

Title II, Part A (Supporting Effective Instruction) Spending Guide

July 2017

Introduction

This spending guide is specific to Title II, Part A under the federal *Elementary and Secondary Education Act* (ESEA) of 1965. Periodically, Congress makes amendments to ESEA. ESEA was most recently amended by the *Every Student Succeeds Act* (ESSA) in December 2015. Before ESSA, the *No Child Left Behind* (NCLB) Act was the amended version of ESEA. For simplicity, this document will refer to ESSA when citing the most recent version of ESEA and NCLB when citing the previous version of ESEA.

Annually, local educational agencies (LEAs), also known as traditional public school districts or charter schools, are eligible to receive certain ESEA formula grants. The main ESEA formula grant programs are:

- Title I, Part A (Improving Basic Programs);
- Title II, Part A (Supporting Effective Instruction);
- Title III, Part A (English Language Acquisition and Language Enhancement); and
- Title IV, Part A (Student Support and Academic Enrichment).

To receive these funds, the LEA must apply each year through the Ohio Department of Education's e-grant system known as the Comprehensive Continuous Improvement Plan (CCIP). [Access the CCIP](#) and [CCIP Technical Assistance Videos](#) for more information.

General Spending Requirements

There are three general issues that affect district spending under key ESEA formula programs.

1. **Necessary and Reasonable:** All costs charged to federal education grants must be necessary and reasonable considering the amount of money being spent and the needs of the program.¹ This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants, including U.S. Department of Education grants.²

What is in the UGG (Uniform Grant Guidance)?

- Lists of costs that may never be paid for with federal funds.¹ For example, federal funds can never pay for alcohol¹ and typically cannot pay for lobbying.¹
- Lists of general criteria all costs supported with federal funds must satisfy.¹ For example, federal funds can only pay for costs that are allocable to the relevant grant.¹
- Sets additional requirements for certain costs supported with federal funds.¹ For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.¹
- Sets rules for how LEAs procure goods and services with federal funds,¹ how they track items paid for with federal funds¹ and the kinds of records they must keep about their grant spending.¹

¹ 2 CFR 200.403(a).

² The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

- 2. Included in LEA Application:** Activities supported by Title IA funds must be consistent with the LEA’s application for funds approved by the Ohio Department of Education, as required by federal law.³
- District applications are developed and submitted through the Comprehensive Continuous Improvement Plan (CCIP). The CCIP is a consolidated grants application and verification system that consists of two parts: the Planning Tool and the Funding Application. The Planning Tool contains the comprehensive needs assessment, goals, strategies, action steps and district funding levels for all grants in the CCIP. The Funding Application contains the budget, budget details, nonpublic services and other related pages. *The CCIP and information about the application process is available [here](#).*
- 3. Evidence-Based:** Some ESSA programs require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective or that are consistent with a formal needs assessment. Even where this is not required, U.S. Department of Education grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:
- Carefully consider the needs of students, educators and other relevant stakeholders;
 - Determine which activities are most likely to effectively address those needs; and
 - Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

Definition of “Evidence-Based” in ESSA¹

Evidence-based 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.

Special Note:

Ohio is in the process of developing several new resources for districts to leverage as they are making spending decisions, including Ohio’s Evidence-Based Clearinghouse, an online resource that will be designed to enable districts to easily identify evidence-based interventions, programs and practices relevant to their particular needs. In conjunction with developing the clearinghouse itself, the state will develop a process to review, evaluate and categorize interventions in terms of their supporting evidence of success, leveraging existing, appropriate resources where possible.

³ 34 CFR § 76.700.

ESEA Formula Grant: Title II, Part A

Title II, Part A
Supporting Effective Instruction

OVERVIEW

This section provides information about how LEAs and schools can spend Title II, Part A funds.

Title II, Part A is a U.S. Department of Education grant program that provides supplemental funding to help support effective instruction. The U.S. Department of Education awards Title II, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs. For convenience, this section will refer to the program as “Title II.” For more information about Title II, please contact the Office of Federal Programs at (614) 466-4161.

