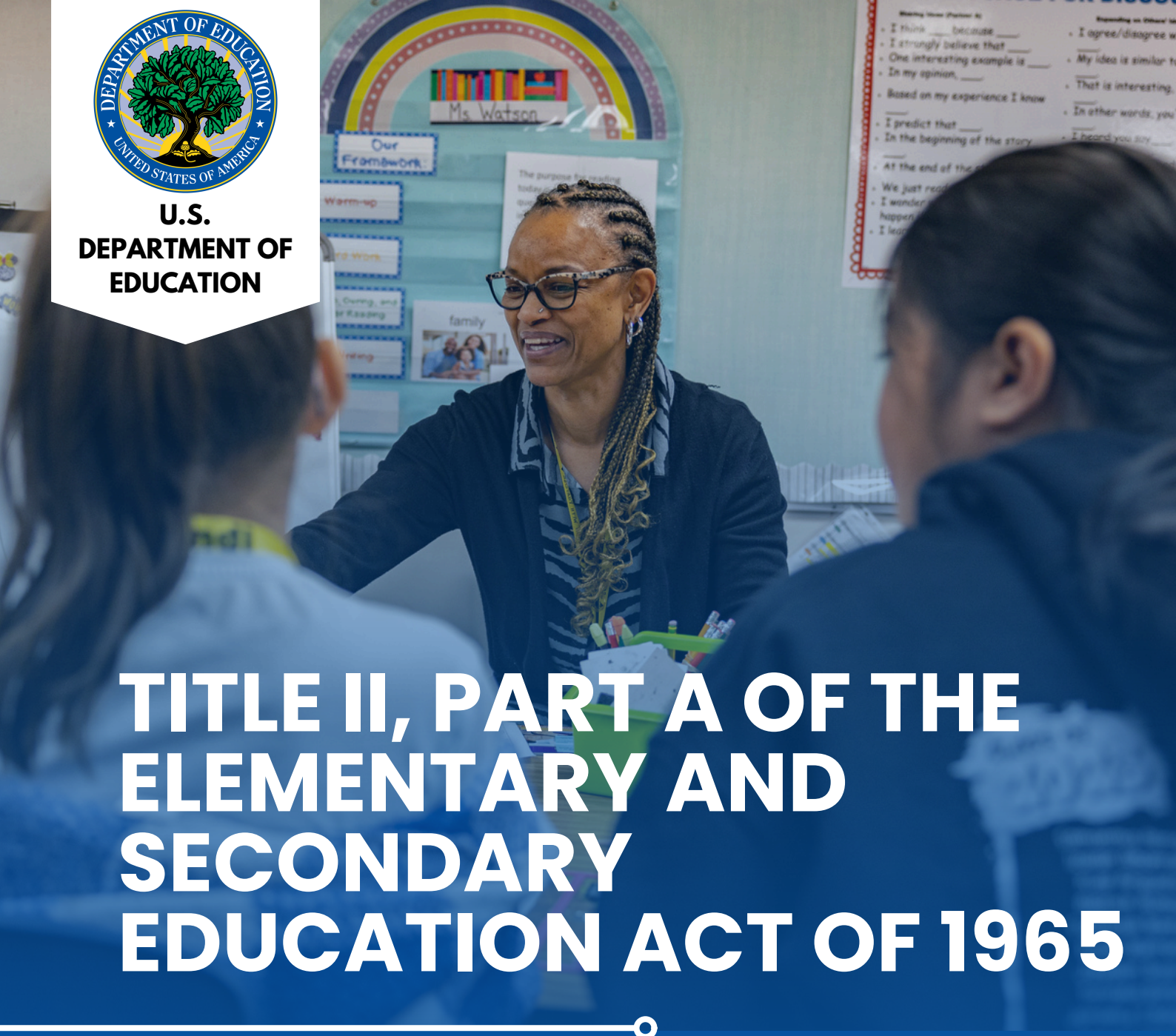
U.S. DEPARTMENT OF EDUCATION



TITLE II, PART A OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Supporting Effective Instruction State Grants

January 2025

PURPOSE OF THIS GUIDANCE

This non-regulatory guidance is intended to assist State educational agencies (SEAs) and local educational agencies (LEAs) in understanding and implementing programs under Title II, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) to conduct a range of activities to provide teachers, principals, and other school leaders with the support they need to improve student learning. It is organized into sections that correspond to the SEA grants and LEA subgrants of Title II, Part A funds. Each section highlights specific ways in which funds may be used to advance important State and local priorities and initiatives.

The document provides information aligned with current ESEA requirements and is intended to be used in conjunction with the applicable statute and regulations including the Education Department General Administrative Requirements (EDGAR), 34 CFR parts 76, 77, and 79 and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR part 200. It supersedes and replaces the Department's October 5, 2006, non-regulatory guidance *Improving Teacher Quality State Grants: ESEA Title II, Part A Non-Regulatory Guidance*. In addition, per the requirements in section 8501 of the ESEA, this document should be used in conjunction with *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance* (available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf). Unless otherwise noted, all statutory citations refer to the ESEA.

Although SEAs, LEAs, and individual schools may consider this guidance in the development of their own guidelines and standards, they may develop alternative approaches that are consistent with applicable Federal statutes and regulations. Nothing in this document should be construed to prescribe a particular approach or limit or prohibit SEA, LEA, or school flexibility permitted in the ESEA.

The U.S. Department of Education (Department) has determined that this document is significant guidance under the Office of Management and Budget's Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See https://www.gpo.gov/fdsys/granule/FR-2007-01-25/E7-1066. Except for any statutory or regulatory requirements described in this document, significant guidance is non-binding and does not create or impose new legal requirements, nor does it create or confer any rights for or on any person.

SEAs, LEAs, and schools that receive Federal financial assistance from the Department must comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973 (Section 504), Title II of the Americans with Disabilities Act, the Age Discrimination Act of 1975, and the Equal Educational Opportunities Act of 1974. SEAs, LEAs, and schools must also comply with the requirements under the Individuals with Disabilities Education Act (IDEA), including Part C for infants and toddlers with disabilities receiving early intervention services and Part B for students with disabilities in preschool through high school. SEAs, LEAs, and schools must also comply with the requirements to protect the privacy of student education records under Section 444 of the General Education Provisions Act (GEPA), commonly known as the Family Educational Rights and Privacy Act (FERPA) of 1974 and the requirements governing the administration to students of a survey, analysis, or evaluation under Section 445 of GEPA, commonly known as the Protection of Pupil Rights Amendment (PPRA).

If you are interested in commenting on or have questions regarding this document, please email your comments or questions to OESE.titleii-a@ed.gov or write to the following address: Office of Elementary and Secondary Education, 400 Maryland Avenue, SW, Washington, DC 20202. For further information

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A. GENERAL TITLE II, PART A INFORMATION

Section A of the guidance provides an overview of Title II, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), including the program's general purpose, the awards made to State educational agencies (SEAs), and general State administrative responsibilities. For information on administration of local educational agency (LEA) subgrants, the SEA's use of funds for State-level activities and LEA's use of funds, see sections B, C, and D respectively.

Purpose and Authority

A1. What is the purpose of the Title II, Part A program?

The purpose of Title II, Part A is 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.

(Section 2001of the ESEA).

Title II, Part A provides multiple ways to meet these objectives. An SEA and an LEA may use Title II, Part A funds, for example, to strengthen teacher and principal certification or licensure, induct or mentor new educators, recruit and/or retain effective, in-field, and experienced teachers, provide high-quality professional development and coaching, increase time for collaboration, and support multiple career paths for teacher and school leader advancement.

A2. What generally applicable statutory and regulatory provisions apply to Title II, Part A?

Title VIII of the ESEA contains general provisions that apply to Title II, Part A, as well as to other ESEA programs.

- Part A of Title VIII contains definitions of many terms used in the ESEA.
- Part B of Title VIII contains provisions regarding flexibility in the use of administrative and other funds.
- Part C of Title VIII contains provisions regarding the coordination of programs and consolidated State and local plans and applications.
- Part D of Title VIII contains provisions regarding waivers of statutory and regulatory requirements.
- Part F of Title VIII contains certain uniform provisions, including participation by private school children and teachers.

The General Education Provisions Act (GEPA), 20 U.S.C. 1221-1234i, also contains general statutory requirements applicable to most programs administered by the Department, including Title II, Part A. For instance, section 421(b) of GEPA codifies the "Tydings Amendment," which designates a certain time period for SEAs and LEAs to obligate funds under certain programs, including Title II, Part A. GEPA also includes provisions addressing the protection of students' and parents' privacy rights under the Family Educational Rights and Privacy Act (FERPA), and various administrative enforcement procedures.

The Title II, Part A program does not have program-specific regulations; however, the general ESEA regulations in Title 34 of the Code of Federal Regulations (CFR) parts 76 and 299 of the Education Department General Administrative Regulations (EDGAR) apply to the program. SEAs and LEAs must also ensure compliance with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance) in 2 CFR part 200 when using Title II, Part A funds for allowable activities.

In addition, any entity receiving Federal funds (such as an SEA and an LEA receiving Title II, Part A funds) must comply with Federal civil rights requirements, including Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, Title II of the Americans with Disabilities Act, and requirements under the Individuals with Disabilities Education Act.

Generally Applicable Definitions

A3. What does it mean that funds must "supplement, not supplant" other funds?

Section 2301 of the ESEA requires that an SEA cannot use Title II, Part A funds to replace other non-Federal funds (i.e., State and local funds) that would otherwise be used for activities authorized under Title II, Part A. The basic test is whether an SEA would have spent non-Federal funds on that activity in the absence of the Title II, Part A funds. In general, the use of Title II, Part A funds to pay the costs of additions or enhancements to that activity would be supplemental and permissible.

There are two different presumptions that impact whether such supplanting of non-Federal funds has likely occurred.

Whether the activity is required by law: Using Title II, Part A funds for an otherwise allowable Title II, Part A activity that is required by State or local law raises a presumption of supplanting because one presumes that an SEA and LEA will comply with the State's legal requirement with its own funds, even in the absence of Federal funds.

If the activity was provided in prior years with non-Federal funds: Using Title II, Part A funds for an activity otherwise allowable under Title II, Part A that an SEA provided in prior years with non-Federal funds also raises a presumption of supplanting because, in the absence of Title II, Part A funds, an SEA's prior decisions to use non-Federal funds for the Title II activity is a reliable predictor that the SEA would continue to pay for those activities with non-Federal funds in the current year. However, this presumption can be rebutted if an SEA can demonstrate with contemporaneous evidence that it would not have continued to provide the same activities with non-Federal funds, perhaps because of circumstances such as a serious budget shortfall or reduction or changed educational priorities.

A4. What does "evidence-based" mean?

Evidence-based is defined in section 8101(21). Specifically, the term "evidence-based," means an "activity, strategy, or intervention that demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on:

- Strong evidence from at least one well-designed and well-implemented experimental study;
- Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

- Promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias[.]"

In addition, evidence-based activities could include an activity, strategy, or intervention that "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 which includes ongoing efforts to examine the effects of such activity, strategy, or intervention."

More information on evidence-based practices may be found here: https://www.ed.gov/sites/ed/files/fund/grant/about/discretionary/2023-non-regulatory-guidance-evidence.pdf.

A5. What is the statutory definition of "professional development" and how does it differ from "training?"

The statutory definition of "professional development" in section 8101(42) outlines that professional development must be an integral part of school and LEA strategies. It should provide educators with the knowledge and skills necessary to help students succeed in a well-rounded education and meet challenging State academic standards. Professional development must also be sustained, rather than consisting of stand-alone, one-day, or short-term workshops, and it must be intensive, collaborative, job-embedded, data-driven, and classroom-focused. These requirements ensure that professional development is ongoing, comprehensive, and directly related to improving educational outcomes. (Section 8101(42)).

Conversely, the statute references "training" activities, but does not specifically define this term in the ESEA. We use the term "training" in this guidance to reference learning opportunities that do not meet the definition of "professional development" in the ESEA, typically because they are stand-alone, one-day, or short-term workshops. When a training is part of a professional development or school improvement plan, stand-alone, one-day or short-term workshops may be allowable within the context of that structured plan. For trainings that are not part of a structured professional development or school improvement plan, Title II, Part A funds may not be used to pay for the training unless explicitly permitted in section 2101(c)(4)(B). For example, section 2101(c)(4)(b)(xv) permits an SEA to use its State-level activities for training for all school personnel regarding how to prevent and recognize child sexual abuse.

A6. What is the definition of an "effective teacher?"

The ESEA does not define the term effective teacher. Further, under section 2302(a)(3), no requirements in Title II, Part A may be construed to authorize the Department to mandate, direct or control a State, LEA or school's specific definition of teacher, principal, or other school leader effectiveness, thereby reserving that authority to each SEA and LEA to determine.

State Allocations

A7. Who is eligible to receive an allocation of Title II, Part A funds from the Department?

All States, the District of Columbia, Puerto Rico, the Outlying Areas (United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands), and

the Department of the Interior's Bureau of Indian Education (BIE) are eligible to receive a Title II, Part A allocation.

A8. How does the Department determine the amount of each Title II, Part A allocation?

Step 1: Reservations

Prior to calculating State allocations, the Department reserves one-half of one percent of the annual Title II, Part A appropriation for the Outlying Areas and one-half of one percent for the BIE. (Section 2101(a)(1) and (2)).

The Department also may reserve up to one-half of one percent of the annual appropriation for evaluation activities. (Section 8601).

Step 2: Allocations to States

After the reservations in step 1 are made, the Department calculates Title II, Part A allocations to States as follows:

- 20 percent based on each State's number of children ages 5-17 compared to this population in all States; and
- 80 percent based on each State's number of individuals ages 5-17 from families with incomes below the poverty line compared to this population in all States. (Section 2101(b)).

Note: The Department uses the most current data from the U.S. Census Bureau to make this calculation. Additionally, consistent with section 2101(b)(2)(B), the Department ensures that each State receives a Title II Part A allocation that is at least 0.5 percent of the amount available to all States.

A9. What portion of a State's Title II, Part A funds must be distributed to LEAs? May any of those funds be reserved by the SEA?

