Developing Effective Guidance:
A Handbook for State Educational Agencies
Delivering Guidance on Federal Education Programs to Drive Success

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DEVELOPING EFFECTIVE GUIDANCE: A HANDBOOK FOR STATE EDUCATIONAL AGENCIES

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EXECUTIVE SUMMARY

Congress reauthorized the Elementary and Secondary Education (ESEA) in December 2015 through the Every Student Succeeds Act (ESSA). ESSA made many significant changes to ESEA, prompting states to update or rewrite state-developed guidance documents on ESEA programs. This handbook is designed to help state education agencies (SEAs) rethink how they develop guidance on U.S. Department of Education (ED) programs and identify ways guidance can help drive improved student outcomes. While ESSA presents a specific opportunity to rethink ESEA guidance, the information in this handbook applies to all state-administered ED programs including programs under the Individuals with Disabilities Education Act (IDEA) and the Carl D. Perkins Career and Technical Education Act (Perkins).

This guide is designed primarily for SEA staff involved in implementing federal programs, including (but not limited to):

- SEA leadership,
- Federal program staff,
- School improvement staff,
- Staff involved with teaching and learning, and
- Finance staff.

This handbook might also be relevant for stakeholders with an interest in SEA oversight of ESSA and other state-administered federal programs.

This handbook addresses:

- The importance of state-developed guidance,
- The different types of issues an SEA might address in state-developed guidance,
- Tailoring content for a particular audience,
- Drafting considerations,
- Engaging stakeholders, and
- Putting guidance into action.

For more information about state-developed guidance, including self-assessment questions, please see CCSSO's *Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment* available at http://www.ccsso.org/Documents/2016/ESSA/MaximizingESSAFormulaFundsforStudentsApril2016.pdf.

For more information about ESSA implementation considerations, please see CCSSO's *Decision Guide for Implementing ESSA: State Considerations for Effective Grant Programs* available at http://www.ccsso.org/Documents/2016/ESSA/CCSSODecisionGuideForESSAImplementation.pdf.

Additional resources related to implementing ESSA are available on CCSSO's website at www.ccsso.org/essa

Important Note about Citations

In some cases, this handbook cites to state-developed and ED guidance that was published under the No Child Left Behind Act (NCLB), which was the version of the Elementary and Secondary Education Act (ESEA) before ESSA. The content of these guidance documents must be updated once ESSA takes full effect on July 1, 2017, but they are helpful illustrations of *how* guidance documents can be structured. They are included here to highlight their format, not for their underlying substance.

School districts and other local educational agencies (LEAs) receive grants from ED to support K-12 programs. It is sometimes challenging for LEAs to spend these grants effectively because of the complex, multifaceted federal and state rules that govern them. State educational agencies (SEAs) are responsible for overseeing local implementation of ED's largest grant programs, and one way SEAs can support local program success is through written guidance that helps LEAs understand how the grants operate.

State-developed guidance serves at least four purposes. First, it helps SEAs fulfill their legal responsibilities to:

- Provide LEAs with technical assistance on ED programs,[1]

- Support LEA program implementation,[2] and

- Monitor LEA compliance with federal requirements.[3]

Second, it provides SEAs an opportunity to highlight and advance state policies and priorities and to promote effective practices.

Third, it influences LEA perception of what can and cannot be done with federal grant funds, which often shapes local program choices and the services LEAs deliver to students.

> For example, one SEA observed that many of its LEAs spent their ED funds on the same activities from year-to-year, even when those activities failed to improve student achievement. The SEA realized this was largely because LEAs did not fully understand the wide array of permissible spending options, so the SEA developed a series of guidance documents illustrating how ED grants can support promising activities. These guidance documents, together with other supports offered by the SEA, helped LEAs to spend federal funds more effectively and prompted at least one LEA to completely revamp the services it provided with ED grant funds.

State-developed guidance can influence LEAs in less positive ways too.

