Sections Applicable to State Agency for Higher Education (SAHE) Program

Improving Teacher Quality State Grants

Title II, Part A
Non-Regulatory Draft Guidance

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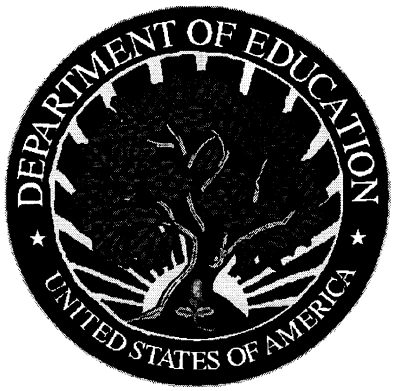

December 19, 2002

DRAFT GUIDANCE

Title II
Preparing, Training and Recruiting High-Quality Teachers and Principals

Overview of Title II

The No Child Left Behind Act of 2001 (NCLB Act), which reauthorized the Elementary and Secondary Education Act of 1965 (ESEA), places a major emphasis upon teacher quality as a factor in improving student achievement. The new Title II programs focus on preparing, training, and recruiting high-quality teachers and principals and requires States to develop plans with annual measurable objectives that will ensure that all teachers teaching in core academic subjects are highly qualified by the end of the 2005-2006 school year.

Reaching this goal will require reform of traditional teacher training, which is usually conducted in colleges of education, as well as the innovative expansion of alternative routes to teacher licensure. It will also require more effective in-service training and professional development for teachers currently in the classroom.

Title II of the ESEA makes funds available to States and local communities under a variety of flexible programs that will assist them in developing and supporting a high-quality teaching force and thereby improving student academic achievement.

This guidance addresses only the program authorized under Title II, Part A, which we refer to as *Improving Teacher Quality State Grants*. The remainder of the Title II programs are listed in Appendix F. Other documents issued by the Department will address the remainder of the Title II programs.

For your convenience, at the end of many sections of the guidance there are references to the appropriate section of the law. (For example, [Section 9101].) Should you be interested in accessing this information, the text of the entire bill is available online at: http://www.ed.gov/legislation/ESEA02/.

Title II, Part A
Improving Teacher Quality State Grants

Purpose of the Guidance

The No Child Left Behind Act of 2001 (NCLB) amends the Elementary and Secondary Education Act of 1965 (ESEA) by making significant changes in the major Federal programs that support schools' efforts to educate the Nation's students. NCLB is based on principles of increased flexibility and local control, stronger accountability for results, expanded options for parents, and an emphasis on effective teaching methods based on proven, scientifically based professional development strategies that have been shown to increase student academic achievement.

Improving Teacher Quality State Grants (authorized in ESEA: Title II, Part A), which this Guidance addresses, is a State formula grant program. Under this program, funds are made available to State educational agencies (SEAs), local educational agencies (LEAs), and State agencies for higher education (SAHEs) to support and help shape State and local activities that aim to improve teacher quality and increase the number of highly qualified teachers and principals. The program focuses on using practices grounded in scientifically based research to prepare, train, and recruit high-quality teachers. The new program also gives States and districts flexibility to select the strategies that best meet their particular needs. The goal is to improve teaching so as to raise student achievement in the academic subjects.

This document is intended to provide assistance to State and local program administrators as they implement the *Improving Teacher Quality State Grants* program in their State or district. It will be updated as new questions are presented, if there is a change in the program statute that requires modification, or when we determine that more information would be helpful. Thus, the Guidance should be viewed as a living document that will be modified as needed. The Department welcomes suggestions from those who use the Guidance.

This Guidance does not impose any requirements beyond those that the law specifies. Where possible, it encourages varying approaches and focuses on what can be done rather than on what cannot be done. Any requirements referred to in this guidance are taken directly from the statute. U.S. Department of Education officials, including the Inspector General, will consider State and local recipients that follow requirements expressed here to be in compliance with the applicable Federal statutes and regulations.

Title II, Part A
Improving Teacher Quality State Grants

Changes since June 6, 2002

The following chart indicates those questions that have been added since the June 6 version of this document was released. One question in the June 6 document (C-3) was changed to conform with the final Department regulation: *Title I - Improving the Academic Achievement of the Disadvantaged: Final Rule December 2, 2002.*

Section	New questions
A	A-9
B	B-8 and following
C	C-3 C-11 and following
D	D-5 and following
E	E-8 and following
F	F-9 and following
G	No change
H	No change
I	I-9 and following
J	J-9 and following
K	K-12 and following
L	L-2
M	M-5 and following
N	N-7 and following
O	O-9
P	No change
Q	Q-9
R	R-6 and following
S	No change

Title II, Part A: Guidance
Improving Teacher Quality State Grants

I. INTRODUCTION

A. GENERAL INFORMATION 1

A-1. What is the purpose of the new Title II, Part A, *Improving Teacher Quality State Grants* program?
A-2. The Eisenhower Professional Development program also promoted teacher quality. What are the principal differences between the new *Improving Teacher Quality State Grants* and the Eisenhower program?
A-3. What is the scope of activities that SEAs and LEAs may provide with the *Improving Teacher Quality State Grants* program funds?
A-4. May *Improving Teacher Quality State Grants* funds supplant State and local funds that SEAs and LEAs use for authorized *Improving Teacher Quality State Grants* activities?
A-5. May Title II, Part A funds be used for State-mandated activities?
A-6. Are there other requirements that governed the use of funds under the Eisenhower program that no longer apply?
A-7. Aside from the *Improving Teacher Quality State Grants* program, are there other Federal programs that permit funds to be used to improve teacher quality?
A-8. Where in this document is there a list of the acronyms and abbreviations, and a list of definitions?
A-9. Aside from the *Improving Teacher Quality State Grants* program, are there other programs in No Child Left Behind that provide funds which can be used to improve teacher quality?

B. COMPONENTS OF EFFECTIVE TEACHER PROFESSIONAL DEVELOPMENT PROGRAMS 5

B-1. Why is teacher quality now such a major Federal focus?
B-2. What is effective professional development?
B-3. What is scientifically based research on teacher quality?
B-4. What evidence is critical in evaluating scientifically based research?
B-5. What sources are available for more information about scientifically based teacher quality research?
B-6. Is the SEA responsible for ensuring that *Improving Teacher Quality State Grants* program funds are used only to support activities that are based on scientifically based research – whether implemented at the school, LEA, or State level?
B-7. What strategies might States use to help LEAs adopt and implement more effective teacher professional development activities?

B-8. At various points the Title II, Part A statute refers to "high-quality professional development" (*e.g.*, the content of the State plan for having all teachers highly qualified, and professional development that a SAHE may fund *[Sections 1119(a)(2) and 2134(a)(2)])*. What does this mean?
B-9. Must each SEA-, LEA-, or SAHE-sponsored professional development activity incorporate all the items identified in the definition of professional development in Section 9101(34)?
B-10. Are one-day and short-term workshops and conferences allowable expenses for Title II, Part A funds?

C. ACCOUNTABILITY 11

C-1. Who is a "highly qualified" teacher?
C-2. The definition of a highly qualified teacher includes the requirement that the teacher has obtained "full State certification." What is meant by "full State certification?"
C-3. When can a teacher in an alternative route to certification/licensure program be considered "highly qualified?"
C-4. What is the timeline for implementation of the new accountability requirements for highly qualified teachers?
C-5. What kind of annual measurable objectives must the SEA include in the plan developed under Title I, Section 1119 to ensure that all teachers teaching core academic subjects are highly qualified?
C-6. What is meant by "high quality professional development?"
C-7. Which academic subjects are considered core academic subjects?
C-7a. The statue requires that teachers who teach in the core academic subjects meet the highly qualifed requirements. The list of core academic subjects includes the arts. What does the statute mean by "the arts"?
C-8. What happens if an LEA has failed to make progress toward meeting the State's annual measurable objectives for increasing the number of highly qualified teachers it employs?
C-9. What happens if, after the third year of the plan the SEA develops under Title I, Section 1119 for increasing the percentage of highly qualified teachers, an LEA still has failed to make progress toward meeting its objectives and failed to make AYP?
C-10. What other steps must an SEA take with regard to an LEA that has failed to meet its performance goals and make AYP for three consecutive years?
C-11. May a secondary school teacher who has demonstrated subject-matter competence in a core academic subject and received full State certification in that subject area be considered "highly qualified" when holding an emergency or temporary permit to teach another subject outside of his or her area of certification?
C-12. If either the State Commissioner of Education or the SEA has authority to waive certification requirements on an emergency, temporary, or provisional basis, can any teachers receiving such waivers be considered highly qualified?

C-13. May a new teacher who holds a B.A. degree and who teaches in a supervised and mentored internship, but who has not passed the State subject matter exam, be considered highly qualified?

C-14. May a teacher who does not yet hold a B.A. degree or who has not yet passed the State subject matter exam (or otherwise demonstrated competence to teach each subject he or she would teach) be considered highly qualified if teaching in a supervised and mentored internship?

C-15. May a teacher who holds a 4-year degree and has passed the State subject matter exam, but who has not yet attained full certification, be considered highly qualified if teaching in a supervised and mentored internship?

C-16. Are charter school teachers who are new to the profession required to have college degrees?

C-17. May teachers who are in alternative route programs be considered highly qualified before they demonstrate competence in each core academic subject that they are or will be teaching?

C-18. May a middle school teacher who has passed a State generalist exam in math, science, English and social studies be considered competent – on the basis of passing that test – to teach middle school courses and, therefore, be a highly qualified teacher?

C-19. May a middle school teacher be considered "highly qualified" if the teacher is licensed or certified by the State, has a B.A. degree, and holds a minor in the academic subject(s) he or she teaches?

C-20. In some cases, State rules require each LEA to evaluate a teacher's competence in a number of key areas, but do so against its own (LEA) benchmarks for what constitutes adequate quality in these areas. Does this approach meet the requirements for an "objective uniform State standard of evaluation" against which to assess teacher competence?

C-21. Will the U.S. Department of Education require its review and approval of specific tests that States use for determining whether *new elementary school teachers* have the subject matter knowledge and teaching skills that are needed of highly qualified teachers?

C-22. Will the U.S. Department of Education require its review and approval of specific tests that States use for determining whether *new middle and secondary school teachers* have a high level of competence in each of the subjects in which the teacher will teach?

C-23. Where States choose not to use the results of a rigorous State subject-matter test as the means for determining whether a *current teacher (elementary, middle, or high school)* is "highly qualified," will the U.S. Department of Education require its review and approval of State methods for evaluating a teacher's knowledge and teaching ability?

C-24. By when must each LEA receiving Title I, Part A assistance ensure that all teachers of core academic subjects hired and teaching in a program supported with Title I, Part A funds are "highly qualified?"

C-25. Are there additional requirements for teachers hired with funds from Title III, Part A, the English Language Acquisition and Language Enhancement grants?

C-26. Do long- and short-term substitute teachers need to meet the "highly qualified" requirements?
C-27. If a K-8 school is designated by the State as an elementary school, do the teachers in grades 6, 7, and 8 have to meet the highly qualifed requirements for elementary teachers or for middle school teachers?
C-28. Some schools have alternative educational placements for disruptive or behaviorally challenged students, which is generally a self-contained classroom with a limited number of students. How can teachers who teach in such alternative arrangements be considered to have met the highly qualifed requirements?

