



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

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

*Providing for Equitable Participation of Private School
Teachers and Other Educational Personnel*



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Technical Assistance Packet
Working with Private Schools

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Title II, Part A: Providing for Equitable Participation of Private School Teachers and Other Education Personnel

Services

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high-quality teachers. This program is governed by the Uniform Provisions of Title IX, Part E, Section 9501, but the amount of funding available for services to private school personnel is governed by Section 9501(b)(3), which requires equitable participation of private school teachers and other education personnel to the extent that the Local Educational Agency (LEA) uses its funds for professional development.

The LEA is obligated to involve personnel from eligible private schools in the planning, implementation and evaluation of Title II, Part A services.

For the purposes of determining the amount of program funds to be made available for services to private school teachers, the law "imputes" a minimum amount of program funds devoted to professional development as the total amount spent in fiscal year 2001 for professional development under the predecessor Eisenhower Professional Development Program. Activities may include improving teachers' knowledge in the core academic subjects and effective instructional teaching strategies; technology integration training; training in teaching students with different learning styles; training in using assessments to improve instruction and student outcomes; training in involving parents more effectively; and education leadership development.

Consultation (as per Title II, A Guidance revised 1/16/04)

- As part of the application process, LEAs must assure that they will comply with Section 9501 of ESEA (regarding participation by private school children and teachers). LEAs must consult with appropriate private school officials during the design, development, and implementation of the professional development program on such issues as:
 1. how the needs of staff will be identified;
 2. what services will be offered;
 3. how, where, and by whom the services will be provided;
 4. how the services will be assessed and how the results of the assessment will be used to improve those services;
 5. the size and scope of the equitable services;
 6. the amount of funds available for those services; and
 7. how and when the LEA will make decisions about the delivery of services.
- Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers [Section 9501].

- To ensure timely and meaningful consultation, an LEA must consult with appropriate private school officials during the design and development of the proposed programs. It is important that attention be given to the timing of the consultation so that decisions that affect the opportunities of eligible private school teachers to participate in Title II, Part A program activities are made only after discussions have taken place. The quality of the consultative process will likely have an effect on the quality of services to private school teachers [Section 9501(c)(3) and (4)].
- The LEA is required to contact appropriate officials of all private schools within the boundaries of the school district *annually* to determine if they want their teachers to participate in the Title II, Part A program, regardless of whether or not those officials have recently indicated any interest in program participation.
- The LEAs must administer and retain control over the funds and, therefore, may not provide program funds directly to private schools. Before determining the amount of funds to be provided for services to private school teachers, an LEA could pay reasonable and necessary administrative costs of providing those services from its Title II, Part A allocation.

Documentation

Each LEA shall maintain a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

- Document the meeting, discussion, process and the final plan which should include:

Required Documentation

Letter of invitation to plan
Documentation of private school consultation

Suggested Documentation

Minutes of meetings
Needs assessments used by private schools
Plan for delivery of service
Program evaluation process

- LEAs may request documentation, as needed, from private school officials that can help the LEA identify services that may be appropriate to the needs of private school teachers. However, requiring a formal application may, depending upon its form and content, constitute an administrative barrier that is inconsistent with the LEA's responsibility to ensure equitable participation of private school teachers.
- To meet its general record-keeping responsibility, an LEA should document that:
 - (a) representatives of private schools were informed of the availability of Title II,

Part A services; (b) the needs of private and public school teachers were identified as part of a district-wide needs assessment; (c) private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; and (d) the LEA designed a project that would permit their equitable participation.

- The LEA also should maintain records of its efforts to resolve any complaints made by private school representatives that LEAs that should be serving their teachers are not doing so on an equitable basis.

Allocation

- Under Title II, Part A, LEAs are required to provide equitable services for private school teachers and other educational personnel only to the extent that they use the funds for professional development. For purposes of determining the amount of Title II, Part A funds that an LEA must make available for equitable services to private school teachers and other educational personnel, the statute has the LEA assume that it is spending at least as much for professional development under Title II, Part A as it did in FY 2001 under the Eisenhower Professional Development [Section 9501(b)(3)(B)].
- As noted above, for purposes of determining the amount of Title II, Part A funds it must reserve for professional development provided to private school teachers, the LEA must assume that it is spending at least as much Title II, Part A funds each year for professional development as it did with FY 2001 funds under the former Eisenhower Professional Development and Class-Size Reduction programs. Hence, the district must provide equitable services based on this minimal amount to private school teachers and other educational personnel even if the LEA transfers some Title II funds to other programs.
- To ensure that it is providing equitable professional development services to private school teachers and other educational personnel, the LEA should consider ways to:
 1. Assess, address, and evaluate the needs and progress of both public and private school teachers;
 2. Spend an equal amount of funds per student to serve the needs of public and private school teachers and their students;
 3. Provide private school teachers with an opportunity to participate in Title II activities equivalent to the opportunity provided public school teachers; and
 4. Offer educational services to private school teachers that are secular, neutral, and non-ideological [Section 9501(a)(2)].

Resources

- Refer to Guidance and Uniform Provisions for more information.



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

Title II, Part A

Appendix



GENERAL INFORMATION

Working with Private Schools

Complete packets are available for the following funding sources:

- Title I, Part A Improving the Academic Achievement of the Disadvantaged
- Title I, Part C Migrant Education
- Title II, Part A Teacher and Principal Training and Recruiting
- Title II, Part D Enhancing Education Through Technology (ARRA Recovery Funds only)
- Title III, Part A Language Instruction for Limited English Proficient and Immigrant Students
- Title V, Part A Innovative Programs (REAP-Flex Authority for SRSA REAP districts only)

Each packet contains the following sections:

1. Overview: Services, Consultation, Documentation, Allocation and Resources
2. Appendix: (Worksheets)
3. Resources: (Legislation, Regulations, Provisions and Guidance)

**THE NO CHILD LEFT BEHIND ACT OF 2001
BENEFITS TO PRIVATE SCHOOL STUDENTS AND TEACHERS**

**U.S. Department of Education
Office of Non-Public Education
August 2002**

The No Child Left Behind Act of 2001

The Elementary and Secondary Education Act (ESEA), as reauthorized by the *No Child Left Behind Act of 2001*, provides benefits to private school students, teachers and other education personnel, including those in religiously affiliated schools. These services are considered to be assistance to students and teachers and not to private schools. The reauthorized ESEA requires the equitable participation of private school students, teachers and other education personnel in some of its major programs. Following are explanations of some of the law's provisions and brief summaries of relevant ESEA programs.

What does *equitable participation* by private school students and teachers mean?

The participation of private school students, teachers and other education personnel in the ESEA programs providing services to this population is governed by the Uniform Provisions in Title IX of ESEA, sections 9501-9504. Three of these programs contain their own provisions for the equitable participation of private school students and teachers, which differ, in some respects, from the Uniform Provisions. These are: Title I, Part A, Improving the Academic Achievement of the Disadvantaged; Title V, Part A, Innovative Programs (available for SRSA REAP schools only); and Title V, Part D, Subpart 6, Gifted and Talented Students.

Under the Uniform Provisions, local education agencies (LEAs) or other entities receiving federal financial assistance are required to provide services to eligible private school children, teachers and other personnel consistent with the number of eligible children enrolled in private elementary and secondary schools in the LEA, or in the geographic area served by another entity receiving federal financial assistance. These services and other benefits must be comparable to the services and other benefits provided to public school children and teachers participating in the program and they must be provided in a timely manner.

To ensure equitable participation, the LEA or other entity receiving federal financial assistance must assess, address and evaluate the needs of private school students and teachers; spend an equal amount of funds per student to provide services; provide private school students and teachers with an opportunity to participate in activities equivalent to the opportunity provided public school students and teachers; and offer services that are secular, neutral and non-ideological.

What *consultation* is required under the equitable participation provision?

The Uniform Provisions contain requirements for timely and meaningful consultation between appropriate public and private school officials. The goal of the consultation process is to design and implement a program that will provide equitable services and meet the needs of eligible private school students and/or teachers and other education personnel. Consultation between the entity receiving federal financial assistance and private school officials must occur before any decision is made that could affect the ability of private school students, teachers and other education personnel to receive benefits under ESEA and must continue throughout the implementation and assessment of activities. Consultation generally must include discussion on such issues as: how children's needs will be identified; what services will be offered; how and where the services will be provided; who will provide the services; how the services will be assessed and how the results of assessment will be used to improve those services; the amount of funds available for services; the size and scope of the services to be provided; and how and when decisions about the delivery of services will be made.

In addition, a thorough consideration of the views of private school officials on the provision of contract services through potential third-party providers must take place, and, where the entity receiving assistance disagrees with the views of the private school officials on the provision of services through a contract, the entity must provide a written explanation of the reasons why the entity has chosen not to use a contractor.

What *programs in the No Child Left Behind Act* require equitable participation by private school students and teachers?

Title I—Improving the Academic Achievement of the Disadvantaged

- ***Title I, Part A—Improving Basic Programs Operated by LEAs***

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards, and who live in areas of high poverty. Instruction may take place during the school day, before or after school, or in the summer. Title I services may be provided on site at the private school, including religiously affiliated schools, or at other locations. (See Guidance on the Supreme Court's Decision in *Agostini v. Felton* and Title I (Part A) of ESEA at www.ed.gov/legislation/ESEA/feltguid.html.) Funds are generated on the basis of the number of children from low-income families who reside in participating public school attendance areas and attend private schools. Private school students who reside within a Title I attendance area and who are failing or most at risk of failing to meet high academic standards are eligible for services.

Services may include a targeted, assisted pullout model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy and early childhood programs. Push –in model is not allowed.

In addition, the law requires equitable participation of private school teachers of Title I students in professional development activities and of parents of Title I students in parent involvement activities. Title I is not governed by the Uniform Provisions; it has its own requirements. Under Title I, LEAs are required to maintain a written affirmation signed by an official for each participating private school that the required consultation has occurred for each funding source.

- ***Title I, Part B, Subpart 3—Even Start Family Literacy***

Even Start Family Literacy provides funding to partnerships of LEAs and other public and private entities to support family literacy programs that integrate early childhood education, adult education, parenting education, and literacy activities for low-income families and their children from birth through age seven. The Even Start Family Literacy program is governed by the Uniform Provisions, and grant applicants are required to consult in a timely and meaningful manner with private schools in designing and implementing a program for school-aged students.

- ***Title I, Part C—Migrant Education***

Migrant Education provides financial assistance to improve the education for migrant children. State education agencies (SEAs) provide services and activities either directly or through subgrants to local operating agencies (LOAs), which can be either an LEA or a public or nonprofit private agency. The Migrant Education program is governed by the Uniform Provisions and requires the equitable participation of private school migrant students and their teachers, and other education personnel in schools located in targeted areas.

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

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

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high-quality teachers. This program is governed by the Uniform Provisions, but the amount of funding available for services to private school personnel is governed by Section 9501 (b) (3), which requires equitable participation of private school teachers and other education personnel to the extent that the LEA uses its funds for professional development. For the purposes of determining the amount of

program funds to be made available for services to private school teachers, the law "imputes" a minimum amount of program funds devoted to professional development as the total amount spent in fiscal year 2001 for professional development under the predecessor Eisenhower Professional Development Program and the Class Size Reduction Program. Activities may include improving teachers' knowledge in the core academic subjects and effective instructional teaching strategies; technology integration training; teaching students with different learning styles; using assessments to improve instruction and student outcomes; involving parents more effectively; and educational leadership development.

- ***Title II, Part B—Mathematics and Science Partnerships***

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities. At the current appropriations level, partnerships must include an SEA; an engineering, math or science department of an institution of higher education (IHE); and a high-need LEA. Private schools may be members of these partnerships. Activities include professional development; stipends and scholarships for advanced coursework in mathematics, science or engineering; and programs to bring math and science teachers into contact with working scientists, mathematicians and engineers. This program is administered jointly with the National Science Foundation. The Mathematics and Science Partnerships program is governed by the Uniform Provisions and requires the equitable participation of teachers who teach in private schools located in school districts where grants are awarded.

- ***Title II, Part D—Enhancing Education Through Technology (ARRA Recovery funds only)***

The Enhancing Education Through Technology program provides funds for innovative initiatives to support the integration of educational technology into classrooms to improve teaching and learning. Activities include professional development in technology integration and the use of the Internet; distance learning initiatives; acquiring educational technology; and using technology to enhance parental involvement. This program is governed by the Uniform Provisions and requires the equitable participation of students and teachers in private schools located in school districts where grants are awarded.

Title III—Language Instruction for Limited English Proficient and Immigrant Students

- ***Title III, Part A—English Language Acquisition, Language Enhancement and Academic Achievement***

The English Language Acquisition, Language Enhancement and Academic Achievement program provides funds for helping limited English proficient (LEP) children attain English proficiency and meet the same challenging state

academic standards as all children are expected to meet. Funds must be used for increasing the English proficiency of LEP children by providing high-quality language instruction and high-quality professional development. Private school students and teachers whose schools are located within an LEA that receives a subgrant from the state are eligible to participate in this program, as required by the Uniform Provisions.

Title IV—21st Century Schools

- ***Title IV, Part A—Safe and Drug-Free Schools and Communities***

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment. Authorized activities include drug, violence and suicide prevention programs; professional development and training; developing school security plans; conflict resolution, community service and character education programs; family involvement activities; counseling; mentoring; and emergency intervention services. The Uniform Provisions for the equitable participation of private school students apply to the Safe and Drug-Free Schools program, including the competitive grant programs awarded directly by the Department (National Coordinator program, Community Service Grant, Grants to Reduce Alcohol Abuse, and Mentoring programs).

- ***Title IV, Part B—21st Century Community Learning Centers***

The 21st Century Community Learning Centers (21st CCLC) program provides before-and after-school (including summer) services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet state and local student performance standards in core academic subjects. Activities may include remedial education, academic enrichment, art, music, tutoring, mentoring, recreation, technology, drug and violence prevention, counseling, character education and family literacy. The Uniform Provisions apply to the 21st CCLC program and require the equitable participation of private school students, teachers and other education personnel who are part of the target population.

Title V—Promoting Informed Parental Choice and Innovative Programs (REAP-Flex authority for SRSA-REAP districts only)

- ***Title V, Part A—Innovative Programs***

Innovative Programs support education reform and innovative school improvement programs to improve school, student and teacher performance. Private school students, teachers and other education personnel may receive professional development, library materials, educational equipment, and repair and minor remodeling or construction of school facilities. Other activities may include community service programs; consumer education; purchase of computer hardware and software; programs to hire and support school nurses;

school-based mental health services; programs for cardiopulmonary resuscitation training in schools; and parent and community involvement. The program has its own provisions for the equitable participation of private school students, teachers and other education personnel (section 5142).

Note:

For several programs discussed above and a few other programs, community and faith-based organizations, including private schools, may apply directly for a grant. For information on those programs, please visit the Faith-Based and Community Initiatives Web site at www.ed.gov/about/inits/list/fbci/index.html.

Further Information

For additional information on the *No Child Left Behind Act of 2001*, other federal programs affecting private schools, private school statistics, publications, Internet links to the private school community and other resources, visit the Office of Non-Public Education Web site at <http://www.ed.gov/print/about/offices/list/oii/nonpublic/index.html>.

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**General Information for Districts to Establish Private School Programs
Under the Provisions of: Title I, Part A; Title I, Part C; Title II, Part A;
Title II, Part D; Title III (LEP) and Title V, Part A of the
*No Child Left Behind Act of 2001***

The *No Child Left Behind Act of 2001* (NCLB), signed into law by President Bush in January 2001, reauthorized the Elementary and Secondary Education Act (ESEA) passed by Congress in 1965. The purpose of the reauthorized ESEA is to improve teaching and learning for all children to enable them to meet challenging academic content and student performance standards. Since the passage of ESEA in 1965, local educational agencies (LEAs) have been required to provide equitable educational services to eligible private school students, teachers, parents and other personnel. Equitable services applies to all Federal programs not just Title I. Private schools receive no direct funds from these programs. Program funds are granted to the public authorities, usually a local education agency, that is in turn responsible for serving eligible students, teachers, parents, and other personnel, whether they attend public or private school. The formula, requirements, and procedures vary by program, but the principle of the public authority's responsibility for all eligible students within its jurisdiction remain constant.

General Requirements

NCLB defines private schools to be only private **nonprofit** schools. In previous reauthorizations, these schools were referred to as "non-public" schools or "private nonprofit" schools.

Annually notify, in writing, all private schools of available services

- Specify criteria for participation, needed demographic information and due date.

Joint Planning/Consultation

- Consultation involves the initial contact with enough flexible scheduling opportunities to ensure participation by representatives of the private schools.
- Private school administrators and other persons are provided adequate opportunity to participate in the planning of the services to be provided.
- The ultimate decision rests with the public school, based on the most effective use of funds.

Equity

- Educational services or other benefits for private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

Suggested Time Line*

Consultation shall include meetings of the district and private school officials and shall occur before the Local Educational Agency (LEA) makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

- NOTE: Title I, Part C Summer Migrant Program has a separate timeline, Refer to Title I, Part C Packet.
- NOTE: Title V, Part Program Packet is now used only by Title VI REAP-SRSA schools who authorize REAP FLEX authority for Title V. REAP-SRSA districts should refer to the packet to embed Title V consultation into the suggested timeline.
- NOTE: Districts that receive Title III should refer to the Title III Packet and embed appropriate consultation into the suggested timeline.

Example of a Timeline for LEA Consultation With Private School Officials*

Month	LEA Activity
<p>November/December in preparation for the next school year</p>	<p>For All Funding Sources: Title I, Part C; Title II, Part A; Title II, Part D; Title III, Part A</p> <p>The Uniform Provisions (Section 9501(c)) contains requirements for timely and meaningful consultation between appropriate public and private school officials. These provisions apply for Title I, Part C; Title II, Part A and D and Title III. Title I, Part A has its own requirements as noted below under “Title I, Part A”.</p> <p>General Information:</p> <p>Each year, for all applicable Federal funds requiring equitable access to these funds by private non-profit (PNP) schools, LEA must <i>send a formal letter of invitation to appropriate officials of PNPs that are located within the district’s geographical boundaries and all PNPs outside the district’s geographical boundaries within reasonable driving distance for parents to meet in early November for the purpose of planning for the use of applicable Federal funds. Follow up with telephone calls and document all communications.</i></p> <p><i>If at any time prior to or during the consultation process the PNP decides NOT to participate in the LEA’s applicable Federal program(s), the LEA should request that decision in writing from the appropriate official of the PNP.</i></p> <p>Meet with private school officials to review and explain <i>all applicable Federal rules, compliance regulations and guidance for the funding source(s). Establish a timeline and consultation process. Establish a consultation calendar and</i></p>

procedures for collecting *necessary applicable fund-related data, i.e., list of students who reside within the geographical boundaries of the district (names not required) student along with the home address, poverty data (i.e., data on low-income families); student migrant and Limited English Proficient (LEP) data; teacher professional development needs assessment data, etc.* Explain the consultation requirements to document and affirm in writing for each applicable Federal funding source. Begin the process to document all consultation meetings by individual funding sources (i.e., sign in sheets and minutes.)

Title II, Part A and D: Planning Preparation – Prior to Meeting with PNP:

- LEA must administer and retain control over the funds
- No funds may be provided directly to the PNP
- Funds may not be used for substitute teachers for PNP teachers or to pay for any portion of a PNP teacher's salary or benefits; nor are administrative costs allowed to be charged by third party contractor
- Any materials purchased for the PNP are the property of the LEA and must be marked as such, locked up and returned to the LEA at the end of the service.

Title II, Part A:

LEAs are required to provide equitable services for private school teachers and other educational personnel only to the extent that they use the funds for professional development.

Allocation:

Title II, Part A and D: to determine specific amount to be allocated to the PNP see worksheets in each specific fund technical assistance packet.

If the LEA is planning on participating in the Title II, Part A and/or D program in the subsequent year, the LEA should consider ways to address the following at the beginning of each planning cycle:

- Assess, address, and evaluate the needs and progress of both the public and private school teachers
- Spend an equal amount of funds per student to serve the needs of public and private school teachers and their students
- Provide PNP teachers with an opportunity to participate in Title II, Part A and D activities equivalent to the opportunity provided to public school teachers
- Offer educational services to PNP teachers that are secular, neutral and non-ideological

Title III, Part A: to determine allocation amount to PNP, see Title III, Part A calculation worksheet in Title III, Part A technical assistance packet appendix.

Participation is considered equitable if the LEA:

- *Assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis*
- *Provides, in aggregate, approximately the same amount of services to students and educational personnel with similar needs*
- *Spends an equal amount of funds to serve similar public and private school students and educational personnel*
- *Provides both groups of students and educational personnel equal opportunities to participate in program activities*

The Meeting(s):

Title II, Part A and D: For the next school year the LEA must, in consultation with the PNP, discuss the following:

- *How the needs of the staff will be identified*
- *What services will be offered*
- *How, where and by whom the services will be provided*
- *How the services will be assessed and how the results of the assessment will be used to improve those services*
- *The size and scope of the equitable services*
- *The amount of funds available for those services*
- *How and when the LEA will make the decisions about the delivery of services*
- *Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers*

Title II, Part A - The LEA must also:

- *Determine if the PNP will participate in part or in all of the LEA professional development offerings or request in consultation with the LEA, a different program and **For the Current School Year, the LEA Must:***
- *Devote a portion of the meeting to the evaluation of any previous professional development offerings*

Title III, Part A:

The LEA must consult with the PNP, during the design and development of the program on issues such as:

- *How the LEP children will be identified*
- *what services will be offered*
- *How, where and by whom the services will be provided*
- *How the services will be assessed and how the results of the assessment will be used to improve those services*
- *The size and scope of the equitable services*
- *The amount of funds available for those services*
- *How and when the LEA will make the decisions about the delivery of services*

Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the

	<p><i>private school officials on the provision of contract services through potential third-party providers</i></p> <p><i>Minutes should be taken at each meeting.</i></p>
<p>December through February in preparation for the next school year</p>	<p>Title I, Part A:</p> <p>Obtain from principals or a central office serving a group of private schools the following poverty data (as appropriate) on private school students:</p> <ul style="list-style-type: none"> • Same poverty measure used to count public school students, which is usually free and reduced-priced lunch; • Survey of private school parents asking for income data, address, and grade level of children from which the LEA must extrapolate these data; <See Federal Register (34 CFR Part 200, Section 200.64)> • Alternative poverty data such as scholarships, Temporary Aid to Needy Families, Medicaid, etc.; <p>~or~</p> <ul style="list-style-type: none"> • Decide through consultation to use proportionality. <p>For Title I, Part C; Title II, Part A and D and Title III – as appropriate, begin to gather data to:</p> <ul style="list-style-type: none"> • <i>Support method of calculating the minimum amount of funding required for equitable services to the PNP</i> • <i>LEA gathers program-specific count data</i> • <i>LEA gathers professional development evaluation data from previous offerings at LEA and PNP to inform future decisions.</i> <p><i>Continue discussion/consultation of any items remaining from the November/December meeting.</i></p>
<p>February/March in preparation for the next school year</p>	<p>Title I, Part A:</p> <p>Match addresses of private school students from low-income families to participating public school attendance areas.</p> <p>Estimate the amount of funds generated for instruction using the same estimated per-pupil amount as that used for public school students in participating public school attendance areas. <i>Estimate the additional amount generated from LEA reservations for professional development, parent involvement, and additional instructional programs from district instructional programs reservation as well as salary and benefit differential reservations, if applicable.</i></p> <p>Meet with private school officials to discuss poverty data collected, amount of estimated instructional funds generated, and determine if funds will be pooled, not pooled, or a combination of both options.</p> <p>Title II, Part A and D (as applicable):</p> <p>LEA and PNP discussions/consultations continue. Gathered</p>

	<p>data from needs assessment from LEA and PNP is shared.</p> <ul style="list-style-type: none"> • LEA completes the Professional Development Plan • LEA begins to finalize professional development calendar LEA/PNP • LEA begins to finalize contracts with known third-party professional development providers • LEA gathers evaluation input/data from professional development which is already occurred. <p>Title III, Part A: Based upon required criteria – Federal legislation and regulations, determine the instructional program based on the educational program of the PNP school. LEA, with PNP, generates lists of program eligible students, and with suggestions from the PNP, begins to develop the program.</p>
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* In this example, multiple meetings will be required to cover each LEA activity.

** This column references Title I, Sec. 1120 and 34 CFR 200.

Month	LEA Activity
<p>March/April in preparation for the next school year</p>	<p>Title I, Part A: Determine the multiple, educationally-related, objective criteria <i>based on the instructional program of the PNP school</i> to be used to select eligible students (educationally needy students who reside in Title I attendance areas) in consultation with private school officials. <i>Student eligibility including teacher judgment as a criterion must be documented in writing and must be consistent not only across the academic subject areas of reading and mathematics by also by grade level. Eligibility criteria must include the factors that will determine which students with greatest need will be served. LEAs must also contact PNP schools outside its geographical boundaries that are within a reasonable driving distance for parents (i.e., 25-30 mile radius). If an LEA borders another State, the LEA must contact neighboring State's PNP schools that are within a reasonable driving distance for parents.</i></p> <p>Obtain from private school officials lists of names, addresses, and grades of private school students who meet the criteria.</p> <p>From these lists, select for Title I services those students most at-risk of failing, as decided in consultation.</p> <p>Discuss with private school officials the needs of selected students, appropriate Title I services to serve those needs, and location of services. <i>The services must benefit the child, not the PNP schools over all instructional programs. Push-in instruction is not allowable. The pull-out instruction must follow the private school's curriculum.</i></p>

Design services that meet participants' needs based on consultation, using the estimated amount of funds generated by private school students from low-income families, and the equitable share of funds reserved for district-wide instructional activities and reservations from salary/benefit differentials.

The PNP school's role in the consultation process is to offer program suggestions. It is the LEA that makes the final decisions regarding program services and budget decisions.

Determine with private school officials the standards and annual assessments for measuring progress of the Title I program. *The effectiveness of the Title I program is measured against the overall PNP school's instructional program. Pre- and post-tests as the sole evaluation criteria for program effectiveness are discouraged.*

Define annual progress. Smart goal/objectives must be established and assessments results must be reviewed against the smart goal. Determine criteria for making program modifications when annual progress is not achieved.

Assess the achievement of **current year's** program using the standards previously agreed upon last year. Assessment results must indicate the area in need of improvement. Does the Title I program need revision or is the classroom teacher in need of professional development?

After appropriate consultation, make modifications to next year's Title I program, if annual progress has not been met.

Title II, Part A (and Title II, Part D, as applicable):

Title I, Part A*:

- *LEA continues to finalize all professional development decisions and communicates decisions to PNPs both face-to-face and in writing (this meeting may occur as late as the end of April, but no later)*
- *LEA gathers evaluation data from LEA and PNP for professional development which has occurred in the previous months*

Title III, Part A:

LEA moves to finalize the program development based upon the shared suggestions from the PNP, the applicable Federal guidance and the criteria discussed above, and inform the PNP of the tentative program, number of students, delivery model, etc. Discuss parent involvement and professional development requirements with PNP and initiate planning.

<p>April/June in preparation for the next school year</p>	<p>Title I, part A: Determine in consultation with private school officials (including the private school principal) the professional development and parent involvement needs of private school teachers and families of private school participants.</p> <p>* Title I funds used for professional development come from district reservations for professional development only</p> <p>Design activities that LEA will implement the next school year (independently or in conjunction with LEA activities) for teachers and families of participants.</p> <p><i>Parent involvement must be clearly documented.</i></p> <p>Inform private school officials of tentative program designs, service delivery models, number of Title I participants, allocations, location of services, and estimated costs. Provide opportunities for private school officials to comment.</p> <p>Update private school officials if there are any changes. Generate a list of students who will receive Title I services beginning in September of the next school year.</p> <p>Obtain written affirmation from private school officials or their representatives that timely and meaningful consultation has occurred for each applicable Federal funding source. Consultation must be ongoing, however, and should continue throughout the school year.</p> <p>Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc. Consultation should be completed for the next school year prior to LEA submitting its Title I application to the State Educational Agency (SEA).</p> <p><i>Title II, Part A and D: in May and June, LEA will:</i></p> <ul style="list-style-type: none"> • <i>Share evaluation data from professional development which has occurred throughout the year</i> • <i>Ongoing Title II, Part A and D professional development, with appropriate evaluation component, as predetermined</i> <p><i>Title III, Part A:</i> <i>Complete planning for required parent involvement and any professional development</i></p> <p><i>For all funds:</i></p> <ul style="list-style-type: none"> • <i>Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc.</i> • <i>Share necessary reports with appropriate school groups. School Improvement Team, and invite input from staff, parents and PNP</i>
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<p>August in preparation for the beginning of school year</p>	<p>Report on readiness of Title I program for private school participants to private school officials.</p> <p>For Title I, Part C; Title II, Part A and D and Title III: Report on readiness of Title I, Part C; Title II, Part A and D and Title III programs to Board and to private school officials.</p> <p>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</p>
<p>September of school year</p>	<p>Title I, Part A; Title I, Part C and Title III, Part A: LEA begins Title I, Part A; Title I, Part C and Title III, Part A services for students identified the previous spring as participants and provides private school officials with their names, services to be provided, and names of Title teachers.</p> <p>Obtain a list of newly-enrolled students who meet eligibility criteria. Consult with private school officials on how new students might be accommodated in the program.</p> <p>Initiate fund specific related professional development and parent involvement activities based on previous spring's consultation.</p> <p>Title II, Part A: <i>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</i></p>
<p>October of school year</p>	<p>LEA provides information about possible adjustments and program changes to private school officials.</p> <p>Start planning for the next school year's consultation cycle.</p> <p><i>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</i></p>

NOTE: SUGGESTED LETTER TO BE SENT TO PRIVATE SCHOOLS LOCATED WITHIN PUBLIC SCHOOL DISTRICT'S BOUNDARIES

[Date, usually spring of the year]

[Administrator]

[Private Nonprofit School]

[School Address]

[School City], [State], [Zip]

Dear [Administrator]:

Community Public Schools invite you to participate in the following Federal programs during the 2009-2010 school year: [list those programs that apply to your district's situation; Title I, Part A services should be offered to all private nonprofit schools with resident children enrolled; services for all other grant sources should be offered only to private nonprofit schools located within district boundaries; note that some private nonprofit schools receive their Title V services through the Intermediate School District].

Title I, Part A, Improving Basic Programs, to provide supplementary instruction to students who are failing or most at risk of failing to meet your school's core academic curriculum.

Title I, Part C, Migrant Education, to provide supplementary educational and support services to migrant students through both regular school year and summer programs.

Title II, Part A, Teacher and Principal Training and Recruiting, to help support sustained and intensive professional development.

Title II, Part D, Enhancing Education Through Technology, to support the integration of educational technology into classrooms to improve teaching and learning. (ARRA Recovery Funds Only)

Title III, Limited English Proficient, to provide instruction and professional development that help limited English proficient students in the speedy acquisition of English language proficiency to achieve in the core academic subjects. It also provides immigrant students with high quality instruction to meet challenging State standards, and assists the transition of immigrant children and youth into American society.

Title V, Innovative Programs, to support local educational reform efforts consistent with statewide reform or provide a source for continuing innovation and educational improvement, including support for library services and instructional media materials. (Innovative programs are only for Small, Rural School Achievement Program (SRSA) Districts).

The level of services available to your school under Title I and Title III programs is based upon your documentation of student eligibility. The level of services available to your school under Title II and Title V programs is based on your school's total enrollment.

We encourage you to participate in this planning of these federal programs for the benefit of your students and staff. Please complete the attached form indicating your school's interest in participating in these federal programs in 2009-10. Upon receipt of this form, I will contact you to set up a planning meeting and discuss the purposes of each program and the policies that guide program implementation.

Sincerely,

Director of Federal Programs

Name of Private Nonprofit School: _____

Name of School Contact Person: _____

Title: _____

Phone Number: _____

_____ Yes, our school plans to participate in the federally-funded program services during 2009-2010

_____ No, our school does not wish to participate at this time

Signature: _____

Please return this completed form no later than _____ to:

Director of Federal Programs
Community Public Schools
123 Learning Avenue
Schooltime, MI 48899

**DOCUMENTATION AND ASSURANCE OF PRIVATE SCHOOL
CONSULTATION FOR THE EQUITABLE DISTRIBUTION OF
TITLE II, PART A FUNDS**

Sec. 9501 – IN GENERAL – Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection(b), who are enrolled in private elementary and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

CONSULTATION – IN GENERAL – to ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as:

- How the needs of children will be identified;
- Types of services that will be offered to meet those needs under the regulations, legislation and guidance of the fund;
- How, where and by whom services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- Size and scope of the equitable services to be provided to the eligible private school children, teachers and other educational personnel and the amount of funds available for those services; and
- How and when the agency, consortium or entity will make decisions about the delivery of services, including thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

We agree that timely and meaningful consultation occurred before the LEA made decisions that affected the participation of eligible private school children, teachers, other personnel and/or families, for the next school year.

Public School Official Date

Private School Official Date

School District

Private School Name

Sample Agendas for Consultation Meetings Throughout the School Year

Agenda for early winter meetings (typically in December or January) in preparation for the next school year

1. Welcome and introduction.
2. Overview of Title I program.
3. Options for service providers: the LEA or a third-party.
4. Discussion on the collection of poverty data: What is available from private schools? Is the survey with extrapolation a possibility? Should the LEA consider proportionality?
5. Discussion on possible program designs: Should it be a pullout program or a before or after school program? Which grade levels and what academic subjects should the Title I program encompass? Do private school officials have space in their schools for the LEA to provide Title I services?

Agenda for late winter or early spring meetings (typically in February or March)

1. Review of poverty data collected and the estimated amount of funds available for services. Decide if pooling option will be used.
2. Determination of the multiple, educationally related and objective criteria used to select eligible children who reside in Title I public school attendance areas.
3. Review of options for service providers.
4. Plan a program design workshop for private school principals and LEA instructional specialists.
5. Discuss how the Title I program will be evaluated: What standards and assessments will be used? What will be annual progress and what percentage of participants must meet that progress in order for the program to be effective?
6. Establish the date that Title I services will start.
7. Discuss the professional development needs of the private school teachers of Title I participants based on the most recent student assessment data.
8. Discuss the needs of parents of participants: How can parents better support their children's instruction?

Agenda for late spring meetings (typically in April or May)

1. Finalize the designs of the Title I programs—ensure materials have been ordered, LEA personnel who are providing services are in place, and service start date is firm.
2. Finalize professional development programs and activities for private school teachers. Establish a calendar for the next year's activities.
3. Finalize parent involvement programs and activities for parents of participants. Establish a calendar for next year.
4. Review current year's assessment data for current year participants to determine if any adjustments to instruction should be made.
5. Provide affirmation forms for signature.

Agenda for meeting one month after program has begun (typically in the month of October)

1. Review the implementation of the program for the first month.
2. Discuss changes in roster of eligible children and the possibility of adding children to the program, as needed, depending on space and time.
3. Review process for coordinating Title I program with classroom teachers.
4. Review implementation of the professional development program.
5. Review implementation of the parental involvement program.

Determining Private School Participation—Student Numbers

<p>Private School Students Residing Within District Boundaries (who attend a private school within or outside of district boundaries)</p>	<p>Students Attending Private School Within District Boundaries (regardless of their residency)</p>
<p>Title I, Part A</p> <p><u>Funding Generated By:</u></p> <ul style="list-style-type: none"> • Low-income students who reside in a Title I school attendance area • Would attend a Title I school? <p><u>Students Eligible to be Served:</u></p> <ul style="list-style-type: none"> • Identified by a Needs Assessment for achievement below standard and reside in a Title I school attendance area* 	<p>Title I, Part C</p> <ul style="list-style-type: none"> • Meet criteria for migrant? • Meet priority for services? <p>Title II, Part A</p> <p>Title II, Part D</p> <p>Title III, Part A</p> <ul style="list-style-type: none"> • Meet criteria for LEP/Immigrant? • Completes Home Language Survey? <p>Title V, Part A</p>

- Eligible student not required to be low-income

Title II, Part A Calculation of Private Schools' "Equitable Participation"

Worksheet for School Year _____

STEP 1: List the private schools located within your district's boundaries along with the enrollment of each school:

Private School	Enrollment
	Total

STEP 2: Determine the amount the district has designated for professional development from the Title II, Part A allocation.

= _____

STEP 3: Calculate the total of the 2001-02 Eisenhower allocation for the district and each private school combined.

= _____

STEP 4: Compare the two amounts (from STEP 2 and 3). Select the larger of the two amounts. This is the "BASE."

STEP 5: Calculate the total number of students enrolled in the Public School AND in the Private Schools.

= _____

STEP 6: Divide the BASE (STEP 4) by the total of students enrolled in the Public School and Private Schools (STEP 5) to produce the "Per-Pupil" amount:

_____ / _____
(Per-Pupil Amount)

- The Public School's "share" = Per-Pupil amount X Public School's Enrollment
- Each Private School's "share" = Per-Pupil amount X Private School's Enrollment

Allowable District Uses of Funds for Services to Private Schools

	Title I Part A	Title I Part C	Title II Part A	Title II Part D	Title V Part A
Salaries for private school staff	No	No	No	No	No
Salaries of district staff who service private school	Yes	Yes	Yes, if providing professional development	Yes, if providing professional development	Yes
Substitutes for ANY reason	No	No	No	No	No
Stipends for private school staff * Professional Development in core academic areas – secular content only * Reasonable & necessary * Outside of school day * Paid directly to teacher by district	Yes	Yes	Yes	Yes	Yes
Purchase of Computers	Yes, if exclusively for use by Title I students	Yes, if exclusively for use by Migrant students	No	Yes	Yes
Supplies	Yes, for Title I students	Yes, for Migrant students	Yes, for professional development	Yes, for technical support and professional development	Yes for Title V student programs
Class Size Reduction	No	No	No	No	No
Professional Development	Yes, for assisting Title I students	Yes, for assisting Migrant students	Yes	Yes	Yes

Sample: LEA Procedures for Using Title II, Part A Assessment Information to Develop a Program Evaluation Plan and Subsequent Program Modifications

Title II, Part A Program Assessment

- After the assessment and analysis of the appropriate data, priorities will be established that meet the needs of students.
- A program model and schedule will be aligned with the established priorities.
- A professional development program will be designed to **supplement** the private school's core curriculum.

Evaluation Plan

LEA officials must assess annually the progress of the Title II, Part A program towards enabling private school participants to meet the agreed-upon standards. Student performance results will be reviewed annually. When the standardized test information is available, the Title I teacher and the private school official(s) will meet to analyze the assessment results for the participating students. Their goal is to determine whether or not the level of student performance, as measured by the standardized test, has met or exceeded the desired outcomes agreed to in consultation.

Based on consultation, the effectiveness of the Title II, Part A professional development program at each private school will be measured through comparing the targeted percentage of students reaching the established performance-level standard and the agreed-upon year-end percentage of students achieving the performance level.

In the event the Title II, Part A program fails to meet the annual progress target, consultation will occur to examine the student performance data to determine if modifications to the professional development program are required.

Worksheet
Determining Professional Development Activities
For Private School Teachers Based on Needs Assessments

Local Educational Agencies (LEAs) and private school officials can use this worksheet to develop effective professional development programs for private school teachers of Title I children. Using the worksheet during consultation, LEAs and private school officials can identify: the needs of the private school participants and their teacher; the teacher's strengths; the most appropriate professional development to meet the identified needs; and the estimated cost of the professional development activity. To follow is a sample completed worksheet.

Grade	Student Needs	Teacher Strengths	Teacher Areas of Need	Proposal for Professional Development	Estimated Cost
Grade 3	Reading for comprehension; Increasing time on task	Excellent classroom management; creative approach to learning	Reading in the content area for at-risk students	Local university course, "Applying New Reading Research to Instruction in Content Areas for Low-achieving Students"	\$1,150
Grade 2	Reading fluency	Reading in the content areas	Analysis of and correction of reading problems	Quarterly in-service training with LEA reading specialist to develop skills to analyze reading problems	\$800 per person (when there is a class of 10 individuals)
Grade 1	Letter recognition; Lack of phonic skills	Reading in the content areas	Phonics-based instruction	Quarterly in-service training with LEA reading specialist or 3-credit course at the local teachers college	\$800 \$900 for 3 credits

Title II, Part A Program for Eligible Private School Students

Certification of Technology Equipment

Private School Name: _____

Title II, Part A Teacher: _____

By the signature below, the Title II, Part A teacher assigned to the program at this private school certifies that the technology equipment provided by the LEA (list attached) is located at this school site.

Beginning of
School Year: _____
Teacher's Signature Date

Midyear: _____
Teacher's Signature Date

End of
School Year: _____
Teacher's Signature Date

In the event an inventory update is needed, please check the box below indicating the month when you signed and submitted this form with the updated list.

Attached is a list of the updated inventory of equipment, materials and property with Title II, Part A funds for the month of _____ for the LEA files. I have kept a copy for my files.

Title II, Part A Program for Eligible Private School Students

Certification of Instructional Materials

Private School Name: _____

Title II, Part A Teacher: _____

By the signature below, the Title II, Part A teacher assigned to the program at this private school certifies that the instructional materials are located at the school site as listed on the attached inventory form.

Instructional Materials

Books (name of each book is on attached list)

Software

Math Manipulatives

Computers

Other (please list):

Beginning of
School Year:

Teacher's Signature

Date

Midyear:

Teacher's Signature

Date

End of
School Year:

Teacher's Signature

Date



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

Title II, Part A

Resources





IMPROVING TEACHER QUALITY STATE GRANTS

ESEA TITLE II, PART A

NON-REGULATORY GUIDANCE

Revised

October 5, 2006

Academic Improvement and Teacher Quality Programs
Office of Elementary and Secondary Education
U.S. Department of Education

PRIVATE SCHOOL PARTICIPATION

Under the *Title II, Part A* program, private school teachers, principals, and other educational personnel are eligible to participate to the extent that the LEA uses funds to provide for professional development for teachers and other school personnel.

General Issues

Q-1. Are private school teachers, principals, and other educational personnel eligible to participate in the *Title II, Part A* program?

A-1. Yes. Private school teachers, principals, and other educational personnel are eligible to participate in *Title II, Part A*, to the extent that the LEA uses funds to provide for professional development for teachers and others. Funds awarded to SEAs and LEAs under *Title II, Part A* are subject to the uniform provisions of Section 9501 of the ESEA (*Participation by Private School Children and Teachers*). The statute requires LEAs to provide private school children, their teachers, and other educational personnel with educational services on an equitable basis and in a timely manner.

The requirement for the equitable participation of private school teachers and other educational personnel applies only to the LEA's *Title II, Part A* funds to the extent that the LEA uses these funds for professional development of its teachers and other staff. However, this flexibility is constrained by the requirement [described below in Q-4](#).

Q-2. What is meant by “equitable participation”?

A-2. Participation is considered to be equitable if the public and private educational agencies and institutions: (1) assess, address, and evaluate the needs and progress of both groups of teachers in the same manner; (2) provide approximately the same amount of training and, where appropriate, instruction to teachers with similar needs; (3) spend an equal amount of funds per student to serve public and private school teachers; and (4) provide private school teachers with an opportunity to participate in *Title II, Part A* program activities equivalent to the opportunity provided public school teachers.

Many LEAs calculate equal expenditures strictly on the basis of the relative enrollments of public and private school students, on the assumption that these numbers also accurately reflect the relative needs of students and teachers in public and private schools. It is also permissible for LEAs to use other factors relating to need and not base equal expenditures only on relative enrollments. For example, an LEA may choose poverty as an additional factor in determining equal expenditures and consider the relative poverty of the two groups of students. However, it would not be proper to base the determination solely on poverty (or any other factor relating only to educational need), because the statute requires that both the number and the educational needs of the public and private school students be taken into account. Also, if it uses poverty as a factor, the LEA would need to identify all the private school students from low-income families and not just those who reside in the district. As with other decisions affecting services to private school students, LEAs are to consult with private school officials on the method for determining

equal expenditures, and the resulting methodology should reasonably reflect the relative numbers and educational needs of the public and private school students.

Q-3. For the purposes of equitable participation, which institutions are considered “private schools”?

A-3. For the purposes of equitable participation, a private school is a nonprofit institutional day or residential school that is not under Federal or public supervision or control and that provides elementary and/or secondary education as determined under State law, except that the term does not include any education beyond grade 12.

Q-4. How does an LEA determine the minimum amount required for equitable services to private school teachers and other educational personnel?

A-4. Under *Title II, Part A*, LEAs are required to provide equitable services for private school teachers and other educational personnel only to the extent that they use the funds for professional development. For purposes of determining the amount of *Title II, Part A* funds that an LEA must make available for equitable services to private school teachers and other educational personnel, the statute has the LEA assume that it is spending at least as much for professional development under *Title II, Part A* as it did in FY 2001 under the Eisenhower Professional Development and Class-Size Reduction programs [*Title IX*, Section 9501(b)(3)(B)].

Q-5. If a school district exercises *Title VI* transferability authority and moves funds from *Title II, Part A* to another covered program, is the district required to provide the “hold harmless” amount for private school teachers’ professional development?

A-5. Yes. As noted in question [Q-3](#) above, for purposes of determining the amount of *Title II, Part A* funds it must reserve for professional development provided to private school teachers, the LEA must assume that it is spending at least as much *Title II, Part A* funds each year for professional development as it did with FY 2001 funds under the former Eisenhower Professional Development and Class-Size Reduction programs. Hence, the district must provide equitable services based on this minimal amount to private school teachers and other educational personnel even if the LEA transfers some *Title II* funds to other programs.

Q-6. What are the obligations of the LEA regarding the participation of private school teachers in professional development programs funded under this program?

A-6. As part of the application process, LEAs must assure that they will comply with Section 9501 of ESEA (regarding participation by private school children and teachers). LEAs must consult with appropriate private school officials during the design, development, and implementation of the professional development program on such issues as:

- how the needs of children and teachers will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;

- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the equitable services;
- the amount of funds available for those services; and
- how and when the LEA will make decisions about the delivery of services.

Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers [Section 9501].

Q-7. What happens if an LEA chooses not to participate in the *Title II, Part A* program and a private school in that LEA expresses a desire to do so?

A-7. There is no authority for allowing non-public schoolteachers to receive services if the LEA elects not to participate in the program, nor does the program statute authorize an SEA to reallocate funds to another LEA for the purpose of allowing participation of teachers at a private school located in a nonparticipating LEA.

Eligible Activities

Q-8. What are some of the eligible activities under this program in which private school teachers and other educational personnel may participate?

A-8. As with any activity that the LEA carries out for public school teachers, activities supported with *Title II, Part A* funds that benefit private school teachers must meet the requirements of the statute. For example, activities to be carried out for private school personnel must be based on a review of scientifically based research and must be expected to improve student academic achievement. Professional development activities may include:

- Improving the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods, and skills;
- Training in effectively integrating technology into curricula and instruction;
- Training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;
- Training in methods of improving student behavior, identifying early and appropriate interventions, and involving parents more effectively in their children's education;
- Leadership development and management training to improve the quality of principals and superintendents; and
- Training in the use of data and assessments to improve instruction and student outcomes.

Q-9. