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Introduction to Title II, Part A

The purpose of this title is to provide grants to state educational agencies and subgrants to local educational agencies (LEAs) to:

1. Increase student achievement consistent with the challenging state academic standards;
2. Improve the quality and effectiveness of teachers, principals, and other school leaders;
3. Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
4. Provide low-income and minority students greater access to effective teachers, principals, and other school leaders.¹

LEAs are welcome to contact the Delaware Department of Education (DDOE) for more information about this guidance; Title II, Part A in general; or to request individualized technical assistance. Please contact:

Dr. Marc Edery, Education Associate – (302) 857-3353 – marc.edery@doe.k12.de.us

¹ Every Student Succeeds Act, SEC. 2001

Guiding Concepts

Stakeholder Engagement (Required)

To be eligible to receive Title II funds, federal law requires that LEAs consult with teachers, principals, and other school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders, parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this Title to seek advice regarding how to best improve the LEA's activities, and coordinate activities described under this part with other related strategies, programs, and activities conducted in the community.

Resources

- U.S. Department of Education's (US ED) policy letter on stakeholder engagement at <https://www2.ed.gov/policy/elsec/guid/secletter/160622.html>; and

Prioritized Schools (Required)

LEAs must prioritize Title II, Part A funds to schools that:

- Have the lowest proportion of effective teachers, principals, and other school leaders;
- Have the highest percentage of children classified as living below the poverty line or neglected and delinquent, as described in 1124 (c);
- Are designated as low performing under the state's accountability system, such as targeted or comprehensive support schools.²

This prioritization is required regardless of the funds that these schools may already be receiving under other local and federal programs.

Needs Assessment and the Planning Process

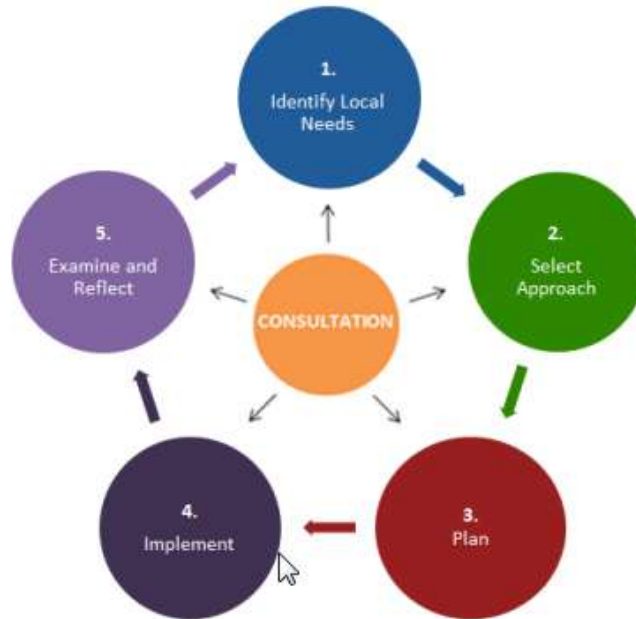
The US ED Non-Regulatory Guidance³ suggested a cyclical framework for maximizing Title II, Part A investments. The recommended model includes five components that will more likely result in improved student outcomes. The five components are:

1. Chosen interventions align with identified local needs;
2. The evidence base and the local capacity are considered when selecting a strategy;
3. There is a robust implementation plan;
4. Adequate resources are provided so the implementation is well-supported;
5. Information is gathered regularly to examine the strategy and to reflect on and inform next steps.

² ESEA Section 2102(b)

³ Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>

Here is how the framework should look in practice.



Pertaining to Title II activities, components of a quality needs assessment should, at a minimum, take into account:

- Human capital factors for educators at all levels, including recruitment, distribution, retention, and development;
- The activities that need to be conducted in order to give teachers the means, including subject-matter knowledge and teaching skills, to provide students with the opportunity to meet challenging state and local student academic achievement standards; and
- The activities that need to be conducted in order to give principals the instructional leadership skills to help teachers provide students with the opportunity to meet challenging state and local student academic achievement standards.
- The activities that will lead to the equitable distribution of educators across all schools and grade levels, but particularly for those students defined as poor and minority students having equal access to effective and well-prepared teachers and leaders as affluent students.