II. FEDERAL AWARDS TO STATES

D. GENERAL ISSUES 23

D-1. Who is eligible to receive *Improving Teacher Quality State Grants* State allocations?
D-2. How does the Department determine each State's *Improving Teacher Quality State Grants* allocation?
D-3. How much of the State's allocation must the SEA reserve for subgrants to LEAs, and how much do the SEA and SAHE retain for State-level activities?
D-4. How is the portion of the State's total allocation that is available for the costs of SEA and SAHE administration and planning to be allocated between the two agencies?
D-5. What records must an SEA maintain regarding staff whose salaries are partially paid with Title II, Part A program funds?
D-6. What kinds of expenditures are covered under SEA administrative costs?
D-7. May an SEA use Title II, Part A funds reserved for administration to pay the costs of a contract with a public or private agency for goods and services the SEA needs to help it administer the program?
D-8. What fiscal requirements govern the SEA initiation of cash drawdowns and cash advances to LEAs?
D-9. Does the Title II, Part A statute anticipate that all program funds, whether spent by LEAs, IHEs, or State agencies, will support a common strategy for improving teacher quality and thereby increasing student achievement?
D-10. What is the period of fund availability for all *Improving Teacher Quality State Grants* funds that an SEA, SAHE, or LEA receives?
D-11. What regulatory provisions govern the administration of subgrants by SEAs and LEAs?
D-12. Must an SEA and SAHE monitor all subgrant activities?
D-13. How often should an SEA and SAHE monitor a subgrantee project on site?
D-14. In what ways may an SEA and SAHE monitor its subgrantees?

E. APPLICATION/PLAN REQUIREMENTS 28

E-1. How does the SEA apply for funds?
E-2. What is a consolidated State application?

E-3. What is a program-specific State application?
E-4. Are either the amount of funds available to an LEA or State agency, or the flexibility the law offers to use those funds, in any way affected by a State's decision to seek funding on the basis of a consolidated application or a program-specific application?
E-5. What process does a State use for developing the content of its program-specific application or consolidated application?
E-6. What issues must a State address in its State application?
E-7. What assurances must be included in the State *Improving Teacher Quality State Grants* application?
E-8. What must the SEA include in the plan developed under Title I, Section 1111 to ensure that all teachers teaching core academic subjects are highly qualified by the end of the 2005-2006 school year?
E-9. Must each LEA adopt the SEA's annual measurable objectives for ensuring that all teachers are highly qualified by the end of the 2005-2006 school year?
E-10. Are there any circumstances under which an SEA must update its approved ESEA consolidated application?

F. STATE USE OF FUNDS 31

F-1. How may an SEA use the 2.5 percent of the State's allocation that is reserved for SEA activities?
F-2. What programs funded with Title II of the Higher Education Act (HEA) should be coordinated with *Improving Teacher Quality State Grants* programs?
F-3. How can SEAs that participate in HEA Title II programs coordinate their activities with the *Improving Teacher Quality State Grants* program?
F-4. In planning its use of funds reserved for State activities, must SEAs establish or adhere to any particular priorities?
F-5. Must activities that the SEA supports with funds reserved for State use be based on a review of scientifically based research?
F-6. Does the law contain any restrictions on the amount of *Improving Teacher Quality State Grants* funding that an SEA may spend on either professional development or recruitment and hiring of teachers?
F-7. May an SEA use program funds to provide professional development activities in the area of bilingual education?
F-8. Does the ESEA require SEAs to use funds reserved for State activities only to supplement, and not supplant, non-Federal funds that otherwise would be used for activities that the *Improving Teacher Quality State Grants* program authorizes?
F-9. Does Title II, Part A in any way restrict the amount that an SEA must spend on professional development and/or recruiting and hiring teachers?
F-10. SEAs may use funds, among other ways, to develop or assist LEAs in developing merit-based performance systems and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in *high-poverty schools and districts [Section 2113(c)(12)]*. What is considered "high-poverty"?
F-11. If some funds reserved for distribution to LEAs become available for reallocation (perhaps because some LEAs either do not apply for them or informed the SEA

that they do not need them), must the SEA distribute these available funds to LEAs in the State?

G. FLEXIBILITY PROVISIONS **36**

G-1. How do the flexibility provisions under the reauthorized ESEA affect the *Improving Teacher Quality State Grants* program?

H. PROGRAM EVALUATION AND REPORTING REQUIREMENTS **36**

H-1. In addition to the funding application (consolidated or program-specific), what other information must an SEA receiving *Improving Teacher Quality State Grants* funds provide to the Department?

III. STATE AWARDS TO LOCAL EDUCATIONAL AGENCIES (LEAS)

I. GENERAL ISSUES **37**

I-1. What percentage of the State's *Improving Teacher Quality State Grants* funds does an SEA use to make subgrants to LEAs?
I-2. How are funds distributed to LEAs?
I-3. What amount of program funds may an LEA spend for administrative costs?
I-4. May *Improving Teacher Quality State Grants* funds supplant State and local funds that LEAs use for authorized Title II, Part A LEA activities?
I-5. Can charter schools apply for *Improving Teacher Quality State Grants* funds?
I-6. Must LEAs maintain the level of non-federal fiscal effort in order to receive a full allocation of Title II, Part A funds?
I-7. How is the maintenance of effort determined?
I-8. What happens if the LEA fails to meet the requirements for maintenance of effort?
I-9. Should an SEA use average daily attendance, average daily membership, or some other method for determining an LEA's program allocation that is attributable to student enrollment? *[Section 2121(a)(3)(A)]*
I-10. Are LEAs required to inform parents about the quality of a school's teachers?
I-11. Is a Title I school within an LEA required to provide parents with any additional information about the school's teachers?
I-12. Are all LEAs, like the SEA, required to develop a plan to have all teachers highly qualified by 2005-2006, or is this requirement limited to LEAs that receive Title I funds?

J. APPLICATION/PLAN REQUIREMENTS **40**

J-1. How does an LEA apply for funds from the SEA?
J-2. What must be included in a program-specific allocation?
J-3. How can an LEA receive Title II funds using a consolidated local plan/ application rather than a program-specific application?

J-4. What is the purpose of the required LEA needs assessment?
J-5. What are the needs assessment intended to accomplish?
J-6. Who must be involved in the needs assessment process?
J-7. What key issues must the LEA address in its *Improving Teacher Quality State Grants* plan?
J-8. What assurances must be included in the LEA *Improving Teacher Quality State Grants* plan?
J-9. What data should the LEA use when conducting a needs assessment?
J-10. If a need is mentioned in the LEA needs assessment, must it be addressed in the district plan?
J-11. Must staff at individual schools be involved in developing an LEA's needs assessment?
J-12. After conducting its needs assessment, are there any priorities that the LEA must address as it plans its use of Title II, Part A funds?
J-13. How is a needs assessment different from a program evaluation?
J-14. Should an LEA needs assessment examine professional development and hiring needs in the context of a strategy for eliminating the achievement gap that separates low-income and minority students from other students?
J-15. Does the size of the district, and thus the amount of the LEA allocation from *Improving Teacher Quality State Grants,* determine the amount of detail that should be included in the needs assessment?
J.16. May an SEA reject an LEA's subgrant application on grounds that the LEA's proposed uses of Title II, Part A funds do not conform to State-level priorities?
J-17. How might an SEA use the application process to ensure that LEAs spend their program funds as wisely as possible to help improve the quality of their teaching force?
J-18. What other strategies might States use to help LEAs adopt and implement more effective teacher training activities?
J-19. How can the SEA ensure that those activities an LEA proposes to implement with Title II, Part A funds are, in fact, consistent with the required local needs assessment?
J-20. What actions can an SEA take if an LEA's application for Title II, Part A funds does not propose activities consistent with the LEA's needs assessment?

K. LOCAL USE OF FUNDS.....48

K-1. What are the authorized uses of LEA funding?
K-2. Are LEAs required to spend a portion of their allocation on math and science activities?
K-3. When may an LEA use Title II, Part A funds for programs to recruit and retain pupil services personnel?
K-4. May activities that are not based on scientifically based research be supported by *Improving Teacher Quality State Grants* funds?
K-5. May LEAs use *Improving Teacher Quality State Grants* funds to recruit and hire teachers to reduce class size?
K-6. May an LEA use carryover funds from the former Class-Size Reduction (CSR) and Eisenhower programs under *Improving Teacher Quality State Grants*?

K-7. What are some ways in which LEAs may use highly qualified teachers hired with *Improving Teacher Quality State Grants* funds to reduce class size?

K-8. May LEAs use funds under *Improving Teacher Quality State Grants* to continue to pay the salaries of teachers hired under the former Class-Size Reduction program?

K-9. May LEAs use *Improving Teacher Quality State Grants* funds to provide training to enhance the involvement of parents in their child's education?

K-10. May funds be used to support the acquisition of advanced degrees?

K-11. Can an LEA form a partnership to carry out its proposed activities?

K-12. May an LEA use *Improving Teacher Quality State Grant* funds to provide training for paraprofessionals?

K-13. Does Section 9501(b)(3)(B) require LEAs to expend a set portion of their funds on professional development activities, or does Section 9501(b)(3)(B) provide a kind of "hold-harmless" provision that applies only to services for private school teachers?

K-14. Does the law limit the percentage of Title II, Part A funds an LEA may spend on class size reduction activities?

K-15. Suppose that a State requires all teachers to participate in a minimum number of in-service professional development days each year. Would an LEA's use of Title II, Part A funds to pay for some of this State-mandated professional development in order to free up local funds for other discretionary district initiatives violate the statute's supplement, not supplant requirement?

K-16. If a State agency for teacher certification requires a specific number of hours of professional development every five years for teachers to maintain their certification, may Title II, Part A funds pay for the cost of professional development activities that count toward this requirement?

K-17. May Title II, Part A funds be used to pay the salaries of teachers who provide instruction in pull-out programs?

K-18. May an LEA use Title II, Part A funds to pay the salary of a highly qualified replacement teacher where the regular classroom teacher is on sabbatical?

K-19. May an LEA use *Improving Teacher Quality State Grants* funds both to (1) pay the costs of State tests required of new teachers to determine whether they have subject matter competence, and (2) to assist them in meeting State certification requirements?

K-20. What kinds of leadership efforts might LEA officials undertake to ensure that their use of Title II, Part A funds reflects a strong local agenda that promotes significant improvements in teacher quality?

K-21. May Title II, Part A funds be used to pay the costs of teachers' or principals' advanced degrees? If so, are there any limitations on the coursework that may be paid for with Title II, Part A funds?

K-22. May an LEA use program funds specifically to recruit paraprofessionals and teachers from populations that reflect the diversity of the student population or from populations underrepresented in the teaching profession?

K-23. May supplies or instructional materials used as part of professional development activities be purchased with *Improving Teacher Quality State Grants* program funds?