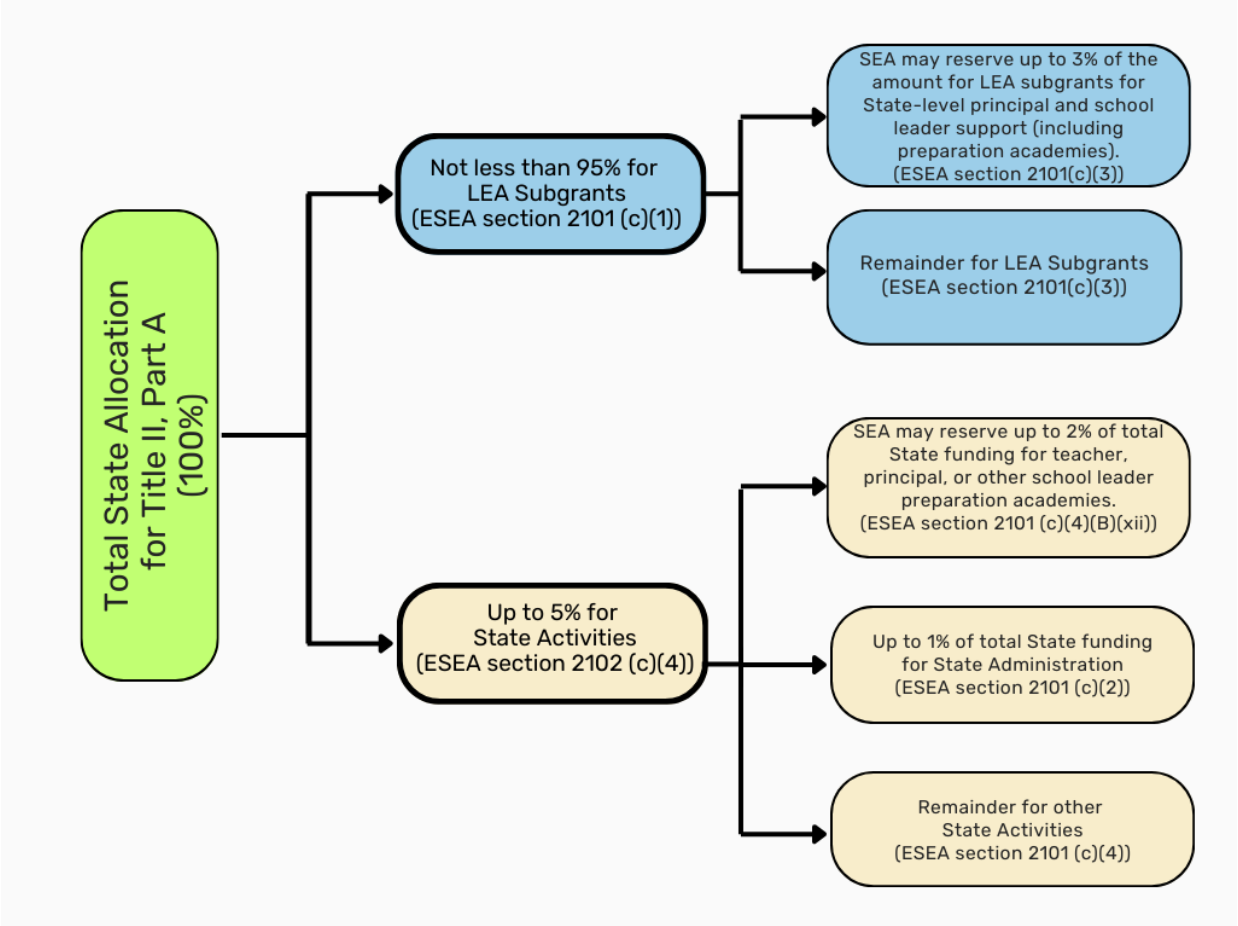
Under Title II, Part A of the ESEA, an SEA's allocation and reservation of funds are specified as follows:

1. SEA Reservations: For State activities, an SEA may reserve up to 5 percent of its total Title II, Part A award amount. From this maximum 5 percent reservation:
    - Administrative Activities:
        - An SEA may only use an amount that does not exceed 1 percent of its Title II, Part A award amount for administrative costs. This is to cover the administrative responsibilities under Title II, Part A (Section 2101(c)(2)).
    - Preparation Academies:
        - An SEA may only use an amount that does not exceed 2 percent of its Title II, Part A award amount for establishing or expanding teacher, principal, or other school leader preparation academies under section 2101(c)(4)(B)(xii).
    - State Activities:
        - An SEA may use remaining funds not reserved for administrative costs or for establishing or expanding teacher, principal, or other school leader preparation academies for State activities. These State activities are described in section 2101(c)(4)(B) and can include various

initiatives to support teachers, principals, and other school leaders. (For more information, see question C1.)

2. LEA Subgrant Reservations:
    - At least 95 percent of the SEA's total allotment must be reserved for subgrants to LEAs. However, of this 95 percent reserved for subgrants:
        - Up to 3 percent of the 95 percent reservation can be specifically used by the SEA for State activities that benefit principals and other school leaders, leaving 92.15 percent of the total allotment for general LEA subgrants. (Sections 2101(c)(1) and (3)).
        - For example, if the total allocation is $1,000,000, the 95 percent reservation is $950,000. Three percent of $950,000 is $28,500. That leaves $921,500 of the total allocation, or 92.15 percent, available for LEA subgrants.

The Flow of Title II, Part A Funding



A10. What is the period of availability for Title II, Part A funds?

Title II, Part A, like most of the ESEA formula programs, is "forward funded" in the annual appropriation from Congress. Generally, the first day that the Department may award funds for obligation to States with approved plans is July 1 following the enactment of the program appropriation by Congress. The Department makes funds available as close to that date as

possible. Typically, funds awarded by the Department to States and its LEA subgrantees remain available for obligation for a period of 27 months after July 1. This 27-month period includes an initial 15-month period of availability and an additional 12-months under the "Tydings Amendment." (GEPA section 421(b)). See also question D4 for information about the allowability of pre-award costs.

Generally, Congress makes Title II, Part A funds available to the Department to award to SEAs in two allotments, with the first becoming available to award SEAs on July 1 and the second available for award on October 1, the beginning of the new Federal fiscal year. For example, the first allotment of funds from the Federal fiscal year (FY) 2023 Title II, Part A appropriation became available to award to SEAs on July 1, 2023, and the second became available to award to SEAs on October 1, 2023. The end of the obligation period for funds provided through these two allotments is the same: September 30, 2025.

When the period of availability for obligations ends, grantees may not incur any further obligations using these funds (see 34 CFR § 76.709).

A11. How long does a grantee have to liquidate valid obligations after the performance period has ended?

Grantees have a 120-day liquidation period during which all properly obligated funds may be drawn down. For example, FY 2023 funds that were required to be obligated by September 30, 2025, are available for drawdown through January 30, 2026, to cover remaining unpaid obligations. Once this 120-day period ends, the account is closed to normal transactions, though the Department may consider any requests for extensions of the liquidation period when justified. (2 CFR § 200.344(c)).

Period of Availability for Title II, Part A Funds

Event	Timeframe	Details
Funds Awarded to States	Title II, Part A funds are dispersed in two allotments: July 1 and October 1 (following program appropriation enactment by Congress).	The Department awards funds to States with approved plans (e.g., FY 2023 funds were awarded on July 1 and October 1, 2023). Both allotments have the same obligation period end date.
Period of Availability (with Tydings Amendment Extension)	27 months from July 1, which includes the additional 12 months Tydings period.	Funds can be obligated during this time.
End of Obligation Period	September 30, 27 months after the obligation period began.	After this date, grantees can no longer incur new obligations (e.g., obligation period of FY 2023 funds ends on September 30, 2025).
Liquidation Period	120 days after the obligation period ends.	Grantees can draw down funds for unpaid, valid obligations (e.g., FY 2023 funds available for liquidation until January 30, 2026).

A12. What are appropriate uses of a State's administrative funds?

Generally, administrative costs are considered the direct costs to administer a program (e.g., the allocable portion of the salary of an SEA employee who determines Title II, Part A local allocations). 2 CFR § 200.413 defines direct costs as "costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy."

For additional support regarding cost principles, please refer to 2 CFR Part 200, Subpart E. In addition, the Department has published a 2019 *Cost Allocation Guide for State and Local Governments* that provides additional support (see https://www.ed.gov/sites/ed/files/about/offices/list/ocfo/fipao/costallocationguide92019.pdf).

A13. Is there a requirement to provide equitable services to eligible private school educators under Title II, Part A?

Yes. Section 8501 requires an SEA or an LEA receiving Title II, Part A funds, in consultation with appropriate private school officials, to provide eligible private school educators with services or other benefits that are equitable to those provided to eligible public school educators.

For information on SEA and LEA responsibilities to provide Title II, Part A equitable services to private school educators, see section A-F (for general information) and section H (for Title II, Part A-specific information) in the Department's July 2023 non-regulatory guidance, *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance* (available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf).

Monitoring, Reporting, and Recordkeeping

A14. When and how must an SEA monitor subgrant activities?

The processes an SEA uses to monitor subrecipients must be consistent with the requirements in 2 CFR § 200.332 of the Uniform Guidance. Under 2 CFR § 200.332(c), an SEA must evaluate each subrecipient's fraud risk and risk of noncompliance with Federal statutes, regulations, and the terms and conditions of the subaward for purposes of determining the appropriate subrecipient monitoring, which may include consideration of such factors as:

- The subrecipient's prior experience with the same or similar subawards;
- The results of previous audits, including whether or not the subrecipient receives an A-133 Single Audit in accordance with Subpart F—Audit Requirements of the Uniform Grant Guidance and the extent to which the same or similar subaward has been audited as a major program;
- Whether the subrecipient has new personnel or new or substantially changed systems; and
- The extent and results of Federal awarding agency monitoring (e.g., if the subrecipient also receives Federal awards directly from a Federal awarding agency).

An SEA may choose to use the risk assessment required by 2 CFR § 200.332(c) as a primary basis to inform monitoring decisions, such as frequency of monitoring. An SEA has discretion to

design its own subrecipient monitoring processes for both fiscal and programmatic elements but it must ensure that it meets the requirements in 2 CFR § 200.332(e) to monitor subrecipients of Federal funds to ensure that the subrecipient: (1) achieves the goals and objectives of the award, and (2) complies with Federal statutes, regulations, and the terms and conditions of the awards. See 2 CFR 200.332(e)(1)-(4) for the specific requirements of pass-through entities when monitoring subrecipients.

SEAs are encouraged to conduct a regular, systematic review of all Title II, Part A activities, using monitoring instruments sufficiently comprehensive to determine that subgrantees comply with program requirements and make progress toward meeting all objectives of their applications. Simply reviewing audit or annual reports is not sufficient. Moreover, if an SEA has reason to believe that a subgrantee is not adequately implementing its projects, it should increase its monitoring efforts and ensure the subgrantee takes action to correct problems.

An SEA may determine how it chooses to ensure compliance with program requirements. For some requirements, such as whether a subgrantee's use of Title II, Part A funds reflect its approved application, the State may find that it needs to conduct on-site monitoring. On-site monitoring should take place as often as necessary to ensure that subgrant activities comply with program requirements. For purposes of Title II, Part A equitable services, the SEA should ensure the involvement of their ESEA State ombudsman charged with monitoring and enforcing the ESEA equitable services provisions.

In addition to on-site visits, an SEA may require periodic reports, conduct virtual interviews, hold subgrantee conferences, and use other strategies to promote and ensure adherence to applicable requirements. Whatever method is selected in each instance, it is important that the SEA applies the chosen methods consistently and methodically and documents the results. An SEA should also maintain a system for highlighting successes, reporting problems, and recommending corrective actions to subgrantees, and completing any follow-up that may be necessary to ensure that corrective actions are completed. See section 2101(c)(4)(B)(vi).

A15. May an SEA use its State activity funds for the purpose of monitoring, reporting, and evaluating State and local uses of Title II, Part A funds?

Yes. An allowable use of the State activity funds is "[f]ulfilling the State educational agency's responsibilities concerning proper and efficient administration and monitoring of the programs carried out under this part, including provision of technical assistance to local educational agencies" (Section 2101(c)(4)(B)(vi)). This use of funds allows expenditures specifically for Title II, Part A monitoring and technical assistance, which could include portions of salaries for SEA staff who conduct this work. As part of the State's efforts to monitor and provide technical assistance, an SEA may use the State activity funds to evaluate the effectiveness of State or local uses of funds to continuously improve the quality of the Title II, Part A program in the State.

A16. What are the SEA's reporting responsibilities under Title II, Part A?

Section 2104(a) requires each SEA to annually submit the following information to the Department:

- Description of Grant Fund Usage: A description of how the State is using grant funds received under this part, including how the chosen activities have improved teacher, principal, or other school leader effectiveness, as determined by an SEA or LEA. (Section 2104(a)(1)).

- Reporting on Equitable Access: If Title II, Part A funds are used to improve equitable access to teachers for low-income and minority students, consistent with section 1111(g)(1)(B), an SEA must describe how these funds have been used to improve such access. (Section 2104(a)(2)).
- Evaluation and Support System Results: If an SEA uses State-level Title II, Part A funds to implement a teacher, principal, or other school leader evaluation and support system, consistent with section 2101(c)(4)(B)(ii), it must include in the report the aggregate evaluation results of teachers, principals, or other school leaders. (Section 2104(a)(3)).
- Retention Rates Reporting: If an SEA has such data available, it should report the annual retention rates of effective and ineffective teachers, principals, or other school leaders. The methods or criteria for determining effectiveness should be those the State has or develops under section 1111(g)(2)(A). This reporting is not mandatory if an SEA or LEA was not collecting or reporting this data as of the December 9, 2015 (i.e., the day before the enactment of the Every Student Succeeds Act). (Section 2104(a)(4)).

Transferability

A17. May an SEA transfer Title II, Part A funds to other ESEA programs? If so, how?

Section 5103 allows an SEA to reallocate some or all of the funds allocated for State-level activities under Title II, Part A to other ESEA programs, if needed, to better address State and local educational needs (section 5103(a)(1)(A)). Not all programs are eligible for fund transfer. . An SEA may transfer these funds to its allotment under the following ESEA programs:

- Title I, Part A (Improving Basic Programs Operated by LEAs);
- Title I, Part C (Education of Migratory Children);
- Title I, Part D (Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At-Risk);
- Title III, Part A (English Language Acquisition);
- Title IV, Part A − Student support and academic enrichment grants;
- Title IV, Part B − 21st Century Community Learning Centers; or
- Title V, Part B (Rural Education Initiative)

(Section 5103(a)(2)).

An SEA may only transfer funds that are set aside for authorized State-level activities. (Section 5103(a)(1)). In order to transfer funds, an SEA must complete the following:

- Consultation and Notification Requirements:
  - An SEA must engage in timely and meaningful consultation with appropriate private school officials regarding the provision of equitable services with State-level funds (as required under section 8501). (Section 5103(e)(2))
  - An SEA must notify the U.S. Department of Education at least 30 days prior to the effective date of the transfer and submit a modified State plan reflecting the changes caused by the transfer within 30 days after the transfer, as required by section 5103(d)(1).
- Administrative Steps:
  - Determine the specific programs from which and to which funds will be transferred as stated in section 5103(a)(2).
  - Establish the amount and Federal fiscal year of funds to be transferred as required by section 5103(a)(2).
  - Set an effective date for the transfer as per section 5103(d)(1)(C).

When funds are transferred from one program, the transferred funds lose their original identity and are accounted for as additional funds available for the receiving program. For example, if an SEA transfers Title II, Part A funds to Title I, Part A, the SEA records should treat the transferred Title II, Part A funds as additional Title I, Part A funds. Transferred funds retain their fiscal year identity for which they were appropriated. This means that if funds from FY 2024 are transferred, they continue to be FY 2024 funds and must adhere to the original fiscal year's constraints. (Section 5103(b)(1)(A)).

For a full description of transferability options, including the requirement of timely and meaningful consultation with appropriate private school officials as described in section 5101(e)(2), please refer to the Department's April 2020 Fact Sheet for Transferring State-and Local-Level Funds (available at: https://www.ed.gov/sites/ed/files/2020/07/covid19-transfer-funds.pdf) and *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance* (available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf) FAQs A-11, B-17 and B-18.

B. SEA ADMINISTRATION OF LEA SUBGRANTS

Section B of the guidance discusses how SEAs administer the LEA subgrants. For information on allowable uses of State-level funds, see section C. For information on allowable uses of LEA subgrant funds, see section D.

LEA Subgrant Allocations

B1. How must the SEA allocate Title II Part A funds to LEAs?

An SEA must allocate funds to each LEA based on the following formula:

- 20 percent of the funds must be allocated to LEAs based on the relative number of children ages 5-17 who reside in the geographic area the LEA serves using data that is determined by the Secretary to be the most current; and
- 80 percent funds must be distributed to LEAs based on the relative numbers of children ages 5-17 who are from families with incomes below the poverty line who reside in the geographic area the LEA serves using data determined by the Secretary to be the most current.

(Section 2102(a)(2)).

B2. What data must an SEA use to determine the portion of an LEA's program allocation that is attributable to the number of children who reside in the LEA?

As authorized under section 2102(a)(2), and consistent with the long-standing determination for this requirement, the Secretary has determined that the most recent Census Data must be used by an SEA to calculate the number of children ages 5-17 in each LEA. The most recent Census data may be found at: https://www.census.gov/programs-surveys/saipe.html.

B3. What data must an SEA use to determine the portion of an LEA's program allocation that is attributable to the number of children in poverty?

As authorized under section 2102(a)(2), and consistent with the long-standing determination for this requirement, the Secretary has determined that the most recent Census Data must be used by an SEA to calculate the number of children ages 5-17 from families with incomes below the poverty line (see question B2). The most recent Census family poverty data may be found at: https://www.census.gov/programs-surveys/saipe.html.

B4. How should an SEA allocate funds to LEAs for which Census data referenced in the two previous questions are unavailable (referred to hereafter as "special LEAs" (e.g., LEAs without geographic boundaries such as charter school-LEAs))?

