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Then click on: Policy Guidance for Programs Implemented Under the No Child Left Behind Act.

Then click on:

Draft Title II Non-Regulatory Guidance: Improving Teacher Quality State Grants (Jan 2, 2003)

This document provides non-regulatory guidance for the new Title II programs, which 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.

## **Guidance for the No Child Left Behind Act (2002) (excerpts)**

### **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/>.

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## K. LOCAL USE OF FUNDS [Section 2123]

### K-1. What are the authorized uses of LEA funding?

Consistent with its local plan and needs assessment, the *Improving Teacher Quality State Grants* program offers an LEA the flexibility to design and implement a number of different activities that can result in a teaching staff that is highly qualified and able to help all students, regardless of individual learning needs, achieve challenging State content and academic achievement standards and school principals with the knowledge and skills necessary to lead their schools' efforts to increase student academic achievement. For example, the statute specifically authorizes the following types of activities:

1. Developing and implementing mechanisms to assist schools to effectively recruit and retain highly qualified teachers, principals, and specialists in core academic areas (and other pupil services personnel in special circumstances, as noted in question K-3 of this document);
2. Developing and implementing strategies and activities to recruit, hire, and retain highly qualified teachers and principals. These strategies may include (a) providing monetary incentives such as scholarships, signing bonuses, or differential pay for teachers in academic subjects or schools in which the LEA has shortages. (Note: Because the purpose of Title II, Part A is to increase student academic achievement, programs that provide teachers and principals with merit pay, pay differential, and/or monetary bonuses should be linked to measurable increases in student academic achievement produced by the efforts of the teacher or principal [Section 2101(1)]); (b) reducing class size; (c) recruiting teachers to teach special needs children, and (d) recruiting qualified paraprofessionals and teachers from populations underrepresented in the teaching profession, and providing those paraprofessionals with alternative routes to obtaining teacher certification;
3. Providing professional development activities that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, in:
  - (a) **Content knowledge.** Providing training in one or more of the core academic subjects that the teachers teach; and
  - (b) **Classroom practices.** Providing training to improve teaching practices and student academic achievement through (a) effective instructional strategies, methods, and skills; (b) the use of challenging State academic content standards and student academic achievement standards in preparing students for the State assessments.
4. Providing professional development activities that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, regarding effective instructional practices that –
  - (a) Involve collaborative groups of teachers and administrators;

- (b) Address the needs of students with different learning styles, particularly students with disabilities, students with special needs (including students who are gifted and talented), and students with limited English proficiency;
  - (c) Provide training in improving student behavior in the classroom and identifying early and appropriate interventions to help students with special needs;
  - (d) Provide training to enable teachers and principals to involve parents in their children's education, especially parents of limited English proficient and immigrant children; and
  - (e) Provide training on how to use data and assessments to improve classroom practice and student learning;
5. Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly in schools with a high percentage of low-achieving students, including programs that provide teacher mentoring, induction, and support for new teachers and principals during their first three years; and financial incentives for teachers and principals with a record of helping students to achieve academic success;
  6. Carrying out programs and activities that are designed to improve the quality of the teaching force, such as innovative professional development programs that focus on technology literacy, tenure reform, testing teachers in the academic subject in which teachers teach, and merit pay programs. (Note: Because the purpose of Title II, Part A is to increase student academic achievement, programs that provide teachers and principals with merit pay, pay differential, and/or monetary bonuses should be linked to measurable increases in student academic achievement produced by the efforts of the teacher or principal [*Section 2101(1)*]);
  7. Carrying out professional development programs that are designed to improve the quality of principals and superintendents, including the development and support of academies to help them become outstanding managers and educational leaders;
  8. Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades; and
  9. Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a mentor teacher, career teacher, or exemplary teacher) and pay differentiation. (Note: Because the purpose of Title II, Part A is to increase student academic achievement, programs that provide teachers and principals with merit pay, pay differential, and/or monetary bonuses should be linked to measurable increases in student academic achievement produced by the efforts of the teacher or principal [*Section 2101(1)*]).