K-24. Does Title II, Part A require an LEA to use a competitive process in selecting individual teachers for merit pay, pay differential, or other monetary incentives?
K-25. Suppose an LEA chooses to use Title II, Part A funds to award a new or existing teacher or principal a lump sum incentive or to pay the costs of this individual's certification or advanced degree. What can an LEA do to ensure that, after receiving the award or free tuition, the teacher or principal fulfills a commitment to continue working in the district rather than leaving for another job?
K-26. May an LEA use Title II, Part A funds to pay out-of-area recruitment costs and moving expenses that may be needed in order to recruit and relocate new teachers?
K-27. The statute provides that an LEA may use Title II, Part A funds to carry out "teacher advancement initiatives that promote professional growth and emphasis on multiple career paths such as paths to becoming a career teacher, mentor teacher, or exemplary teacher" *[Title II, Section 2123(a)(8)]*. What does this mean, and why might this use of Title II, Part A funds be important?

L. FLEXIBILITY PROVISIONS 59

L-1. How do the ESEA flexibility provisions affect the *Improving Teacher Quality State Grants* program?
L-2. Regarding the new ESEA flexibility provisions, may LEAs use 50 percent of their Title II, Part A funds for other Federal programs?

IV. STATE AGENCY FOR HIGHER EDUCATION (SAHE) PARTNERSHIPS

M. GENERAL ISSUES 60

M-1. What is the purpose of the SAHE component of *Improving Teacher Quality State Grants*?
M-2. How much of the State's *Improving Teacher Quality State Grants* allocation does the SAHE receive for both the competitive grants awards and for administration?
M-3. Does the Department make separate grant awards to SAHEs?
M-4. Will the Department make separate awards to the SEA and SAHE for administration, or include these amounts in the two agencies' awards?
M-5. Section 9101(24) states that an "institution of higher education" is defined in Section 101(a) of Higher Education Act (HEA). What is that definition?
M-6. If a SAHE believes that it was not adequately involved in the development of an ESEA State consolidated application, what options are available to it, should it desire to have the State's application amended?
M-7. In the definition of a high-need LEA, one criterion is that the LEA must be one for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line. Where can the relevant poverty information be found?
M-8. May a high-need charter school that is an LEA qualify as a high-need LEA partner for purposes of the partnership required for SAHE grants?

M-9. May a SAHE designate in its Request for Proposals (RFP) who must act as the fiscal agent?

M-10. May a SAHE use Title II, Part A funds reserved for partnership subgrants to support a separate evaluation of subgrantee projects?

M-11. What kinds of records must the SEA, SAHE, LEAs, and partnerships keep under the *Improving Teacher Quality State Grants Program*?

M-12. What reports are required of the IHEs?

M-13. May a regional educational service agency, intermediate educational unit, or similar public agency that is established by the State to provide administrative and technical assistance and support to local school districts be considered eligible to participate in a partnership as a high-need LEA?

M-14 May a SAHE issue an RFP soliciting partnership applications that target specific needs, focus on particular grades or subject areas, or implement other State priorities?

M-15. Section 2132(c) (the "special rule") states that "no single participant in an eligible partnership may use more than 50 percent of the Title II, Part A funds made available to the partnership…." In general, what does this provision mean?

M-16. May two IHE partners (School of Education and School of Liberal Arts and Sciences) each receive 50 percent of the subgrant funds?

M-17. If an IHE receives program funds that teachers would otherwise pay for IHE-sponsored professional development, would those funds figure in as part of the funds "used" by the IHE partner? M

M-18. If IHE faculty are full-time employees of the IHE, but a percentage of their time and services go to an LEA, which partner is deemed to "use" Title II, Part A funds provided as payment of a portion of faculty salaries spent working for the LEA? If IHE faculty members receive "release time" to serve LEAs, are their salaries attributable to the IHE or to the LEA partner?

M-19. If a full-time faculty member is on a 9- or 10-month contract, can a special summer faculty salary be attributed to the LEA partner, if the summer work is for the LEA?

M-20. Are the salaries of teachers that a subgrantee's project hires to work as mentors to other teachers attributable to the LEA? Or to the IHE, since the IHE pays their salaries?

M-21. Some IHEs require consultants hired under a Federal grant to be treated as IHE employees, rather than as contractors. If these consultants perform work at an LEA, which partner should be assigned the costs of the consultant?

M-22. May reimbursements made to IHE employees for the costs of traveling to LEA sites be considered to be "used" by the LEA partner?

M-23. Are indirect costs of the partnership's fiscal agent treated as part of the maximum allowable 50 percent of Title II, Part A funds that the partner may use?

M-24. Are in-kind contributions counted as part of a partner's 50 percent maximum?

M-25. Section 2132(b) requires the SAHE to ensure either that its subgrants are "equitably distributed by geographic area within a State" or that "eligible partnerships in all geographic areas within the State are served through the subgrants." What do these phrases mean?

M-26. May a not-for-profit (NFP) agency be the named applicant and fiscal agent for a subgrant so long as the partnership contains the three statutorily required partners?

N. COMPETITIVE PROCESS 68

N-1. Who is eligible to receive a competitive award from the SAHE?
N-2. How does the SAHE determine its priorities for soliciting competitive subgrant applications?
N-3. Are there any Federal requirements that govern how SAHEs must conduct the competition?
N-4. Aside from providing all applicants the information they need to prepare their applications, are there any other requirements regarding the statewide distribution of these subgrants?
N-5. Is there any particular format or content that a SAHE must incorporate into its information for prospective applicants?
N-6. Is there a maximum project period for SAHE grants?
N-7. Does the definition of an "eligible partnership" in Section 2131 permit a community college to be part of a partnership that is eligible to receive a Title II, Part A subgrant?
N-8. May community colleges access Title II, Part A funds to create alternative certification programs or to provide professional development for teachers?
N-9. May a partnership propose to include as one of the three principal partners a 4-year institution that is not located in the SAHE's state?
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Title II, Part A: Guidance

Improving Teacher Quality State Grants

I. INTRODUCTION

A. GENERAL INFORMATION

A-1. What is the purpose of the new Title II, Part A *Improving Teacher Quality State Grants* program?

The purpose of Title II, Part A, *Improving Teacher Quality State Grants*, is to increase the academic achievement of all students by helping schools and school districts improve teacher and principal quality and ensure that all teachers are highly qualified. Through the program, State educational agencies (SEAs) and local educational agencies (LEAs) receive funds on a formula basis, as does the State agency for higher education (SAHE). The SAHE provides competitive grants to partnerships comprised, at a minimum, of schools of education and arts and sciences, along with one or more high-need LEAs.

In exchange, agencies that receive funds are held accountable to the public for improvements in academic achievement. *Improving Teacher Quality State Grants* provides these agencies with the flexibility to use these funds creatively to address challenges to teacher quality, whether they concern teacher preparation and qualifications of new teachers, recruitment and hiring, induction, professional development, teacher retention, or the need for more capable principals and assistant principals to serve as effective school leaders.

A-2. The Eisenhower Professional Development program also promoted teacher quality. What are the principal differences between the new *Improving Teacher Quality State Grants* program and the Eisenhower program?

The new *Improving Teacher Quality State Grants* program replaces the previous requirement to focus on professional development for mathematics and science in favor of support for teacher professional development across all core academic subjects. The importance of math and science remains a high priority (see Section K-2 of this document), but many other activities are now allowed as well (see A-3 below).

For the first time, States and LEAs are required to ensure that their strategies and funded activities are grounded in scientifically based research so that students benefit from teaching practices and methods that are based on what is known to work. The new *Improving Teacher Quality State Grants* program also gives schools and LEAs expanded flexibility to address their need for qualified teachers and principals not only through professional development for existing staff, but

through efforts that include attracting qualified individuals into teaching and offering financial incentives and other structural changes to retain them.

A-6. Are there requirements that governed the use of funds under the Eisenhower program and that no longer apply?

Yes. In addition to the major differences between the two programs described above, the new *Improving Teacher Quality State Grants* program makes a number of other changes that promote greater flexibility in the use of program funds to

improve teacher quality. The new *Improving Teacher Quality State Grants* program:

1. Eliminates the 33 percent local cost share requirement.

2. Eliminates the requirement that LEAs receiving an allocation of less than $10,000 form a consortium.

3. Expands the focus on mathematics and science to include activities across all core academic subjects. However, the importance of math and science remains a high priority. In preparing their needs assessment, LEAs are strongly encouraged to look closely at their needs for recruiting, training, and retaining high quality math and science teachers.

4. Eliminates the requirement that 80 percent of an LEA's funds be spent for professional development in a manner determined, to the extent possible, by teachers and provided at school sites.

B-2. What is effective professional development?

Effective teacher professional development is more than just coursework designed to fill a State or district requirement. It is a set of activities that produce a demonstrable and measurable effect on student academic achievement. The ESEA emphasizes that effective professional development must be grounded in scientifically based research *[Title IX, Section 9101(34)]*.

Effective professional development works best when it is part of a systemwide effort to improve and integrate teacher quality at all stages: preparation, induction, support, and ongoing development.

B-3. What is scientifically based research on teacher quality?

Scientifically based teacher quality research is research that applies rigorous, systematic, and objective procedures to obtain valid knowledge relevant to improving student academic achievement. Pursuing practices grounded in scientifically based research will have a positive impact on student academic achievement and will help to strengthen the teaching profession.

In the past, there has been much debate about educational research and its relationship to improving student academic performance. Consider the following comments from one researcher:

> *For the most part, the public knows but one sign of good teaching – student achievement. Any agenda of research on teaching that ignores this variable must seem a pointless intellectual exercise. In refusing to acknowledge the importance of student achievement, educational researchers...appear ...nonresponsive to key constituencies...The need for evidence linking teacher cognition to measures of student outcomes is a political necessity. While researchers argue among themselves about the epistemological ramifications of the issue, external constituencies (parents, legislators, and district school boards) probably perceive [education researchers] as demonstrating just how badly out of touch they are with the public mood (Kagan, 1990, p. 458).*

Section 9101(37) of ESEA, as amended by *No Child Left Behind,* emphasizes that scientifically based research means "research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs." The statute then explains that this kind of research includes research that:

1. Employs systematic, empirical methods that draw on observation or experiment;

2. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

3. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

4. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

5. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings, and

6. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review. (It should be noted that a practitioner journal or education magazine are *not* the same as a peer-reviewed academic journal.)

B-4. What evidence is critical in evaluating scientifically based research?

When reviewing research findings to determine whether they meet the criteria for scientifically based research, SEAs, LEAs, and schools should consider the extent to which the research meets the criteria listed above. Questions to consider include:

1. **Use of rigorous, systematic, and empirical methods** – Does the work have a solid theoretical or research foundation? Was it carefully designed to avoid biased findings and unwarranted claims of effectiveness? Does the research clearly delineate how the research was conducted, by whom it was conducted, and on whom it was conducted?

2. **Adequacy of data to justify the general conclusions drawn** – Was the research designed to minimize alternative explanations for observed effects? Are the observed effects consistent with the overall conclusions and claims of

effectiveness? Does the research present convincing documentation that the observed results were the result of the intervention? Does the research make clear what populations were studied (i.e., does it describe the participants' ages, as well as their demographic, cognitive, academic and behavioral characteristics) and does it describe to whom the findings can be generalized? Does the study provide a full description of the outcome measures?

3. **Reliance on methods that provide valid data across multiple measurements and observations** – Are the data based on a single-investigator, single-classroom study, or did multiple investigators in numerous locations collect similar data? What procedures were in place to minimize researcher biases? Do observed results "hold up" over time? Are the study interventions described in sufficient detail to allow for replicability? Does the research explain how instructional fidelity was ensured and assessed?