Because the funds must be allocated consistent with the statutory allocation formula in section 2102(a)(1) and Census data is not available, to give meaning to this statutory requirement, an SEA must derive a best estimate of the numbers of children ages 5-17 and children ages 5-17 from families with incomes below the poverty line for special LEAs. Once an SEA has a suitable estimate for the number of children from low-income families in special LEAs, it then must determine if it can identify which traditional LEAs (i.e., LEAs for which Census data are available) these children came from in order to derive Census poverty estimates for the special LEAs from the LEAs from which these children came. (Section 2102(a)(1))

A. If the SEA can track children from sending LEAs to special LEAs:

As an example, there are three traditional LEAs (A, B, and C), alongside a charter school LEA (X). Based on Census poverty data, LEA A has 100 children living in poverty, LEA B has 50, and LEA C has 75. An SEA derives a Census poverty count of 40 for charter school X using the equation below in Steps 1-3. After a detailed analysis, the SEA determines that 20 of the Census poverty children at charter school X reside in LEA A, 10 reside in LEA B, and 10 reside in LEA C. Consequently, the SEA revises the Census poverty counts for the traditional LEAs; LEA A's count is adjusted to 80 children, LEA B's count is reduced to 40 children, and LEA C's count is adjusted to 65 children.

Step 1. The SEA identifies an alternative poverty factor, such as number of children eligible for free and reduced-price lunch or a State-specific measure of poverty, that is available for the traditional LEA and each special LEA whose children reside in the traditional LEA.

Step 2. The SEA develops an equating factor for the traditional LEA that represents the following proportion:

$$\frac{\text{Total number of Census poverty children in the traditional LEA}}{\text{Total number of children in poverty in the traditional LEA using the alternative poverty factor}}$$

Step 3. The SEA multiplies the equating factor for each traditional LEA by the number of children in poverty reported by the special LEA, as calculated using the alternative poverty factor, to obtain an estimate of the number of Census children in poverty in the special LEA.

B. If the SEA does not have the information to track children transferring from traditional LEAs to special LEAs:

The SEA may use the following method to determine the estimated number of children in each special LEA.

Step 1. The SEA identifies an alternative poverty factor, such as number of children eligible for free and reduced-price lunch or a State-specific measure of poverty, that is available for the entire State and for each special LEA.

Step 2. The SEA develops an equating factor for the State that represents the following proportion:

$$\frac{\text{Total number of Census children in poverty in the State}}{\text{Total number of children in poverty in the State using the alternative poverty factor}}$$

Step 3. The SEA multiplies the equating factor by the number of children in poverty reported by the special LEA, as calculated using the alternative poverty factor, to obtain an estimate of the number of Census children in poverty in the special LEA.

The SEA then uses the number from Step 3 to determine the special LEA's Title II, Part A allocation.

If an SEA allocates funds to new or expanding charter schools based on sound, estimated data (such as reliable and projected school enrollment) for which it later will have actual data, 34 CFR § 76.796 requires an SEA to subsequently adjust these allocations to reflect the actual data. Additional guidance regarding allocating Title II, Part A funds to new or expanding charter schools may be found in Department guidance available at https://www.ed.gov/sites/ed/files/policy/elsec/guid/cschools/cguidedec2000.pdf.

LEA Subgrant Administration

B5. How does an LEA apply for a Title II, Part A subgrant and what information must be included in its application?

An LEA may apply for a Title II, Part A subgrant by submitting to the SEA either a program-specific application (see section 2102(b)) or a consolidated local application developed for ESEA programs (see section 8305). An SEA that has developed a consolidated local application may determine the necessary descriptions, information, assurances, and other materials required to consider the LEA plan.

Section 2102(b)(3) also requires that in developing the application, an LEA must meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in an LEA that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities relevant to Title II, Part A.

Title II, Part A specific application

Section 2102(b)(2) identifies the specific elements that an LEA must include in its Title II, Part A program specific application. If the SEA requires a specific program application, the SEA reviews the following information before awarding an LEA its Title II, Part A subgrant to confirm that the proposed LEA uses of funds fit within its broader strategies for improving teacher and educator quality – and in so doing also fit within the LEA's strategy for improving student achievement.

Each LEA must include the following information:

- A description of the activities to be carried out by the LEA and how they will be aligned with challenging State academic standards.
- A description of LEA's systems of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.
- A description of how the LEA will prioritize funds to schools that are implementing comprehensive support and improvement activities and targeted support and improvement activities under section 1111(d) and have the highest percentages of high-poverty children and children who are neglected or delinquent.
- A description of how the LEA will use data and ongoing consultation to continually update and improve activities supported under this part.
- An assurance that the LEA will comply with section 8501 regarding participation by private school children and teachers.
- An assurance that the LEA will coordinate professional development activities funded by Title II, Part A with professional development activities provided through other Federal, State, and local programs.

Consolidated local application

If an SEA uses a consolidated local application, the LEA must submit the information that the SEA requires for approval of that application. However, LEAs are responsible for implementing all of the requirements in section 2102(b)(2), which are described above, even if the SEA has elected not to include them as application requirements.

B6. May charter schools apply for Title II, Part A funds?

A charter school that is considered an LEA by the State in which it is located may apply for and receive Title II, Part A funds like other LEAs. "LEA" is specifically defined in section 8101(30).

B7. Does an SEA have to collect, review, and approve all elements of a program application prior to awarding funds under a consolidated application?

When a State uses a consolidated application, an SEA has flexibility regarding what to include in the consolidated application so that an LEA may submit one application to the State for all covered ESEA programs as defined in section 8101(11) and consistent with section 8305. Though LEAs are responsible for carrying out all required program elements, an SEA does not need to collect, review, and approve all elements of program applications prior to awarding ESEA funds under a consolidated application. Consolidated applications are meant to streamline the application requirements to allow for an LEA to submit information one time where each programmatic application requirement may be similar. (Section 8305(a)-(d)).

B8. How may the SEA distribute any unclaimed LEA funds?

Title II, Part A funds available for LEA use are considered unclaimed when one or more LEAs decide not to participate in the program or agree that they cannot use all the funds awarded to the LEA. An SEA may reserve the unclaimed funds for state activities and administration, or for activities for principals and other school leaders, but only in an amount that does not exceed the respective 5 and 3 percent caps for those activities in section 2101(c). Unclaimed funds that exceed the reservation cap for those activities must be redistributed to other LEAs consistent with section 2101(c)(1). For more information regarding the amounts that may be reserved by the SEA, see question A9.

There is no limit on the amount of Title II, Part A funds an LEA may carry over between fiscal years. That is, the LEA must be given the full amount of time to obligate funds (see question A10). Therefore, an LEA with excess funds during the period of availability must voluntarily release those funds to the SEA before the SEA may redistribute them to other LEAs.

If an LEA releases excess funds to the SEA, or does not claim funds, the SEA may exercise some flexibility in determining how redistribution will occur. For example, it may proportionally increase the subgrant amount provided to all participating LEAs and distribute the funds consistent with section 2101(c)(1). Alternately, an SEA could establish special procedural and distribution criteria (subject to any State rulemaking requirements) and make these funds available to LEAs that meet certain criteria identified by the State.

B9. May an LEA transfer some or all of its Title II, Part A allocation to another ESEA program, and if so, do the transferred funds lose their identity as Title II, Part A funds?

Yes. Section 5103(b) allows an LEA to transfer up to 100 percent of its Title II, Part A funds to various programs, including:

- Title I, Part A – Improving basic programs operated by LEAs;
- Title I, Part C – Education of migratory children;
- Title I, Part D – Prevention and intervention programs for children and youth who are neglected, delinquent, or at risk;
- Title III, Part A – State grants for English language acquisition and language enhancement;
- Title IV, Part A – Student support and academic enrichment grants; and
- Title V, Part B – Rural education.

An LEA may also transfer up to 100 percent of Title IV, Part A funds into Title II, Part A. When funds are transferred from one program to another under section 5103(b), the transferred funds lose their original identity and are accounted for as additional funds available for the receiving program. For example, if an LEA transfers Title II, Part A funds to Title I, Part A, the LEA records should treat the transferred Title II, Part A funds as additional Title I, Part A funds. Transferred funds retain their fiscal year identity for which they were appropriated. This means that if funds from FY 2024 are transferred, they continue to be FY 2024 funds and must adhere to the original fiscal year's constraints. (Section 5103(b)(1)(A)).

The procedures for transferring LEA-level ESEA funds include the following requirements:

- Engage in timely and meaningful consultation with appropriate private school officials (as outlined in sections 8501 and 5103(e)(2)) before making the transfer.

- Identify the programs from which funds will be transferred and the programs to which funds will be transferred.
- Determine the amount and Federal fiscal year of the funds being transferred.
- Set the effective date for the transfer.
- Notify the SEA at least 30 days before the transfer's effective date (as per section 5103(d)(2)(C)).
- Submit a copy of the modified plans or applications for all affected programs to the SEA within 30 days after the transfer (as per section 5103(d)(2)(B)).

Additionally, section 5103(c) specifies several programs, including Title I, Part A, from which funds may not be transferred. If an LEA transfers Title II, Part A funds to one of these programs, the LEA is not permitted to transfer those funds back to Title II, Part A if they are unused because the transferred Title II, Part A funds have taken on the identity of a program from which funds may not be transferred.

More information about transferability may be found at: https://www.ed.gov/sites/ed/files/2020/07/covid19-transfer-funds.pdf and *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance* (available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf) FAQs A-11, B-17 and B-18.

For information regarding Alternative Fund Use Authority (AFUA) that is available to an LEA that is eligible for the Small, Rural School Achievement (SRSA) program, please see question B12.

B10. What role does the SEA play in an LEA's decision to transfer funds into or out of Title II, Part A?

As noted above, while the LEA does not need permission from the SEA to transfer funds into or out of Title II, Part A, the SEA plays a significant role in ensuring the LEA complies with the requirements outlined above associated with fund transfers, such as through the SEA's monitoring of LEAs.

Each SEA should have established procedures for an LEA to notify the SEA about transfers.

B11. What maintenance of effort requirements apply to LEAs receiving Title II, Part A funds?

An LEA may receive Title II, Part A funds for any fiscal year only if the SEA finds that either the combined fiscal effort per student or the aggregate expenditures of State and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year. (Section 8521(a)). If an LEA fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the LEA), the SEA must reduce the LEA's allocation under Title II, Part A by the exact proportion by which the LEA failed to maintain effort. (Section 8521(b)).

The Secretary may waive the maintenance of effort requirement for an LEA if it determines that a waiver would be equitable due to exceptional or uncontrollable circumstances or a precipitous decline in the financial resources of the LEA. (Section 8521(c)).

B12. What is the Alternative Fund Use Authority (AFUA) that is available to an LEA eligible for the Small, Rural School Achievement (SRSA) program, and how is it different than the section 5103(b) transferability provisions?

Section 5211(a), known as AFUA, gives an SRSA-eligible LEA broad authority to spend funds the LEA receives under selected ESEA programs on activities authorized under several additional ESEA programs. The authority is specifically designed to give a small, rural LEA greater flexibility to spend its Federal funds in ways that best address the LEA's particular needs.

AFUA is best understood when sections 5211(a) and (c) are read together. Section 5211(c) lists the Federal program funds (referred to as "applicable funding" in the statute) an LEA may use in support of other allowable Federal program activities (referred to as "alternative uses" in section 5211(a)). Specifically, section 5211(c) permits an eligible LEA to use all or part of the formula funds the LEA receives from an SEA under:

- Title II, Part A (Supporting Effective Instruction); and
- Title IV, Part A (Student Support and Academic Enrichment)

To carry out local activities authorized under one or more of the following programs (see section 5211(a)):

- Title I, Part A (Improving Basic Programs Operated by LEAs);
- Title II, Part A (Supporting Effective Instruction);
- Title III (Language Instruction for English Learners and Immigrant Students);
- Title IV, Part A (Student Support and Academic Enrichment); and
- Title IV, Part B (21st Century Community Learning Centers).

AFUA does not authorize the transfer of funds from one program to another. Rather, it gives an LEA more options for spending its Title II, Part A and Title IV, Part A formula funds.

An LEA that meets the SRSA program eligibility requirements may exercise AFUA without the approval of either its SEA or the Department. However, an eligible LEA must notify its SEA each year of its intent to exercise AFUA by the notification date established by the SEA.

For more detailed information see the Rural Education Achievement Program Informational Document, section III, F and the chart in Appendix C for a specific comparison of AFUA and transferability.

C. STATE–LEVEL USES OF FUNDS

Section C of the guidance focuses on State-level activities that an SEA may conduct under Title II, Part A. For general information on an SEA's administration of LEA subgrants, see section B. See section D for information on LEA allowable uses of their subgrants.

General Allowable Activities

C1. How may an SEA use its "State-level activities" funds?

State-level activities funds are those that an SEA sets aside as a part of the 5 percent reservation under section 2102(c)(4), and an SEA may use these funds for one or more of the following activities.

Activity	Statutory Citation
Administration, monitoring, and technical assistance	
• Fulfilling the SEA's responsibilities regarding proper and efficient administration and monitoring of the programs, including provision of technical assistance to LEAs.	Section 2101(c)(4)(B)(vi)
• Providing training, technical assistance, and capacity-building to LEAs.	Section 2101(c)(4)(B)(x)
Professional development and training	
• Providing assistance to LEAs for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards.	Section 2101(c)(4)(B)(viii)
• Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 4102(1)) projects.	Section 2101(c)(4)(B)(ix)
• Developing, or assisting LEAs in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.	Section 2101(c)(4)(B)(xiv)
• Providing 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.	Section 2101(c)(4)(B)(xv)
• Developing and providing 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 subjects, including computer science.	Section 2101(c)(4)(B)(xvii)
• Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into	Section 2101(c)(4)(B)(xviii)

Activity	Statutory Citation
academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.	
• Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act [FERPA] of 1974") (20 U.S.C. 1232g) and in accordance with State student privacy laws and LEA student privacy and technology use policies.	Section 2101(c)(4)(B)(xx)
Recruiting, hiring, retaining effective educators	
• Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that— o Teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards; o Principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and o Teacher certification or licensing requirements are aligned with such challenging State academic standards.	Section 2101(c)(4)(B)(i)
• Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for— o Individuals with a baccalaureate or master's degree, or other advanced degree; o Mid-career professionals from other occupations; o Paraprofessionals; o Former military personnel; and o 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.	Section 2101(c)(4)(B)(iv)
• Developing, improving, and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through opportunities for	Section 2101(c)(4)(B)(v)(I)

Activity	Statutory Citation
effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers.	
• Developing, improving, and implementing mechanisms to assist LEAs and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.	Section 2101(c)(4)(B)(v)(II)
• Developing, or assisting LEAs in developing career opportunities and advancement initiatives that promote professional growth and emphasize multiple career paths, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support.	Section 2101(c)(4)(B)(vii)(I)
• Developing, or assisting LEAs in developing strategies that provide differential pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders, in low-income schools and LEAs.	Section 2101(c)(4)(B)(vii)(II)
• Developing, or assisting LEAs in developing new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to— o Improve classroom instruction and student learning and achievement, including through improving school leadership programs; and o Increase the retention of effective teachers, principals, or other school leaders.	Section 2101(c)(4)(B)(vii)(III)
• Enabling States, as a consortium, to voluntarily develop a process that allows teachers who are licensed or certified in a participating State to teach in other participating States without completing additional licensure or certification requirements, except that nothing in this clause shall be construed to allow the Secretary to exercise any direction, supervision, or control over State teacher licensing or certification requirements.	Section 2101(c)(4)(B)(xix)
• Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs.	Section 2101(c)(4)(B)(xi)

Activity	Statutory Citation
• Establishing or expanding teacher, principal, or other school leader preparation academies,[1] with an amount of the funds described in subparagraph (A) that is not more than 2 percent of the State's allotment, if— o Allowable under State law; o The State enables candidates attending a teacher, principal, or other school leader preparation academy to be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and o The State enables teachers, principals, or other school leaders who are teaching or working while on alternative certificates, licenses, or credentials to teach or work in the State while enrolled in a teacher, principal, or other school leader preparation academy.	Section 2101(c)(4)(B)(xii)
Evaluation systems	
• Developing, improving, or providing assistance to LEAs to support the design and implementation of teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by— o Developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results; o Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and o Developing a system for auditing the quality of evaluation and support systems.	Section 2101(c)(4)(B)(ii)
Equitable access	
• Improving equitable access to effective teachers.	Section 2101(c)(4)(B)(iii)
Other	
• Supporting the instructional services provided by effective school library programs.	Section 2101(c)(4)(B)(xiii)
• Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education	Section 2101(c)(4)(B)(xvi)

[1] See question A9 for more information on a State's Title II, Part A allotment and reservations.

Activity	Statutory Citation
program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.	
• Collecting and managing data to improve educator evaluation systems and their impact on student outcomes.	Section 2101(c)(4)(B)(xx)
• Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title.	Section 2101(c)(4)(B)(xxi)

C2. Are there any activities for which an SEA must use Title II, Part A funds?

