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AASA
THE SCHOOL SUPERINTENDENTS ASSOCIATION

*Imagine you're a school superintendent and you're sitting with your school finance officer and federal programs officer in May to determine how to best allocate federal dollars towards the lowest performing students within your district in the next school year. Rather than concentrate the bulk of your small, but critical, federal funds towards the classrooms with the most low-performing students, you're told you must distribute the funding equally, so that every student who is low-income and low-performing receives a small piece of the federal allocation. You're also told you can no longer concentrate your federal funds on services and supports for younger students, who have the most to gain from additional interventions and professionals working with them. You're warned it's too risky to plan on hiring a reading specialist and a few paraprofessionals to assist students in a few classrooms in one school since you don't know the exact number of low-income, low-performing students that will be in those classrooms. Your district compliance officer also says that allocating funding for professional development over three or four days throughout the school year could jeopardize the district compliance's with ESEA. At the end of these discussions, what are you thinking? **You believe your ability to control how to best allocate limited federal resources is being undermined.** And you'd be right. And this scenario will be playing out across every school district in America if Congress incorporates a new idea into the next reauthorization of ESEA called Title I Portability.*

Title I Portability is an attempt to limit local school district administrators' ability to effectively target federal resources to at-risk students in their community.

Since 1965, federal funds have been distributed to states and then directly to school districts to provide coordinated programs and services to groups of academically struggling, low-income students.

Under current law, districts can concentrate the funding into specific schools—typically elementary—in order to maximize the services and professionals provided to eligible students in those schools. For example, if 75% of students in an elementary school are Title I eligible and a majority of these students are below proficient in reading, the school district can use Title I funds to provide a trained reading specialist, a new reading curriculum and books that would benefit all students in the school. But under a portability schema, the dollars would no longer flow directly to districts to craft a comprehensive program for improving academic achievement for eligible students within a high-poverty school. Instead, districts would be required to ensure that Title I funds were spent on “something” that could benefit every eligible

student in the district regardless of the school he attends or his need for services.

With the current funding levels of Title I unchanged, portability would result in less effective and fewer comprehensive services for all Title I eligible students. The district would still have to provide some form of academic assistance to each eligible student, but it's unlikely the quality or quantity would be the same as when the funds were invested in providing a comprehensive academic program for groups of eligible students. It is both complex and inefficient to parse out pieces of the Title I program into a single, quantifiable service or good that can “follow the child” to other schools.

The next few pages detail how:

Title I Portability Would Destabilize District Financial Planning Resulting in Less Effective Services for Students

Title I Portability Would Limit Federal Funds From Being Used Throughout the School Year

Title I Portability Places Unfunded Mandates on School Districts

To Understand Title I Portability, First Understand Title I

What is Title I?

Title I of the Elementary and Secondary Education Act (ESEA) authorizes federal aid to state and local educational agencies for the education of disadvantaged children. Title I grants are used to provide supplementary educational and related services to low-achieving children attending schools with relatively high concentrations of pupils from low-income families. State educational agencies are in charge of distributing Title I funds to districts, monitoring district programs for compliance, providing technical assistance and administering special state programs. School districts are responsible for designing and managing Title I programs, and allocating funding to schools to support educational services for disadvantaged children based on the requirements of the statute, regulations, and guidance.

Where are Title I dollars spent?

Nationally, during the 2011-2012 school year, approximately 49 percent of K-12 public schools in the U.S. received Title I funds and 35 percent of K-12 public school students received Title I-funded services.¹ The majority of Title I funds (76 percent) go to elementary schools, while middle schools receive 14 percent of Title I funds and high schools receive 10 percent of Title I funds.²

How is Title I structured?

A Title I program can be structured in two ways. In a school where less than 40% of students are considered low-income, a Targeted Assistance program is implemented by the school district

that directs academic interventions at specific children who are eligible for services.

Most Targeted Assistance schools provide “pull-out instruction” for those students, in which they are pulled out of the general classroom to receive small-group or individual instruction from a Title I teacher or aide in reading, math, or both.