In conducting a needs assessment, US ED suggests LEAs might want to look at information such as:

- Student achievement data;
- Information on national and state initiatives;
- Projections of the professional development necessary to ensure that all teachers of core academic subjects are effective;
- Evidence based research on proposed programs and strategies;
- Projections of teacher supply in critical areas;
- Student enrollment data;
- Program assessment data; and
- Community and business input.⁴

⁴ US ED Title II Non-Regulatory Guidance, Q&A D-13

Permissible Activities

Specific to local needs, LEAs shall spend Title II funds on developing, implementing, and evaluating comprehensive programs and activities, which may be carried out in partnership with vendors or other organizations. Activities shall address the learning needs of all students, including students with disabilities (SWD), English learners (ELs), and Gifted and Talented students, and may include a variety of activities such as:⁵

- A. Developing or improving a rigorous, transparent, and fair evaluation and support system for educators that is based in part on evidence of student achievement and includes multiple measures of educator performance and provides clear, timely, and useful feedback.
- B. Developing and implementing mechanisms to assist schools to effectively recruit and retain effective teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging state academic standards, to improve equity.
- C. Recruiting qualified individuals from other fields to become educators.
- D. Reducing class size to a level that is evidence-based to improve student achievement through the recruiting and hiring of additional effective teachers (please refer to the section of this document titled Evidence-Based Interventions).
- E. Providing high-quality, personalized professional development that is evidence-based and focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders.
- F. Develop programs and activities that increase the ability of teachers to effectively teach children with disabilities and ELs, which may include positive behavioral intervention and supports.
- G. Provide programs and activities to increase the knowledge base of educators regarding instruction in the early grades and strategies to measure whether young children are progressing; the ability of principals or other school leaders to support educators and other professionals meet the needs of students through age 8, which may include joint professional learning and planning activities for transition between preschool and elementary school.
- H. Providing training, technical assistance, and capacity-building in LEAs to assist teachers, principals, or other school leaders with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond.
- I. Carrying out in-service training for school personnel regarding identification and supports for students affected by trauma or mental illness, the use of referral mechanisms, partnerships between school-based mental health programs, and public/private organizations, addressing issues related to school conditions for student learning.
- J. Providing training to support the identification of gifted and talented students, such as:
 - Early entrance to kindergarten;
 - Enrichment, acceleration, and curriculum compacting activities;
 - Dual or concurrent enrollment programs.
- K. Supporting instructional services provided by effective library programs.
- L. Training for all school personnel regarding the prevention and recognition of child sexual abuse.
- M. Developing and providing professional development and other comprehensive systems of support for educators to promote high-quality instruction and instructional leadership in science, technology, engineering, and mathematics (STEM) areas, including computer science.

⁵ ESEA Section 2103

- N. Developing feedback mechanisms to improve school working conditions, including periodically and publicly reporting results of educator support and working conditions feedback.
- O. Providing high-quality professional development for educators on effective strategies to integrate rigorous academic content, career and technical education (CTE), and work-based learning, which may include common planning time, to help students prepare for postsecondary education and the work force (please refer to the glossary for the definition of professional development and the section of this document titled Evidence-Based Interventions).
- P. Carrying out other activities that are evidence-based and identified by the LEA that meet the purpose of this Title (please refer to the section of this document titled Evidence-Based Interventions).

It is critical that the LEA visit the complete list in the Every Student Succeeds Act (ESSA) and review the statute to understand any expansions or limitations to the above list.

Evidence-Based Interventions (Required)

Elementary and Secondary Education Act (ESEA) emphasizes the use of evidence-based activities, strategies, and interventions, collectively referred to as “interventions”. Section 8101(21)(A) of the ESEA defines an evidence-based intervention as being supported by *strong evidence*, *moderate evidence*, *promising evidence*, or evidence that *demonstrates a rationale* for an intervention. Title II, Part A encourages the use of “evidence-based” interventions for some interventions and requires the use of “evidence-based” interventions for others. The following interventions under Title II, Part A **require** an evidence-base:

- Reducing class size to a level that is evidence-based to improve student achievement through the recruiting and hiring of additional effective teachers.
- Providing high-quality, personalized professional development that is evidence-based and focused on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals, or other school leaders.
- Carrying out other activities that are evidence-based and identified by the LEA that meet the purpose of this Title.