No. States have flexibility in determining how much of their State-level activities funds to devote to the various allowable activities described in section 2101(c)(4)(B).

Please note that an SEA must provide equitable services if funds are reserved for State-level activities. Please see question A13 as well as H-3 and H-4 in the *Title VIII, Part F of the Elementary and Secondary Education Act Equitable Services Non-Regulatory Guidance 2023* (available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf) for additional information.

Continuous Improvement

C3. How are SEAs required to use data and ongoing consultation to continually update and improve Title II, Part A activities?

Section 2101(d)(2)(K) requires each SEA to establish an ongoing cycle of data collection, analysis, and stakeholder consultation to continually update and improve activities. To meet these requirements, an SEA may use State activity funds to establish a system to collect, analyze, and use a variety of educational data, including:

- Student assessment results (including from interim assessments)
- Educator, student, and family surveys regarding school climate and engagement
- Educator surveys regarding professional development opportunities
- Teacher recruitment and retention statistics
- Educator evaluation outcomes
- Input from stakeholder consultations (per section 2101(d)(3))

This data-driven approach would help ensure that Title II, Part A activities are regularly refined to meet changing educational needs and goals.

C4. What stakeholder groups are an SEA required to engage with during the Title II, Part A data and consultation process for continuous improvement?

Section 2101(d)(3) requires an SEA to meaningfully consult with:

- Teachers, principals, other school leaders, and paraprofessionals (including organizations representing such individuals)
- Specialized instructional support personnel
- Charter school leaders (in States that have charter schools)
- Parents

- Community partners
- Other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the statutory purpose of Title II, Part A

(Section 2101(d)(3)(A)).

In addition, the SEA must seek advice from the stakeholders listed above regarding how best to improve the Title II, Part A activities (section 2101(d)(3)(B)) and must coordinate the activities with other related strategies, programs, or activities in the State (Section 2101(d)(3)(C)). Meaningful consultation with stakeholder groups that represent the communities and students that Title II, Part A funds are intended to support is critical to ensuring funds are used effectively and decisions regarding resource allocation are fully informed.

C5. How is this continuous improvement stakeholder consultation requirement different from the equitable services consultation requirement?

The Title II, Part A consultation requirement in section 2101(d)(3) is designed to ensure that the SEA continuously improves its Title II-funded activities. It is a distinct requirement and does NOT satisfy the equitable services obligation in sections 8501(a) and (c) (and described in Question A13), which provides for the participation of private school children and teachers in services and programs funded by the Federal government. Further guidance regarding the required consultation process for equitable services may be found in section A of *Title VIII, Part F of the ESEA: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance* available at: https://www.ed.gov/sites/ed/files/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf.

Evidence-Based Activities

C6. How does an evidence-based practice apply to Title II, Part A SEA-level activities?

Title II, Part A emphasizes the use of evidence-based practices to enhance the quality and effectiveness of teachers, principals, and other school leaders to improve student achievement. The statute explicitly requires that, to the extent the State determines such evidence is available, certain SEA-level activities funded under this section must incorporate evidence-based practices:

- Developing, improving, and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers. (Section 2101(c)(4)(B)(v)(I)).
- Developing, or assisting local educational agencies in developing new teacher, principal, or other school leader induction and mentoring programs that are, to the extent the State determines that such evidence is reasonably available, evidence-based, and designed to— (aa) improve classroom instruction and student learning and achievement, including through improving school leadership programs; and (bb) increase the retention of effective teachers, principals, or other school leaders. (Section 2101(c)(4)(B)(vii)(III)).
- Supporting other activities (other than those identified in section 2101(c)(4)(B)) identified by the State that are, to the extent the State determines that such evidence is

reasonably available, evidence-based and that meet the purpose of Title II, Part A. (Section 2101(c)(4)(B)(xxi)).

State Standards and Assessments

C7. What are some examples of ways in which an SEA might use Title II, Part A State-level activities funds to support the implementation of challenging State academic standards?

Examples of ways in which an SEA might use Title II, Part A State-level activities funds to support the implementation of challenging State academic standards include, but are not limited to:

- Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that—
  - Teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards;
  - Principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and
  - Teacher certification or licensing requirements are aligned with such challenging State academic standards. (Sections 2101(c)(4)(B)(i)(I-III)).
- Providing assistance to LEAs for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards. (Section 2101(c)(4)(B)(viii)).
- Developing, improving, or providing assistance to an LEA to support the design and implementation of rigorous, transparent, and fair teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance.
  - Developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results (section 2101(c)(4)(B)(ii)(I));
  - Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions (section 2101(c)(4)(B)(ii)(II)); and
  - Developing a system for auditing the quality of evaluation and support systems (section 2101(c)(4)(B)(ii)(III)).
- Developing, improving, and implementing mechanisms to assist an LEA and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement. (Section 2101(c)(4)(B)(v)).
  - Opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers (section 2101(c)(4)(B)(v)(I)); and

- Providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams (section 2101(c)(4)(B)(v)(II)).

C8. May an SEA use Title II, Part A funds to support professional learning and collaboration that develops content and materials aligned to challenging State academic standards?

Yes. An SEA may use Title II, Part A funds to develop content and materials, or to purchase content and materials, to support professional learning aligned to challenging State academic standards if those materials support an otherwise allowable Title II, Part A activity. For example, professional development focused on creating lesson plans aligned to challenging State academic standards would be allowable under section 2101(c)(4)(B)(xvii). However, purchasing a classroom set of texts or other materials for student use that is aligned to challenging State academic standards would not be an allowable use of the Title II, Part A funds (but it would be permissible for the SEA to provide professional development on the use of the texts and other materials).

C9. May an SEA use Title II, Part A State-level activities funds for costs associated with developing or implementing statewide assessments that are used as one of the measures in educator evaluation and support system?

Title II, Part A funds may not be used to develop or implement statewide assessments. Each SEA is provided funds under Title I, Part B of the ESEA to develop and administer its statewide assessments. However, an SEA and its LEAs *may* use funds to provide professional development to teachers on instructional strategies related to the statewide assessments.

Similarly, an SEA and its LEAs may not use Title II, Part A funds to pay the actual costs of developing or implementing classroom assessment instruments. However, an LEA may, for example, use Title II, Part A funds to pay for expenses related to an educator's participation in a professional learning community that is developing assessment items (e.g. formative, summative, and diagnostic) as part of the educator's professional development plan.

Professional Development

See question A5 for the statutory definition of professional development.

C10. May an SEA use State-level Title II, part A funds to support professional development for teachers, principals, or other school leaders?

Yes. Under section 2101(c)(4)(B), an SEA may use Title II, Part A State-level activities funds for various professional development for teachers, principals, or other school leaders. Please note that all professional development activities must meet the statutory definition of professional development in section 8101(42). See question A5 for the definition. Types of State activities in the statute that meet the definition of professional development include:

- Improving Equitable Access to Effective Teachers: Professional development activities may be targeted to improve teachers' effectiveness, thereby contributing to equitable access to quality teaching for all students. (Section 2101(c)(4)(B)(iii)).
- Mentoring and Induction Programs for Teachers and School Leaders: This includes professional growth opportunities, which may be fostered through professional development. (Section 2101(c)(4)(B)(vii)(I-II)).

- High-Quality Professional Development Programs for Principals: Providing assistance to an LEA for the development and implementation of professional development programs for principals. (Section 2101(c)(4)(B)(viii)).
- Training in Technology Integration and Blended Learning: This involves providing training for educators to integrate technology effectively into their teaching practices as part of a comprehensive professional development plan. (Section 2101(c)(4)(B)(ix)).
- Enhancement of STEM Education, including Computer Science: An SEA can ensure that educators are prepared to deliver high-quality STEM education by aligning with the broader goals of the ESEA to improve academic outcomes and readiness for higher education and careers in these fields. (Section 2101(c)(4)(B)(xvii)).
- Evaluation and Support Systems: professional development may be a part of developing and implementing rigorous, transparent, and fair teacher and school leader evaluation and support systems that include multiple measures of educator performance. (Section 2101(c)(4)(B)(ii). Systems of support may include:
  - Creating evaluation tools – Examples include developing and disseminating high-quality observation rubrics and methods for training and auditing to ensure inter-rater reliability of evaluation results (Section 2101(c)(4)(B)(ii)(I));
  - Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions (Section 2101(c)(4)(B)(ii)(II)); and
  - Developing a system for auditing the quality of evaluation and support systems. (Section 2101(c)(4)(B)(ii)(III)).

C11. May an SEA use Title II, Part A funds to establish or expand teacher, principal, or other school leader preparation academies?

Yes, section 2101(c)(4)(B)(xii) permits an SEA to use no more than 2 percent of the State's total annual appropriation to support the establishment or expansion of teacher, principal, or other school leader preparation academies as defined in section 2002(2) enumerating several specified requirements. Under section 2101(c)(4)(B)(xii), these academies must also meet the following requirements when supported with Title II State activities funds:

- The academy must be permissible under State law;
- Candidates attending these academies must be eligible for State financial aid to the same extent as participants in other State-approved teacher or principal preparation programs, including alternative certification, licensure, or credential programs; and
- The State must enable teachers, principals, or other school leaders who are teaching or working on alternative certificates, licenses, or credentials to continue their roles while enrolled in these academies.

C12. May an SEA use State-level Title II, Part A funds to provide programs and activities for paraprofessionals?

Yes, under certain circumstances. In particular, some uses of State-level Title II, Part A funds explicitly permit participation by paraprofessionals. For example, training offered in the prevention and recognition of child sexual abuse may include paraprofessionals. (Section 2101(c)(4)(B)(xv)). Paraprofessionals may also participate in activities that support efforts in early childhood education, particularly focusing on the transition to elementary school and school readiness. (Section 2101(c)(4)(B)(xvi)). Support for paraprofessionals may allow an SEA

to accomplish one of the other specific uses of funds, for example, related to assisting LEAs in effectively recruiting and retaining teachers, principals, or other school leaders, and would be allowable under those circumstances so long as they meet the requirements in section 2101(c)(4)(B)(v). This could include, for example, hiring additional paraprofessionals who help reduce or eliminate non-instructional responsibilities of teachers, paying for paraprofessionals to participate in professional development, planning, and collaboration time to allow them to more seamlessly assist in the classroom, and supporting paraprofessionals in becoming teachers. Depending on the circumstances, an SEA could also potentially support paraprofessionals in the context of "other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of [Title II]." (Section 2101(c)(4)(B)(xxi)).

An SEA may also use State-level Title II, Part A funds to carry out programs that establish or expand alternative routes for State certification of teachers (especially for teachers in areas of shortage), including programs to assist paraprofessionals in becoming teachers (e.g., grow your own programs, apprenticeships in teaching, or other approaches, which may include earning a bachelor's degree if a paraprofessional does not already have this degree). (Section 2101(c)(4)(B)(iv)(III)). In general, the allowable State-level activities, however, are limited to "teachers, principals, and other school leaders," and as such, in some cases, these activities may not include paraprofessionals, if they are unrelated to another allowable use of funds. See question C13 for allowable activities that specifically reference paraprofessionals.

C13. What are examples of State-funded professional development activities under Title II, Part A that may be provided to different categories of LEA staff?

Allowable uses of State-level activities funds are listed in section 2101(c)(4)(B). The following list categorizes the various uses of funds based on whether it is aimed at teachers, principals or other school leaders, paraprofessionals, specialized instructional support personnel, early childhood education program directors and providers, and more general LEA staff. Please see the applicable statutory provisions for more specific information, as this table may not include all allowable uses of funds. Please also refer to question C12 for information on how supporting paraprofessionals may relate to other allowable uses of funds.

Activity	Statutory Citation
Teachers	
• Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that— o Teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards; o Principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and o Teacher certification or licensing requirements are aligned with such challenging State academic standards.	Section 2101(c)(4)(B)(i)

Activity	Statutory Citation
• Developing, improving, or providing assistance to an LEA to support the design and implementation of rigorous, transparent, and fair teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by— o Developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results; o Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and o Developing a system for auditing the quality of evaluation and support systems.	Section 2101(c)(4)(B)(ii)
• Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for— o Individuals with a baccalaureate or master's degree, or other advanced degree; o Mid-career professionals from other occupations; o Paraprofessionals; o Former military personnel; and o 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.	Section 2101(c)(4)(B)(iv)
• Developing, improving, and implementing mechanisms to assist an LEA and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through— o Opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and o Providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.	Section 2101(c)(4)(B)(v)

Activity	Statutory Citation
Note: This could include professional learning for paraprofessionals if doing so would help recruit and retain effective teachers, principals, and other school leaders.	
• Supporting efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction, which may include training to assist teachers in implementing blended learning (as defined in section 4102(1)) projects.	Section 2101(c)(4)(B)(ix)
• Developing, or assisting an LEA in developing, strategies that provide teachers, principals, or other school leaders with the skills, credentials, or certifications needed to educate all students in postsecondary education coursework through early college high school or dual or concurrent enrollment programs.	Section 2101(c)(4)(B)(xiv)
• Developing and providing 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 subjects, including computer science.	Section 2101(c)(4)(B)(xvii)
Principals or Other School Leaders	
• Reforming teacher, principal, or other school leader certification, recertification, licensing, or tenure systems or preparation program standards and approval processes to ensure that— o Teachers have the necessary subject-matter knowledge and teaching skills, as demonstrated through measures determined by the State, which may include teacher performance assessments, in the academic subjects that the teachers teach to help students meet challenging State academic standards; o Principals or other school leaders have the instructional leadership skills to help teachers teach and to help students meet such challenging State academic standards; and o Teacher certification or licensing requirements are aligned with such challenging State academic standards.	Section 2101(c)(4)(B)(i)
• Developing, improving, or providing assistance to an LEA to support the design and implementation of rigorous, transparent, and fair teacher, principal, or other school leader evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders, such as by— o Developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results; o Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to	Section 2101(c)(4)(B)(ii)

Activity	Statutory Citation
accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and o Developing a system for auditing the quality of evaluation and support systems.	
• Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for— o Individuals with a baccalaureate or master's degree, or other advanced degree; o Mid-career professionals from other occupations; o Paraprofessionals; o Former military personnel; and o 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.	Section 2101(c)(4)(B)(iv)
• Developing, improving, and implementing mechanisms to assist an LEA and schools in effectively recruiting and retaining teachers, principals, or other school leaders who are effective in improving student academic achievement, including effective teachers from underrepresented minority groups and teachers with disabilities, such as through— o Opportunities for effective teachers to lead evidence-based (to the extent the State determines that such evidence is reasonably available) professional development for the peers of such effective teachers; and o Providing training and support for teacher leaders and principals or other school leaders who are recruited as part of instructional leadership teams.	Section 2101(c)(4)(B)(v)
• Providing assistance to an LEA for the development and implementation of high-quality professional development programs for principals that enable the principals to be effective and prepare all students to meet the challenging State academic standards.	Section 2101(c)(4)(B)(viii)
• Supporting the professional development and improving the instructional strategies of teachers, principals, or other school leaders to integrate career and technical education content into academic instructional practices, which may include training on best practices to understand State and regional workforce needs and transitions to postsecondary education and the workforce.	Section 2101(c)(4)(B)(xviii)
* Note that "school leader" is defined in section 8101(44) and outlined in question C14.	

Activity	Statutory Citation
Paraprofessionals	
• Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers (especially for teachers of children with disabilities, English learners, science, technology, engineering, mathematics, or other areas where the State experiences a shortage of educators), principals, or other school leaders, for— paraprofessionals.	Section 2101(c)(4)(B)(iv)(III)
• Providing 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.	Section 2101(c)(4)(B)(xv)
• Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.	Section 2101(c)(4)(B)(xvi)
Specialized Instructional Support Personnel	
• Providing 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.	Section 2101(c)(4)(B)(xv)
Early Childhood Education Program Directors and Providers	
• Supporting opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint efforts to address the transition to elementary school, including issues related to school readiness.	Section 2101(c)(4)(B)(xvi)
General Provisions for All Staff	
• Supporting and developing efforts to train teachers on the appropriate use of student data to ensure that individual student privacy is protected as required by section 444 of the General Education Provisions Act (commonly known as the" Family Educational Rights and Privacy Act [FERPA] of 1974") (20 U.S.C. 1232g) and in accordance with State student privacy laws and LEA student privacy and technology use policies.	Section 2101(c)(4)(B)(xx)
• Supporting other activities identified by the State that are, to the extent the State determines that such evidence is reasonably available, evidence-based and that meet the purpose of this title.	Section 2101(c)(4)(B)(xxi)

Principals and School Leaders

C14. What is the definition of "school leader?"