PURPOSE

In general, Title II funds can be used to provide supplemental activities that strengthen the quality and effectiveness of teachers, principals and other school leaders.⁴ The purpose of Title II is to:

1. Increase student achievement consistent with state 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.⁵

Ohio’s Title II, Part A Program Funds

Ohio annually receives approximately \$76 million in Title II, Part A funds. One percent of the award is reserved for state administration. Four percent of the award is reserved for state activities. An optional 3 percent of the award may be reserved for principal and school leadership activities. Ohio chooses to take all the allowable reservations.

USING TITLE II FUNDS TO SUPPORT EFFECTIVE INSTRUCTION

LEAs can use Title II funds for a wide range of activities to support the quality and effectiveness of teachers, principals and other school staff.

Activities supported with Title II funds must:

- Be consistent with Title II’s purpose (see above); and
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students.⁶

In Ohio, LEAs must prioritize the Title II funds to priority and focus schools and schools that have the highest percentage of low-income children.⁷

REQUIREMENT FOR STAKEHOLDER CONSULTATION WHEN DECIDING HOW TO USE LOCAL TITLE II FUNDS

Title II requires LEAs to consult meaningfully with a wide array of stakeholders on the LEA’s plan for carrying out Title II activities.⁸

Note on Title II Funding
Starting in school year 2017-2018, LEAs will no longer receive a hold harmless (minimum) Title II allocation. Instead, each LEA will receive an allocation based on the number of 5-17-year-olds (which accounts for 20 percent of the formula) and the number of low-income 5-17-year-olds attending the school (which accounts for 80 percent of the formula).

⁴ For federal non-regulatory guidance on the Title II program, please see U.S. Department of Education, *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Learning* (September 2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaquidance.pdf>. This guidance will be referred to as *ED 2016 Title II, Part A Guidance* for the rest of this document.

⁵ ESSA, Section 2001.

⁶ ESSA, Section 2103(b)(1)-(2).

⁷ ESSA, Section 2102(b)(2)(C).

⁸ ESSA, Section 2102(b)(3). Stakeholders include teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet Title II purposes. ESSA, Section 2102(b)(3)(A).

LEAs also must conduct ongoing consultation with those stakeholders to update and improve activities supported with Title II funds.⁹

In carrying out the consultation with stakeholders, the U.S. Department of Education suggests that LEAs consider the following activities:

- Conduct outreach to and solicit input from relevant stakeholders during the design and development of plans for Title II funds ensuring there is a diverse representation of educators from across the LEA, especially those who work in high-need schools and in early education;
- Be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys;
- Seek out diverse perspectives within stakeholder groups, when possible, and ensure that consultation is representative of the LEA as much as possible;
- Make stakeholders aware of past and current uses of Title II funds and research or analyses of the effectiveness of those uses, if available, as well as research or analyses of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development;
- Consider the concerns identified during consultation, and revise uses of Title II funds when appropriate.¹⁰

PLANNING TO USE TITLE II FUNDS

There are many allowable Title II strategies and activities. In order to achieve the highest impact, the U.S. Department of Education guidance suggests LEAs undertake a five-step framework:

1. Choose interventions aligned with identified local needs;
2. Consider the evidence base and the local capacity when selecting a strategy;
3. Develop a robust implementation plan;
4. Provide adequate resources so the implementation is well-supported; and
5. Gather information regularly to examine the strategy and to reflect on and inform next steps.¹¹

Special Note: LEAs are encouraged to prioritize strategies and activities that will have the highest impact on teaching and learning that result in the highest level of academic achievement.

LEAs must use data and ongoing stakeholder consultation to continually update and improve Title II-supported activities.¹²

Allowable Uses of Local Title II Funds

A. Evaluation and Support Systems

LEAs may use Title II funds to develop or improve evaluation and support systems for teachers, principals or other school leaders that are: (1) based in part on student achievement; (2) include multiple measures of performance; and (3) provide clear, timely and useful feedback.¹³

B. Recruiting, Hiring and Retaining Effective Teachers; Implementing Supports for Principals and Other School Leaders

LEAs may use Title II funds to develop and implement initiatives to recruit, hire and retain effective teachers to improve the equitable distribution of teachers, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet state standards.¹⁴

⁹ ESSA, Section 2102(b)(2)(D).