> For example, an SEA was concerned that students with disabilities in the state lacked access to instructional interventions that had proven successful for other struggling learners. In particular, LEAs were not using reading programs for special education students that were being used effectively for other struggling readers not identified for special education. The SEA realized its own state-developed IDEA, Part B guidance could be part of the problem. The guidance implied that IDEA-funded activities for students with disabilities had to be different from activities for other students in order to meet IDEA fiscal tests. This is not required by federal law, but the state's guidance led LEAs to mistakenly believe they had to limit services for students

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1   See, for example, 34 CFR § 76.770.

2   See, for example, GEPA, Section 441(b)(3) (which applies to IDEA and Perkins programs) and ESSA, Section 1111 (g) (which applies to Title I, Part A of ESEA).

3   See, for example, 2 CFR § 200.331(d).

with disabilities to services that were different from general education students. Once this SEA recognized the issue, the SEA updated its guidance and provided specific, user-friendly examples of how funds could be spent.

State-developed guidance plays a particularly powerful role at the local level because LEAs typically get most of their information about federal programs from their SEAs.[4] Moreover, state-developed guidance puts federal rules into state-specific context. That is important because SEAs develop state-specific processes and rules when administering ED grants, which means ED-developed guidance may not always provide LEAs with a complete picture of how grant programs may operate in a given state.

Fourth, by establishing clear expectations, state developed guidance can reduce burden on both the SEA and its LEAs by minimizing confusion over what is required. This can help LEAs develop stronger plans that can be approved more quickly by SEA staff, and can help to ensure that federal funds are used appropriately, which can reduce the need for SEA intervention.

Below is a step-by-step approach for developing guidance for LEAs. A list of questions SEAs might consider as they work through these steps is included as an Appendix.

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4   Gordon, Nora. *Increasing Targeting, Flexibility, and Transparency in Title I of the Elementary and Secondary Education Act to Help Disadvantaged Students* (2015), p. 11, http://www.hamiltonproject.org/assets/files/gordon_policy_proposal.pdf.

STEP I. DETERMINE WHAT ISSUES TO ADDRESS IN THE GUIDANCE

Guidance is most effective when an SEA has a clear vision of the issues it wants to address and why. For example, guidance might address:

- <u>Changes to federal law or policy</u>. State-developed guidance is helpful when new federal laws are passed, like ESSA, but it is also helpful when ED clarifies or changes its position on an issue. For example, when ED released guidance in 2015 to clarify longstanding misperceptions about the Title I schoolwide program model,[5] some SEAs responded by issuing new guidance to LEAs.

- <u>Changes to state law, policy, or procedures</u>. State-developed guidance is helpful to explain state laws or policies that affect federal grants. For example, under ESSA, SEAs must ensure teachers and paraprofessionals working in programs supported with Title I, Part A funds meet state certification and licensure requirements.[6] If a state changes its certification and licensure requirements, state-developed guidance can help LEAs understand the new rules and what they mean for Title I-supported programs.

  State-developed guidance is also helpful to highlight informal policy changes, such as allowing LEAs to spend grant funds on certain types of costs the SEA has denied in the past.

  State-developed guidance is also helpful to explain process changes. For example, SEAs are responsible for designing the application LEAs use to apply for ED's state-administered formula grants (like Title I, Title II, and IDEA). If the SEA changes the application form, it might develop guidance to explain what has changed, why, and what the changes mean for LEAs.

- <u>A specific issue LEAs need assistance with</u>. For example, audit or monitoring reports may show that several LEAs struggle with the same compliance requirement and need additional technical support to meet their compliance responsibilities. Or, as an SEA reviews local applications for Title I funds, it may realize LEAs are not using the Title I schoolwide program model to carry out comprehensive improvements in low-performing schools and need additional support on allowable costs and effective improvement practices. State-developed guidance can help provide additional assistance to LEAs on these issues.

- <u>Issues raised through stakeholder engagement</u>. ESSA (and other federal education laws) encourage, and in some cases require, SEAs to engage stakeholders on various aspects of ED grant programs. SEAs may determine guidance is needed based on feedback from LEAs, parents, teachers, or other stakeholders.

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5   ED's 2015 schoolwide guidance is available at http://www2.ed.gov/policy/elsec/guid/eseatitleiswguidance.pdf, and updated guidance to reflect ESSA is available at http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf.