**K-2. Are LEAs required to spend a certain portion of their allocation on math and science activities?**

The Secretary recognizes the importance of math and science instruction.

According to a report by the U.S. Commission on National Security 21<sup>st</sup> Century: “*Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century.*”

In preparing their needs assessments, LEAs are strongly encouraged to look closely at their needs for recruiting, training, and retaining high quality math and science teachers, particularly in light of their student academic achievement in math and science.

**K-3. When may an LEA use Title II, Part A funds for programs to recruit and retain pupil services personnel?**

An LEA may use Title II, Part A funds for these activities only (1) if the LEA is making progress toward meeting the annual measurable objectives described in Title I, Section 1119(a)(2) of ESEA; and (2) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

**K-4. May activities that are not based on scientifically based research be supported by *Improving Teacher Quality State Grants* funds?**

The local plan requirements of the statute provide that all activities supported by *Improving Teacher Quality State Grants* must be based on a review of scientifically based research. In addition, the definition of “professional development” provides that the term includes activities “that advance teacher understanding of effective instructional strategies that are based on scientifically based research” [Section 9101(34)]. For more information, see **APPENDIX C**.

**K-5. May LEAs use *Improving Teacher Quality State Grants* funds to recruit and hire teachers to reduce class size?**

The reauthorized ESEA consolidates the former Class-Size Reduction (CSR) program authority into *Improving Teacher Quality State Grants* and provides increased flexibility for how LEAs may use funds to reduce class size. Under *Improving Teacher Quality State Grants*, LEAs may use funds to recruit and hire highly qualified teachers (including special education teachers and teachers who become highly qualified through alternative routes to certification) to reduce class size, particularly in the early grades. Thus, while there remains an emphasis on early grade class-size reduction, LEAs are no longer required to use funds to reduce class size in grades K-3 before using funds to reduce class size in other grades, including middle and high school grades. Rather, LEAs may use *Improving Teacher Quality State Grants* funds to hire highly qualified teachers to reduce class size in accordance with the results of their needs assessment [Sections 2123(a)(2)(B) and (a)(7)].

If an LEA desires to focus on reducing class size, it may be most beneficial to focus such efforts on the early grades. Smaller class sizes at that level may be one way to assist LEAs in reaching the goals of having all children reading on or above grade level and demonstrating math proficiency by the end of third grade.

**K-6. May an LEA use carryover funds from the former Class-Size Reduction (CSR) and Eisenhower programs under *Improving Teacher Quality State Grants*?**

Yes. However, LEAs must use carryover funds in accordance with (1) the Federal statutes and regulations that are in effect for the program during the carryover period, and (2) any plan or application that the LEA has submitted that is in effect during the carryover period [See EDGAR, Section 76.710].

The ESEA consolidates the Class Size Reduction and Eisenhower programs into *Improving Teacher Quality State Grants*. Any FY 2001 funds that an LEA received under the Eisenhower or CSR programs that are not obligated by September 30, 2002, remain available through September 30, 2003 and must be spent in accordance with the provisions of *Improving Teacher Quality State Grants*. The use of carryover funds will also be governed by the local application for *Improving Teacher Quality State Grants* that an LEA submits to its SEA.

*Improving Teacher Quality State Grants* is, of course, broader than the former CSR and Eisenhower programs because it authorizes many other uses of funds. Consequently, LEAs are not restricted to using their carryover CSR funds, for example, for class-size reduction purposes and may use the funds in other ways consistent with the *Improving Teacher Quality State Grants* statute and their local applications.