LEAs are expected to have determined an evidence-base for any activities that fall into these categories. Though not required in the Consolidated Grant Application process, LEAs will, be required to provide these details during state and possibly report these details under federal monitoring, so it is expected that this information will be documented during the needs assessment and application process.

Evidence-based interventions are discussed in more detail in the US ED Non-Regulatory Guidance: Using Evidence to Strengthen Education Investments <https://www2.ed.gov/policy/elsec/leg/essa/guidanceuseseseinvestment.pdf>).

In order to help state education agencies (SEAs), LEAs, schools, educators, and partner organizations (collectively referred to as “stakeholders”) understand and identify the rigor of evidence associated with various interventions, below are the recommended considerations, resources, and criteria for each of ESSA’s four evidence levels.

What Is an “Evidence-Based” Intervention?

(From section 8101(21)(A) of the ESEA)

“...the term ‘evidence-based,’ when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that –

- (i) demonstrates a statistically significant effect on improving student outcomes or other *relevant outcomes* based on –
 - (I) **strong evidence** from at least one well-designed and well-implemented experimental study;
 - (II) **moderate evidence** from at least one well-designed and well-implemented quasi-experimental study; or
 - (III) **promising evidence** from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (ii) (I) **demonstrates a rationale** based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other *relevant outcomes*; and
 - (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

LEAs are encouraged to review the non-regulatory guidance specific to this topic. US ED recommends use of the following resources to located evidence-based studies:

- What Works Clearinghouse – <https://ies.ed.gov/ncee/wwc/>
- Regional Educational Laboratories (RELs) – <https://ies.ed.gov/ncee/edlabs/>

Fiscal Guidance

Administrative Funds

LEAs may set aside funds for administering the Title II program and for administering their Equitable Share for private schools, when appropriate.

The cost of nonfederal programs and activities must be treated the same way as the cost of federal programs and activities. Assuming consistency, the amount of funds that an LEA may spend for this category of expenses is subject to requirements in the cost principles in the Uniform Guidance (<https://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>) including the principle that, among other things, all costs must be necessary, reasonable, and allocable to the program.

Supplement Not Supplant

Grant funds provided under Title II, Part A shall be used to supplement, not supplant, other Federal or State funds available to carry out activities described in this subpart. In Title II, Part A supplanting is presumed when:⁶

- An LEA uses Title II funds to provide services the LEA is required to make available under other federal, state, or local laws.
- An LEA uses Title II funds to provide services the LEA provided with state or local funds in the prior year.
 - An LEA can overcome the second presumption of supplanting if it can demonstrate it cannot continue to support an activity with state or local funds because of state or local funding reductions.⁷

⁶ ESEA Section 2212(g)

⁷ U.S. Department of Education, Title II, Part A Non-Regulatory Guidance (Revised October 5, 2006) Q&A

Transferability

Transferability is a flexibility authority that permits LEAs to transfer a portion of the funding they receive by formula under certain federal programs to their allocations under other programs so they can address more effectively their unique needs. Funds that an SEA or LEA transfers are subject to the rules and requirements of the programs to which the funds are transferred.

ESSA amended the transferability authority by changing the programs from and to which an SEA or LEA may transfer funds and removing limits on the amount of funds that may be transferred. Under ESSA, transferability is allowed both from and to Title II, Part A funds. The following are some of the rules that apply to transferability:

- Each program covered by the transferability authority is subject to the equitable services requirements under Title I or VIII, which may not be waived. [ESEA section 8401(c)(5)]
- Before an SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation.
- With respect to the transferred funds, the LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.

LEAs are encouraged to visit the following support documents provided by the US ED:

- Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)
<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>

Delaware Title II, Part A Consolidated Grant Application

The subsections for Title II, Part A are as follows:

- Budget
- Budget Overview
- Title II, Part A
- Equitable Services for Private School Students (Districts only)
- Related Documents
- Specific Title II, Part A Assurances

Budget

Budgeted items must clearly align to the needs and strategies identified by the LEA when they conducted their Needs Assessment.