4. **Use of control groups** – Has a randomly assigned control group or some other kind of comparison group been used?

5. **Details allow for replication** – Does the study clearly explain how the treatment was designed? Is there enough detail to replicate the study?

6. **Acceptance by a peer-reviewed journal or approved by a panel of independent experts** – Has the review been rigorous and objective? Has the research been carefully reviewed by unbiased individuals who were not part of the research study? Have the findings been subjected to external scrutiny and verification?

B-8. At various points the Title II, Part A statute refers to "high-quality professional development" (e.g., the content of the State plan for having all teachers highly qualified, and professional development that a SAHE may fund [Sections 1119(a)(2) and 2134(a)(2)]). What does this mean?

High-quality professional development is professional development that reflects the principles expressed in the definition of the terms in Section 9101(34). *(See Appendix A.)*

B-9. Must each SEA-, LEA-, or SAHE-sponsored professional development activity incorporate all the items identified in the definition of professional development in Section 9101(34)?

No. Section 9101(34) is not meant to be a "check-off list." Most likely, not every element of this definition will fit each individual professional development activity. For example, element (34)(A)(x) addresses skills that are needed by teachers of limited English proficient students, but it may not be appropriate to apply this principle to other specific needs identified by the LEA, such as the need

for professional development in teaching advanced material in intermediate French.

Rather, this definition of professional development expresses a statutory set of principles that apply to ESEA-funded professional development as a whole, and that must guide how SEAs, LEAs, and SAHEs (and their sub-grantees) think about, design, and implement the forms of professional development that teachers need. In this regard, most of the principles in the definition likely will apply to any professional development in teaching subject-matter knowledge. For example, the principles that professional development "improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified," and "are an integral part of broad schoolwide and districtwide educational improvement plans" *[Section 9101(34)(A)(i) and (ii)]* plainly make sense for any professional development that focuses on improving teachers' ability to teach subject-matter knowledge.

Therefore, regardless of whether individual professional development activities focus on K-3 reading or math, or on specific high-school subjects, those designing and implementing Title II, Part A-funded professional development activities need to ensure that the professional development they offer adheres to principles (34)(A)(i) and (ii).

SEAs, LEAs, and SAHEs (and their subgrantees) need to apply this same kind of analysis to each of the elements in the ESEA definition.

The ESEA definition of professional development also includes specific core principles related to –

- Addressing the needs of English proficient students and students with special needs *[Section 9101(34)(A)(x) and (xiii)];*
- The use of technology, as appropriate *[Section 9101(34)((A)(ix)]*; and
- Ensuring that the teaching force is highly qualified through recruitment, hiring, and training activities *[Section 9101(34)(A)(vi)].*

Finally, the definition expressly permits three particular additional forms of professional development:

- Formation of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
- Creation of programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under Part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

- Provision of follow-up training to teachers who have participated in activities described above that is designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

C. ACCOUNTABILITY [*Section 2141*]

C-1. Who is a "highly qualified' teacher?

The requirement that teachers be highly qualified applies to public elementary or secondary school teachers who teach a core academic subject. (The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography *[Title IX, Section 9101(11)].*) "Highly qualified" means that the teacher:

1. Has obtained full State certification as a teacher or passed the State teacher licensing examination and holds a license to teach in the State, and does not have certification or licensure requirements waived on an emergency, temporary, or provisional basis;

2. Holds a minimum of a bachelor's degree; and

3. Has demonstrated subject area competence in each of the academic subjects in which the teacher teaches, in a manner determined by the State and in compliance with Section 9101(23) of ESEA.

The statutory definition includes additional elements that apply somewhat differently to new and veteran teachers, and to elementary, middle and secondary school teachers. The complete definition of "highly qualified teacher," which is in Section 9101(23) of the ESEA, appears at the end of this document in ***APPENDIX A***.

Please note that the application of the term "highly qualified" as it relates to some specific categories of teachers - such as vocational education teachers and charter school teachers – is outlined in ***APPENDIX A***.

C-2. The definition of a highly qualified teacher includes the requirement that the teacher has obtained "full State certification." What is meant by "full State certification?"

In the context of the definition of a highly qualified teacher, "full State certification" means that the teacher has fully met those State requirements that apply to the years of experience the teacher possesses. For example, these requirements may vary for first year teachers and veteran teachers. In addition, "full State certification" means that the teacher must not have had certification or licensure requirements waived on an emergency, temporary, or provisional basis.

C-3. When can a teacher in an alternate route to certification/licensure program be considered "highly qualified?"

[Note: The June 6 answer to this question has been modified.] Any teacher who has obtained full State certification (whether he or she has achieved certification through traditional or alternate routes), has a 4-year college degree, and has demonstrated subject matter competence is considered to be "highly qualified" under the law. Teachers in an alternate route program may be considered to meet the certification requirements of the definition of a highly qualified teacher if they are participating in an alternate route program under which they (1) receive high-quality professional development that is sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction before and while teaching, (2) participate in a program of intensive supervision that consists of structured guidance and regular ongoing support for teachers, or a teacher mentoring program, (3) assume functions as a teacher only for a specified period of time not to exceed three years, and (4) demonstrate satisfactory progress toward full certification as prescribed by the State.

The State must ensure, through its certification and licensure process, that these provisions are met.

C-4. What is the timeline for implementation of the new accountability requirements for highly qualified teachers?

Title I of the ESEA requires that all teachers of core academic subjects hired after the first day of the 2002–2003 school year and teaching in a program supported with Title I, Part A funds be "highly qualified" *[Section 1119(a)(1)]*.

In addition, Title I requires each SEA receiving Title I, Part A funds to develop a plan to ensure that all teachers teaching in core academic subjects within the State are highly qualified not later than the end of the 2005-2006 school year. The SEA also must establish annual measurable objectives for each LEA. Similarly, Title I requires each LEA receiving Title I, Part A funds to develop a plan for ensuring that all teachers teaching within the area served by the school district are highly qualified no later than the end of the 2005-2006 school year *[Section 1119(a)(2),(a)(3)]*. Both the LEA and SEA must report annually, beginning with the 2002-2003 school year, on their progress in meeting these performance objectives.

C-6. What is meant by "high-quality professional development?"

The term "high-quality professional development" means professional development that meets the criteria outlined in the definition of professional development in Title IX, Section 9101(34) of ESEA. (This definition is provided in ***Appendix A***.)

C-7. Which academic subjects are considered the core academic subjects?

The term "core academic subjects" means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography *[Title IX, Section 9101(11)]*.

C-7a. The statue requires that teachers who teach in the core academic subjects meet the highly qualifed requirements. The list of core academic subjects includes the arts. What does the statute mean by "the arts"?

While the list of core academic subjects in the statute includes the arts *[Title IX, Part A, section 9101(11)]*, it does not define the arts. Each State can determine its own definition of "the arts."

C-11. May a secondary school teacher who has demonstrated subject-matter competence in a core academic subject and received full State certification in that subject area be considered "highly qualified" when holding an emergency or temporary permit to teach another subject outside of his or her area of certification?

No. To be "highly qualified," Section 91201(23)(C)(ii) requires a teacher to have demonstrated "a high level of competency in each of the [core] academic subjects" in which he or she teaches. Hence, the teacher described in this question is highly qualified in terms of the first subject, but not in terms of the additional subject. The teacher will not be considered highly qualified in the additional subject area until he or she has passed a rigorous State academic subject test or demonstrated (through the other means the law permits) the required competence in the additional subject area.

C-12. If either the State Commissioner of Education or the SEA has authority to waive certification requirements on an emergency, temporary, or provisional basis, can any teachers receiving such waivers be considered highly qualified?

No. The law states that to be considered highly qualified, the teacher must not have "had certification or licensure requirements waived on an emergency, temporary, or provisional basis" *[Section 9101(23)(A)(ii)]*.

C-13. May a new teacher who holds a B.A. degree and who teaches in a supervised and mentored internship, but who has not passed the State subject matter exam, be considered highly qualified?

Yes, but only if the teacher (1) is or will be teaching at the middle or secondary level, (2) has full State certification, and (3) has met one of the other statutory tests for having a high level of competency in the subject(s) that he or she would teach. Besides passing "a rigorous State academic subject test" in each [core] academic subject the teacher will teach, middle and high school teachers could

alternately demonstrate the necessary competence by completion of an academic major or authorized equivalent (*i.e.,* a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing) in each of these subjects [Section *9101(23)(B)(ii)(II)].* (For more information on "full State certification," see item C-2.)

C-14. May a teacher who does not yet hold a B.A. degree or who has not yet passed the State subject matter exam (or otherwise demonstrated competence to teach each subject he or she would teach) be considered highly qualified if teaching in a supervised and mentored internship?

No. To be considered highly qualified, every teacher at every grade level must (1) have at least a 4-year degree, (2) have full State licensure or certification (or be deemed to have such licensure or certification because of satisfactory participation in an alternative route program; see C-3 or C-15, below), <u>and</u> (3) demonstrate a high level of competence in each subject he or she would teach.

C-15. May a teacher who holds a 4-year degree and has passed the State subject matter exam, but who has not yet attained full certification, be considered highly qualified if teaching in a supervised and mentored internship?

Yes, but only if the teacher is participating on a satisfactory basis in an "alternate route" program. Teachers may be considered highly qualified if they (1) have a 4-year degree, (2) have demonstrated subject area competence in each of the core academic subjects in which they are or will be teaching, and (3) are participating in an alternative route program in accordance with the requirements stated in item C-3.

C-16. Are charter school teachers who are new to the profession required to have college degrees?

Yes. Charter school teachers must meet the requirements that apply to all public school teachers, including holding a four-year college degree and demonstrating competence in the core academic areas in which they teach. As with other new public school teachers, new charter school teachers may demonstrate this subject-matter competence (1) by "passing a rigorous state subject test in each of the academic subjects in which the teacher teaches," or (2) if a middle or high school teacher, by having successfully completed, in each of the core academic subjects the teacher teaches, "an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing" *[Section 9101 (23)(C)(i)].* New elementary school teachers, however, may demonstrate the required competency <u>only</u> by passing the State test *[Section 9101(23)(B)(I)].*

However, a teacher in a charter school does not have to be licensed or certified by the State if the State does not require such licensure or certification for its charter school teachers. Charter school teachers who teach core academic subjects (and who, therefore, are covered by the requirements for highly qualified teachers)

must comply with any provision in a State's charter school law regarding certification or licensure.

C-17. May teachers who are in alternative route programs be considered highly qualified before they demonstrate competency in each core academic subject that they are or will be teaching?

No. There are three criteria that a teacher must meet in order to be considered highly qualified: a 4-year degree, a demonstration of competency, and full State certification. Teachers who are satisfactorily completing alternative route certification programs must have a 4-year degree and have demonstrated a high level of competence in each subject area(s) they teach. (For more information on alternative routes and the definition of highly qualified teachers, see item C-3.)

C-18. May a middle school teacher who has passed a State generalist exam in math, science, English and social studies be considered competent – on the basis of passing that test – to teach middle school courses and, therefore, be a highly qualified teacher?