If more than 40% of students in a school qualify as low-income a district can operate a Schoolwide program. This means that staff in Title I schools can redesign their entire educational program to ensure that all students, particularly those who are low-achieving, receive the services they need to meet state academic achievement standards. In a Schoolwide program, schools are allowed to consolidate their Title I funding with other federal, state, and local funds as well. Research suggests that schoolwide programs have benefits over pull-out programs, which tend to fragment the curriculum and instruction that students receive.

The vast majority of Title I spending at the school-level is generally dedicated to personnel. Academic personnel are often the biggest expenditure, including additional teachers to decrease class size, instructional coaches, paraprofessionals, and reading, English as a Second Language (ESL) and math interventionists. However, school districts may also help fund positions like school social workers or school counselors with these funds. Over half of Title I schools operate Schoolwide programs.³



¹ Bitterman, A., Gray, L., and Goldring, R. (2013). Characteristics of Public and Private Elementary and Secondary Schools in the United States: Results From the 2011–12 Schools and Staffing Survey (NCES 2013–312). U.S. Department of Education. Washington, DC: National Center for Education Statistics. Retrieved Oct 20 2014 from <http://nces.ed.gov/pubsearch>.

² Jay Chambers et al., State and Local Implementation of the No Child Left Behind Act, Volume VI—Targeting and Uses of Federal Education Funds (Washington, DC: U.S. Department of Education, 2009).

³ Ibid

What is Title I portability?

Under Title I, federal funds are given directly to school districts to provide coordinated programs and services to groups of academically struggling, low-income students. The district then concentrates the funding into specific schools—typically elementary—in order to maximize the services and professionals provided to eligible students in those schools.

Portability assumes that Title I funding should “follow the child”. This reflects the idea that for each dollar spent, every eligible child will receive one dollar of service, regardless of need. This is not practical or the best use of funds. Under current law, federal funding is provided to the school to purchase services that are then distributed to the students based on needs. For some students, for example, they spend 30 minutes a day with the Title I reading specialist, while other children spend 30 minutes every other day with a group of two other students who are all working together with the reading specialist. In this example it is clear that Title I is not designed as a purchase of services by the individual, but as a program that the school can deploy to serve multiple students.

Title I Portability Would Decrease the Effectiveness of Title I Services and Undermine Local Educational Authority

Allowing Title I dollars to be targeted towards groups of struggling students at the start of their academic career provides the best return on the federal investment in our schools, which is why the bulk of Title I services and professionals are committed to serving students in elementary school. If Title I funding increased substantially, districts could provide additional, higher-quality services to students outside the elementary and middle school grades. The perpetual underfunding of Title I means the program doesn't provide enough for schools to serve all Title I students. Left to ensure that limited Title I dollars are invested effectively, many districts target their funds on the early elementary years. This practice of focusing on the early grades is also in part attributable to the challenges of providing Title I services to students in the later grades, as schedules and credit requirements are more specific and intensive. Students in need of academic support in later grades certainly still receive academic support services, but these supports are paid for by local and state funding and are typically less far-reaching than what elementary school students receive.

Title I portability requirements undermine the educational expertise of school administrators, who are best positioned to decide how to target Title I funding in ways that would provide the greatest return on the federal investment. Portability provisions that require Title I dollars to follow a child would require districts to spend more money on high school students than may be feasible or appropriate. Since the overall pot of federal Title I dollars is constant, academically struggling students in elementary school would receive less supports and services even if they could benefit more from these supports than their high school peers.

School administrators are best positioned to decide how to target Title I funding in ways that would provide the greatest return on the federal investment. However, portability provisions that require Title I dollars to follow a child would undermine their ability to make these decisions. Funds would go equally to high schools, middle schools, and elementary schools, regardless of level of student need or the feasibility of providing those services.

Unfortunately, it is already difficult for most districts to provide the type and intensity of services students need because of the scarcity of Title I funds and the number of students who qualify for Title I. A per-pupil funding basis would further limit services students receive and reduce investments in the deeper, earlier academic interventions that produce the greatest return.