**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?**

LEAs may reduce class sizes by creating additional classes in a particular grade or subject and placing highly qualified teachers hired with program funds in those classes. However, because of space constraints and other concerns, this is not always feasible. There are other methods of reducing class size that are effective in assisting students in increasing their level of achievement. For instance, the benefits of smaller class size can be provided by the creation of smaller instructional groups, served by highly qualified teachers, for sustained blocks of time on a regular basis. Some examples of how LEAs might use this approach to reduce class size include but are not limited to:

1. Having two highly qualified teachers team teach in a single classroom for either part of the school day or the entire day.
2. Hiring an additional highly qualified teacher for a grade level (e.g., providing three teachers for two 3<sup>rd</sup> grade classes) and dividing the students among the teachers for sustained periods of instruction each day in core academic subjects, such as reading and math.

3. Hiring an additional highly qualified teacher who works with half the students in a class for reading or math instruction, while the other half remains with the regular classroom teacher.

LEAs have the flexibility to explore these and other alternatives for reducing class sizes, provided that highly qualified teachers are used. Generally, the manner in which LEAs reduce class size should result in a meaningful reduction for all of the students in the class on a regular basis. Research shows that “pull-out” programs involving reducing class size by only a handful of students, or sporadic reduction of class size, are less likely than other methods of class-size reduction to result in increased achievement for students. (See also question A-4 of this document.)

**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?**

Yes; however, the teachers must be highly qualified under the requirements of ESEA, and they must still be teaching in positions that exist to reduce class size.

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

Yes. Parental involvement involves having parents participate in regular, two-way, and meaningful communications involving student learning and other school activities. Effective strategies may include (1) promoting the understanding that parents are true partners in their children’s education and communicating the need for parents to help their children succeed in school; (2) providing parents with specific suggestions, on an ongoing basis, about ways to encourage learning at home and ways to be actively involved in their child’s education at school.

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

Yes, to the extent that doing so is consistent with the LEA’s needs assessment and local plan. The funds must enable the teacher to provide more effective instruction in core academic subjects, or assist a principal to be a more effective manager and leader of efforts to improve student academic achievement.

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

Yes. LEAs are authorized to partner with both for-profit and non-profit entities and to carry out authorized activities through grants or contracts with those entities [Section 2123(a)].

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

Yes. The law allows LEAs to use these funds to provide professional development activities “that improve the knowledge of teachers and principals, and, in appropriate cases, paraprofessionals” concerning:

- One or more core academic subjects that teachers teach [*Section 2123(a)(3)(A)(i)*];
- Effective instructional strategies, methods, and skills, and use of challenging content and academic achievement standards and State assessments to improve teaching practices and student academic achievement [*Section 2123(a)(3)(A)(ii)*];
- Training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency [*Section 2123(a)(3)(B)(ii)*];
- Training in methods of improving student behavior in the classroom and identifying early and appropriate interventions to help special needs children learn [*Section 2123(a)(3)(B)(iii)*];
- Training in how to understand and use data and assessments to improve classroom practice and student learning [*Section 2123(a)(3)(A)(v)*].

LEAs also may use their Title I funds “to support ongoing training and professional development to assist teachers and paraprofessionals” in order to meet the teacher quality and paraprofessional requirements included in Section 1119 [*Section 1119(h)*]. Provided that an LEA maintains records of the amount of Title I and Title II, Part A funds used for these professional development activities, and the Title I funds are used as permitted in the Title I statute and regulations, Title I and Title II, Part A funds may be used jointly for this purpose.

Funding for training of paraprofessionals can also be found in Title VII, the Indian, Native Hawaiian, and Alaska Native Education program [*Section 7114(b)(5)*].

**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?**

An LEA is not required to spend a specific amount of its Title II, Part A funds on professional development activities. The “hold-harmless” provision of Title IX, Section 9501 (see items P-2 and Q-2) refers to funds for professional development activities that the LEA must make available for the benefit of private school teachers and other appropriate educational personnel, and provides that Title II, Part A funds that the LEA sets aside for professional development for private school teachers and these other staff must be equal to that set aside for public school teachers and staff on a per-pupil basis.