Budget Overview

This page reflects a total of all budgeted items by funding description and account code. The page will populate and change as the LEA adds budgeted items to the Budget pages. The LEA will also be able to view if the total allocated amount has been budgeted, as indicated by 0.00 listed on the Remaining line of

E-16 at <http://www2.ed.gov/programs/teacherqual/guidance.doc>

the table, whether there are outstanding funds not budgeted, as indicated by an amount listed on the Remaining line, or if the total budgeted amount exceeds the allocated amount. Budgeting in excess of the allocation amount will result in the overage amount to be listed in parentheses on the Remaining line.

The Budget Overview page also displays an Indirect Cost table that provides the indirect rate the LEA is approved for (An Indirect Certification Plan may be submitted using the Indirect Certification Plan component in eGrants) and the maximum amount of indirect the LEA may budget based on the total of applicable budgeted items. The amount of indirect listed is for planning purposes only. The Indirect Cost table does not take into account deducting the indirect amount from the remaining amount of the allocation. The LEA will need to add a budgeted item for the amount of indirect that will be collected.

Title II, Part A

This section directly relates to the work that the LEA has done during their needs assessment process and the development of their application.

The following are the questions to which the LEA should respond in this section:

1. Describe the LEAs' systems of professional growth and improvement. [2102 (b)(2)(B)]. This can include, but is not limited to, induction for teachers, principals, or other school leaders. Ways in which LEAs build the capacity of teachers, and/or create opportunities to develop meaningful teacher leadership are also examples. If the Comprehensive Induction Program (CIP) is part of your systems of professional growth and improvement, state this and no description about the CIP component is required.

Supports for Educators: Systems of Professional Growth and Improvement



“The continuum of the educator profession and associated opportunities to support educators, from recruitment through career advancement, may be viewed broadly as five interrelated steps that build upon one another. There are many opportunities to use Title II, Part A funds to develop new ways to support educators at various points in this continuum, as well as augment and strengthen existing efforts to improve individual parts and the overall system of supports.”⁸

Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading
<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartguidance.pdf>

2. The LEA is required to prioritize funds to schools served by the LEA that have the highest percentage of low income children. Provide a description of how the LEA's Title II funds are being prioritized to these schools. [2102(b)(2)(C)]

The LEA is required to prioritize funds to schools served by the LEA that are:

⁸ Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading
<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartguidance.pdf>

- Implementing comprehensive support and improvement activities AND
- Implementing targeted support and improvement activities AND
- Have the highest percentage of low-income children. Provide a description of how Title II, Part A funds are being prioritized to these schools, ensuring equitable access to excellent educators.

Examples of how this could be accomplished could be through the allocation of additional funds, time, professional development, etc.

3. Describe how the LEA will use data and ongoing consultation to continually update and improve Title II activities. [2102 (b)(2)(D)]

Equitable Services

The requirements in section 9501(b)(3) of ESEA, as amended by No Child Left Behind (NCLB), limiting the applicability of the equitable services requirements for Title II, Part A to funds used by the LEA to provide professional development to teachers and others has been removed. [ESEA section 8501(b)]

The amount an LEA must reserve to provide equitable services for private school teachers and other educational personnel for Title II, Part A services is based on the LEA's total Title II, Part A allocation, less administrative costs. LEAs may also deduct audit fees in proportion to their program allocation and indirect costs.

Note the following checkbox and utilize it if this section applies to your LEA:

- Add a check in the box if ALL the eligible private schools within the LEA's geographic boundaries have elected NOT to participate in the Title II, Part A funds and documentation is on file. If the box is checked, do not fill out the following table.

If your LEA does participate in Equitable Services, complete the following calculation using the instructions provided.

Calculation for Equitable Share Under ESSA

Instructions for completing the table:

- Enter values for A1, A2, B2 and B3.
- All other values will either be pre-fill or automatically calculated.
- The total amount of all budgeted items tagged with a funding description of Equitable Services in Budget page must match the value in D1.
- IMPORTANT NOTE: Charters and vocational districts should not complete this page.

Equitable Share Calculation table is continued on the next page.

Calculation for Equitable Share Under ESSA (Table)

Numbers shown below are for demonstration only. Please complete the current Equitable Share Calculation section that exists within the eGrants Consolidated Grant Application.