Title I portability requirements undermine the educational expertise of school administrators, who are best positioned to target the federal investment to students and schools that need these dollars most.

Title I Portability Goes Against the Legislative Intent of Title I

Title I was created to ensure that schools serving high concentrations of students in poverty received a deeper share of federal funds when compared to neighboring schools serving more affluent numbers of students. These high poverty schools were supposed to benefit from increased federal funding by taking advantage of “economies of scale” to combine federal resources for school wide services and whole school reforms targeted at economically and academically needy groups of students. Diluting the concentration of federal dollars to a per-pupil level for students, in high-poverty schools will hinder districts from efficiently targeting federal dollars towards groups of students who need services and supports the most and limits the ability of districts to use these limited federal funds to combat concentrations of poverty.

Title I Portability Places Unfunded Mandates on School Districts

If Title I portability became law, the majority of school systems in the U.S., would need to significantly modify—if not completely overhaul—how they keep their financial records. The current system for monitoring the spending of Title I dollars would have to be transformed since districts would no longer be able to allocate pots of Title I dollars to serve specific populations of students in some schools or to pay for certain types of professionals and services. Instead, Title I allocations would have to be tracked on a child by child and dollar by dollar basis. Most school systems lack the capacity to build out or create a new system of tracking Title I dollars in the current fiscal environment.

Title I Portability Limits Federal Funds From Being Used Throughout the School Year

A portability schema would require that each child’s Title I allocation is spent and monitored on a consistent basis, so that if a student moves schools after the pupil counts are conducted to determine the allocation of dollars for each school, her Title I dollars would follow her to the new school. However, it would be ineffective to administer Title I in way that would require a daily or weekly amount to be assigned to each child that is drawn down proportionately during the early part of the school year. It would discourage, if not entirely inhibit, school district administrators from investing in intensive professional development for teachers in a particular school before the start of the school year or planning comprehensive programs for students that require chunks of Title I funding to be utilized at early in the school year.

Currently, Title I funds are pooled to benefit students throughout the school year, thereby allocating different amounts of funds towards unique services or professionals at various intervals throughout the school year. For example, in a district that receives a \$500

Title I Portability would incentivize districts to spend dollars in potentially less impactful and comprehensive ways

allocation for each Title I child, \$300 of one child’s federal funds could be used at any point during the year to supplement the salary of a reading interventionist who supports Title I eligible students. Another \$150 could be used for upgraded instructional materials for Title I students purchased by the district before the start of the school year. The remaining \$50 could be spent in the fall on professional development activities to assist teachers on how to utilize the new instructional materials in their classroom to best serve Title I students. The same Title I funding allocation could be split very differently for another Title I child within the same district. **This example demonstrates the flaws with portability: Title I dollars are primarily spent on a variety of educational expenses that comprise a thoughtfully designed instructional program to improve academic achievement.** Moreover, Title I funding is not spent consistently on one service or professional or at one time of the year and forcing districts to make Title I portable under this proposed scheme would incentivize districts to spend dollars in potentially less impactful and comprehensive ways. **It is both complex and inefficient to parse out pieces of the Title I program into a single, quantifiable, service or good that can “follow the child” to other schools.**

Title I Portability Would Destabilize District Financial Planning Resulting in Less Effective Services for Students

If meaningfully significant groups of students leave one school within the district for another school, then successful budgeting for how to best deliver a Title I program would be compromised. Unlike Congress, school districts must pass budgets on time and they typically complete their budgeting process far in advance of the start of the next school year. This means that decisions are made well in advance about professionals to hire or maintain, professional development to conduct, technology purchases to make and how to generally administer the district's Title I dollars in Targeted Assistance or Schoolwide schools.

If portability becomes wide spread, in addition to the previously outlined issues, the process will create more chaos for schools as they would be unable to plan their program with sufficient time to ensure success. Specifically, programs for disadvantaged children require teachers who are well trained, class sizes that reflect their special needs as well as materials that are needed to support their learning. All of these points require planning.