No. The law states that a middle school (and high school) teacher must demonstrate a high level of competence "in each of the academic subjects in which the teacher teaches" *[Section 9101(23)(B)(ii) and (C)(ii)]*. If a teacher does not meet this requirement on the basis of successful completion of an academic major or equivalent, the teacher either must, for each subject that he or she would teach -

1. Pass a rigorous State academic subject test, or

2. Demonstrate competence on the basis of a high, objective, uniform State standard of evaluation that, among other things, "provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches" *[Section 9101(23)(C)(ii)(III)]*.

Thus, the requirements governing highly qualified middle school teachers may be summarized as follows:

New Middle School Teachers. A middle school teacher new to the profession must have (1) passed "a rigorous state subject test in each of the academic subjects in which the teacher teaches" *[Section 9101(23)(B)(ii)(I)]*, or (2) have successfully completed, in each of the academic subjects the teacher teaches "an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing" *[Section 9101(23)(B)(ii)(II)]*.

Current Middle School Teachers. Current middle school teachers may meet the subject area competency requirement by completing one of the two options listed above for new middle school teachers *[Section 9101(23)(C)(i)]*.

Alternatively, they may do so by demonstrating "competence in all the [core] academic subjects in which the teacher teaches based on a high, objective uniform State standard of evaluation" that --

1. Is set by the State for both grade- appropriate academic subject matter knowledge and teaching skills;

2. Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

3. Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

4. Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

5. Takes into consideration, but is not based primarily on, the time the teacher has been teaching in the academic subject; and

6 Is made available to the public upon request.

The standard may involve multiple, objective measures of teacher competency *[Section 9101(23)(C)(ii)]*.

C-19. May a middle school teacher be considered "highly qualified" if the teacher is licensed or certified by the State, has a B.A. degree, and holds a minor in the academic subject(s) he or she teaches?

No. Whether new to the profession or not, if a middle school teacher has only a minor in the area he or she teaches, that teacher will not be considered to have met the highly qualified requirement until the teacher (1) passes a rigorous state subject test in that subject area, (2) successfully completes an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing in the subject(s) he or she teaches, or (3) has been successfully evaluated on the basis of a State system of evaluation that meets the requirements of Section 9101(23)(C)(ii).

C-20. In some cases, State rules require each LEA to evaluate a teacher's competency in a number of key areas, but do so against its own (LEA) benchmarks for what constitutes adequate quality in these areas. Does this approach meet the requirements for an "objective uniform State standard of evaluation" against which to assess teacher competency?

No, although teachers of the same subject and grade may need different skills, depending on whether they teach in high-need urban or rural schools or schools located in more affluent areas. However, the law requires the State to ensure that

all LEAs use a uniform standard for evaluating whether teachers, regardless of where they teach, have the skills they need.

C-21. Will the U.S. Department of Education require its review and approval of specific tests that States use for determining whether *new elementary school teachers* have the subject matter knowledge and teaching skills that are needed of highly qualified teachers?

No. While the Department is always willing to respond to inquiries from States, it is the responsibility of the SEA to identify and approve such tests. We recommend that each SEA use the guidelines below to evaluate any tests that it wishes to consider for use in its State.

To meet the requirements of the law, new teachers at the elementary level must (1) hold a 4-year degree, (2) be licensed by the State, and (3) demonstrate, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary curriculum *[Section 9101(23)(B)(i)]*.

The test may consist of a State-required certification or licensing test (or tests) in reading, writing, math, and other areas of the basic elementary school curriculum. The content of the test should be rigorous and objective and have a high, objective, uniform standard that the candidate is expected to meet or exceed. This standard must be applied to each candidate in the same way.

The purpose of the test is to establish the candidate's knowledge of content in reading, writing, math, and other areas of the basic elementary curriculum. In addition, the test might be used to target the areas where additional coursework or staff development may be needed to help the teacher succeed at meeting the standard.

The SEA may wish to go on record – via a resolution passed by the State Board of Education, for example – establishing which tests meet their criteria. Keeping such formal approvals on file, along with an explanation as to how the tests meet the criteria required by the law, would be one way for the State to demonstrate it is in compliance with the Section 9101(23) requirements.

C-22. Will the U.S. Department of Education require its review and approval of specific tests that States use for determining whether new middle and secondary school teachers have a high level of competence in each of the subjects in which the teacher will teach?

No. While the Department is always willing to respond to inquiries from States, it is the responsibility of the SEA to identify and approve such tests. We recommend that each SEA use the guidelines below to evaluate any subject area tests that it wishes to consider for use in its State.

To meet the requirements of the law, new teachers at the middle and high school levels must (1) hold a 4-year degree, (2) be licensed by the State, and (3) demonstrate their competence, in each of the areas the teacher teaches, either by:

1. Completing an academic major, a graduate degree, coursework equivalent to an academic major, or advanced certification or credentialing, or

2. Passing a rigorous State academic subject test *[Section 9101(23)(B)(ii)]*.

The academic subject test may consist of a State-required certification or licensing test (or tests) in each of the academic subjects in which a teacher teaches. The content of the test should be rigorous and objective, focus on a specific academic content area, and have a high, objective, uniform standard that the candidate is expected to meet or exceed. These standards must be applied to each candidate in the same way.

The purpose of the test is to establish the candidate's knowledge in a given subject area. In addition, the test might be used to target the areas where additional coursework or staff development may be needed to help the teacher succeed at meeting the standard.

The SEA may wish to go on record – via a resolution passed by the State Board of Education, for example – establishing which tests meet their criteria. Keeping such formal approvals on file, along with an explanation as to how the tests meet the criteria required by the law, would be one way for a State to demonstrate it is compliant with the Section 9101 requirements.

C-23. Where States choose not to use the results of a rigorous State subject-matter test as the means for determining whether a *current teacher (elementary, middle, or high school)* is "highly qualified," will the U.S. Department of Education require its review and approval of State methods for evaluating a teacher's knowledge and teaching ability?

No. While the Department is always willing to respond to inquiries from States, it is the responsibility of the SEA to develop and approve these methods of ensuring that teachers have subject-matter competency – just as it is the SEA's responsibility for ensuring, alternately, that teachers have demonstrated their competency (a) by passing a rigorous State academic subject matter test, or (b) in the case of middle or secondary school teachers, by completing an academic major or having other statutorily acceptable coursework or qualifications *[Section 9101(23)(B)]*.

To meet the law's requirements, any alternative means of evaluating teaching ability must demonstrate competency in all the academic subjects in which a teacher teaches based on a high, objective uniform State standard of evaluation that must meet each of the following six criteria *[Title I, Section 9101(23)(C)(ii)]*:

1. Be set by the State for both grade-appropriate academic subject matter knowledge and teaching skills;

2. Be aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

3. Provide objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;

4. Be applied uniformly to all teachers in the same academic subject and teaching in the same grade level throughout the State;

5. Take into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject; and

6. Be made available to the public upon request.

The alternative means of evaluating teaching ability also may involve multiple, objective measures of teacher competency.

Each evaluation should have a high, objective, uniform standard that the candidate is expected to meet or exceed. These standards for evaluation must be applied to each candidate in the same way.

Where States choose to adopt this alternative means for assessing whether teachers are highly qualified, we encourage them to consider going on record – via a resolution passed by the State Board of Education, for example – establishing how teachers of various subjects at different grade levels may meet the statutory criteria. Keeping such formal approvals on file, along with an explanation as to how the demonstration of competency meets the criteria required by the law, would be one way for a State to demonstrate that it has established the kinds of assessments that conform to the Section 9101(23) requirements.

C-26. Do long- and short-term substitute teachers need to meet the "highly qualified" requirements?

It is strongly recommended that a long-term substitute teacher, as defined by the State, meet the requirements for a highly qualified teacher as defined in Section 9101(23). However, in establishing a definition for a long-term substitute, SEAs and LEAs should bear in mind that the law requires that parents must be notified if their child has received instruction for 4 or more consecutive weeks by a teacher who is not highly qualified *[Title I, Section 1111(h)(6)]*.

C-27. If a K-8 school is designated by the State as an elementary school, do the teachers in grades 6, 7, and 8 have to meet the highly qualifed requirements for elementary teachers or for middle school teachers?

If the State has designated the school as an elementary school, then the teachers in grades 6, 7, and 8 will be expected to meet the highly qualifed requirements for elementary teachers. However, if the upper elementary grades have been designated as a middle school, per the "school-within-a-school" concept, then they will be required to meet the requirements of middle school teachers.

II. FEDERAL AWARDS TO STATES

D. GENERAL ISSUES

D-1. Who is eligible to receive Improving Teacher Quality State Grants State allocations?

All States (i.e., each of the 50 States, District of Columbia and Puerto Rico), the Outlying Areas (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), and the Bureau of Indian Affairs (BIA) are eligible to receive *Improving Teacher Quality State Grants* State allocations.

D-3. How much of the State's allocation must the SEA use for subgrants to LEAs, and how much do the SEA and SAHE retain for State-level activities?

Under this program, the SEA must use 95 percent of the State's *Improving Teacher Quality State Grants* funds (after reserving up to one percent for SEA and SAHE administration) for subgrants to LEAs. The SEA retains 2.5 percent of the funds for State-level activities described in Section 2113(c). The SAHE receives 2.5 percent of the funds (up to $125 million among all SAHEs) to make competitive subgrants to eligible IHE-LEA partnerships as described in question M-1 of this document *[Sections 2131-2134]*. See the table below for a visual representation of the allocations.

Improving Teacher Quality State Grants
Within-State Allocations
ESEA of 1965 as amended by
No Child Left Behind Act of 2001

<table>
<tr><td>2.5% of 99 % for SEA program activities</td><td rowspan="3">1 % of 100% for SEA and SAHE Administration</td></tr>
<tr><td>2.5% of 99 % for subgrants to local partnerships (SAHE portion)</td></tr>
<tr><td>95 % of 99 % reserved to make subgrants to local educational agencies</td></tr>
</table>

Figure 1: Table

D-4. How is the portion of the State's total allocation that is available for the costs of SEA and SAHE administration and planning to be allocated between the two agencies?

For administrative funding, absent an agreement between the SEA and SAHE to the contrary, the Department will provide the SAHE the greater of:

1. The amount the FY 2001 funds it had received for administration under the predecessor Title II, ESEA Eisenhower Professional Development Program, or

2. Five percent of the amount available each year for subgrants to partnerships under Section 2113(a)(2) of the ESEA, as amended by NCLB.

The Department will award the remainder of the one percent to the SEA for its costs of administration and planning.

D-10. What is the period of fund availability for all *Improving Teacher Quality State Grants* funds that an SEA, SAHE, or LEA receives?

Funds that Congress appropriates are provided to SEAs, LEAs, and SAHEs to meet the needs of teachers and students during the 15-month period that begins July 1 of the Federal fiscal year for which Congress appropriates the money. However, recognizing that legitimate reasons may prevent recipients from using all of their funds during this period, Congress has provided that the period of availability extends until September 30 of the succeeding Federal fiscal year (FY). For example, FY 2002 Title II, Part A funds awarded July 2002 are appropriated for use during the period July 2002 through September 30, 2003, but remain available for obligation until September 30, 2004. In addition, FY 2002 Title II, Part A funds awarded in October 2002 ("advance funds") are appropriated for use during the period October 1, 2002 through September 30, 2003, and remain available for obligation until September 30, 2004. FY 2002 funds not obligated by September 30, 2004 lapse and must be returned to the U.S. Treasury. The SEA and SAHE are responsible for maintaining fiscal records that account for funds on a Federal fiscal year basis.