¹⁰ *ED 2016 Title II, Part A Guidance*, p. 28.

¹¹ *ED 2016 Title II, Part A Guidance*, p. 30. Pages 30-34 of the U.S. Department of Education's guidance contain more information about these five steps.

¹² ESSA, Section 2102(b)(2)(D).

¹³ ESSA, Section 2103(b)(3)(A).

¹⁴ ESSA, Section 2103(b)(3)(B).

LEAs also may use Title II funds to implement supports for principals and other schools leaders. This can include:

- Expert help in screening candidates and enabling early hiring;¹⁵
- Differential and incentive pay for teachers, principals or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;¹⁶
- Teacher, paraprofessional, principal or other school leader advancement and professional growth,¹⁷ which, according to U.S. Department of Education guidance can include creating hybrid roles that allow teachers to provide instructional coaching to colleagues while remaining in the classroom, as well as other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups;¹⁸
- New teacher, principal or other school leader induction and mentoring programs;¹⁹
- Development and provision of training for school leaders, coaches, mentors and evaluators on how accurately to differentiate performance, provide useful feedback and use evaluation results to inform decision-making about professional development, improvement strategies and personnel decisions;²⁰ and
- A system for auditing the quality of evaluation and support systems.²¹

Example: Teacher Residency Program

According to U.S. Department of Education guidance,²² LEAs may use Title II funds to establish, improve or support school-based residency programs for teachers in which prospective teachers, for at least one academic year:

- Teach alongside an effective teacher who is the teacher of record for the classroom;
- Receive concurrent instruction — from either the LEA or the teacher preparation program — in the teaching of the content area in which the teacher will become certified or licensed; and
- Acquire effective teaching skills, as demonstrated through completion of a residency program or other measure determined by the state.²³

Example: Supporting Educator Diversity

According to U.S. Department of Education guidance, LEAs may use Title II funds for:

- Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce;
- Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time to support their efforts to gain the requisite credentials to become classroom instructors;
- Partnering with preparation providers including local community colleges, institutions of higher education, minority-serving institutions and alternative route providers to build a pipeline of diverse candidates;
- Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups,

¹⁵ ESSA, Section 2103(b)(3)(B)(i).

¹⁶ ESSA, Section 2103(b)(3)(B)(ii).

¹⁷ ESSA, Section 2103(b)(3)(B)(iii).

¹⁸ *ED 2016 Title II, Part A Guidance*, p. 14.

¹⁹ ESSA, Section 2103(b)(3)(B)(iv).

²⁰ ESSA, Section 2103(b)(3)(B)(v).

²¹ ESSA, Section 2103(b)(3)(B)(vi).

²² *ED 2016 Title II, Part A Guidance*, p. 8.

²³ ESSA, Section 2002(5).

diverse national origins, English language competencies, and varying genders and sexual orientations;

- Providing time and space for differentiated support for all teachers, including affinity group support;
- Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and
- Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff time dedicated to recruiting diverse candidates of high-quality who can best teach to the diversity of the student population.²⁴

C. Recruiting from Other Fields

LEAs may use Title II funds to recruit qualified individuals from other fields to become teachers, principals or other school leaders. Qualified individuals from other fields include mid-career professionals from other occupations, former military personnel and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers, principals or other school leaders.²⁵

D. Class Size Reduction

LEAs may use Title II funds to reduce class size to a level that is evidence-based, to the extent the SEA (in consultation with LEAs) determines such evidence is reasonably available.²⁶ According to U.S. Department of Education guidance, LEAs may consider reducing class size as one strategy to attract and retain effective educators in high-need schools.²⁷

E. Personalized Professional Development

LEAs may use Title II funds to provide high-quality, personalized professional development²⁸ for teachers, instructional leadership teams, principals or other school leaders.²⁹ The professional development must be evidence-based. The professional development also must focus on improving teaching and student learning and achievement, including supporting efforts to train teachers, principals or other school leaders to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);
- Use data to improve student achievement and understand how to ensure individual student privacy is protected;
- Effectively engage parents, families and community partners, and coordinate services between school and community;
- Help all students develop the skills essential for learning readiness and academic success;
- Develop policy with school, LEA, community or state leaders; and
- Participate in opportunities for experiential learning through observation.³⁰

²⁴ U.S. Department of Education *2016 Title II, Part A Guidance*, p. 19.

