which providers may obtain seek State approval.



- ✓ Describe the process the LEA will use to select [a broad array] of qualified providers of DSS, which may include:
  - the local educational agency or other LEAs;
  - community colleges or other institutions of higher education (IHEs);
  - non-public entities;
  - community-based organizations; or
  - in the case of high-quality academic tutoring, a variety of providers that are selected and approved by the State and appear on the State’s list of such providers.

**Discussion Points:**

- States may want to set minimum criteria for use by LEAs in selecting providers, or they may allow the LEA to set the criteria and then approve it in the application.
- States may want to require LEAs to establish a process similar to the one the States are required to use for purposes of selecting a tutoring provider, which –
  - Is developed using a fair negotiation and rigorous selection and approval process;
  - Provides parents with meaningful choices;
  - Offers a range of models, including online and on-campus; and
  - Includes only providers that—
    - o Have a demonstrated record of success in increasing students’ academic achievement [Should the State set these criteria or let the LEAs set it?]
    - o Comply with all applicable Federal, State, and local health, safety, and civil rights laws; and,
    - o Provide instruction and content that is secular, neutral, and non-ideological.
- States may want to have a process/minimum criteria for LEAs seeking to select themselves as a provider.
- States may also want to assist LEAs by developing a broader list of providers (beyond those providing “high-quality tutoring”) from which LEAs may choose, or make the use of such providers a priority in the application. Such effort could also reduce duplicative efforts on the part of multiple LEAs vetting the same providers.

**Objective #3: Ensure that DSS resources are targeted to students who are the lowest-achieving.**

- ✓ Describe how the LEA will prioritize DSS for those students who are the lowest-achieving.

**Discussion Points:**

- States may want to consider requiring LEAs to prioritize other groups of students, in addition to being the lowest-achieving, such as those who are English learners (EL), students with disabilities (SWD), low-income students, or other disadvantaged populations.
- The law does not define “low-achieving.” States may want to define this term or may allow LEAs to determine it – such as by targeting students who are lowest-achieving in a particular subject area.

**4. Program Management (# points)**

Describe how the LEA will manage the DSS program, including identifying the allocation of staff time necessary to implement and oversee a strong system of DSS and how, consistent with ESEA, no more than 2 percent of the award would be used to cover administrative costs.

This should also include a description of the process to be used for the prioritization of services; how students will be enrolled; and how payments for the costs associated with DSS will be made in accordance with section 1003A(c)(4), as follows:

- o First, pay such costs for students who are enrolled in schools identified by the State for comprehensive support and improvement under section 1111(c)(4)(D)(i)

**Discussion Points:**

- This provision would seem to require that the LEA put a process in place that would require prioritization – how could this be implemented? Should States provide guidelines on how a LEA could do this? Give parents 30/60 days at these schools before opening up to other students?
- Under Supplemental Educational Services (SES), LEAs were required to prioritize services, so they likely have some established practices that they may want to apply to DSS.
- States may also want to prioritize groups of students, such as low-achieving, EL, SWD, or other disadvantaged populations.
- The statutory language also calls for LEAs to “pay such costs” associated with DSS for students enrolled in comprehensive support and improvement schools but does not define what costs are allowable nor does the law require a specific amount per-student (as was the case under SES). States may want to place limitations on

what these costs may entail or require LEAs to be look at fair market rates for services that are provided.

- o Second, pay such costs for low-achieving students who are enrolled in schools implementing targeted support and improvement plans under section 1111(d)(2); and,

**Discussion Point:**

- States may want to set minimum criteria on how to implement this process. Note that many LEAs were required to establish a similar process under NCLB for the prioritization of SES.

- o With any remaining funds, pay such costs for other low-achieving students served by the LEA.

**Discussion Points:**

- States may want to decide who defines “remaining funds” – LEAs or States? At what point should “remaining funds” be determined? After all targeted students in identified schools are served? The end of the school year?
- States may want to provide guidelines on what constitutes remaining funds and how they might be spent. Note that this could result in funding activities at a non-Title I school.

Describe how the LEA will integrate DSS activities with broader school improvement strategies being implemented by any school identified by the State, pursuant to ESSA, for comprehensive or targeted support and improvement. Also, describe how the LEA will that ensure activities carried out with funds under Title IV, Part A of ESSA, the “Student Support and Academic Enrichment Grants” program, will be coordinated with those provided to students under DSS.

**Discussion Point:**

- The law does not require a focus on coordination of broader reform efforts, but States may want to build this into their applications as a way to encourage the integration of services.

## **5. Program Monitoring and Evaluation**

Describe how the LEA will monitor the provision and implementation of DSS programming within the LEA. Provide a detailed explanation of how participating schools and DSS providers will adhere to program requirements, including data collection and reporting.

**Discussion Points:**

- The statute requires **States** to “establish and implement clear criteria describing the course of action for direct student service providers that are not successful improving student academic outcomes, which for a high-quality academic tutoring provider, may include a process to remove State approval” of a provider. Given this requirement, States may want to clarify that, as part of the monitoring, LEAs also describe how they will carry out this requirement.
- How will the State support LEA monitoring to ensure effectiveness of activities?
- What guidelines might the State want to require?
- What if the LEA is the provider – how would it monitor itself? Would there then be a role for the State to monitor?
- How will the LEA monitor how funds are spent appropriately? Parent and student satisfaction? Pre- and post-assessments – if so, standardized assessments? The success of the services in increasing student outcomes? How often? Annually?

Describe how the LEA will publicly report the results of DSS providers in improving relevant student outcomes in a manner that is accessible to parents.

**Discussion Points:**

- States may want to consider what relevant student outcomes should entail, including with respect to the use of state assessments – or outcomes that may be broader than state assessments.
- States may also want to consider how results of DSS providers in improving relevant student outcomes will be derived and reported to parents, in ways that are aligned with the state’s overall reporting system, as well as in course catalogues.
- Should providers be able to use their own assessments? How will non-academic factors be weighed? What if the program expands access to an AP course – is the fact that it provided access good enough?

**Program Assurances:** Applications shall agree to comply with all requirements of ESEA and all implementing regulations promulgated by the United States Department of Education and conforming State laws and regulations applicable during the term of the grant, beginning on July 1, 2017.