"School leader" is defined in section 8101(44). A "school leader" supported with Title II, Part A funds must meet both parts of the definition:

- Must be an employee or officer of an elementary or secondary school, an LEA, or another entity that operates a school, and
- Must be responsible for the daily instructional leadership and managerial operations in a school building.

This definition typically includes roles such as principals and assistant principals because they are employees of the LEA who are involved daily in both the instructional leadership and managerial operations in the building. Key considerations on whether an individual may be considered a school leader include:

- Is the individual responsible for daily operations in a school building? For example, generally, LEA central office staff and superintendents are not involved in the daily operations of a school building and therefore may not be considered school leaders for Title II, Part A purposes. However, in smaller LEAs, central office staff may have daily instructional leadership and management roles at the school level, in addition to their LEA-level duties and may be considered school leaders. Additionally, often school board members are not school leaders because they do not have *daily* instructional or managerial roles in a school building.
- Is the individual involved in the instructional and managerial operations in a school building? Specialized instructional support personnel like school counselors, school psychologists, and paraprofessionals are not considered school leaders, as they have specific additional responsibilities in a school building that are not the instructional leadership and managerial operations of a school.

C15. Under section 2101(c)(3), an SEA may reserve additional funds specifically to provide supports for principals and other school leaders. How much in additional funds may an SEA set-aside and how may this optional set-aside be used?

Under section 2101(c)(3), an SEA may reserve not more than 3 percent of the amount reserved for subgrants to LEAs for activities for principals or other school leaders. (For more information on the 3 percent set-aside, please see question A9.) If the SEA elects to reserve these funds, it may use them for any of the activities authorized under section 2101(c)(4) that support principals and other school leaders. The purpose of this set-aside is to enhance the quality and effectiveness of school leadership, which is crucial for creating the conditions that support teaching and learning. Funds reserved under this provision may be used for a range of activities aimed at supporting principals and other school leaders. Please see the chart in question C13 for such activities.

These activities are integral to building strong leadership within schools, which is a cornerstone for educational success; the Department encourages SEAs to take advantage of this allowable reservation.

Recruitment, Retention, and Student Access to Effective Teachers

C16. How may an SEA use its Title II, Part A State-level activity funds to help ensure equitable access to effective teachers?

Under section 2101(c)(4)(B)(iii), an SEA may use State-level activity funds to improve equitable access to effective teachers. In its ESEA consolidated State plan, an SEA must describe how low-income and minority children enrolled in schools receiving Title I, Part A funds are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers. (Section

1111(g)(1)(B)). Below is a non-exhaustive list of approaches an SEA may consider, often in tandem with LEAs, to improve equitable access to effective teachers:

- Reforming certification and licensing systems: Funds may be used to strengthen teacher, principal, or other school leader certification and licensing systems to ensure they are fully aligned with the necessary skills and knowledge in their respective fields, particularly in the academic subjects that the teachers teach to help students meet challenging State academic standards, as defined by the State. (Section 2101(c)(4)(B)(i)).
- Evaluation and support systems: Developing, improving, or providing assistance to an LEA in designing and implementing rigorous, transparent, and fair evaluation and support systems for teachers, principals, and other school leaders. This includes developing high-quality evaluation tools and training to ensure accurate performance differentiation and provides clear, timely, and useful feedback that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance. (Section 2101(c)(4)(B)(ii)).
- Alternative routes for certification: Establishing, expanding, or improving programs to create alternative routes for certification, especially in areas where there is a shortage of educators, such as special education, English language learning, and STEM subjects (including computer science). (Section 2101(c)(4)(B)(iv)). Title II, Part A funds may be used to support the following stakeholders pursuing an alternate route to certification: individuals with a baccalaureate or advanced degree, mid-career professionals, paraprofessionals, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers or principals.
- Recruitment and retention: Developing mechanisms to assist in effectively recruiting and retaining effective teachers, principals, and school leaders, including those from underrepresented minority groups and with disabilities. (Section 2101(c)(4)(B)(v)). This could include additional pay or other incentives as well as mentoring and/or induction programs that are evidence-based. (Section 2101(c)(4)(B)(vii)(II) and (III)).
- Professional development and support: Helping an LEA with the development and implementation of high-quality professional development programs, particularly for principals, to enhance their effectiveness in supporting high-quality teaching. (Section 2101(c)(4)(B)(viii)).
- Technology integration training: Training teachers, principals, and other school leaders to effectively integrate technology into curricula and instruction. (Section 2101(c)(4)(B)(ix)).
- Improving preparation programs: Reforming or improving teacher, principal, or other school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs. (Section 2101(c)(4)(B)(xi)).
- Developing career pathways: Assisting an LEA in the development of career opportunities and advancement initiatives that emphasize professional growth, such as instructional coaching, mentoring, and leadership roles. (Section 2101(c)(4)(B)(vii)(I)).

C17. May an SEA use Title II, Part A funds to help an LEA develop systems for awarding merit-based or performance-based pay and bonus pay for teachers in high-need subjects and effective teachers and principals in low-income schools?

Yes. Under section 2101(c)(4)(B)(vii)(II), an SEA may use Title II, Part A funds to develop, or assist an LEA in developing, strategies that provide additional pay or other incentives to recruit and retain teachers in high-need academic subjects (as defined by the State), such as loan

forgiveness, service scholarships, or housing or child care incentives (see C18 for additional activities). The SEA may also develop or assist an LEA in developing strategies that provide additional pay or other incentives for teachers, principals, or other school leaders in low-income schools and LEAs, which may include, in part, performance-based pay systems.

C18. How may an SEA use Title II, Part A funds for recruitment and retention purposes?

Title II, Part A funds may be used in several ways to promote the recruitment and retention of teachers, principals and school leaders, including for:

- Improving equitable access to effective teachers through targeted recruitment efforts. (Section 2101(c)(4)(B)(iii)). For example, it may be allowable for an SEA to use Title II, Part A funds to design and implement recruitment programs aimed at increasing the number of effective teachers in high-need schools, such as strong partnerships with teacher preparation programs (including those that provide teacher residency, grow your own, or apprenticeship programs)and financial and other incentives for teachers who commit to working in under-resourced areas such as loan forgiveness, service scholarships, housing and other supports, and mentoring and induction programs. The use of funds under this section are likely to be more effective if aligned with the equitable distribution requirements and State plans under section 1111(g)(1)(B).
- Establishing, expanding, or improving alternative routes to certification (section 2101(c)(4)(B)(iv)) to attract professionals from other fields into teaching to address teacher shortages in critical subject areas. These programs are for individuals with a baccalaureate or advanced degree, mid-career professionals, paraprofessionals, former military personnel, and recent graduates of institutions of higher education who demonstrate the potential to become effective teachers or principals.
- Developing, improving, and implementing mechanisms to assist an LEA in recruiting and retaining effective teachers, principals, or other school leaders, including offering effective educators opportunities to lead evidence-based professional development and providing training and support for teachers, principals, and other school leaders who are recruited as part of instructional leadership teams and providing additional compensation for increased responsibilities. (Section 2101(c)(4)(B)(v)).
- Developing or assisting an LEA in developing career advancement and leadership opportunities that promote professional growth, such as covering the cost of National Board Certification or additional certifications (such as in bilingual education or special education), and career advancement that provides additional compensation for increased responsibilities, such as instructional coaching and mentoring (including hybrid roles that allow instructional coaching and mentoring while remaining in the classroom), school leadership, and involvement with school improvement and support. (Section 2101(c)(4)(B)(vii)(I)).
- Developing or assisting an LEA in developing strategies that provide additional pay, or other incentives, to recruit and retain teachers in high-need academic subjects and teachers, principals, or other school leaders in low-income schools and school districts. (Section 2101(c)(4)(B)(vii)(II)).
- Developing or assisting an LEA in developing new teacher, principal, or other school leader evidence-based induction and mentoring programs (to the extent the State determines that such evidence is reasonably available) and designed to:
    - Improve classroom instruction and student learning and achievement, including through improving school leadership programs (Section 2101(c)(4)(B)(vii)(III)(aa)); and

- Increase the retention of effective teachers, principals, or other school leaders. (Section 2101(c)(4)(B)(vii)(III)(bb)).
- Reforming or improving teacher, principal, and school leader preparation programs, such as through establishing teacher residency programs and school leader residency programs (section 2101(c)(4)(B)(xi)), or establishing or expanding teacher, principal, or other school leader preparation academies. (Section 2101(c)(4)(B)(xii)). These residency programs often strengthen retention by incorporating key components such as job-embedded practice, robust induction and mentoring, simulated training, and relevant coursework.

Further discussion of support for paraprofessionals is available in question C12, and further discussion of educator preparation, residencies, licensure, and certification may be found in questions C21 to C23.

Technology Supplies & Equipment

C19. May an SEA use Title II, Part A funds to purchase technology systems that support educators or assist in the management of educator data?

An SEA may use Title II, Part A funds to purchase technology systems provided they support an allowable use of Title II, Part A funds. For example, Title II, Part A funds may be used to support efforts to train teachers, principals, or other school leaders to effectively integrate technology into curricula and instruction,[2] which may include training to assist teachers in implementing blended learning[3] projects. (Section 2101(c)(4)(B)(ix)).

An SEA may use Title II, Part A funds to purchase technology systems under specific allowable Title II activities, namely when these expenditures are aligned with professional development or administrative functions related to the Title II, Part A program, and are otherwise consistent with the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), 2 CFR part 200 including that the cost is reasonable, and necessary. Below are examples of criteria an SEA may consider when determining whether to use Title II, Part A funds to purchase technology systems that support educators:

- Software and applications: Under certain allowable uses, for example section 2101(c)(4)(B)(vii) which allows an SEA to assist LEAs in developing career advancement and recruitment strategies, Title II, Part A funds may be used for software and/or applications for the administrative purposes associated with those activities (e.g., recruitment of new teachers). A software application that tracks labor market trends may be used to support the recruitment of effective teachers. However, if a portion of the software package is also for the procurement and tracking of other goods and services, that portion of software is not allocable to Title II, Part A. Additionally, the use of funds for such software must be reasonable, necessary (2 CFR § 200.404), and conform to the supplement, not supplant requirements (section 2301). Note: Title II, Part A funds may

[2] The Department of Education published Empowering Education Leaders: A Toolkit for Safe, Ethical, and Equitable AI Integration in 2024 to provide critical guidance to support the intentional use of AI in education across ten key modules—from federal policies to pressing educational issues, including privacy, data security, civil rights, and digital equity.

[3] Section 4102(1) defines "blended learning" as a formal education program that leverages both technology-based and face-to-face instructional approaches—(A) that include an element of online or digital learning, combined with supervised learning time, and student led learning, in which the elements are connected to provide an integrated learning experience; and (B) in which students are provided some control over time, path, or pace.

not be used for purchasing software intended for student use, as it does not align with the specific allowable activities under Title II, Part A.

- Technology equipment and supplies: Technology equipment and supplies, including computers, tablets, and other hardware, purchased with Title II, Part A funds must be used primarily for Title II, Part A purposes (2 CFR § 200.403). For example, an SEA may purchase smartboards that are exclusively used by math coaches to provide professional development and coaching to educators. If the technology equipment and supplies serve multiple functions, only the portion directly related to allowable Title II, Part A activities may be funded (2 CFR § 200.405). The use of funds for such technology must be reasonable, necessary (2 CFR § 200.404), and conform to the supplement, not supplant requirements. (Section 2301).

For more information on the supplement, not supplant requirements, see question A3.

C20. What requirements must an SEA consider when using Title II Part A funds to purchase supplies and/or equipment?

The use of Federal grant funds to purchase supplies or equipment for the SEA and its LEAs is governed by 2 CFR part 200. These regulations provide a framework to ensure that such expenditures are appropriate, necessary, and directly related to the grant-funded activities. SEAs should consult the definitions of equipment and supplies in 2 CFR § 200.1 and the additional cost principle requirements for supplies in 2 CFR §§ 200.314 and 200.453 and equipment in 2 CFR § 200.439.

When using Federal grant funds to purchase supplies or equipment, it is crucial to ensure that the purchases:

- Are of reasonable cost, directly related to and necessary for the grant-funded activities 2 CFR § 200.404;
- Adhere to the specific guidelines and definitions regarding general and special purpose equipment in 2 CFR § 200.1; and
- Are allocable and involve a reasonable method for prorating costs for items with multiple uses 2 CFR § 200.405.

Below is an overview of key considerations and guidelines:

- Allowability of costs for materials and supplies:
  - Costs incurred for materials, supplies, and fabricated parts necessary for a Federal award are allowable, provided they are directly related to and necessary for the grant-funded activities. Purchases must be made in support of an approved and allowable Title II, Part A funded activity (2 CFR §§ 200.403 and 404).
- Ownership and Administrative Control:
  - Public agencies, usually the subgrantees, must retain title to and maintain continuous administrative control over all equipment and supplies acquired with program funds (2 CFR §§ 200.313 and 314).
- Prorating of Purchases with Multiple Uses:
  - For items not exclusively used for grant-funded activities, such as computing devices, they may be charged directly if essential and allocable to the grant activities. This necessitates a reasonable method for allocating costs for items used both for grant-funded activities and other purposes (2 CFR § 200.405).
- Charging of Purchased Materials and Supplies:

- Purchased materials and supplies must be charged at their actual prices, net of applicable credits. Withdrawals from general stores or stockrooms should be charged at actual net cost, using a consistently applied pricing method (2 CFR § 200.453(b)).
- Direct Charging of Materials and Supplies:
  - Materials and supplies used for a Federal award may be charged as direct costs. For computing devices, this is allowable if they are essential and allocable to the Federal award, even if not solely dedicated to it (2 CFR § 200.453(c)).

Educator Preparation, Residencies, Licensure, and Certification

C21. What is a "teacher, principal, or other school leader preparation academy?"

As defined in section 2002(4), the term "teacher, principal, or other school leader preparation academy" refers to a public or nonprofit entity, which may be an institution of higher education (IHE) or affiliated with an IHE, that establishes an academy that will prepare educators to work in high-need schools. The statutory definition in section 2002(4) includes several requirements that an SEA must ensure are met in order to use Title II, Part A funds for this activity. These academies operate under agreements with State authorizers, outlining goals such as intensive clinical preparation, where candidates partner with proven effective educators for job-embedded training coupled with concurrent relevant academic instruction. The academies are expected to produce a specified number of graduates and graduation from an academy is contingent upon demonstrating effective teaching or school leadership, as verified by the State, with specific criteria for teachers, principals, or other school leaders. These academies are characterized by flexibility in training methods, admission based on potential to impact student achievement, and the outcome of granting certificates or degrees recognized by the State as equivalent to at least a master's degree in education, influencing hiring, retention, compensation, and promotion decisions.

C22. How may an SEA use Title II, Part A funds to support teacher and principal preparation, including alternative routes to certification?

An SEA may use Title II, Part A funds for various activities to support teacher and principal preparation, including alternative routes to certification. These activities include:

- Reforming teacher and principal certification programs: An SEA could use Title II, Part A funds to strengthen the certification, recertification, licensing, and/or tenure systems, or the State's preparation program standards and approval processes for teachers, principals or other school leaders, including through the incorporation of a teacher performance assessment as part of the teacher certification and program improvement process. (Section 2101(c)(4)(B)(i)). See question C21 for more information.
- Alternative certification programs: The SEA could establish, expand, or otherwise improve its alternative routes for State certification of teachers, principals, or other school leaders. These programs target individuals with advanced degrees, mid-career professionals, paraprofessionals, former military personnel, and recent graduates with records of academic distinction who demonstrate the potential to become effective teachers or principals. (Section 2101(c)(4)(B)(iv)).
- Induction and mentoring programs: Title II, Part A funds may be used to develop or assist in the development of new teacher, principal, or other school leader induction and mentoring programs that are evidence-based and designed to improve classroom instruction and increase retention. (Section 2101(c)(4)(B)(vii)(III)).