For purposes of determining the amount of Title II, Part A funds that an LEA must make available for equitable services to private school teachers and other appropriate staff, the LEA uses at least (1) the amount of Title II, Part A funds it is spending that year for professional development, or (2) the total amount it spent for professional development with fiscal year 2001 funds it received under (a) the former Eisenhower Professional Development program and (b) the former Class-Size Reduction program. This provision governs the amount of Title II, Part A funds the LEA must use for services to private school teachers and staff. It does not compel an LEA to

spend any of its Title II, Part A funds on professional development for public school teachers and staff. The LEA makes this determination based on the local needs assessment [Section 9501(b)(3)(B.).

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

An LEA needs to focus on two important facts: (1) it will be held accountable for the academic achievement of all its students, and (2) it must have a plan in place for ensuring that all teachers in core academic areas are highly qualified by the end of the 2005-2006 school year.

While LEAs have flexibility to determine how best to use their Title II, Part A funds to secure a high-quality teaching force with the knowledge and skills to enable all students to achieve academically, the law [Section 2122(b)(5)] requires that the LEA describe how it is meeting the professional development needs of its teachers and principals with the Title II, Part A funds it receives. Therefore, the law anticipates that unless an LEA can demonstrate that its teachers and principals have no professional development needs, the LEA will include professional development in whatever mix of activities it decides to support with Title II, Part A funds.

**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?**

Yes. The program's supplement, not supplant provision requires that Title II, Part A *Improving Teacher Quality State Grants* funds be used only to supplement the educational program activities provided with State and local funds. As noted in the answer to A-5, this provision prohibits an LEA from using Title II, Part A funds to pay for activities that, in the absence of these program funds, would be provided with State and local funds.

Title II, Part A funds may be used to fund only the professional development activities that supplement those mandated by State (or local) law (and, of course, also supplement those discretionary professional development activities that the district would fund in the absence of Title II, Part A funding).

**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?**

Yes, so long as in the absence of Title II, Part A funds State or local funds would not otherwise be used to pay for this professional development. The fact that, in prior years, an LEA has used State or local funds to enable its teachers to pay the costs of meeting for this requirement may be strong evidence that it would do so in the absence of Title II, Part A funds.

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

No. The law only permits an LEA to pay teacher salaries when needed for “class size reduction.” This term refers to the reduction of the size of a class on a full-time basis, not a reduction in the size of a class during times when a portion of the class is removed for special group instruction.

**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?**

Yes.

**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?**

Yes.

**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?**

While State (and Federal) leadership is important, LEA officials play an immediate and critical role in promoting needed improvement in the kinds of effective teaching that is needed to facilitate increased student achievement of all students. Their schools, after all, are where teaching and learning occur. LEA officials can exercise needed leadership in such key ways as:

1. Ensuring that the LEA conducts an effective assessment of the district’s needs for professional development and hiring, through meaningful consultation with teachers of all grades and subject areas, particularly teachers in high-need schools, and others;
2. Ensuring that the results of this needs assessment drive the development of sound multi-year program plans that (a) include teacher mentoring and incentives, as well as provision of professional development in subject-matter content and effective instructional strategies that is based on a review of scientifically based research, and (b) focus particular attention on addressing the needs of students who are at highest risk of failing to meet the State’s academic standards;
3. Incorporating objective benchmarks for success and clear statements of desired outcomes into the LEA’s multiyear plan;
4. Continuously examining standards, assessments, curricula, and teaching practices to ensure that they fit together;

5. Instituting merit pay programs, tenure reform, financial incentives, special mentoring help, and other means to (a) make teaching in the district attractive to mid-career professionals and others with special knowledge, skills, and enthusiasm, and (b) encourage the district's most effective teachers not only to stay in the district, but to teach in its highest-need schools;
6. Instilling a strong commitment to professionalism among teachers, principals, and other school and district staff and actively promoting the importance of strong school leaders; and
7. Creating a strong community expectation that the students and their schools can succeed, and a strong expectation among all school and district staff that all teachers will have the subject matter knowledge and teaching skills they need to enable each of their students to succeed.