²⁵ ESSA, Section 2103(b)(3)(C).

²⁶ ESSA, Section 2013(b)(3)(D).

²⁷ U.S. Department of Education *2016 Title II, Part A Guidance*, p. 24.

²⁸ The U.S. Department of Education's guidance describes ESSA's definition of "professional development" in the following way: Section 8101(42) defines "professional development," specifically noting that the professional development activities are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.

U.S. Department of Education *2016 Title II, Part A Guidance*, p. 11. For the full definition of professional development, please see ESSA, Section 8101(42).

²⁹ ESSA, Section 2103(b)(3)(E).

³⁰ ESSA, Section 2103(b)(3)(E)(i)-(vi).

Personalized Professional Development Examples

According to U.S. Department of Education guidance, among other activities, LEAs may use Title II funds for:

- Peer-led, evidence-based professional development in LEAs and schools;³¹
- Community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups and administrators, to positively impact student outcomes; for example, through a forum to discuss the implications of a policy or practice on a school community, or organizing a community-wide service learning project, where teachers work together afterwards to incorporate lessons learned into their teaching;³²
- Community of learning opportunities where principals and other school leaders engage with their school teams to fully develop broad curriculum models;³³
- Opportunities for principals and other school leaders to collaborate, problem solve and share best practices;³⁴
- “Teacher time banks” to allow effective teachers and school leaders in high-need schools to work together to identify and implement meaningful activities to support teaching and learning (for example, when implementing teacher time banks, Title II funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities);³⁵ and
- Ongoing cultural proficiency training to support stronger school climate for educators and students.³⁶

F. Increasing Teacher Effectiveness for Students with Disabilities and English Learners

LEAs may use Title II to develop programs and activities that increase teachers’ abilities to effectively teach children with disabilities and English learners, which may include the use of multi-tiered systems of support and positive behavioral intervention and supports.³⁷

G. Supporting Early Education

LEAs may use Title II funds to provide programs and activities to increase the knowledge base of teachers, principals or other school leaders on instruction in the early grades and on strategies to measure whether young children are progressing.³⁸

LEAs also may use Title II funds to provide programs and activities to increase the ability of principals or other school leaders to support teachers, teacher leaders, early childhood educators and other professionals to meet the needs of students through age 8, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.³⁹

H. Supporting Effective Use of Assessments

LEAs may use Title II funds to provide training, technical assistance and capacity-building 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

³¹ ED 2016 Title II, Part A Guidance, p. 14.

³² ED 2016 Title II, Part A Guidance, p. 14.

³³ ED 2016 Title II, Part A Guidance, p. 15.

³⁴ ED 2016 Title II, Part A Guidance, p. 15.

³⁵ ED 2016 Title II, Part A Guidance, p. 24.

³⁶ ED 2016 Title II, Part A Guidance, p. 24.

³⁷ ESSA, Section 2103(b)(3)(F).

³⁸ ESSA, Section 2103(b)(3)(G)(i).

³⁹ ESSA, Section 2013(b)(3)(G)(ii).

and student academic achievement, which may include providing additional time for teachers to review student data and respond, as appropriate.⁴⁰

I. Supporting Awareness and Treatment of Trauma and Mental Illness and School Conditions for Student Learning

LEAs may use Title II funds to carry out in-service training for school personnel in:

- The techniques and supports needed to help educators understand when and how to refer students affected by trauma and children with, or at risk of, mental illness;
- The use of referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate;
- Forming partnerships between school-based mental health programs and public or private mental health organizations; and
- Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.⁴¹

J. Supporting Gifted and Talented Students

LEAs may use Title II funds to provide training to support the identification of students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as:

- Early entrance to kindergarten;
- Enrichment, acceleration and curriculum compacting activities (techniques relating to differentiated instruction); and
- Dual or concurrent enrollment programs in secondary school and postsecondary education.⁴²