D-12. Must an SEA and SAHE monitor all subgrant activities?

Section 80.40(a) of EDGAR requires, among other things, that States "...monitor grant and subgrant supported activities to assure compliance with applicable Federal requirements and that performance goals are being achieved."

SEAs and SAHEs must monitor grantees for compliance with Federal statutes and regulations, applicable State rules and policies, needs assessment findings, and the approved State and subgrant application. To do so, they are encouraged to conduct a systematic review of all *Improving Teacher Quality State Grants* activities on a regular basis, using monitoring instruments that are sufficiently comprehensive to permit them to determine whether subgrantees comply with program requirements and have made progress toward meeting all objectives of their approved applications.

Review of audit or annual reports alone is not an acceptable monitoring procedure. If an SEA or SAHE has reason to believe that a subgrantee is not adequately implementing its projects, it should monitor it more carefully and frequently.

For some *Improving Teacher Quality State Grants* requirements, such as a subgrantee's use of program funds in ways that reflect its approved application, and its efforts with respect to agency-, school-, and classroom-level improvements, the State may determine that on-site monitoring is the most suitable method.

D-13. How often should an SEA and SAHE monitor a subgrantee project on site?

On-site monitoring should take place as often as an SEA or SAHE determines is necessary to ensure that subgrant activities comply with *Improving Teacher Quality State Grants* program requirements.

D-14. In what ways may an SEA and SAHE monitor its subgrantees?

An SEA or SAHE may monitor in any manner that ensures compliance with program requirements. In addition to on-site visits, either agency may require periodic reports, conduct telephone interviews, hold subgrantee conferences, and use other strategies to promote and ensure adherence to applicable requirements. Whatever the method selected, it is important that it be used systematically and the results documented. An SEA and SAHE should maintain a system for reporting problems and recommending corrective actions to subgrantees, and for any follow-up that may be necessary.

Review of audit or annual reports alone is not an acceptable monitoring procedure. If an SEA or SAHE has reason to believe that a subgrantee is not adequately implementing its projects, it should monitor that subgrantee more carefully and frequently. It also should ensure that any assessments that LEAs perform are completed on a timely basis.

E-6. What issues must a State address in its State application?

The State's application (State plan) must address key factors that affect both the quality and quantity of the State's teaching force.

The *Improving Teacher Quality State Grants* program-specific application must contain the following descriptions:

1. How the SEA's activities will be based on a review of scientifically based research and an explanation of why the SEA expects its activities to improve student academic achievement.

2. How the SEA will ensure that LEAs receiving subgrants will comply with its Title II, Part A requirements outlined in Section J of this document *[Sections 2122 and 2123];*

3. How the SEA will ensure that activities carried out in the State with *Improving Teacher Quality State Grants* funds are aligned with the State's academic content and student academic achievement standards, State assessments, and State and local curricula;

4. How the SEA will use program funds to improve the quality of the State's teachers and principals;

5. How the SEA will coordinate professional development activities conducted under the program with professional development activities provided under other Federal, State, and local programs;

6. The comprehensive strategy the SEA will use, in coordination with other Federal, State, and local programs, to ensure that teachers are trained in the

use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate;

7. How the SEA will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve the use of technology, peer networks, and distance learning;

8. How the SEA will ensure LEA and SEA compliance with the requirements for professional development activities described in ***APPENDIX A*** *[Section 9101(34)];*

9. How the activities conducted with program funds will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel;

10. How the SEA will ensure that the professional development (including teacher mentoring) needs of teachers will be met using SEA and LEA funds;

11. How the SEA will use program funds to meet the teacher and paraprofessional requirements of ESEA *[Section 1119]*), and will hold LEAs accountable for meeting their annual measurable objectives *[Section 1119(a)(2)]*.

12. The SEA's annual measurable objectives as described in question C-5 above *[Section 1119(a)(2)]* and, in the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

E-7. What assurances must be included in the State *Improving Teacher Quality State Grants* application?

The State, if it submits a program-specific application for *Improving Teacher Quality State Grants*, must assure that (1) State activities under the *Improving Teacher Quality State Grants* will be carried out in conjunction with the entity responsible for teacher professional standards, certification, and licensing under State law, if the SEA is not that entity *[Section 2112(b)(7)(B)]*; and (2) the SEA will comply with the requirements regarding participation by private school children and teachers *[Section 9501]*.

F-2. What programs funded by Title II of the Higher Education Act (HEA) should be coordinated with *Improving Teacher Quality State Grants* programs?

Title II of HEA funds three Teacher Quality Enhancement Grant programs designed to increase student achievement through comprehensive approaches to improving teacher quality. The programs provide three types of competitive grants:

- *State Grants* to support comprehensive statewide reforms to improve teacher quality;
- *Partnership Grants* to bring about fundamental change and improvement in traditional teacher education programs; and

- *Teacher Recruitment Grants* to reduce shortages of qualified teachers in high-need school districts.

F-3. How can SEAs that participate in HEA Title II programs coordinate their activities with the *Improving Teacher Quality State Grants* program?

SEAs that participate in HEA Title II programs can coordinate their activities in numerous ways. Examples of such activities include:

- Helping teachers learn new skills that will enable them to take advantage of new options for instructional techniques that become available when class size is reduced.
- Preparing teachers to work with diverse student populations, including students with disabilities and limited English proficiency.
- Preparing teachers to work with parents in determining how best to help their children achieve higher standards.
- Developing programs that can be used as recruitment incentives to attract highly qualified teachers to high-poverty schools.
- In a coordinated effort with the Reading First program, helping teachers acquire the knowledge and skills necessary for effective reading instruction in the early grades.
- Providing high-quality preservice clinical experiences for student teachers who agree to teach in high-need schools after they earn their teaching credentials.
- Providing a mentoring program involving new and veteran teachers that involves interaction with faculty at nearby institutions of higher education.

G. FLEXIBILITY PROVISIONS *[Title VI]*

G-1. How do the flexibility provisions authorized under the reauthorized ESEA affect the *Improving Teacher Quality State Grants* program?

In general, the flexibility provisions, which are described in greater detail on the Department's website at http://www.ed.gov/offices/OESE/esea/index.html, affect the Title II, Part A program. This is set out in more detail in ***APPENDIX D.***

IV. STATE AGENCY FOR HIGHER EDUCATION (SAHE) –FUNDED PARTNERSHIPS

M. GENERAL ISSUES

M-l. What is the purpose of the SAHE component of Title II, Part A, *Improving Teacher Quality State Grants* program?

The SAHE administers a portion of Title II, Part A funds to make competitive subgrants to eligible partnerships comprised of at least institutions of higher education (IHEs) and high-need LEAs. (See also question O-1 below.) The partnerships use the funds to conduct professional development activities in core academic subjects in order to ensure that highly qualified teachers, paraprofessionals, and (if appropriate) principals have subject matter knowledge in the academic subjects they teach, or in computer-related technology to enhance instruction. The SAHE must work in conjunction with SEA.

M-2. How much of the State's *Improving Teacher Quality State Grants* allocation does the SAHE receive for both the competitive grants awards and for administration?

The SAHE receives a grant that is 2.5 percent of the State's allocation after one percent of the State's grant is deducted to be shared by the SEA and SAHE for administration and planning. The SAHE also receives a portion of the one percent administrative set-aside that is, absent an agreement with the SEA to the contrary, the greater of (1) the amount of FY 2001 funds it received for administration under the former Eisenhower programs, or (2) five percent of the funds available each year for competitive subgrants. (See also question D-4 of this document.)

M-3. Does the Department make separate grant awards to SAHEs?

Yes, the Department will make separate awards to both the SEA and SAHE after reviewing and approving the State's application in accordance with the requirements of Section 2112 of ESEA. (See also question D-4 of this document.)

M-4. Will the Department make separate awards to the SEA and SAHE for administration, or include these amounts in the two agencies' awards?

For the Title II, Part A State allocations, two awards will be sent: one to the SEA and one to the SAHE. The award to the SEA would list the dollar amount for administration and the dollar amount that includes funds for the State-level activities and funds for the LEAs' subgrants.

The award to the SAHE would list the dollar amount for administration and the dollar amount for the competitive partnership grant program.

M-5. Section 9101(24) states that an "institution of higher education" is defined in Section 101(a) of Higher Education Act (HEA). What is that definition?

The Higher Education Act *[HEA, Section 101(a)]* defines an "institution of higher education" as an educational institution in any State that:

1. Admits as regular students only persons having a certificate of graduation from a school providing secondary education, or the recognized equivalent of such a certificate;

2. Is legally authorized within such State to provide a program of education beyond secondary education;

3. Provides an educational program for which the institution awards a bachelor's degree or provides not less than a 2-year program that is acceptable for full credit toward such a degree;

4. Is a public or other nonprofit institution; and

5 Is accredited by a nationally recognized accrediting agency or association or, if not so accredited, is an institution that has been granted preaccreditation status by such an agency or association that has been recognized by the Secretary for the granting of preaccreditation status, and the Secretary has determined that there is a satisfactory assurance that the institution will meet the accreditation standards of such an agency or association within a reasonable time.

M-6. If a SAHE believes that it was not adequately involved in the development of an ESEA State consolidated application, what options are available to it, should it desire to have the State's application amended?

Section 76.140 of EDGAR requires a State to amend its consolidated application if:

1. There is a significant and relevant change in the information or the assurances in the application, the administration or operation of the application, or the organization, policies, or operations of the State agency that received the grant, and

2. The change materially affects the information or assurances in the plan.

The principal information States were to provide in the consolidated application that concerned SAHE activities was the description of the SAHE's subgrant procedures, which the SEA was to have included in response to instructions for Part 2 of the application. If, for some reason, this information, or any other information in the State's consolidated application that affects SAHE activities, is incorrect, the SAHE should work with the SEA to submit an application amendment. If necessary, the SAHE also may contact the Department's Office of Elementary and Secondary Education to request help in coordinating with the SEA.

M-7. In the definition of a high-need LEA, one criterion is that the LEA must be one for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line. Where can the relevant poverty information be found?

The most recent data that are available for the total number of children in poverty (as referenced above) can be found on the Census Bureau Web site at: **http://www.census.gov/housing/saipe/sd97/**.

This site reports the number of children in poverty for every school district in the United States. Locate the file for the State's data, and find the LEA in question. The sixth column provides the number of children in poverty.

LEA poverty rates referenced in the definition of high-need LEA can be accessed on the Department's Web site at the following address: **www.ed.gov/offices/OESE/reap.html**.

See at this address, "Instructions and Tools for Submitting Data," and find "Its Own State Spreadsheet." Column 11 identifies the percentage of an LEA's children from families below the poverty line. These poverty rates are available for LEAs that are included in the National Center for Education Statistics (NCES) Common Core of Data (CCD).

The Department uses these same data to make its own funding allocations, as well as determinations of high-need LEAs for discretionary grant programs that it administers. An LEA not included in the CCD must provide other data, such as the adjusted poverty data that its State used to make its Title I allocations, to demonstrate its eligibility.