Equitable Share Calculation		LEA Calculation
A. Number of Students		
A1. District Enrollment		11,817
A2. Participating Private School Enrollment		0
A3. Total Enrollment (A1 + A2)		11,817
B. Title II, Part A Allocation		
B1. District Allocation		\$ 369,609.00
B2. Administration (for public and private school programs)		\$
B3. Indirect		\$
B4. Subtotal of Administration (B2 + B3)		\$ 0.00
B5. District Allocation Minus Administrative Costs (B1-B4)		\$ 369,609.00
C. Per Pupil Rate		
C1. B5 divided by A3		\$ 31.28
D. Final Equitable Share		
D1. Amount district must reserve for equitable services for private school teachers and other educational personnel (A2 X C1)		\$ 0.00

Use of Funds

Private schools may utilize funds for the same permissible activities as LEAs with some exceptions. Any use of Title II, Part A funds for the benefit of private school participants must:

- Be an allowable local use of Title II, Part A funds under the authorizing statute. [ESEA section 2103(b)(3)]
- Meet the specific needs of students enrolled in a private school, and not the school itself. Title II, Part A funds may not be used to meet the needs of a private school or the general needs of the students enrolled in the private school. In some instances, however, a program or activity that primarily benefits a private school's students (because it addresses specific, rather than general, needs of the students) will also incidentally benefit the school. (34 CFR 76.658)
- Ensure that the public agency (e.g., an LEA) responsible for providing equitable services retains control of the funds used to provide such services. In addition, equitable services must be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization. These employees, individuals, associations, agencies, or organizations providing the services must be independent of the private school and any religious organization and the employment or contract must be under the control and supervision of the public agency. [ESEA section 8501(d)]

Equitable services under Title II, Part A may not be used for class-size reduction [ESEA section 2103(b)(3)(D)] in a private school, because contracts for private school teachers and staff would be inconsistent with the requirements in ESEA section 8501(d) regarding public control of funds and the supervision and control of employees or contractors.

In addition to overseeing the funds that are to be allocated to private schools, the LEA has a responsibility to also monitor the use of those funds. This process can be similar to the processes utilized by the DDOE when monitoring LEAs.

Related Documents

Not applicable.

Specific Title II, Part A Assurances

The following are the assurances that the LEA must agree to for the Title II, Part A section of the CGA prior to submitting the application.

Specific Title II, Part A	
A	The LEA has prioritized funds to schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c).
B	The LEA assures that Class Size Reduction Units placed in schools served by the agency that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentage of children counted under section 1124(c) and poor and minority children are not taught by inexperienced, unqualified, or out-of-field teachers.
C	The LEA assures that, in developing the application, a local educational agency shall—"(A) meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a local educational agency that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title; "(B) seek advice from the individuals and organizations described in subparagraph (A) regarding how best to improve the local educational agency's activities to meet the purpose of this title; and "(C) coordinate the local educational agency's activities under this part with other related strategies, programs, and activities being conducted in the community.
D	The LEA assures that it will comply with all equitable services requirements pertaining to Title II under Section 8501of the ESEA regarding participation by private school children and teachers.
E	The LEA assures that it has coordinated professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.
F	The local educational agency shall coordinate professional development activities authorized under this part with professional development activities provided through other Federal, State, and local programs.
G	The local education agency will remove any barriers that can impede equitable access or participation in your Title II programming to include the following six types of barriers: gender, race, national origin, color, disability or age group (Section 427 of GEPA)

Glossary

Eligible Partnership⁹

(1) ELIGIBLE PARTNERSHIP- The term eligible partnership' means an entity that —

(A) shall include —

- (i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;
- (ii) a school of arts and sciences; and
- (iii) a high-need local educational agency; and

(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

Evidence-Based¹⁰

“(21) EVIDENCE-BASED.—

“(A) IN GENERAL.—Except as provided in subparagraph (B), the term ‘evidence-based’, when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

“(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

⁹ ESSA Statute § SEC. 2131. DEFINITIONS

¹⁰ ESSA Statute § SEC 8002. DEFINITIONS

- “(I) strong evidence from at least 1 well-designed and well-implemented experimental study;
 - “(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or
 - “(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or
 - “(ii) (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes;
- And “(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Pooling¹¹

Pooling: Combine funds allocated for private school students and teachers for the two or more private schools interested in participating in this option to create a pool of funds from which the LEA provides equitable services to private school students and teachers in some or all of these schools. However, an LEA may not pool funds across multiple *ESEA* programs for this purpose. If the LEA pursues this option, the LEA, in consultation with private school officials, establishes criteria to determine how services will be allocated among the private school students and teachers in different schools. Under this option, the services provided to private school students and teachers in any particular school are not dependent on the amount of funds generated by students and teachers in that school, but rather by the amount of funds generated in total and the criteria developed for allocating services among the private school students and teachers.