**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?**

So long as paying these costs to help a teacher or principal earn an advanced degree is consistent with the results of the local assessment of professional development and hiring needs, and in paying these costs the LEA would not thereby be supplanting non-Federal funds that would otherwise be available to pay for them, Title II, Part A funds may be used for this purpose. Presumably, in choosing to so use Title II, Part A funds, an LEA would want (1) the degree sought to be in the core academic field that a teacher is or will be teaching (or in a field that a principal would need to study), (2) to have confidence that the subject matter courses to be taken complement State academic and student achievement standards, and (3) to know that any methods courses the teacher or principal take would help the teacher or principal become more effective in improving student academic achievement and, in the case of a current or aspiring principal, to become an effective instructional and school leader.

**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?**

Yes. Funds also may be used to pay the reasonable and necessary expenses that these paraprofessionals and teachers incur in obtaining certification through alternative route programs.

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

Yes, but only if the expenditures, like any costs paid for by Federal program funds, are reasonable and necessary to carry out these activities. While Title II, Part A funds may be used to purchase materials and supplies used in professional development activities, including the materials (such as a graphing calculators) that a teacher will need in order to apply the professional development in a classroom setting, Title II, Part A does not permit program funds to be used to purchase

materials and supplies (e.g., graphing calculators) that each student would need to take advantage of the professional development. (Other ESEA funds, most notably Title V, Part A funds, however, may be used for this purpose.)

**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?**

No. Consistent with State law (and the relevant terms of any collective bargaining agreements), an LEA may determine the type of selection process it will use. However, in keeping with the purpose of Title II, Part A and NCLB as a whole, an LEA should consider developing and using a method for selection that is linked to a teacher's or principal's ability to demonstrate measurable increases in student academic achievement.

**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?**

Neither the Title II, Part A statute nor other Federal law contain any provisions that govern this situation. However, to protect the Title II, Part A program's investment in the teacher or principal, an LEA might consider, for example, having the teacher or principal sign a binding contractual agreement to repay all or part of the funds the LEA has provided in the event that the teacher or principal does not maintain employment in the district for a specified period of time.

**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?**

Yes. There are circumstances under which the use of Title II, Part A funds to pay out-of-area travel and relocation costs would be reasonable and necessary in order to recruit individuals that the LEA would want to hire to meet their teacher shortage needs. To the extent that out-of-area recruitment itself is reasonable and necessary, relocation costs may be paid as a stipend or financial incentive if, as with any cost the program would assume, they themselves are reasonable and necessary.

**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?**

In some cases, the only real career advancement option for teachers is to become school principals or LEA administrators. This leaves fewer excellent, experienced teachers working directly with children in the classroom. Multiple career paths for

teachers provide professional opportunities to advance their careers without having to leave the classroom. For example, an LEA could establish a system whereby teachers could opt to pursue one of a variety of career paths, such as (1) a career teacher, staying in the classroom with traditional instructional duties, (2) a mentor teacher, staying in the classroom but taking on additional duties such as mentoring first year teachers and receiving additional pay for these duties, or (3) an exemplary teacher, one who has a distinguished record of increasing student academic achievement, taking on additional duties of training other teachers to do the same, and receiving additional pay for these duties.

LEAs are free to develop other approaches that fit their needs. The bottom line is to find ways to encourage teachers to advance their careers as teachers, rather than by becoming school principals or LEA administrators.

## **L. FLEXIBILITY PROVISIONS**

### **L-1. How do the ESEA flexibility provisions affect the *Improving Teacher Quality State Grants* program?**

The flexibility provisions are described in greater detail in **APPENDIX D** and on the Department's website at <http://www.ed.gov/offices/OESE/esea/index.html>.

### **L-2. Regarding the new ESEA flexibility provisions, may LEAs use 50 percent of their Title II, Part A funds for other Federal programs?**

Under the transferability and flexibility authority [*Title VI, Sections 6121 through 6123*], an LEA may transfer up to 50 percent of certain other funds into the *Improving Teacher Quality State Grants* allocation. An LEA may also transfer up to 50 percent of its *Improving Teacher Quality State Grants* funds to certain other programs. (For more information, go to: <http://www.ed.gov/flexibility/>.)