6   ESSA, Section 1111(g)(2)(J).

Generally, ED-grant issues fall into one of three categories:

1. Technical issues like how to distribute funds, paperwork requirements, and other operational rules LEAs must follow as a condition of receiving ED grant funds,

2. Program issues like the kinds of services LEAs can or must deliver as part of an ED grant program, who can participate, staff qualification requirements, and

3. Spending issues like what costs can be supported with ED grant funds under which circumstances.

State-developed guidance might address these issues separately, or it might combine issues as discussed in more detail in Section D below.

What follows is a brief overview of the various types of guidance SEAs might issue, and a description of how SEAs might use each type to support program success.

A. Technical Guidance

What is it?

LEAs must comply with many technical rules as a condition of receiving federal money, so it is understandable that *technical guidance* is the most common type of guidance SEAs issue to their LEAs.

Some examples of technical rules include:

- Title I's ranking and serving rules, which, with some exceptions, require LEAs to distribute Title I funds to schools in order of poverty,

- Federal paperwork requirements for staff paid with federal funds,

- Federal procurement standards for goods and services purchased with federal funds,

- Federal fiscal requirements like the obligation to spend a consistent amount of state and local money for education from year-to-year (known as maintenance of effort).

Technical guidance plays at least two roles. First, it reduces the risk of LEA noncompliance, which is important because noncompliance can lead to audit findings or sanctions that derail program success. Under federal law, LEAs that spend more than $750,000 in federal funds in total (the sum of all federal funds, not just ED funds) must obtain an independent audit each year to verify their compliance with federal rules, including technical rules. LEAs are also monitored by various other oversight entities including SEAs and ED. If an auditor or monitor finds noncompliance, an LEA could face penalties ranging from additional oversight, extra paperwork, or even the repayment of funds. These penalties can make program delivery more challenging.

Second, as described below, technical guidance can help LEAs comply with technical rules in ways that support program success.

What is the opportunity?

Technical rules can have a significant influence on the services LEAs deliver to students, but this influence is sometimes hard to see. State-developed guidance can help LEAs make the connection between technical rules and program delivery, and to understand how to implement technical rules in ways that support effective programs.

For example, federal law requires employees paid with federal funds to keep track of the time they spend working on federal programs. While it is permissible to pay employees with more than one funding source, doing so makes employee timekeeping more complicated. As a result, LEAs sometimes limit student services to meet the compliance constraints of a single funding source.

For instance, an LEA might use IDEA, Part B funds to pay for a skilled reading interventionist who works only with identified special education students. If the LEA split the interventionist's salary across multiple funding sources, the LEA could extend the interventionist's reach to other struggling readers not identified for special education. State-developed guidance could support that effort by providing practical information about how to track the interventionist's time in a way that meets federal requirements but does not add undue administrative burden.

B. Programmatic Guidance

What is it?

Each ED program has its own rules for what activities can (or must) be carried out under the program, who can participate in those activities, and the like. Examples of these "programmatic" requirements include:

- Participant eligibility rules (such as the student eligibility rules under Title I, Part A, Title III, Part A and IDEA, Part B),

- Planning requirements (such as the support and improvement plan required for low-performing schools under Title I, Part A or the needs assessment required under Title IV, Part A),

- Program design elements (such as the required components of a Title I, Part A schoolwide program), and

- Required activities (such as providing effective professional development to classroom teachers on improving instruction for English language learners under Title III, Part A).

What is the opportunity?

Most programmatic guidance is designed to explain *what* the federal requirements are, but state-developed guidance can also explain *how* to implement ED programs effectively.

For example, high-poverty Title I schools can operate a "schoolwide program" to upgrade their entire educational program (as opposed to targeting services to specifically identified students). To operate a

schoolwide program the school must (among other things): conduct a comprehensive needs assessment, consult with certain stakeholders, and develop a plan that addresses specific issues listed in federal law.

At a minimum, state-developed guidance could provide a user-friendly explanation of Title I's schoolwide program rules so LEAs understand the mechanics of how to operate the program. Beyond that, an SEA might go further and explain how to use the schoolwide model effectively. For example, the guidance could address how to:

- Conduct an effective needs assessment (who should be involved, what data would be helpful to look at, information about (or links to) needs assessment resources, etc.).