K. School Library Programs

LEAs may use Title II funds to support the instructional services provided by effective school library programs.⁴³

L. Preventing and Recognizing Child Sexual Abuse

LEAs may use Title II funds to provide training for all school personnel, including teachers, principals, other school leaders, specialized instructional support personnel and paraprofessionals, regarding how to prevent and recognize child sexual abuse.⁴⁴

M. Supporting Science, Technology, Engineering and Mathematics (STEM)

LEAs may use Title II funds to develop and provide professional development and other comprehensive systems of support for teachers, principals or other school leaders to promote high-quality instruction and instructional leadership in science, technology, engineering and mathematics, including computer science.⁴⁵

N. Feedback Mechanisms to Improve School Working Conditions

LEAs may use Title II funds to develop feedback mechanisms to improve school working conditions. This can include periodically and publicly reporting feedback on educator support and working conditions.⁴⁶

O. Supporting Postsecondary and Workforce Readiness

LEAs may spend Title II funds to provide high-quality professional development for teachers, principals or other school leaders on effective strategies to integrate rigorous academic content, career and technical

⁴⁰ ESSA, Section 2103(b)(3)(H).

⁴¹ ESSA, Section 2103(b)(3)(I).

⁴² ESSA, Section 2103(b)(3)(J).

⁴³ ESSA, Section 2103(b)(3)(K).

⁴⁴ ESSA, Section 2103(b)(3)(L).

⁴⁵ ESSA, Section 2103(b)(3)(M).

⁴⁶ ESSA, Section 2103(b)(3)(N).

education and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce.⁴⁷

P. Other Activities

LEAs also may spend Title II funds on other activities that meet Title II purposes (see “Purpose of the Title II Program” earlier in this document) and are evidence-based to the extent the SEA (in consultation with LEAs) determines that such evidence is reasonably available.⁴⁸

Other Spending Considerations and Fiscal Rules

A. LEA-Level Administrative Costs

LEAs may reserve a portion of their Title IIA allocation for administration that is necessary and reasonable. The amount reserved may not exceed 5 percent unless approval is granted by the Office of Federal Programs.

B. Maintenance of Effort

LEAs that receive Title II funds must comply with the maintenance of effort requirement.⁴⁹ In short, maintenance of effort requires districts to maintain a consistent floor of state and local funding for free public education from year to year. LEAs must ensure that local and state per-pupil spending remains at 90 percent or above what was spent in the preceding year.

C. Supplement not Supplant

LEAs that receive Title II funds must comply with a supplement not supplant requirement.⁵⁰ In general terms, this means that Title II funds should add to (supplement) and not replace (supplant) state and local funds. In Title II supplanting is presumed when:

- An LEA uses Title II funds to pay for an activity that is required by federal, state or local law; or
- An LEA uses Title II funds to pay for an activity it supported with state or local funds the prior year.

Special Note: Under ESSA, the supplement not supplant compliance test in Title I *is not* the same in Title II.

An LEA may be able to overcome a presumption of supplanting if it has written documentation (for example, state or local legislative action, budget information or other materials) that it does not have the funds necessary to implement the activity and that the activity would not be carried out in the absence of the Title II, Part A funds.

D. Equitable Services

Title II funds are subject to an equitable services requirement.⁵¹ In short, this means LEAs must reserve funds to provide Title II services to eligible private school teachers and other educational personnel. The equitable services reservation is based on the LEA’s entire Title II allocation.⁵²

Special Note: ESSA changes the way LEAs must reserve Title II funds for equitable services for private schools. Under NCLB, an LEA only had to reserve a share of the Title II, Part A money it spent on professional development. Under ESSA, the reservation is now based on an LEA’s entire Title II allocation.

⁴⁷ ESSA, Section 2103(b)(3)(O).

⁴⁸ ESSA, Section 2103(b)(3)(P).

⁴⁹ ESSA, Section 8521.

⁵⁰ ESSA, Section 2301.

⁵¹ ESSA, Section 8501(b)(1)(B).

⁵² ESSA, Section 8501(b). See also [ED 2016 Fiscal Changes Guidance](#), Q&A P-1 & P-2.