- Preparation program reforms: The SEA could reform or improve teacher, principal, or other school leader preparation programs, which may include establishing teacher residency programs and school leader residency programs (Section 2101(c)(4)(B)(xi)) that meet the requirements of the definitions of "teacher residency program" and "school leader residency program in sections 2002(1) and (5), including grow your own and registered apprenticeship programs that meet this definition.
    - School Leader Residency Programs: A school leader residency program is a program that prepares future school principals or leaders by giving them job-embedded experience in a real school setting. School leader residency programs must last for one year but could be longer. Prospective school leaders receive ongoing support from an experienced and effective principal mentor in a school, engage in sustained and rigorous clinical learning with substantial leadership responsibilities and an opportunity to practice and be evaluated in an authentic school setting. Coursework for a school leaders residency program must be based on reliable evidence and integrated with the clinical residency experience. (Section 2002(1)).
    - Teacher Residency Programs: A teacher residency program is a school-based teacher preparation program for aspiring teachers. Prospective teachers work in schools and perform the functions of the classroom teacher (without being a teacher of record) alongside a teacher of record. A teacher residency program lasts for not less than one year. The trainee takes concurrent courses offered by either the school district or the teacher preparation program focused on the subject they will teach and in which they will become certified. The aspiring teacher acquires effective teaching skills demonstrated through the completion of the residency program or other State determined measure, which may include a teacher performance assessment. (Section 2002(5)).
- Teacher and Principal Academies: The SEA could establish or expand teacher, principal, or other school leader preparation academies that meet the requirements of the statutory definition in 2002(4). Please note that the SEA may use not more than two percent of its total allocation for a teacher preparation academy. (Section 2101(c)(4)(B)(xii). An SEA may exercise its optional up to 3 percent school leader reservation to support preparation academies for principals and other school leaders only. See question A9 for further information regarding set asides for teacher and principal preparation academies. In addition, the SEA may use its funds for this provided:
    - The academy is allowable under State law;
    - The State enables candidates to be eligible for State financial aid the same as any other State preparation programs; and
    - The State enables those who are teaching or working while on alternative credentials to teach or work in the State while enrolled in the preparation academy.

  (Section 2101(c)(4)(B)(xii)).

C23. How may an SEA use Title II, Part A funds to reform teacher and principal certification?

An SEA may use Title II, Part A funds to reform teacher and principal certification in several ways:

- Fully aligning certification with State standards: An SEA may use Title II, Part A funds to ensure its certification or licensing requirements are fully aligned with challenging State academic standards. (Section 2101(c)(4)(B)(i)(III)).
- Support for alternative routes for certification: Funds may be used to establish, expand, or improve alternative routes for State certification of teachers and principals,

particularly in areas where there is a shortage of educators. These programs are for individuals with a baccalaureate or advanced degree, mid-career professionals, paraprofessionals, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate the potential to become effective teachers or principals. (Section 2101(c)(4)(B)(iv).

- Improving preparation programs: Title II, Part A funds may be used to reform or improve teacher and principal preparation programs. For example, the SEA could use funding to improve teacher preparation programs by strengthening the programs' capacity to provide relevant coursework and focus on building instructional leadership skills to help candidates support students in meeting State academic standards. (Sections 2101(c)(4)(B)(xi) and (xii)).
- Facilitating interstate reciprocity: Enables States, as a consortium, to voluntarily develop a process that allows teachers licensed or certified in one participating State to teach in other participating States without needing additional licensure or certification. (Section 2101(c)(4)(B)(xix)).
    - Note that a State may also use Title II, Part A funds to refine or improve an existing consortium or to pay for the costs of participating in such a consortium.

Induction, Mentoring, and Early Career Support

C24. How may an SEA use Title II, Part A funds to support teacher and principal induction, mentoring, and early career support?

An SEA may use Title II, Part A funds to support teacher and principal induction, mentoring, and early career support in several ways:

- Novice teacher, principal, and school leader induction and mentoring programs: An SEA may allocate funds for developing or assisting an LEA in the development of new teacher, principal, or other school leader induction and mentoring programs. These programs must be evidence-based (to the extent the State determines that such evidence is reasonably available) and designed to improve classroom instruction, student learning and achievement, as well as increase the retention of effective teachers, principals, or other school leaders. (Section 2101(c)(4)(B)(vii)(III)).
- Professional development for principals: An SEA may use funds to assist an LEA in the development and implementation of high-quality professional development for principals that meets the definition in section 8101(42) and enables the principals to be effective and prepares all students to meet the challenging State academic standards. (Section 2101(c)(4)(B)(viii)).
- Improvement of evaluation and support systems: An SEA may allocate funds to develop, improve, or provide assistance to an LEA to support the design and implementation of rigorous, transparent, and fair teacher and principal evaluation and support systems that are based in part on evidence of student academic achievement (which may include student growth) and that include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders. (Section 2101(c)(4)(B)(ii)).

Use of Funds for SEA Staff Salaries

C25. May Title II, Part A funds be used to fund positions at the SEA for carrying out Title II, Part A activities?

Yes, under section 2101(c)(2), an SEA may use up to one percent of the amount allotted to it under section 2101(b) for the administrative costs of carrying out the SEA's responsibilities under Title II, Part A. This would include funding the portion of staff salaries associated with Title II, Part A activities. Please note that funds may not be used to pay for SEA staff salaries when those staff members are not working on Title II, Part A-funded activities.

Early Childhood Education

C26. How may an SEA use Title II, Part A funds to support pre-K and early childhood education programs?

An SEA may use Title II, Part A funds to support opportunities for principals, other school leaders, teachers, paraprofessionals, early childhood education program directors, and other early childhood education program providers to participate in joint professional development and to address the transition to elementary school, including issues related to school readiness which thereby supports high quality pre-K, a smooth transition to kindergarten, and aligned instructional strategies from preschool through 3rd grade. (Section 2101(c)(4)(B)(xvi).

D. LEA USES OF FUNDS

Section D provides an overview of how LEAs may use their Title II, Part A funds. For information on State administration of LEA Subgrants, see Section B.

General Allowable Activities

D1. What are the general requirements for using Title II, Part A funds?

An LEA must ensure that the use of Title II, Part A funds is consistent with the purpose of Title II in section 2001 and an allowable activity under section 2103. Additionally, an LEA must comply with the Uniform Guidance requirements (2 CFR 200), and ensure that the use of funds is reasonable and necessary for the Title II, Part A-funded activity (2 CFR §§ 200.403-404), appropriately allocated to the Title II, Part A program (with costs proportionate to the program's benefits) (2 CFR § 200.405), and in compliance with the specific provisions of these cost principles (2 CFR part 200 subpart E). Additionally, an LEA is required to adhere to relevant sections of the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 76, 77, and 79. Finally, an LEA must ensure that activities address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students (section 2103(b)(2)).

Please note that the most recent version of the Uniform Guidance allows an LEA to use either program or administrative funds for a wide range of data collection and evaluation activities related to program performance.

Furthermore, an LEA must ensure that the use of Title II, Part A funds adheres to the supplement not supplant requirement in section 2301, meaning the funds should supplement, not supplant, any non-Federal funds that would otherwise be used for these activities. For more information on the supplement not supplant requirement, see question A3.

To the extent that an LEA uses Title II, Part A funds for professional development, the professional development must meet the basic principles contained in the ESEA definition of professional development in section 8101(42). For more information on the definition of professional development, see question A5.

D2. What factors should an LEA consider when determining which activities are best supported with Title II, Part A funds?

As noted above, when choosing among the wide variety of activities allowed under Title II, Part A, an LEA must consider alignment with the purpose of Title II, Part A (section 2103(b)(1)) and addressing the learning needs of all students, including children with disabilities, English learners, and gifted and talented students (section 2103(b)(2)). In addition, the LEA should also consider the following factors:

- Evidence-based decision making: An LEA should ensure that the activities are evidence-based to the extent the State (in consultation with an LEA) determines that such evidence is reasonably available. This applies to various activities, including professional development, class size reduction, and integration of technology into curricula and instruction. (Sections 2103(b)(3)(E), (D), and (P)).
- Comprehensive program development: LEAs are required to use the funds to develop, implement, and evaluate comprehensive programs and activities that encompass the wide range of options provided in the statute. (Section 2103(a)).

D3. How may an LEA use its Title II, Part A funds?

Allowable LEA uses of funds can be found in section 2103(b)(3). These activities may include:

- Developing or improving rigorous, transparent, and fair evaluation and support systems for teachers, principals, or other school leaders that are based on evidence of student achievement and include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders. (Section 2103(b)(3)(A)).
- Initiatives to recruit, hire, and retain effective teachers, especially in low-income schools with high percentages of ineffective teachers and students who do not meet state academic standards. (Section 2103(b)(3)(B)).
- Recruiting individuals from other fields to become teachers, principals, or other school leaders. (Section 2103(b)(3)(C)).
- Reducing class size to a level that is evidence-based to improve student achievement, through the recruiting and hiring of additional effective teachers. (Section 2103(b)(3)(D)).
- Providing high-quality, personalized professional development (that meets the definition in section 8101(42)) for teachers, principals, and other school leaders. (Section 2103(b)(3)(E)).
- Developing programs and activities to enhance the ability of teachers to teach children with disabilities and English learners. (Section 2103(b)(3)(F)).
- Providing 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. (Section 2103(b)(3)(G)(i)).
    - 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. (Section 2103(b)(3)(G)(ii)).
- Providing training, technical assistance, and capacity-building to help teachers, principals, or other school leaders implement formative assessments, design classroom-based assessments and use data from such assessments to improve instruction and student academic achievement. (Section 2103(b)(3)(H)).
- In-service training for school personnel on supporting students affected by trauma and mental illness, the use of referral mechanisms, forming partnerships between school-based mental health programs and public or private mental health organizations, and addressing school conditions for student learning, such as safety, peer interaction, drug
- Providing training, technical assistance, and capacity-building to help teachers, principals, or other school leaders implement formative assessments, design classroom-based assessments and use data from such assessments to improve instruction and student academic achievement. (Section 2103(b)(3)(H)).
- In-service training for school personnel on supporting students affected by trauma and mental illness, the use of referral mechanisms, forming partnerships between school-based mental health programs and public or private mental health organizations, and addressing school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism. (Section 2103(b)(3)(I)).
- Training to support the identification and education of gifted and talented students. (Section 2103(b)(3)(J)).
- Supporting effective school library programs. (Section 2103(b)(3)(K)).
- Training for all school personnel on preventing and recognizing child sexual abuse. (Section 2103(b)(3)(L)).
- Professional development and support for teachers and leaders in STEM subjects. (Section 2103(b)(3)(M)).
- Developing feedback mechanisms to improve school working conditions. (Section 2103(b)(3)(N)).
- Integrating rigorous academic content, career and technical education, and work-based learning in professional development. (Section 2103(b)(3)(O)).
- Other evidence-based activities as determined by the State and LEA to meet the purpose of Title II, Part A. (Section 2103(b)(3)(P)).

D4. May an LEA use Title II, Part A funds for costs incurred after the period of availability begins but before the LEA's application is approved?

As noted in the Department's letter on December 8, 2022 (available at: https://www.ed.gov/sites/ed/files/2022/12/oese-pac-psc-prior-approval-dear-colleague-letter-to-post.pdf), an SEA has the authority to approve pre-award costs for an LEA for Title II, Part A funds for costs incurred after the period of availability begins but before the LEA's application is approved. An SEA may approve pre-award costs necessary for the efficient and timely performance of the program, provided these costs are necessary and reasonable for carrying out the program, consistent with all applicable statute and regulations, and are for obligations incurred during the period of availability of the SEA's grant.

Pre-award costs must adhere to the following conditions:

- They must be incurred in anticipation of the Federal award and be necessary for the efficient and timely performance of the program (2 CFR § 200.458).
- Such costs are allowable only to the extent that they would have been allowable if incurred after the date of the Federal award and require the written approval of the Federal awarding agency.

Fiscal Considerations for LEA Use of Title II, Part A Funds

D5. What amount of Title II, Part A funds may an LEA reserve for administrative and indirect costs?

The ESEA does not specify a cap on the amount of Title II, Part A funds that an LEA may use for administrative costs. Under 2 CFR §§ 200.403-405, administrative costs must be reasonable, necessary, and allocable. An LEA should ensure thorough documentation in anticipation of any required audits. Each LEA's indirect costs are limited to its approved "restricted indirect cost rate" because LEA expenditures are subject to supplement, not supplant provisions. (34 CFR § 76.563).

D6. When is it appropriate to use Title II, Part A funds to purchase supplies/equipment?

Purchases of supplies and equipment using Title II, Part A funds are permissible only when such items directly support an approved Title II, Part A-funded activity and otherwise meet all other requirements in 2 CFR part 200 regarding equipment and supplies, including that the costs are deemed reasonable and necessary. See C19 and C20 for detailed description of the Uniform Guidance requirements. Should the purchased supplies and equipment also serve purposes beyond the approved Title II, Part A activities, their costs must be prorated based on the percentage of use dedicated to the allowable Title II, Part A activity (2 CFR § 200.405). For instance, if an LEA acquires a computer for a teacher's professional development for the purpose of integrating technology into instruction, the cost eligible for Title II, Part A funding is proportional to its use for this specific purpose. Thus, if the teacher uses the computer 25 percent of the time for the approved activity, only 25 percent of the computer's cost is allocable to Title II, Part A funds.

D7. To what extent may an LEA use Title II, Part A funds to provides services for paraprofessionals?

Section 2103(b)(3)(B)(iii) specifically allows for supporting advancement and professional growth, with an emphasis on leadership opportunities, multiple career paths, and pay differentiation, including for paraprofessionals. Accordingly, LEAs may use Title II, Part A funds for the coursework, exam preparation, and exam fees associated with a paraprofessional's career path to earn full teacher certification.

In addition, section 2103(b)(3)(L) describes a specific way LEA-level funds can support paraprofessionals, specifically as eligible recipients of training on how to recognize and prevent child sexual abuse. While paraprofessionals are not separately included in several other allowable uses of LEA-level funds, which generally concentrate on providing services for teachers, principals, and other school leaders (as defined by section 8101(44)), support for paraprofessionals may help an LEA meet other uses of funds. For example, section 2103(b)(3)(B) allows LEAs to use Title II, Part A funds to develop and implement initiatives to assist in recruiting, hiring, and retaining effective teachers, particularly in schools with a high

percentage of students from low-income backgrounds and with high percentages of out-of-field, inexperienced, or ineffective teachers (as defined by the State) and high percentages of students who do not meet the challenging State academic standards, to improve within-district equity in student access to fully-qualified, experienced, and effective teachers. Hiring more paraprofessionals or paying paraprofessionals for additional planning time with the teachers they support could be methods, for example, of teacher retention in such schools.

Further, section 2103(b)(3)(P) allows an LEA to employ uses of funds for "carrying out other activities that are evidence based, to the extent the State (in consultation with an LEA in the State) determines that such evidence is reasonably available and identified by the LEA that meet the purpose of this title." Under section 2103(b)(3)(P), if the LEA can demonstrate that providing professional development to paraprofessionals meets the purposes of Title II, Part A listed in section 2001, and if the SEA—in discussion with the LEA—determines that the professional development the LEA proposes to provide to paraprofessionals is evidence-based, then professional development for paraprofessionals could be allowable.

D8. May an LEA use Title II, Part A funds for paraprofessional advancement and growth?

Section 2103(b)(3)(B)(iii) allows an LEA to use funds for paraprofessional advancement and growth, if done as part of an effort to recruit, hire, 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 within-district equity in the distribution of teachers. This use of funds could permit an LEA to support paraprofessionals by paying for coursework and other costs associated with earning full teacher certification and other means of supporting paraprofessional advancement and growth.

D9. May an LEA allocate a portion of its Title II, Part A subgrant to individual schools for design and implementation of school-based Title II, Part A activities?

Yes. Having school staff make decisions about how to use Title II, Part A funds available for professional development and other activities can empower them to take individual and collective responsibility for their professional learning and growth, as well as ensure that an LEA is spending Title II, Part A funds in ways that are most relevant to teachers and school leaders. The LEA, however, is ultimately responsible for the appropriateness of all administrative decisions about how Title II, Part A funds are used. See question D12 for related consultation requirements.

D10. May an LEA use Title II, Part A funds to pay for the costs for teachers to apply for professional learning certifications?