- Carry out effective stakeholder engagement during the development of the schoolwide plan (how and where to engage with stakeholders, questions to ask that can elicit successful schoolwide planning ideas, etc.).

- Develop an effective schoolwide plan (what strategies have been successful in other schools in the state, what strategies might be effective to address specific needs, etc.).

This type of qualitative and actionable information can help LEAs meet compliance requirements in ways that drive improved school and student performance.

C. Spending Guidance

What is it?

Each ED grant can be spent on certain kinds of activities, but it is uncommon for state-developed guidance to address LEA spending options. In large part this is because determining what costs are permissible can be difficult. Some federal programs list permissible activities in the law itself – such as Title II, Part A of ESSA.[7] However, the two largest pre-K through 12 grant programs – Title I, Part A and IDEA, Part B – are designed to be more flexible so they do not contain a list of permissible costs. Activities supported with ED funds must also meet certain fact specific criteria that affect costs differently depending on the underlying circumstances. For example, costs in some programs must be supplemental, and all costs charged to federal funds must be necessary and reasonable given the circumstances.

What is the opportunity?

Because determining whether an LEA can spend grant funds on a particular cost can be complicated, many LEAs limit their spending to activities the SEA approved in prior years and passed auditor scrutiny, even if those activities have not improved student outcomes. SEAs can help clear the way for more effective LEA spending by issuing guidance that gives examples of specific activities LEAs can support with ED grant funds, or at the very least describes the criteria the SEA will apply when evaluating the activities LEAs propose to pay for with ED grants. The goal of this spending guidance is to clarify LEA spending options, and in some cases, to highlight effective uses of funds.

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7   ESSA, Section 2103.

This type of guidance not only helps to clarify LEA spending options, it makes it easier for LEA staff that is not necessarily familiar with federal programs to engage in spending decisions, such as LEA-level academic, school improvement, or teaching and learning staff, school-level staff and leadership, etc. For additional considerations regarding potential audiences for guidance, please see Section II below.

D. Multi-Purpose Guidance – Example: Activity-Focused Spending Guidance

What is it?

Multi-purpose guidance addresses more than one issue and can be particularly useful for LEAs because it helps to make connections between their compliance obligations and program success.

For example, ESSA changed Title I's ranking and serving rules to make it easier for LEAs to distribute Title I funds to high schools. At a minimum, an SEA could develop technical guidance to provide a user-friendly explanation of the rules so LEAs understand their new options. Beyond that, an SEA might go further and link the technical issues to programmatic school improvement requirements. This kind of guidance could, for example, explain how an LEA could use ESSA's ranking and serving options to give additional resources to high schools identified as needing comprehensive or targeted support and improvement under the state's accountability system.

What is the Opportunity?

Multi-purpose guidance gives SEAs an opportunity to highlight how federal requirements can be implemented effectively. For example, it is one thing to understand that federal funds can support an activity and another to understand how to carry out that activity effectively.

To address this, one example of multi-purpose guidance is "activity-focused spending guidance" that describes effective program practices, and then explains how federal grant money can support those practices. For example, an SEA could:

1. Describe a specific strategy for improving student outcomes,

2. Identify the activities LEAs will need to implement in order to carry out the strategy, and then

3. Explain how ED grants can support various costs of carrying out the activities.

There are many ways to approach activity-focused spending guidance. For example, the guidance might focus on just one grant – like this guidance from the Mississippi Department of Education: Title I Pre-K Classrooms – A Step-by-Step Guide to Starting a Pre-K Classroom. Or, it might address many activities and multiple grants, like this guidance from the Tennessee Department of Education: Response to Instruction and Intervention: Guidance for Federal Funds. How the guidance is constructed will depend on SEA goals, LEA needs, and the intended audience (see Step II below for additional considerations relating to intended audience).