However, there are special transferability rules governing LEAs identified for improvement [*Section 1116(c)*] or subject to corrective action [*Section 1116(c)(9)*]. An LEA identified for improvement under section 1116(c) may transfer not more than 30 percent of the funds allocated to it for a fiscal year. An LEA in corrective action may not take advantage of the transferability authority. (For more information about the transferability flexibility authority, see Appendix D.)

# APPENDIX A:

## Definitions

### ARTS AND SCIENCES:

When referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit [Title II, Part A, Section 2102(1)].

### 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, Part A, Section 9101(11)].

### HIGHLY QUALIFIED TEACHER:

1. When the term “highly qualified teacher” is used with respect to any public elementary school or secondary school teacher teaching in a State, it means that:
  - a. The teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when the term is used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the certification or licensing requirements set forth in the State's public charter school law (*see entry below for the definition of a highly qualified charter school teacher*); and
    - i) The teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis.
2. When the term “highly qualified teacher” is used with respect to:
  - a. An elementary school teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (A) above, and:
    - i) Holds at least a bachelor's degree; and
    - ii) Has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of basic elementary school curriculum); or
  - b. A middle school or secondary teacher who is new to the profession, it means that the teacher has met the requirements of paragraph (A) above, holds at least a bachelor's degree, and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by:
    - i) Passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of

performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

- ii) Successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing.
3. When the term “highly qualified teacher” is used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, it means that the teacher has met the requirements of paragraph (A) above, holds at least a bachelor's degree, and:
- a. Has met the applicable standard in the clauses of subparagraph (B), which includes an option for a test; or
  - b. Demonstrates competency in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that-
    - i) Is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;
    - ii) 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;
    - iii) Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
    - iv) Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
    - v) Takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
    - vi) Is made available to the public upon request; and
    - vii) May involve multiple, objective measures of teacher competency [*Title IX, Part A, Section 9101(23)*].

**HIGH QUALITY PROFESSIONAL DEVELOPMENT:**

See the definition for “professional development.”

**OUT-OF-FIELD TEACHER:**

A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified [*Title II, Part A, Section 2102(5)*].

**PROFESSIONAL DEVELOPMENT:** [*Section 9101(34)*]

The term “professional development:”

1. Includes activities that:

- a. Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
- b. Are an integral part of broad schoolwide and districtwide educational improvement plans;
- c. Give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;
- d. Improve classroom management skills;
- e. Are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher's performance in the classroom and are not 1-day or short-term workshops or conferences;
- f. Support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
- g. Advance teacher understanding of effective instructional strategies that are:
  - i) Based on scientifically based research (except that this subclause shall not apply to activities carried out under Part D of Title II); and
  - ii) Strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and
- h. Are aligned with and directly related to:
  - i) State academic content standards, student academic achievement standards, and assessments; and
  - ii) The curricula and programs tied to the standards described in subclause (a) [except that this subclause shall not apply to activities described in clauses (ii) and (iii) of Section 2123(3)(B)];
- i. Are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;
- j. Are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- k. To the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;
- l. As a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

- m. Provide instruction in methods of teaching children with special needs;
  - n. Include instruction in the use of data and assessments to inform and instruct classroom practice; and
  - o. Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and
2. May include activities that:
- a. Involve the forming 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;
  - b. Create 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
  - c. Provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that is designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom [*Title IX, Part A, Section 9101(34)*].

**SCIENTIFICALLY BASED RESEARCH:**

The term “scientifically based research:”

- 1. Means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and
- 2. Includes research that--
  - a. Employs systematic, empirical methods that draw on observation or experiment;
  - b. Involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;
  - c. 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;
  - d. 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;

- e. 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
- f. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review [*Title IX, Part A, Section 9101(37)*].