Professional Development¹²

“(42) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’ means activities that—

“(A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

“(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

“(i) improve and increase teachers’—

“(I) knowledge of the academic subjects the teachers teach;

“(II) understanding of how students learn; and

“(III) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

“(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

“(iii) allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback;

“(iv) improve classroom management skills;

“(v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;

“(vi) advance teacher understanding of—

“(I) effective instructional strategies that are evidence-based; and

“(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;

¹¹ US ED Non-regulatory Guidance TITLE IX, PART E UNIFORM PROVISIONS - Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel
<https://www2.ed.gov/policy/elsec/guid/equitableseguidance.doc>

¹² ESSA Statute § SEC 8002. DEFINITIONS

“(vii) are aligned with, and directly related to, academic goals of the school or local educational agency;

“(viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;

“(ix) are designed to give teachers of English learners, 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;

“(x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;

“(xi) 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;

“(xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;

“(xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;

“(xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;

“(xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;

“(xvi) 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;

“(xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and

“(xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.”;

School Leader¹³

- (44) SCHOOL LEADER.—The term “school leader” means a principal, assistant principal, or other individual who is—
- (A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and
 - (B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

Specialized Instructional Support Personnel; Specialized Instructional Support Services¹⁴

¹³ ESSA Statute § SEC. 8101(A)(44)

¹⁴ ESSA Statute § SEC 8002. DEFINITIONS

“(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

“(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.— The term ‘specialized instructional support personnel’ means—

“(i) school counselors, school social workers, and school psychologists; and

“(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

“(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.— The term ‘specialized instructional support services’ means the services provided by specialized instructional support personnel.”;

Technology

“(50) TECHNOLOGY.—The term ‘technology’ means modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage.”;

Transferability¹⁵

Transferability is a flexibility authority that permits state educational agencies (SEAs) and local educational agencies (LEAs) to transfer a portion of the funding they receive by formula under certain Federal programs to their allocations under other programs so they can address more effectively their unique needs. Under ESSA, transferability is allowed both into and out of Title II, Part A funds.

Additional Resources

- Federal Title II, Part A Statute: <http://www2.ed.gov/policy/elsec/leg/esea02/pg20.html>
- U.S. Department of Education Title II website: <http://www2.ed.gov/programs/teacherqual/index.html>
- U.S. Department of Education, Title II, Part A Non-Regulatory Guidance (Revised October 5, 2006):
 - <http://www2.ed.gov/programs/teacherqual/guidance.doc>
 - <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>
- U.S. Department of Education Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)
 - <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>
- U.S. Department of Education Non-Regulatory Guidance: Building Systems of Support for Excellent Teaching and Leading (September 27, 2016)
 - <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>
- Other U.S. Department of Education Title II guidance documents: <http://www2.ed.gov/programs/teacherqual/legislation.html>

¹⁵ U.S. Ed Guidance on the Transferability Authority
<https://www2.ed.gov/programs/transferability/finalsummary04.doc>

Other U.S. Department of Education ESSA Guidance

- ESSA Transition FAQs (January 18, 2017) (Updated periodically; secure the latest version)
<https://www2.ed.gov/policy/elsec/leg/essa/essatransitionfaqs11817.pdf>
- Guidance on the Transferability Authority
<https://www2.ed.gov/programs/transferability/finalsummary04.doc>
- U.S. Department of Education ESSA website
<https://www2.ed.gov/policy/elsec/leg/essa/index.html>
- U.S. Department of Education, Title IX, Part E Uniform Provisions, Subpart 1—Private Schools Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel
<https://www2.ed.gov/policy/elsec/guid/equitableservicesguidance.doc>