Activity Focused Guidance from the U.S. Department of Education

In recent years ED released several activity-focused spending guidance documents. All but the first of the documents listed below were developed before ESSA (and even the ESSA guidance is subject to change), but they help to illustrate different ways to structure activity-focused guidance. For example:

- This recent ESSA guidance on Title II, Part A describes how SEAs and LEAs can use Title II funds to support teachers and school leaders with real-world examples of state and local practices www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf

- This guidance provides examples on leveraging ESEA, IDEA, and Perkins funds for STEM education http://www2.ed.gov/programs/promiseneighborhoods/stemdearcolleagueltr.pdf

- This guidance provides examples of leveraging ESEA, IDEA, and Perkins funds for humanities education http://www2.ed.gov/policy/elsec/guid/secletter/160713.html

- This guidance focuses on digital teaching and learning http://tech.ed.gov/wp-content/uploads/2014/11/Tech-Federal-Funds-Final-V2.pdf

- This guidance focuses on support for school counselors: http://www2.ed.gov/policy/elsec/guid/secletter/140630.html

STEP II. DETERMINE THE AUDIENCE AND SCOPE OF THE GUIDANCE

Once the SEA has determined what issue or issues to address in guidance, it can next consider how to present the information, including the format, level of detail, and scope. The scope of the guidance will largely depend on the intended audience.

For example, a comprehensive guidance document that addresses all of a grant's requirements in a detailed and technical fashion might be appropriate for LEA-level federal program managers who are responsible for overseeing all aspects of an ED grant. A local school improvement director, however, might not need such detailed information (particularly about the more technical requirements), but could benefit from a general overview of a federal program's goals, spending options, and opportunities.

A. Possible Audience and Content

Before drafting guidance it can be helpful to think through who at the local level interacts with ED grants and what information they might need to ensure the grants are implemented successfully and funds are used effectively. For example:

- **Local superintendents and other LEA leaders.**

    While not typically involved in the day-to-day administration of ED grant programs, LEA leaders are ultimately responsible for program implementation and compliance. As such, guidance for LEAs might focus less on technical details and more on:

    o   The general purpose of ED grant programs,

    o   The kinds of activities LEAs can support with ED grant funds, and

    o   A high-level overview of the actions LEAs must take as a condition of receiving ED grant funds.

    It can be particularly helpful to align such guidance to state and local needs and priorities to help LEA leaders understand how to use federal grant resources to support their needs and goals.

- **Local federal program staff.**

    Federal program staff need a detailed understanding of the mechanics of ED grant programs. Long and/or highly technical guidance can be cumbersome to navigate, however; so, the design of the guidance (such as including an index, table of contents, or an easy-to-read question and answer format) can be very important to ensure ease of use.

    Apart from technical guidance on ED grant requirements, there are three other types of guidance an SEA may wish to consider to help LEA-level federal program staff successfully accomplish their work:

    o   <u>Guidance about state processes and timelines</u>. This could include information about the grant application schedule, which reports are due and when, state technical assistance opportunities (such as webinars and meetings), the state monitoring schedule, etc. Compiling all of these into one central resource (such as a website or newsletter that is regularly updated) can be very helpful.

o <u>Guidance about effective education practices</u>. Although LEA-level federal program staff are not often responsible for designing educational initiatives, they are typically responsible for deciding which activities ED funds will support. To help contextualize these spending decisions, guidance regarding which teaching, learning, and other education practices are most effective in improving student outcomes can be helpful. This type of guidance is typically developed with the input of educational content experts, and can be useful for other LEA-staff as well.

o <u>Guidance about how to coordinate multiple ED grants to support a comprehensive initiative or activity</u>. Federal grant staff tend to be experts on the programs they work on, but are not always familiar with other federal programs that can support similar work. For example, it might help Title I directors to know about the option to reserve IDEA, Part B funds for coordinated early intervening services (CEIS) for non-disabled struggling students since CEIS can supplement Title I activities. Similarly, guidance explaining how effective professional development can be supported with Title I, Title II, Title III, and IDEA (among other federal funding sources) can foster a more comprehensive approach to federal spending.

- **Other central-level staff.**

  This could include academic staff (curriculum, teaching and learning, etc.), school improvement staff, special education staff, career and technical education (CTE) staff, parent and family engagement staff, and others. Staff from these offices oversee initiatives that are, or can be, supported with ED grant funds; so, it can be helpful for them to understand the basics of the ED grant programs relevant to their work. This can help them to understand how to incorporate those programs into their initiatives. For example, CTE staff might benefit from understanding the ways Title I can support CTE initiatives.