## APPENDIX B

### Acronyms and Abbreviations

<b>AYP:</b>	Adequate yearly progress
<b>CSR:</b>	Class Size Reduction
<b>The Department:</b>	The U.S. Department of Education
<b>EDGAR:</b>	Education Department General Administrative Regulations
<b>Eisenhower Program:</b>	Eisenhower Professional Development Program
<b>ESEA:</b>	Elementary and Secondary Education Act of 1965
<b>ESL:</b>	English as a second language
<b>FY:</b>	Fiscal year
<b>HEA:</b>	Higher Education Act
<b>IHE:</b>	Institution of higher education
<b>LEA:</b>	Local educational agency
<b>NCLB:</b>	<i>No Child Left Behind</i> , the act that amended ESEA
<b>OMB:</b>	Office of Management and Budget
<b>RFP:</b>	Request for proposal
<b>SAHE:</b>	State agency for higher education
<b>SEA:</b>	State educational agency
<b>Secretary:</b>	Secretary of Education, U.S. Department of Education

**APPENDIX F**  
**Title II: SUMMARY**  
**Preparing, Training and Recruiting**  
**High Quality Teachers and Principals**

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

**Title II, Part A– Teacher and Principal Training and Recruiting Fund**

This is a new *State formula grant program*, that combines the Eisenhower Professional Development State Grants and the Class-Size Reduction programs into one program. This program focuses on preparing, training, and recruiting high-quality teachers and principals.

Subpart 5 – The National Teacher Recruitment Campaign program is authorized to establish and carry out a national teacher recruitment campaign, which may include activities carried out through the National Teacher Recruitment Clearinghouse. The purpose is to assist high-need local educational agencies in recruiting and training teachers, and to conduct a national public service campaign concerning the resources for, and the routes to, entering the field of teaching.

**Title II, Part B – Mathematics and Science Partnerships**

This new program authorizes competitive three-year grants to partnerships for activities to improve the academic achievement of students in the areas of mathematics and science.  
*[Section 2201]*

**Title II, Part C – Innovation for Teacher Quality**

Subpart 1

Chapter A – This program, the *Troops-to-Teachers*, authorizes funding to State educational agencies, institutions of higher education, or consortia of these entities to develop, implement and demonstrate innovative certification programs for members of the Armed Forces. This program is administered by the Department of Defense, Defense Activities for Non-Traditional Education Support (DANTES).

Chapter B – This program, *Transition to Teaching*, authorizes competitive 5-year grants to partnerships and eligible entities to establish programs to recruit highly qualified mid-career professionals and recent college graduates to teach in high-need schools.

Subpart 2 –

This program authorizes a grant to the *National Writing Project*, a nonprofit organization that contracts with institutions of higher education and nonprofit education providers to operate programs that train classroom teachers to teach writing more effectively.

Subpart 3

This program authorizes grants to improve the quality of *civics and government* education for students, to foster civic competence and responsibility, and to improve civic and economic education in emerging democracies through cooperative exchange programs.

#### Subpart 4

This program authorizes a discretionary grant program for LEAs to promote the teaching of *American History* in elementary and secondary schools as a separate academic subject.

#### Subpart 5

*Teacher Liability Protection* limits the financial liability of teachers for harm caused by an act or omission of the teacher on behalf of the school.

### **Title II, Part D Enhancing Education Through Technology**

#### Subpart 1

The *State and Local Technology Grants* program consolidates the former Technology Literacy Challenge Fund and Technology Innovation Challenge Grants programs into a single State formula grant program to support the integration of educational technology to classrooms, with the goal of improving both teaching and learning.

#### Subpart 2

*National Technology Activities* – The Department will update and publish, in a form readily accessible to the public, a national long-range technology plan, not later than 12 months after the date of enactment of the No Child Left Behind Act of 2001.

#### Subpart 3

The *Ready-to Learn Television* programs support the development and distribution of educational videos and materials to preschool children, elementary school children, and their parents.