Yes. Many LEAs support teachers seeking professional learning certifications. An LEA may use Title II, Part A funds to pay for educators' costs associated with receiving a professional learning certification (such as National Board Certification or additional certification in bilingual education, special education, or teaching dual enrollment or early college programs). These costs may include: the certification application; related professional development to help educators prepare, obtain as well as retain certification; and/or paid leave to work on the application process. (Section 2103(b)(3)(E)).

Evidence-Based Activities

D11. Must an LEA implement evidence-based practices with Title II, Part A funds?

The Department encourages LEAs to consider how best to maximize the use of their funds to improve the quality of teaching and learning in their schools. Considering the available evidence base for each activity is always a good practice. As described in question A4, the ESEA defines "evidence-based" in section 8101(21).

For certain allowable activities described below, Title II, Part A funds may be used only if the activity is evidence-based, as required by the ESEA. The LEA must first determine that the activity meets this requirement, considering the availability of evidence as judged by the State, which must consult with LEAs. Together, the State and LEAs should review all relevant research studies and program evaluations (such as the design of the study or evaluation and population).

The following allowable activities require the LEA to consider the evidence base in order to fund the activity with Title II, Part A funds:

- If using funds to reduce class size, the LEA must ensure it is using an evidence-based strategy to reduce class size to a level demonstrated to improve student achievement. (Section 2103(b)(3)(D)).
- An LEA must use an evidence base for providing teachers and school leaders with professional development that is proven to be effective. (Section 2103(b)(3)(E)). The definition of professional development in section 8101(42)(B) also requires that any professional development be, among other things, data driven. (See question A5 for the full definition of professional development.)
- An LEA must use an evidence base for developing or improving evaluation and support systems for educators, initiatives for recruiting and retaining educators, and activities designed to meet the diverse learning needs of all students, including those with disabilities, English learners, and gifted students. (Section 2103(b)(3)(A), (D), and (E)).
- An LEA must use an evidence base for other activities that meet the purpose of Title II, Part A, as long as they are evidence-based to the extent determined by the State in consultation with LEAs. (Section 2103(b)(3)(P)).

Continuous Improvement

D12. How are LEAs required to use consultation to continually update and improve Title II, Part A activities?

Under section 2102(b)(3)(A), LEAs are required to meaningfully consult with a broad range of stakeholders in developing the application for Title II, Part A activities, including how best to improve their activities to meet the purpose of Title II and coordinate the Title II, Part A-funded activities with other related strategies, programs, and activities conducted in the community. (Section 2102(b)(3)(C)). This consultation must engage all the following stakeholders:

- Teachers, principals, other school leaders, and paraprofessionals (including organizations representing such individuals)
- Specialized instructional support personnel
- Charter school leaders (in LEAs that have charter schools)
- Parents
- Community partners

- Other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II.

It is important to note that this consultation process must not interfere with the timely submission of the required application for funding. (Section 2102(b)(4)).

D13. How are LEAs required to use data to continually update and improve Title II, Part A activities?

Under section 2102(b)(2)(D), an LEA must use data to continually update and improve Title II, Part A activities. Although the statute does not specify the exact types of data LEAs must examine, they may consider various types of data (disaggregated, as applicable, for groups of students) to ensure continuous improvement of the activities supported under this part, such as:

- Student assessment data and other data reflective of well-being, student outcomes, or preparedness
- Recruitment and retention data
- Survey data from educators, students, and families on school climate issues
- Survey data from educators on available professional development opportunities
- Educator evaluation data
- School leader evaluation data
- Data on distribution of effective teachers (e.g., the data required under section 1111(g)(1)(B), that the State collects and periodically reports on its progress regarding how low-income and minority children enrolled in Title I schools are not served at disproportionate rates by ineffective, out-of-field, or inexperienced teachers)
- Student data measuring the degree to which class size reduction has been effective if the LEA is using funds for that purpose.

<u>Challenging State Academic Standards</u>

D14. What are some examples of ways in which an LEA might use Title II, Part A funds to support implementation of challenging State academic standards?

An LEA may use Title II, Part A funds in several ways to help implement challenging State academic standards:

- Professional Development
  - An LEA may use Title II, Part A funds to offer high-quality, personalized training for teachers, principals, and other school leaders, provided such activities are sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused. This professional development must focus on:
    - Building Essential Skills: Training that helps all students develop the skills essential for learning readiness and academic success. (Section 2103(b)(3)(E)(iv)).
    - Using Data: Teaching educators how to use data effectively helps them understand student achievement and tailor their teaching to improve outcomes as well as understand how to ensure individual student privacy is protected. (Section 2103(b)(3)(E)(ii)).
    - Experiential Learning: Opportunities for educators to learn from observing best practices. (Section 2103(b)(3)(E)(vi)).
    - Integrating Technology: Helping teachers use technology in their lessons. (Section 2103(b)(3)(E)(i)).

- School Leadership Programs
  - An LEA may invest in the development of school leaders, like principals, who are crucial for driving school improvements that support the implementation of high academic standards. (Section 2103(b)(3)(C)).
- Supporting High-Need Students
  - Title II, Part A funds may support efforts to provide greater assistance to educators working with high-need students, such as English learners and students with disabilities. This ensures all students have the opportunity to succeed, regardless of their background. (Section 2103(b)(3)(A)).
- Science, Technology, Engineering, and Math (STEM) Education
  - An LEA may focus on improving instruction in STEM subjects, including computer science. Training educators in these areas helps improve student achievement in subjects that are critical for meeting State standards. (Section 2103(b)(3)(M)).
- Early Learning and Development Standards
  - Providing professional development focused on early learning helps early childhood educators prepare young children for academic success right from the start. (Section 2103(b)(3)(G)).

Each of these activities directly supports the goal of helping students meet challenging State academic standards by enhancing the skills and effectiveness of educators. An LEA should ensure that their use of funds aligns with their improvement plans and statutory requirements, focusing on boosting student achievement through effective instruction and leadership.

D15. May an LEA use Title II, Part A funds to support the development of curriculum, content, and materials aligned with challenging State standards?

No. In general, Title II, Part A funds are used for effective instruction consistent with the purposes in section 2001 and there is no specific allowable use for curriculum development. However, an LEA may use Title II, Part A funds on activities that improve the implementation of the curriculum, such as school leader and teacher working groups that develop classroom lessons, materials, and assessments if done primarily as a part of a larger program of professional development that meets the definition of professional development in section 8101(42). For example, Title II funds may be used to support teachers work on developing curriculum and/or materials so that research-based, effective instructional practices are integrated into the curriculum as part of a school improvement plan. If, however, the primary purpose of the activity is to produce the materials and *not* the professional development, creating content and materials is not a permissible use of Title II, Part A funds.

Prioritizing High-Need Schools

D16. Does an LEA have to prioritize the allocation of funds to high-need schools, including schools identified for comprehensive support and improvement (CSI), targeted support and improvement (TSI), or additional targeted support and improvement (ATSI)?

Yes. Under section 2102(b)(2)(C), LEAs must prioritize the allocation of Title II, Part A funds for the following schools:

- Priority to high-need schools: an LEA must prioritize funds to schools implementing CSI, TSI, or ATSI plans. This prioritization aims to direct resources towards schools that are identified as needing the most assistance based on the State's accountability system.

- Priority based on high percentage of children in poverty: The LEA must also prioritize funds to schools with the highest percentages of children from families below the poverty level as determined under section 1124(c), which is used for the LEA's Title I, Part A formula count. This ensures that funds are directed towards schools and should focus on supporting staff in the LEA's highest-poverty schools.

The Department encourages the State to request from the LEAs in their applications information about their prioritization strategies, accompanied by records such as evidence of professional development activities for teachers in high-poverty schools.

Professional Development

See question A5 for the statutory definition of professional development.

D17. What professional development for teachers, principals, and other school leaders does the ESEA expressly authorize an LEA to provide with Title II, Part A funds?

The ESEA expressly authorizes an LEA to use Title II, Part A funds to provide a wide range of professional development activities. These activities include, but are not limited to:

- Developing or improving rigorous, transparent, and fair evaluation and support systems for teachers, principals, or other school leaders that include multiple measures of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other school leaders. (Section 2103(b)(3)(A)).
- Developing and implementing induction and mentoring programs for new teachers and principals. (Section 2103(b)(3)(B)(iv)).
- Providing professional development to improve teaching skills and academic achievement. (Section 2103(b)(3)(E)).
- Supporting effective use of data to improve student achievement and integration of technology into teaching and instruction. (Section 2103(b)(3)(E)).
- Offering programs to help teachers work with students with disabilities and English learners. (Section 2103(b)(3)(F)).
- Providing professional development in STEM, including computer science. (Section 2103(b)(3)(M)).

Title II, Part A funds may also be used to pay the costs of hiring substitute teachers if doing so is necessary to allow teachers to participate in Title II, Part A-funded professional development and so long as the Title II, Part A funds supplement and do not supplant, the use of local and State funds they would otherwise be spending for such substitutes. For more information on supplement, not supplant, see question A3.

Please note that all Title II, Part A-funded professional development must meet the definition of "professional development" in section 8101(42). For more information on professional development, see question A5.

In addition to the express authorization for professional development, the ESEA also specifically authorizes the following training activities:

- 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 and addressing

issues related to school conditions for student learning, such as peer interaction, drug and alcohol abuse, and chronic absenteeism. (Section 2103(b)(3)(H)).
- Providing training to support implementing instructional practices such enrichment, acceleration, and dual or concurrent enrollment programs in secondary school and postsecondary education. (Section 2103(b)(3)(J)).
- Training school personnel on strategies to prevent and recognize child sexual abuse. (Section 2103(b)(3)(L)).

D18. Are conferences and other short-term workshop experiences allowable under the definition of professional development? If so, under what circumstances are they allowable?

The ESEA specifies that while professional development may include activities such as conferences and workshops, these activities must be part of a broader, comprehensive professional development plan. Specifically, professional development under the ESEA must be "sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused." (Section 8101(42)). Short-term workshops and conferences may be components of professional development if they meet these criteria and are integrated into a comprehensive professional development strategy that is designed to have a meaningful impact on teaching and learning.

D19. In addition to teachers, what other LEA staff are eligible to receive Title II, Part A-funded professional development?

The following professional development activities are explicitly available to different types of school personnel. Professional development activities for LEA staff other than teachers, principals and other school leaders as defined in ESEA are only allowable if such use of funds is in service of a separate allowable use of Title II, Part A funds. For example, an LEA could provide professional development to improve the effectiveness of paraprofessionals if doing so was part of the LEA's effort to retain effective teachers.

The statute also provides for explicit Title II, Part A funded activities and trainings as noted in the table below for school staff in addition to teachers, principals, and other school leaders.

An LEA may use Title II, Part A funds to provide professional development for a variety of school personnel. All such professional development must:
- Be in accordance with the purpose of Title II. (Section 2103(b)(1)).
- Address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students. (Section 2103(b)(2)).
- Meet the definition of professional development in section 8101(42).

Principals and others school leaders	
Increasing knowledge base on instruction in early grades and strategies to measure whether young children are progressing	Section 2103(b)(3)(G)(i)
Providing training, technical assistance, and capacity-building in an LEA to assist with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student achievement	Section 2103(b)(3)(H)

Promoting high-quality instruction and instructional leadership in science, technology, engineering, and mathematics subjects, including computer science	Section 2103(b)(3)(M)
Providing high-quality professional development for on effective strategies integrate rigorous academic content, career and technical education, and work-based learning (if appropriate), which may include providing common planning time, to help prepare students for postsecondary education and the workforce	Section 2103(b)(3)(O)
Instructional leadership teams, principals, and other school leaders	
Effectively integrating technology into curricula and instruction	Section 2103(b)(3)(E)(i)
Using data to improve student achievement and understand how to ensure individual student privacy is protected	Section 2103 (b)(3)(E)(ii)
Effectively engage parents, families, and community partners to coordinate services between the school and community	Section 2103(b)(3)(E)(iii)
Helping all students develop the skills essential for learning readiness and academic success	Section 2103(b)(3)(E)(iv)
Developing policy with school, LEA, community, or State leaders.	Section 2103(b)(3)(E)(v)
Participating in opportunities for experiential learning through observation	Section 2103 (b)(3)(E)(vi)
School leaders, coaches, mentors, and evaluators	
Development and provision of training on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform decision-making about professional development, implement strategies, and personnel decisions	Section 2103(b)(3)(B)(v)
All school personnel	
Learning how to prevent and recognize child sexual abuse	Section 2103(b)(3)(L)
Increasing ability to meet the needs of students through age 8, which may include joint professional learning and planning activities in preschool programs that address the transition to elementary school	Section 2103(b)(3)(G)(ii)
Learning 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	Section 2103(b)(3)(I)(i)
Using referral mechanisms that effectively link such children to appropriate treatment and intervention services in the school and in the community, where appropriate	Section 2103(b)(3)(I)(ii)
Forming partnerships between school-based mental health programs and public or private mental health organizations	Section 2013(b)(3)(I)(iii)
Addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol use, and chronic absenteeism	Section 2103(b)(3)(I)(iv)

D20. May an LEA utilize Title II, Part A funds to cover costs associated with teacher participation in professional learning communities (PLCs)? If so, what types of PLC activities would be allowable?

Yes, Title II, Part A funds may be used for PLC activities that are part of a comprehensive professional development plan provided the activities align with the goals of improving teaching and learning. The use of these funds should focus on evidence-based professional development activities that are sustained, intensive, collaborative, job-embedded, data-driven, and classroom-focused to have a meaningful impact on educational outcomes. This could include, for examples, hiring additional staff or otherwise making investments that allow for more time for PLCs to engage in collaborative planning or professional development sessions, observe peers, or receive feedback from peers.

D21. May an LEA use Title II, Part A funds to support professional development on Advanced Placement (AP), International Baccalaureate (IB), or other advanced course content?

Yes. An LEA may use its funds to support improving teachers' subject matter knowledge in any advanced course, including AP and IB courses. An LEA may use Title II, Part A funds to provide "high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with LEAs in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement…" (Section 2103(b)(3)(E)).

D22. May an LEA use Title II, Part A funds to pay for food provided during professional development meetings and workshops?

Rarely, depending on the specific circumstances. In general, Federal grant funds may only be used for food, beverages, and snacks when doing so is reasonable, necessary, allowable, and allocable to the grant, necessary to achieving the grant objectives, and documented with specific rationale for why it is appropriate. In 2024, the Department published Frequently Asked Questions on Using Federal Funds for Conferences and Meetings to provide guidance on using funds from any Department program for conferences and meetings, which also addresses using program funds for food.

D23. May Title II, Part A funds be used to pay stipends to teachers and school leaders who attend an allowable professional development?

Yes. Title II, Part A funds may be used to pay for participant support costs, including stipends, for teachers and school leaders who participate in permissible professional development activities so long as the costs are reasonable and necessary to enable educators to attend the professional development and provided that the professional development conforms to the statutory definition of professional development in section 8101(42). (2 CFR § 200.456). These costs must be consistent with the grant program's objectives and meet the standards of reasonableness and necessity under Federal cost principles (2 CFR §§ 200.403-405).

Note, however, if the LEA or State policy already mandates attendance, or if the LEA has used (or is using) non-Title II funds for some staff to attend the same professional development sessions, using Title II, Part A funds for other staff would violate the supplement, not supplant provision in section 2301. For more information on supplement, not supplant, see question A3.

D24. Can Title II funds be used to pay for required teacher professional development?

Because Title II, Part funds are required to supplement not supplant State and local funds under section 2301, it depends on whether the requirement is imposed on the LEA to provide teachers the professional development, or if the requirement is on the teachers. When an SEA imposes requirements on LEAs, the expectation is that LEAs will use State and local funds to meet these mandates, with Title II, Part A funds intended only to enhance or supplement these efforts, not replace them. However, if the SEA's requirement directly impacts teachers, specifically in the area of professional development, Title II, Part A funds may be used, provided they add to existing resources rather than substitute for State or local funds already allocated for these activities.

SEA imposes requirement on LEA

No. Under section 2301, funds made available under Title II shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under Title II. There is a presumption that the LEA will use State and local funds to comply with State laws and requirements.

SEA imposes requirement on teachers

It depends. Title II, Part A funds are intended to provide supplemental support for professional development and must not supplant State and local funds that would otherwise be used for this purpose. (Section 2301). This means that if an LEA is already funding certain professional development activities with State or local funds, it cannot simply switch to using Title II, Part A funds for the same activities. If the LEA was not previously funding such activities, it may consider using Title II, Part A funds to provide the professional development. Please see question A3 for more information about supplement, not supplant.