  To the extent staff members are involved in administering ED programs (for example school improvement staff might administer Title I school improvement grants), they might benefit from the same kind of comprehensive technical information as federal program staff.

- **Human resources staff.**

  There are a variety of federal rules LEAs must follow when using federal funds to support salaries, benefits, and other employee compensation. Even if human resources staff are not directly responsible for overseeing compliance with these requirements, it can be helpful for them to know about the requirements so they can support compliance efforts.

- **Finance staff.**

  Finance staff are ultimately responsible for ensuring costs charged to federal grants are charged to the correct accounts. Therefore, it can be helpful for them to have:

  o A substantive understanding of the fiscal rules attached to ED grants, and

  o A general understanding of ED programs and spending rules so they can help to identify costs that might be unallowable, budgeted to the wrong grant, etc.

- **Operations staff.**

  There are a variety of federal rules LEAs must follow when spending federal funds, such as rules on procurement, inventory management, and record keeping. It can be helpful for operations staff to understand these rules so they can support compliance efforts.

- **School leadership and staff.**

  School staff interact with federal programs in a variety of ways. In some cases, they are directly responsible for carrying out program requirements. For example, schools that operate a Title I "schoolwide program" must develop a plan that meets federal requirements. In other cases they carry out activities that are, or can be, supported with ED grant funds; so, it can be helpful for them to understand the basics of the ED grant programs relevant to their work.

Addressing the needs of all of these audiences will likely require different guidance documents – some technical and some basic, some comprehensive and some focused. While the content of these documents might overlap, presenting the information in multiple formats for multiple audiences can help broaden local knowledge about federal grants and requirements.

B.   Other Issues to Consider

1. Federal requirements

Title I and IDEA require SEAs to:

- Ensure state grant-related rules, regulations, and policies are consistent with Title I and IDEA purposes,

- Minimize the rules, regulations and policies LEAs and schools are subject to, and

- Identify state-imposed rules, regulations and policies that are not required by federal law.[8] (In the case of Title I, SEAs must identify state rules that duplicate or contrast with federal law, and eliminate duplicative rules.)

It is important to keep these requirements in mind when developing guidance, but state-developed guidance that clarifies federal rules, puts federal rules into state context, and/or highlights effective educational or spending practices typically will not conflict with them.

2. State requirements

Although outside the scope of this handbook, SEAs should follow any state requirements that may apply to state-developed guidance.

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8   ESSA, Section 1603(a) and IDEA, Section 608.

STEP III. DRAFTING THE GUIDANCE, GETTING FEEDBACK ON THE DRAFT, AND ROLLING OUT FINALIZED GUIDANCE

A. Drafting the Guidance

Typically, the most time-intensive part of the guidance development process is the actual writing of the guidance. SEA staff should have sufficient time to write, or access to outside resources that can help with the writing, to support high-quality guidance.

During the drafting process, an SEA may wish to reach out to organizations with specific educational, legal, or technical expertise, to ensure the information included in the guidance reflects effective practices and is legally and technically accurate. In addition, an SEA may consider reaching out to other SEAs.[9]

B. Engaging Stakeholders

Once an initial draft is developed, it can be helpful to get input from stakeholders and others – particularly people who will use the guidance – before the guidance is published in final form. This can help to make sure the guidance:

- Provides useful information with the right level of specificity,

- Is understood (for example, something that means one thing to a document's author might be interpreted differently by its readers), and

- Is accurate (the laws and regulations governing ED programs are complex and sometimes result in different interpretations of what is required; getting multiple points of view about what the law does and does not require is important).

SEAs can use both formal and informal mechanisms to get feedback on guidance.