The more variability that exists in individual classroom and school funding streams, the less able the district is to effectively plan for services and professionals to assist students. Districts currently operate by budgeting and planning in a conservative manner since school year budgets are developed in the spring of the prior school year before federal, and sometimes state, allocations are set. Superintendents typically build the budget to reflect the most accurate counts of students in each school for that school year. However, with Title I portability, large or statistically meaningful groups of students could transfer at the beginning of the school year or

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over the summer and their Title I dollars would follow them to the school of their choice. This means that district financial officers would have to budget even more conservatively since they would not want to risk hiring additional staff or providing professional development that could compromise the district's financial or legal obligations. Once federal and state funding was known or distributed, a district could then add to the funding streams allocated to each school to serve Title I students.

Adding professionals who can provide instructional strategies directly to students is the most effective way to improve Title I students' outcomes. Unfortunately, it would be highly unlikely that the district could add professionals to assist students once school began and student enrollment data was finalized since adding new professionals can be disruptive to both student and teacher schedules and class loads.

This means that instead of putting Title I dollars towards direct services for students, the district would likely spend the Title I dollars in a less effective manner for students, which would cripple the ability of school personnel to assist all students in meeting challenging state academic standards.

Title I Portability Could Jeopardize District Compliance with ESEA’s “Supplement Not Supplant” Clause

ESEA contains provisions known as “supplement not supplant” that allows an LEA to use Title I funds only to supplement and, to the extent practical, increase, the level of funds that would be made available from local and state sources for the education of students participating in Title I programs. In no case may Title I funds be used to supplant--i.e., take the place of--funds from non-Federal sources.

If school populations fluctuate from year to year a district that allocates resources based on the counts of students who attended specific schools the year before could be at risk for noncompliance with ESEA’s supplement not supplant provision. For example, a district may have anticipated based on last year’s counts that there would be 200 Title I eligible students in an elementary school (School A). The district would have budgeted to spend the bulk of their dollars on salaries and professional development for the professionals in School A. If, however, unexpectedly 225 students are in School A instead of 200, the district will have to provide Title I program services and supports to more students in School A and maintain the contracts of those they have hired in the other schools throughout the district.

There are two ways the district could try and comply with supplement not supplant. The first is that the 25 new students could be served by a professional who was currently working with Title I students in another school (School B). The Title I professional would have to split their time between School A and School B. However, it may not be easy or feasible to send school personnel from School B to School A to provide academic assistance, particularly in a large geographic district. Furthermore, sending these professionals from School B to School A could compromise the services and supports students in School B receive. It could also mean that the services provided to students in School A are not as robust as what they would have received if they remained in School B.

The second option is that a new teacher will have to be hired in School A to serve the 25 new students. However, the district may not have the local and state resources to supplement the full-time salary of the new hire and the Title I dollars allocated for the new group of students may not cover the total cost for this professional. The district may prefer instead to have a professional currently at School A spend part of her time working with Title I students and allocate the federal funding towards her salary. However, under supplement not supplant, this would be prohibited since an LEA would be supplanting the professional’s salary that was previously paid for with local and state funds with Title I dollars. Thus, the district is in the unenviable position of having to find local and state dollars to hire a professional to work with students in School A in order to ensure Title I dollars are being spent on the new students. It also may be forced to hire school personnel that school administrators did not feel were previously essential in order to avoid noncompliance.

The purpose of this AASA Policy brief was to assist Congressional staff in understanding the ways in which Title I portability undermines local control, places unfunded mandates on districts and results in less effective services and supports for low-income, low-performing students.

AASA urges you to reject any attempts to include Title I portability schemas in future ESEA reauthorization bills. Instead, we believe increased funding for Title I would be a far more effective strategy to ensuring that academically struggling students receive the supplemental services they need to achieve excellence.

If you have questions or would like to discuss this further, please reach out to Sasha Pudelski, AASA’s Assistant Director of Policy and Advocacy at spudelski@aasa.org