M-8. May a high-need charter school that is an LEA qualify as a high-need LEA partner for purposes of the partnership required for SAHE grants?

If, under State law, a public charter school is considered to be an LEA and otherwise meets the definition in Section 2101(3) of a "high-need LEA," it is eligible to be the high-need LEA in a partnership that may receive SAHE funds. Otherwise, a public charter would need to be an additional member of an otherwise eligible partnership (or be a part of an LEA that is a component of the partnership).

M-9. May a SAHE designate in its Request for Proposals (RFP) who must act as fiscal agent?

Yes.

M-10 May a SAHE use Title II, Part A funds reserved for partnership subgrants to support a separate evaluation of subgrantee projects?

No. Evaluation activities of this type may be supported by the Title II, Part A program only with funds retained for program administration. However, a SAHE could require partnerships applying for subgrants to include provisions for program assessment or evaluations and corresponding cost data in their work plans.

M-11. What kinds of records must the SEA, SAHE, LEAs, and partnerships keep under the *Improving Teacher Quality State Grants Program*?

Grantees and subgrantees must keep records that fully show:

1. The amount of funds under the grant or subgrant;
2. How the grantee or subgrantee uses the funds;
3. The total cost of project activities;
4. The share of the cost provided from other sources; and
5. Other records to facilitate an effective audit.

In addition, all grantees and subgrantees are required to keep records to show their compliance with program requirements. Record keeping should permit an "audit trail" beginning with preparation of the application, and should include records to support the application. (See Sections 76.730 and 76.731 of EDGAR.)

M-12. What reports are required of the IHEs?

The law does not create any separate IHE reporting requirements. Therefore, an IHE provides reports required by the SAHE under the terms and conditions of the grant.

M-13. May a regional educational service agency, intermediate educational unit, or similar public agency that is established by the State to provide administrative and technical assistance and support to local school districts be considered eligible to participate in a partnership as a high-need LEA?

These agencies may be considered LEAs, as the term is defined in Section 9101(26), since the public authorities are "legally constituted within a State for either administrative control, or direction of, or to perform a service for, public [schools] in a city, county, township, school district, or other political subdivision of a state, or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public schools." If such agencies have a high percentage of teachers who either teach out-of-field or hold emergency, provisional, or temporary certification, they may be considered to be high-need LEAs, and thus would qualify as a member of the SAHE partnership.

M-14. May a SAHE issue an RFP soliciting partnership applications that target specific needs, focus on particular grades or subject areas, or implement other State priorities?

Yes. A SAHE may solicit applications through the RFP that respond to defined areas of need. In designing its competitive subgrant procedures, consistent with State law, the SAHE also can propose to give additional weight to those applications that address the stated funding priorities, or reject any applications that do not address particular areas of focus.

Provided that all information is available to each potential applicant, the SAHE may want to provide technical assistance to IHEs in developing applications that address these needs. This assistance might take the form of workshops, review of pre-proposal submissions, information on effective models, and clarification of assessment and anticipated outcomes for projects.

M-15. Section 2132(c) (the "special rule") states that "no single participant in an eligible partnership may use more than 50 percent of the Title II, Part A funds made available to the partnership…." In general, what does this provision mean?

The law requires that no single participant in an eligible partnership, (*i.e.,* no single high-need LEA, no single IHE and its division that prepares teachers and principals, no single school of arts and sciences, and no single other partner), may "use" more than 50 percent of the subgrant. The provision does not focus on which partner receives the funds, but which partner directly benefits from them.

Example: Correct Use of Funds

Jefferson University, its College of Education, and its College of Arts and Sciences partner with the Lincoln high-need school district to provide professional development in instructional leadership for 20 principals. Jefferson University's Grants Office receives **100%** of the Title II, Part A funds for the partnership. The Grants Office gives:

- the College of Education **25%** of the funds to use to pay its faculty to deliver professional development in instructional leadership methodologies for 20 principals at Lincoln school district;

- the College of Arts and Sciences **25%** of the funds to use to pay its faculty to deliver professional development content knowledge in instructional leadership for 20 principals at Lincoln School District;

- Lincoln School District **50%** of the funds to use to pay stipends for its principals to participate in the professional development offered by faculty from the College of Education and College of Arts and Sciences at Jefferson University.

In this example no partner uses more that 50% of the funds for its own benefit.

Example: Incorrect Use of Funds

Jefferson University, its College of Education, and its College of Arts and Sciences partner with the Lincoln high-need school district to provide professional development in instructional leadership for 20 principals. Jefferson University's Grants Office receives **100%** of the Title II, Part A funds for the partnership. The Grants Office gives:

- the College of Education **10%** of the funds to use to pay its faculty to deliver a professional development summer course in instructional leadership methodologies for 20 principals at Lincoln school district;

- the College of Arts and Sciences **10%** of the funds to use to pay its faculty to deliver a professional development summer course in instructional leadership content knowledge for 20 principals at Lincoln school district;

- a mentor principal **10%** of the funds to work with the 20 Lincoln school district principals, in their buildings, applying what they learned in the professional development summer courses;

- Lincoln school district **70%** of the funds to pay tuition for the 20 principals to attend the professional development summer courses offered by the

faculty from the College of Education and College of Arts and Sciences at Jefferson University.

In this example one partner uses more than 50% of the funds for its own benefit.

M-16. May two IHE partners (School of Education and School of Liberal Arts and Sciences) each receive 50 percent of the subgrant funds?

Yes. However, under Section 2132(c), the issue is not the amount of funds that each partner "receives" but the amount of funds that each partner "uses." Hence, so long as each of the two divisions of the IHE "uses" 50 percent of the subgrant funds for activities over which it has responsibility (and so directly benefits from the subgrant funds) an IHE fiscal office would not actually need to disburse grant funds to each IHE division (unless, of course, this were the IHE's normal fiscal procedures).

M-17. If an IHE receives program funds that teachers would otherwise pay for IHE-sponsored professional development, would those funds figure in as part of the funds "used" by the IHE partner?

No. Since the tuition assistance is for a teacher's professional development, the funds may reasonably be attributable to use by the LEA partner that employs the teacher.

Costs associated with developing professional development materials, IHE faculty time, and other expenses that the IHE incurs to conduct the professional development may be treated as funds used by the division of the IHE that bears these costs.

M-18. If IHE faculty are full-time employees of the IHE, but a percentage of their time and services go to an LEA, which partner is deemed to "use" Title II, Part A funds provided as payment of a portion of faculty salaries spent working for the LEA? If IHE faculty members receive "release time" to serve LEAs, are their salaries attributable to the IHE or to the LEA partner?

Because the Department has not issued regulations in this area, the subgrantee may attribute these salary costs to the partners in any manner that is reasonable. However, if the subgrant is paying for salary costs that otherwise would be paid by the IHE, it would seem to make sense to view the subgrant used to pay this salary as used by the division of the IHE in which the individuals are employed.

Moreover, while faculty release time (*i.e.,* a reduced IHE teaching load) may permit faculty members to provide services to the LEA and its teachers, program funds are still paying for a portion of faculty members' salaries. Therefore, here too, it seems reasonable that these Title II, Part A funds are best attributable to the division of the IHE that employs the faculty.

M-19. If a full-time faculty member is on a 9- or 10-month contract, can a special summer faculty salary be attributed to the LEA partner, if the summer work is for the LEA?

Yes. The situation differs from those discussed in the preceding question because the IHE would not otherwise pay the faculty members a salary for these summer months. Hence, the benefit derived from this payment would not accrue to the IHE.

M-20. Are the salaries of teachers that a subgrantee's project hires to work as mentors to other teachers attributable to the LEA? Or to the IHE, since the IHE pays their salaries?

While the IHE (should it be the partnership's fiscal agent) may pay the salaries of these mentor teachers, these individuals presumably are working at, and for, the LEA. Therefore, the Title II, Part, A funds used to pay these salaries may reasonably be considered to have been "used" by the LEA.

M-21. Some IHEs require consultants hired under a Federal grant to be treated as IHE employees, rather than as contractors. If these consultants perform work at an LEA, which partner should be assigned the costs of the consultant?

The Department has not regulated in this area. Therefore, the subgrantee may attribute these costs to the partners in any manner that is reasonable. While the contractor costs could reasonably be attributable to the IHE, which is procuring the contractor, assuming that the IHE is not benefiting from the use of the contractor we also believe one could reasonably attribute these costs to the LEA

M-22. May reimbursements made to IHE employees for the costs of traveling to LEA sites be considered to be "used" by the LEA partner?

Yes.

M-23. Are indirect costs of the partnership's fiscal agent treated as part of the maximum allowable 50 percent of Title II, Part A funds that the partner may use?

In general, indirect costs reflect general administration and overhead that cannot easily be charged as direct program costs of the programs or activities they benefit, and that are borne by a party as a result of activities it charges as direct costs. While a portion of one partner's direct costs (*e.g.,* salaries of mentor teachers paid by the IHE fiscal agent) may be considered as used by another partner (in this case, the LEA), the IHE and not the LEA is benefiting from being able to charge the indirect costs. Hence, subgrant funds used to pay indirect costs are attributable to the partner that "uses" the corresponding funds as direct costs.

M-24. Are in-kind contributions counted as part of a partner's 50 percent maximum?

No.

M-25. Section 2132(b) requires the SAHE to ensure either that its subgrants are "equitably distributed by geographic area within a State" or that "eligible partnerships in all geographic areas within the State are served through the subgrants." What do these phrases mean?

The meaning of these phrases is left to reasonable SAHE interpretation.

M-26. May a not-for-profit (NFP) agency be the named applicant and fiscal agent for a subgrant so long as the partnership contains the three statutorily required partners?

Yes, provided SAHE procedures permit this.

N. COMPETITIVE PROCESS

N-1. Who is eligible to receive a competitive award from the SAHE?

Eligibility is limited to partnerships comprised at a minimum of (1) a private or State IHE and the division of the institution that prepares teachers and principals; (2) a school of arts and sciences; and (3) a high-need LEA (see below).

An eligible partnership also may include another LEA, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another IHE, a school of arts and sciences within that IHE, the division of that IHE that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre-kindergarten program, a teacher organization, a principal organization, or a business.

A high-need LEA is defined as an LEA:

(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and
(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or
(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing. *[Section 2102]*

N-2. How does the SAHE determine its priorities for soliciting competitive subgrant applications?

Working in conjunction with the SEA, the SAHE identifies its priorities and criteria for funding applicants and then publishes what is commonly referred to as a "request for proposal" (RFP). The SAHE's priorities are guided by the "State plan" developed under Section 2112 of the ESEA (see questions E-5 and E-6 of this guidance) that identifies Statewide professional development needs and priorities for developing, supporting, and retaining a high-quality teaching force. (See also Section II of this document.)

N-3. Are there any Federal requirements that govern how SAHEs must conduct the competition?

Yes. State law generally determines the procedures for announcing and publicizing the competition and for reviewing and awarding program funds. However, the Education Department General Administrative Regulations (EDGAR) do contain a few basic requirements that the SAHE (and any State agency that administers a Federally funded competitive grant program) must follow. For example, Sections 76.770 and 76.400(c) of EDGAR require the SAHE to have procedures for reviewing and approving subgrant applications that include ensuring that the applicants meet program requirements.

Under these requirements, SAHEs must conduct a competition that (1) provides fair and equal notice to all potential applicants, including all private and public IHEs in the State, (2) describes the kinds of applications that the SAHE is interested in reviewing, (3) identifies the objectives of the program, (4) identifies any assistance the SAHE will provide in the preparation of the application, and (5) states the procedures to be used to select applications for funding. SAHEs must also ensure that persons reviewing the applications are qualified and have no conflict of interest in the funding decisions [Section 2132(a)].

N-4. Aside from providing all applicants with the information they need to prepare their applications, are there any other requirements regarding the statewide distribution of these subgrants?

Yes. The SAHE must ensure either that subgrants are equitably distributed by geographic area within a State or that subgrants serve eligible partnerships in all geographic areas within the State *[Section 2132(b)]*.

N-5. Is there any particular format or content that a SAHE must incorporate into its information for prospective applicants?

No. A SAHE may require applicants to include any information on proposed activities, expenditures, and other matters that are relevant to the selection of award recipients.

N-6. Is there a maximum project period for SAHE grants?

No, although the project period cannot be longer than the period for which the ESEA is currently authorized. Moreover, project periods, which are established by the SAHE when it awards the subgrants, may vary depending on the kind of activity a subgrant award is funding.

The eligible partnerships must obligate funds before the end of the period for which funds are available (27 months after July 1 of the year the SAHE receives its allocation from the Department).

N-7. Does the definition of an "eligible partnership" in Section 2131 permit a community college to be part of a partnership that is eligible to receive a Title II, Part A subgrant?

Yes, but it may be a lead partner only if--

1. The community college has a division that prepares teachers and principals *[Section 2131(1)],* and

2. The grant competition that the SAHE's RFP announces permits a community college to serve as the lead partner.

Any community college may be an additional, non-principal partner of any partnership.

N-8. May community colleges access Title II, Part A funds to create alternative certification programs or to provide professional development for teachers?

Creation of alternative certification programs is not a permissible SAHE use of Title II, Part A funds.

A community college may receive SAHE funds to provide professional development provided that it has a division that prepares teachers and principals *[Section 2131(1)]* and that the notice from the SAHE inviting grant proposals permits a community college to provide professional development as part of the project.

N-9. May a partnership propose to include as one of the three principal partners a 4-year institution that is not located in the SAHE's state?

Yes.

N-10. May teachers or principals in low-performing schools not located in a high-need LEA participate in a SAHE project?

Yes. The statutory requirement that a high-need LEA be a part of every partnership that receives a SAHE award ensures that all projects will focus on the

needs of teachers, principals, and highly qualified paraprofessionals in high-need LEAs. Thus, a SAHE may require, through the RFP, that all funded activities focus on low-performing schools of those LEAs. However, so long as a high-need LEA is a principal partner, low-performing schools in districts that do not meet the definition of "high need" may be additional partners *[Section 2131(1)(B)]*, and their teachers and principals may participate in the project.

N-11. May a SAHE limit funding to proposals with a math and/or science focus, or must the professional development activities that they support include other academic disciplines?

A SAHE determines requirements for the Title II, Part A subgrant competition and awards based on discussions with the SEA *[Section 2132(a)]*. These discussions presumably will center on how the SAHE can support projects that will have the greatest impact on helping LEAs – and particularly high-need LEAs – ensure that all teachers are highly qualified and have the knowledge and teaching skills they need to help all students achieve to high standards. Whether the SAHE, in conjunction with the SEA, decides that funding should focus only on professional development in mathematics and/or science is a State decision.

The focus of any SAHE-funded pre-service or in-service activities should be on the core academic areas: English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography *[Title IX, Part A, Section 9101(11)]*.

N-12. May a SAHE devote some Title II, Part A funds to pre-service teacher training?

Yes, but only if the project creates:

1. School-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty *[Title IX, Section 9101(34)(B)(i)]*; or

2. Programs to enable paraprofessionals to obtain the education necessary for those paraprofessionals to become certified and licensed teachers *[Title IX, Section 9101(34)(B)(ii)]*.

Both of these activities are "professional development," and so may be the focus of SAHE subgrants.

N-13. How else might a SAHE use Title II, Part A subgrants to influence improvement in preservice teacher training programs?

In addition to the permissible uses cited in N-12, a SAHE may exercise leadership in other ways, such as:

1. Conditioning a partnership's receipt of a subgrant on its submission of specific information from the IHE's administration to confirm that the school of education (or entity that administers the teacher preparation program) and the school of arts and sciences will imbed the professional development into the curriculum the teacher preparation program offers, or

2. Require partnerships applying for subgrants to offer a work plan and commitment of IHE funds (or provide a competitive preference to those that do) for improving specific aspects of the teacher preparation program – such as ensuring that teaching candidates demonstrate content knowledge of the subject(s) they intend to teach, as well as how such content knowledge supports the State's academic content standards.

N-14. In some cases, individuals who are enrolled in teacher education programs will "student teach" in K-12 schools that are part of a SAHE-funded partnership. May Title II, Part A funds be used to enable these individuals to participate in professional development activities in the schools where they are teaching?

Yes.

O. SAHE-FUNDED ACTIVITIES

O-1. What activities may a SAHE fund with its share of *Improving Teacher Quality State Grants* funds?

Consistent with the priorities and criteria it has announced for selection of grant recipients, the SAHE must make awards of *Improving Teacher Quality State Grants* funds to support the following types of partnership activities to enhance student achievement in participating high-need LEAs:

1. Professional development activities in core academic subjects to ensure that:

   a. Teachers and highly qualified paraprofessionals (and, when appropriate, principals) have subject matter knowledge in the academic subjects that the teachers teach (including knowledge of how to use computers and other technology to enhance student learning); and

   b. Principals have the instructional leadership skills to help them work more effectively with teachers to help students master core academic subjects.

2. Development and provision of assistance to LEAs and to their teachers, highly qualified paraprofessionals, or school principals, in providing sustained, high-quality professional development activities that:

a. Ensure that those individuals can use challenging State academic content standards, student academic achievement standards, and State assessments to improve instructional practices and student academic achievement;

b. May include intensive programs designed to prepare individuals to provide instruction related to the professional development described in the preceding paragraph to others in their schools; and

c. May include activities of partnerships between one or more LEAs, one or more of the LEAs' schools, and one or more IHEs for the purpose of improving teaching and learning at low-performing schools. (For the definition of "low performing school," see ***APPENDIX A***.)

Note: The law requires any partnership receiving both a subgrant from a SAHE and an award under the Partnership Program for Improving Teacher Preparation in Section 203 of Title II of the Higher Education Act (HEA) to coordinate activities conducted under the two awards.

O-2. What kinds of expenditures may a SAHE pay with its administration and planning funds?

The SAHE may use those funds to pay the costs it incurs related to such activities as helping to conduct an assessment of State needs for the overall State plan, designing the RFP, paneling those who will review grant applications, and administering, monitoring, and providing technical assistance to, and evaluation of, SAHE-funded projects.

O-3. May a SAHE use funds reserved for administration to contract with public or private agencies for goods and services to help it to administer its program?

Yes, provided that the SAHE retains overall responsibility for the administration of these projects.

O-4. Must members of the partnership receiving a SAHE subgrant use a "restricted indirect cost rate" in calculating the maximum amount of indirect costs that may be charged to their awards?

No. The *Improving Teacher Quality State Grants* program does not require these partnerships to use program funds only to supplement and not supplant non-Federal funds that otherwise would be used for funded activities. Because the restricted indirect cost rate (see Section 76.563 of EDGAR) applies only where a "supplement not supplant" requirement is in effect, partnership members may apply a larger, unrestricted indirect cost rate. (On the other hand, the SAHE, as well as the SEA, must use the restricted indirect cost rate because Section 2113(f) of the ESEA provides that a supplement, not supplant requirement applies to funds that they receive.)

O-5. In establishing application selection criteria or funding priorities, may the SAHE preclude members of the partnership from charging any indirect costs to the subgrant?

No. EDGAR and applicable Office of Management and Budget (OMB) cost principles permit grant recipients to charge indirect costs to their grants. However, should it desire to limit the amount of funds that members of a partnership may charge to indirect costs in order to have more project funds pay for direct services, a SAHE may adopt selection criteria that focus on an IHE's willingness to reduce the indirect costs that it otherwise might claim, or by rule (pursuant to State law) limit the amount of indirect costs or indirect cost rate to a reasonable amount.

O-6. May the SAHE establish, as a selection criterion to be used in reviewing subgrant applications, the willingness of the partnership members to limit the amount of their administrative costs?

Yes. As with the case of limiting charges for an IHE's indirect costs, the SAHE may establish selection criteria that give preference to applicants that agree to charge lower levels of administrative costs. Moreover, as with every other aspect of the IHE's proposed use of funds, the SAHE should negotiate budgets with applicants selected for awards to ensure that all administrative costs are reasonable and necessary for the proper implementation of the grant.

O-7. When the SAHE makes multi-year awards, is it responsible to determine annually whether the partnership's progress in carrying out its activities warrants issuance of annual continuation awards?

Yes. The SAHE is responsible for:

1. Ensuring that the recipient is effectively managing the day-to-day operations of subgrant-supported activities;

2. Monitoring subgrantees to ensure compliance with program requirements and that performance goals are being achieved; and

3. Providing fiscal control and fund accountability over all funds that it awards (or obligates itself) to ensure their proper use.

A SAHE that determines that a partnership's Title II, Part A-supported activities are not complying either with the Title II program requirements or the IHE's approved application should take action either to (1) bring the project into compliance, or (2) terminate the project rather than issue a continuation award.

O-8. Do the ESEA Title IX requirements on services to private school teachers apply to activities that IHE-LEA partnerships conduct under competitive awards they receive from the SAHE?

Yes. The IHE-LEA partnerships need to ensure that services are offered on an equitable basis to public and private school teachers since the requirements apply to grants of "financial assistance" provided to an LEA "or another entity" *[Section 9501(b)(1)]*.

O-9. What role should scientifically based research play in SAHE-funded activities?

It is imperative that SAHEs demonstrate leadership in identifying scientifically based professional development that is effective in increasing student academic achievement. The thrust of SAHE partnerships should be the implementation of strategies based upon this body of research.

For example, the Department expects that reading instruction for prospective teachers will be based upon the scientifically based research identified for the Reading First program. (For more information, go to http://www.ed.gov/offices/OESE/readingfirst/.)

Q. ELIGIBLE ACTIVITIES

Q-1. What are some of the eligible activities under this program in which private school teachers and other educational personnel may participate?

As with any activity that the LEA carries out for public school teachers, activities supported with *Improving Teacher Quality State Grants* funds that benefit private school teachers must meet the requirements of the Title II statute. For example, activities to be carried out for private school personnel must be based on a review of scientifically based research and must be expected to improve student academic achievement.

Professional development activities may include:

1. Improving the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods, and skills;

2. Training in effectively integrating technology into curricula and instruction;

3. Training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;

4. Training in methods of improving student behavior, identifying early and appropriate interventions, and involving parents more effectively in their children's education;

5. Leadership development and management training to improve the quality of principals and superintendents; and

6. Training in the use of data and assessments to improve instruction and student outcomes.