

Actually, You Can Do That: How to Get to "Go" When the System Says "Stop"

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Compliance Culture

- Education is a highly regulated sector
- Complex network of rules
- **EXAMPLE:** 588 compliance requirements in Title I alone (the largest K-12 federal program for low-income, academically disadvantaged children)

“Law” Used As a Weapon

- Saying no is low risk – even if it is ineffective
- Saying yes is perceived risky – particularly if it is something new
- Leads to the urban legend problem – “no you can’t do this under the law”
 - Often that is not true – people say no for many reasons, including:
 - Misunderstanding the law
 - Risk averse
 - To conceal a policy disagreement and not take the policy disagreement on directly

Urban Legend Examples

- Title I funds can only be used for reading and math
 - Federally required?

NO. Federal law does not impose that restriction; in fact federal law, regulations, and guidance encourage a broader approach in many situations.

Urban Legend Examples

- Title I funds can only be used for certain students
 - Federally required?

Not in most Title I schools. The Title I schoolwide program model (the majority of Title I schools) permits funds to be used to upgrade the entire educational program of an eligible school.

Only in a targeted assistance school must funds be targeted to specific eligible children (eligible children are those academically failing or most at risk of failing, eligibility is not based on poverty).

Urban Legend Examples

- Title I funds cannot be used for school climate purposes, such as boosting attendance rates, conflict resolution, bullying or harassment issues

- Federally required?

NO. The Title I schoolwide program model is designed to upgrade the entire educational program of an eligible school. In some circumstances, even Title I targeted assistance schools can use funds for these types of activities.

Urban Legend Examples

- Title II funds can only be used for professional development
 - Federally required?

NO. Title II funds can be used for a variety of activities, including merit pay, tenure reform, class size reduction, alternative certification, and establishing multiple career paths.

In addition, Title II funds do not have the same eligibility and school restrictions that Title I funds do.

Ways to Overcome Barriers

- Determine where the no is coming from.
 - Is this a policy disagreement?
 - Is there a legitimate concern based on a past experience?
 - Can that conversation be had?
- Go to the original source.
 - Take a fresh read.
 - State or local policies and practices can embed old (and incorrect) assumptions
 - Room to challenge because policy is inconsistent with the law's goal?

Ways to Overcome Barriers

- Get another opinion.
 - What do other people think?
 - Has anyone else done what you want to do?
 - Is there a good reason this could/should be an exception (based on facts on-the-ground)?
 - Can you paint a good picture?
- Is there a lack of understanding about what needs to happen for something to be implemented?
- Do little p policies (procurement, operational, etc.) need to change?

Example

- Superintendent wants to move to more autonomy at school level, more decision-making closest to the student
- Superintendent and school board adopt a resolution and policy supporting that
- Professional development occurs for principals and teachers

Example

- However no one examines little p “policies”:
 - Procurement authority (can principals purchase?)
 - HR authority (can principals hire/fire?)
 - Budget authority (can principals set their own school budgets or are they locked into FTE or other “pre-set” requirements)

Consequence: disruption is introduced into system without results, nothing really changes, and the new policy is deemed a failure.

Reality: The policy was never truly implemented, so “policy judgment” cannot accurately be made

What about a hard stop?

- There are real “nos”
- Understanding if the no is a real no is a first step
- Ways to push back – but they are rarely used in the education sector (the don't want to bite the hand that feeds them problem)
 - Public opportunities
 - Administrative/judicial opportunities
 - Legislative opportunities