Examples:

1. State-Mandated Professional Development Without Prior LEA Funding
    - If the State requires teachers to take a minimum number of hours of professional development on college- and career-ready standards for their educator evaluation requirements, and the LEA has not previously been required to pay for this professional development, generally, the LEA may use Title II, Part A funds to cover these costs for teachers.
2. Professional Development Previously Funded by LEA
    - If the LEA had previously used State or local funds to pay for the same professional development purpose, they may not use Title II, Part A funds for this purpose, as this would presume a violation of the supplement, not supplant requirements as outlined in section 2301.
3. Mandatory Workshop for All Teachers
    - If the LEA mandates that all teachers attend a specific workshop, an LEA may not fund some teachers with State or local funds and others with Title II, Part A funds, as this would violate the supplement, not supplant rule.

Important Considerations:

- All expenditures using Title II, Part A funds must be supplementary and not replace existing State or local funding sources.
- Any professional development funded by Title II, Part A must meet the statutory definition of professional development in section 8101(42).

D25. May an LEA use Title II, Part A funds for travel to attend a professional development conference or program outside their State or outside the U.S.?

Only in very limited circumstances. If the costs align with Federal cost principles, then Federal regulations do not prohibit use of Title II, Part A funds to support travel to conferences or programs outside the State or country. However, even if the activity falls under an allowable use of Title II, Part A funds (including the statutory definition of professional development), the activity's allowability depends on a determination that the costs are reasonable and necessary under 2 CFR § 200.403. Factors to consider when determining whether a cost is reasonable may be found in 2 CFR § 200.404. For example, an LEA would need to be able to demonstrate and document that it considered alternatives and that the higher costs for travel to attend the professional development offered outside the State or the country is more beneficial to the LEA than having fewer individuals attend professional development in the State, which will most likely have a lower cost.

D26. May an LEA use Title II, Part A funds to purchase materials for professional development?

Under the ESEA, an LEA may use Title II, Part A funds for a variety of professional development activities and the purchase of materials (including books, media items, etc.) for professional development purposes aligned to the LEA instructional plan or academic improvement plan are a reasonable and necessary cost of that allowable activity. This is encompassed within the definition of professional development outlined in section 8101(42), which permits an LEA to use these funds for developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders. The statute emphasizes that such programs and activities should be evidence-based, address the learning needs of all students, and contribute to the professional growth of educators. (Sections 2103(b)(3)(E) and (H)).

Please also see questions regarding the definitions of evidence-based (question A4) and professional development (question A5).

D27. How may an LEA use Title II, Part A funds to enhance or improve the effectiveness of their principals and other school leaders?

An LEA may use Title II, Part A funds to enhance or improve the effectiveness of their principals and other school leaders through a range of activities. These explicitly allowable activities include, but are not limited to:

- Developing, improving, or providing assistance to support the design and implementation of rigorous, transparent, and fair evaluation and support systems that are based in part on evidence of student academic achievement, which may include student growth, and shall include multiple measures of educator performance, and provide feedback to school leaders. (Section 2103(b)(3)(B)(vi)).
- Recruiting, retaining, and providing professional development for principals and other school leaders, as long as it in conjunction with recruiting teachers, especially those serving low-income and high-needs students. (Section 2103(b)(3)(B)).
- Investing in induction and mentoring programs (which may include coaching) for new school leaders to improve instructional leadership and student achievement. (Section 2103(b)(3)(B)(iv)).

If using Title II, Part A funds for activities aimed at school leaders, the school leader must meet the definition in section 8101(44). For more information, see definition of school leader in question C14.

Equitable Distribution of Educators

D28 How may an LEA use Title II, Part A funds to promote educator equity initiatives?

Under section 2103(b)(3)(B), LEAs may use Title II, Part A funds to support educator equity initiatives to distribute effective teachers more equitably among the LEA's schools, consistent with section 1111(g)(1)(B). Utilizing Title II, Part A funds, an LEA may undertake various strategic activities aimed at enhancing the effectiveness of educators and ensuring an equitable distribution of effective educators across their schools. Funds under this section may also be used to implement initiatives to assist in hiring, recruiting, and retaining in-field, experienced, and effective teachers as part of the LEA's equitable distribution plan under section 1112(b)(2).

- Evaluation and support systems. (Section 2103(b)(3)(A)).
  Title II, Part A funds may support activities that develop or improve rigorous, transparent, and fair evaluation and support systems for educators that are partly based on student achievement. Evaluation and support systems provide data to support equitable access of effective instruction among all schools and students (determinations of effectiveness should be based on multiple years of data, are unlikely to be available for new teachers, and should be one part of a broader set of equitable access data). These system supports (section 2101(c)(4)(B)(ii)) include:
  - Developing and disseminating high-quality evaluation tools, such as classroom observation rubrics, and methods, including training and auditing, for ensuring inter-rater reliability of evaluation results;
  - Developing and providing training to principals, other school leaders, coaches, mentors, and evaluators on how to accurately differentiate performance, provide useful and timely feedback, and use evaluation results to inform decision making about professional development, improvement strategies, and personnel decisions; and
  - Developing a system for auditing the quality of evaluation and support systems.
- Recruitment, and retention. (Section 2103(b)(3)(B)).
  Title II, Part A funds may support developing and implementing initiatives to assist in recruiting, hiring, and retaining 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 within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B) regarding equitable distribution requirements for student access to effective, in-field, and experienced teachers, such as initiatives that provide—
  - Expert help in screening candidates and enabling early hiring. (Section 2103(b)(3)(B)(i)).
  - Additional pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas as described in C18. (Section 2103(b)(3)(B)(ii)).
  - New teacher, principal, or other school leader induction and mentoring programs that are designed to—
    - Improve classroom instruction and student learning and achievement. (Section 2103(b)(3)(B)(iv)(I)).
    - Increase the retention of effective teachers, principals, or other school leaders. (Section 2103(b)(3)(B)(iv)(II)). The use of funds under this section are likely to

be more effective if aligned with the equitable distribution requirements and state plans under Section 1111(g)(1)(B).

- Class size reduction to an evidence-based level. (Section 2103(b)(3)(D)).
  Title II, Part A funds may support activities that reduce class size to a level that is evidence-based to improve student achievement. If Title II, Part A funds are used for class-size reduction, those funds should be used in an equitable fashion to assure that all students have equitable class sizes within an LEA.
- Instructional professional development. (Section 2103(b)(3)(E)).
  Title II, Part A funds may support activities that provide high-quality, personalized professional development that is evidence-based, to the extent the State (in consultation with each LEA in the State) determines that such evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused 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). (Section 2103(b)(3)(E)(i)).
  - Effectively use data to improve student achievement and understand how to ensure individual student privacy is protected, as required under Section 444 of the General Education Provisions Act (commonly known as the "Family Educational Rights and Privacy Act of 1974") (20 U.S.C. 1232g) and State and local policies and laws in the use of such data. (Section 2103(b)(3)(E)(ii)).
  - Effectively engage parents, families, and community partners, and coordinate services between school and community. (Section 2103(b)(3)(E)(iii)).
  - Help all students develop the skills essential for learning readiness and academic success. (Section 2103(b)(3)(E)(iv)).
  - Participate in opportunities for experiential learning through observation. (Section 2103(b)(3)(E)(vi)).

Recruitment and Retention

D29. May an LEA pay recruitment incentives with Title II, Part A funds?

Yes. An LEA may offer recruitment incentives under section 2103 through several means:

- Developing and implementing initiatives to assist in recruiting, hiring, and retaining 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 within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B), such as initiatives that provide teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and increased compensation for additional leadership responsibilities. (Section 2103(b)(3)(B)(iii)).
- Recruiting qualified individuals from other fields to become teachers, principals, or other school leaders, including mid-career professionals from other occupations, former military personnel, and recent graduates of major research institutions who demonstrate potential to become effective teachers, principals, or other school leaders. (Section 2103(b)(3)(C)).

D30. May an LEA use Title II, Part A funds to provide financial incentives to effective educators to work and stay in high-needs schools, as part of a strategy to address an achievement gap?

Yes. An LEA may provide financial incentives to recruit, hire, and retain effective teachers as a way to improve the within-district equitable distribution of teachers. (Sections 2103(b)(3)(B) and 1111(g)(1)(B)). Financial incentives may include signing bonuses, transfer bonuses for effective teachers to teach and remain teaching in low-performing schools, scholarships, and career ladders that provide opportunities for effective educators to earn additional pay. These incentives could include attracting teachers from outside the LEA.

D31. May an LEA use Title II, Part A funds to create and support teacher leadership positions and other leadership opportunities for LEA staff?

Yes. As part of efforts to recruit and retain effective teachers for the purpose of improving the within-district equitable distribution of teachers, an LEA may use Title II, Part A funds for initiatives that provide "teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation." (Section 2103(b)(3)(B)(iii)). This includes, for example, distributive leadership models that support teachers' leadership alongside their principal and other school leaders.

D32. May Title II, Part A funds be used to provide compensation to paraprofessionals?

Yes, under certain circumstances. While Title II, Part A funds may not be used to provide differential or incentive pay to paraprofessionals under section 2103(b)(3)(B)(ii) because the statute in that section is specific to differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, compensation for paraprofessionals may be allowed under other uses of funds. For example, an LEA may provide incentive pay, such as for additional time worked participating in professional development activities, including collaborating or co-planning with their teacher, if those activities are part of an allowable use of funds, such as the LEA's efforts to retain effective teachers. (Section 2103(b)(3)(B)). In addition, an LEA may hire additional paraprofessionals as a means of recruiting and retaining effective teachers and could, in such circumstances, use Title II, Part A funds to pay the salaries of the additional paraprofessionals.

D33. Must an LEA focus recruitment, hiring, and retention strategies on a particular subset of teachers?

An LEA has discretion to design its practices with respect to recruitment, hiring, and retention to best meet its local needs, such as a particular shortage area. However, if the LEA is using Title II, Part A funds for this activity, it must ensure it is doing so only for teachers who have been deemed effective (as determined according to the State or LEA system). (Section 2103(b)(3)(B)). (See question A6 for more information about the term "effective teacher.") In addition, under section 2103(b)(3)(B)(ii), an LEA may use Title II, Part A funds for retention pay and incentives for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas.

D34. May an LEA use Title II, Part A funds to provide a retention incentive for effective superintendents?

No, retention incentives for superintendents are not a permissible use of Title II, Part A funds. unless they are serving as a school leader as defined in section 8101(44) with instructional leadership and managerial responsibilities of a school building on a daily basis. (Section 2103(b)(3)(B))

D35. May an LEA use Title II, Part A funds to pay the costs of courses needed for a teacher's or school leader's advanced degree or State licensure renewal as an incentive to retain effective teachers?

Yes. Under section 2103(b)(3)(B), an LEA may use Title II, Part A funds to develop and implement initiatives to assist in recruiting, hiring, and retaining effective teachers to improve within-district equitable distribution of effective teachers, which may include the costs of advanced degrees or State licensure renewal. These should be provided in exchange for a commitment to remain teaching in the school for a minimum number of years.

D36. 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 and principals?

Yes. Under either sections 2103(b)(3)(B) or (C), an LEA may use Title II, Part A funds to recruit effective teachers and pay out-of-area travel and relocation costs and a stipend or one-time financial incentive payment to recruit effective teachers or school leaders. Note that all costs paid with Title II, Part A funds must meet the Uniform Guidance requirements in 2 CFR part 200, including the requirements to be necessary, reasonable, and allocable (2 CFR §§ 200.403-405) and meet all Title II, Part A and regulatory requirements. See questions D1 and D2 for more information.

D37. May an LEA use Title II, Part A funds to provide increased opportunities for individuals underrepresented in the teaching profession?

Yes, an LEA may use Title II, Part A funds to provide increased opportunities for effective teachers from underrepresented groups. Title II, Part A funds may be used, for example, to engage in targeted outreach and recruitment of qualified individuals to ensure diverse applicant pools when hiring teachers, principals, or other school leaders. Targeted outreach and recruitment may, for example, focus on mid-career professionals from other occupations, former military personnel, paraprofessionals, and recent graduates of higher education institutions with records of academic distinction who demonstrate potential to become effective educators. (Section 2103(b)(3)(B) and (C)). Activities may also focus on strategies to effectively retain these individuals, such as mentorship programs, thereby increasing their representation in the teaching profession. All activities must be implemented consistent with the Constitution and Federal civil rights laws, including laws that prohibit discrimination based on race, color, national origin, or sex, and against qualified individuals with a disability.[4]

[4] The Department recommends that LEAs consult with legal counsel prior to implementing any practice or policy to ensure compliance with all applicable laws.

D38. May an LEA use Title II, Part A funds to provide educators with housing allowances, childcare, and/or preschool programs?

Yes, an LEA may use Title II, Part A funds to provide recruitment and retention stipends for housing (e.g., housing allowances or rent support), childcare, and/or their child's preschool costs as a way to recruit or retain effective educators consistent with section 2103(b)(3)(B), assuming that the expenditures are reasonable, necessary, and allocable under the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance, 2 CFR part 200).

Technology

D39. What are some examples of allowable Title II, Part A activities that an LEA might undertake either to use technology to provide support for educators, or to prepare educators to use technology in providing instruction?

An LEA may use Title II, Part A funds, among other programs and activities, for technology to provide support for educators to prepare them to use technology in providing instruction in the following ways:

- Providing professional development for teachers, instructional leadership teams, principals, or other school leaders to improve teaching and learning by integrating technology into curricula and instruction. (Section 2103(b)(3)(E)(i)).
- Providing professional development for teachers, instructional leadership teams, principals, or other school leaders on using data to improve student achievement and ensure that student privacy is protected. (Section 2103(b)(3)(E)(ii)).
- Developing and providing professional development and other comprehensive systems of support for teachers, principals, or other school leaders to promote high-quality instruction and instructional leadership in STEM subjects, including computer science. (Section 2103(b)(3)(M)).

Induction, Mentoring, and Early Career Support

D40. May an LEA use Title II, Part A funds to support induction, mentoring, and early career support for teachers and school leaders?

Yes. Section 2103(b)(3)(B) allows an LEA to use Title II, Part A funds to recruit and hire 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, for the purpose of improving equitable distribution of teachers. One method that an LEA may consider is providing new teacher, principal, or other school leader induction and mentoring programs (including stipends for mentor educators) that are designed to improve classroom instruction and student learning and achievement and increase the retention of effective teachers, principals, or other school leaders. (Section 2103(b)(3)(B)(iv)). See question A6 for more information about what constitutes an "effective teacher."

Many States currently have State laws and/or regulations that require an LEA to provide mentoring program for new teachers or school leaders. If a State has such a requirement in place, generally, an LEA may not use Title II, Part A funds to meet that State requirement, as doing so would presume supplanting. In such case, an LEA may use Title II, Part A funds to enhance the required State induction program beyond what the State requires. For example, if the State requires that new teachers receive one year of mentoring, the LEA would not be able to use Title

II, Part A funds for the first year of mentoring, but it could use Title II, Part A funds to provide a second year of mentoring that is not required by the State.

Class-Size Reduction

D41. May an LEA use Title II, Part A funds to support class size reduction?

Yes, an LEA may use Title II, Part A funds to support class size reduction. Specifically, funds may be allocated for recruiting and hiring additional *effective* teachers, as defined by the SEA or LEA, to reduce class sizes to evidence-based levels that improve student achievement. (Section 2103(b)(3)(D)). (See question A6 for more information about the term "effective teachers.")

Early Childhood Educators

D42. May an LEA use Title II, Part A funds to support early childhood educators and school leaders in providing effective instruction and meeting the needs of young students?

Yes, an LEA may use Title II, Part A funds to support early childhood educators in helping them meet the wide ranging developmental and linguistic learning needs of young students, including those related to the implementation of challenging State academic standards. This support can include programs and activities designed to increase the knowledge base of early educators, teachers, principals, or other school leaders on instruction in preschool and the early grades and on strategies to measure young children's progress informed by child development and the science of learning. An LEA may also use these funds to provide programs and activities to increase the ability of school leaders to support early childhood educators and other professionals in meeting the needs of students from preschool through third grade. This may include providing joint professional learning and planning activities for school staff and educators in community-based preschool programs, including Head Start, that address the transition to elementary school and creating a sturdy bridge between the early years and early grades. (Sections 2103(b)(3)(G)(i) and (ii), and 2103(b)(3)(E)).