1. Formal Feedback Mechanisms

Some federal grant programs require stakeholder engagement, which SEAs can leverage to solicit input on state-developed guidance. This includes the stakeholder engagement required as part of the SEA's ESSA planning process, and the Committee of Practitioners required under Title I.

a. Stakeholder Engagement Required for ESSA Plan

States must develop plans to receive ESSA funds. These plans must be developed with timely and meaningful consultation of diverse stakeholders, including LEA and school personnel,[10] and must address how the SEA will assist LEAs in implementing ESSA programs.[11]

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9   It is not uncommon for an SEA to borrow a guidance developed by another state. In that situation, it is important for the SEA to carefully review the other state's document to ensure it is legally accurate and consistent with federal law, as well as consistent with the borrowing state's policies.

10   ESSA, Section 1111(a).

11   See, for example, 34 CFR § 299.15(b)(3). See also ESSA, Section 1111(g)(1)(A), (C), (D) & (F).

As described in Step I, SEAs can use the stakeholder engagement process to help identify local guidance needs. The SEA can then conduct ongoing engagement to vet and update state-developed guidance as needed. For example, many states created work groups to focus on specific ESSA-related issues. The SEA can reconnect with relevant work groups as needed to get ongoing input on guidance.

> **Stakeholder Engagement Resource**
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> CCCSSO's publication *Let's Get This Conversation Started: Strategies, Tools, Examples and Resources to*
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> *Help States Engage with Stakeholders to Develop and Implement their ESSA Plans*, available at http://www.ccsso.org/Documents/2016/ESSA/CCSSOStakeholderEngagementGuideFINAL.pdf, provides helpful information about effective stakeholder engagement, including tips for long-term engagement.
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> In addition, the follow-up guide, *Let's Keep This Conversation Going: Steps to ensure that stakeholders get engaged and stay engaged through the ESSA development process and beyond*, available at http://www.ccsso.org/Documents/2016/ESSA/LetsKeeptheConversationGoingGuide11022016.pdf, provides specific ESSA state engagement examples and describes ways to continue engagement after the submission of the state's ESSA plan.

b. Committee of Practitioners

SEAs must create a Committee of Practitioners (COP) to advise the SEA in carrying out its Title I responsibilities under ESSA.[12] The COP must review any "rule or regulation" the state publishes,[13] but SEAs can also use the COP to get feedback on state-developed guidance and other technical assistance offerings. Although the COP is formally responsible for advising the SEA on Title I issues, the SEA could use the COP to get feedback on other federal programs as well.

2. *Informal Feedback Mechanisms*

SEAs can get feedback from LEAs and others through informal mechanisms as well. For example, SEAs might reach out to a group of LEAs to review and provide feedback on state-developed guidance before it is issued, or the SEA might coordinate with groups that represent LEA constituencies, such as local superintendent groups, associations of school business officers, federal program administrators, and the like.

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12   ESSA, Section 1603(b). The COP must include LEA representatives (which must be a majority of the COP), administrators (including federal program administrators), teachers, principals and other school leaders, parents, members of local school boards, private school representatives, specialized instructional support personnel and paraprofessionals, representatives of authorized public chartering agencies, and charter school leaders.

13   ESSA, Section 1603(b)(3).

C. Rolling Out Finalized Guidance

1. SEA Considerations

State-developed guidance is most effective when all SEA staff are on the same page. Therefore, an SEA might consider offering trainings to SEA staff (or outside staff acting on the SEA's behalf) on the guidance, in an effort to ensure the content of the guidance is understood and applied consistently across the agency.

SEAs might also consider the interaction between guidance and other state processes. For example state-developed guidance should be consistent with:

- The local-to-state application process for ED funds (for example, LEAs should be able to apply to spend funds on any of the spending options identified in state-developed guidance),

- Other forms of SEA-delivered technical assistance (such as webinars, slide presentations, information given via phone or in meetings, etc.), and

- Any monitoring rubrics or other tools the state uses to assess LEA compliance with federal requirements.

Finally, an SEA likely wants to ensure that new guidance is easily accessible to its LEAs (by emailing the guidance directly to LEAs, announcing the availability of guidance in newsletters, posting the guidance on the SEA website, etc.) and that old guidance is removed from the SEA's website, or it clearly noted as being out-of-date.

2. LEA Considerations

Issuing guidance is typically only the first step in providing support to LEAs. LEAs often benefit from training on the guidance (such as webinars, etc.), as well as ongoing technical assistance to understand and implement the guidance. States can provide this ongoing support itself, or can use regional or outside technical assistance providers to help.

In addition, an SEA might consider setting up a process, or establishing a specific email address, where LEAs can submit comments or questions on state-developed guidance once it is released.

STEP IV. ONGOING REVIEW AND UPDATES OF GUIDANCE

SEAs might also put processes into place to periodically review state-developed guidance to ensure it:

- Accurately reflects current federal and state policies, practices, and understanding of federal requirements (and where not, is adjusted accordingly or is removed from circulation),

- Is well-understood by LEAs (and where not, is updated to clarify misunderstandings or additional trainings are provided), and

- Is not creating unintended consequences. For example, guidance designed to emphasize certain best practices might lead LEAs to believe other permitted spending options are not allowable. Or, guidance designed to simplify complicated technical rules might be misconstrued.

Once guidance is released, it may be helpful to monitor LEA responsiveness to the guidance in order to gauge its effectiveness. An SEA might, for example, track whether LEAs change their spending patterns or the services they deliver in response to state-developed guidance, whether compliance findings decrease, etc.

CONSIDERATIONS FOR STEP I: DETERMINE WHAT ISSUES TO ADDRESS IN THE GUIDANCE

- Who within the SEA decides what guidance to write?

    o   Is leadership involved?

    o   Are multiple SEA offices involved?

- Have there been significant changes to federal law or policy (including federal guidance) that should be addressed in new or updated state-developed guidance?

- Have there been changes to state law or policy (including informal policy) that impact federal programs which should be addressed in new or updated state-developed guidance?

- Does the SEA wish to issue guidance based on:

    o   Common LEA-level monitoring or audit findings across the state?

    o   Common questions from LEAs received by SEA staff?

    o   Specific effective (or evidence-based) activities the SEA wants to highlight?

    o   Common educational or other challenges shared by LEAs (such as chronic absenteeism, teacher pipeline issues, low literacy rates, etc.)?

    o   Common misunderstandings the SEA learns as a result of technical assistance or other oversight (for example, misunderstanding about program design, spending options, compliance requirements, etc.)?

- Based on the issue(s) identified by the SEA, what type of guidance would be most effective to help address the issue:

    o   Technical guidance?

    o   Programmatic guidance?

    o   Spending guidance?

    o   Multi-purpose guidance that addresses more than one of the issues above?

CONSIDERATIONS FOR STEP II: DETERMINE THE AUDIENCE AND SCOPE OF THE GUIDANCE

- Who is the intended audience or audiences for the guidance? (See Step II, Section A above for possible audiences).

- What level of detail about the issue does the intended audience need to do their work effectively?

- How long should the guidance document be based on the intended audience?

- Who within the SEA should take the lead on drafting the guidance given the intended audience?

- Will the state-developed guidance establish new state rules or policies for Title I or IDEA? If so, how will the state ensure compliance with the requirements identified on page Step II, Section B?

- Has the SEA followed all state rules, policies or procedures applicable to state-developed guidance?

- Who in the SEA will be responsible for producing the initial draft?

- Will the SEA seek outside assistance on legal, technical, or educational issues during the drafting?

- How will the SEA seek feedback from stakeholders once a draft is developed?

- Who within the SEA will review the guidance before it is released?

- Who within the SEA will provide final approval of the guidance?

- How will the guidance be disseminated?

- Will the SEA provide trainings on the guidance?

CONSIDERATIONS FOR STEP IV: ONGOING IMPLEMENTATION OF GUIDANCE

- What SEA processes are in place to monitor changes to federal law, regulations, or guidance which could prompt the updating of SEA-developed guidance?

- What SEA processes are in place to gauge ongoing LEA understanding of guidance?

- How will the SEA gauge the effectiveness of the guidance? For example, will the SEA:

  o Track audit and monitoring findings over time to see if there is a decrease in compliance issues?

  o Track LEA spending patterns to see if LEAs change their spending choices as a result of the guidance?

  o Solicit ongoing feedback from LEAs and other stakeholders on the guidance and its impact?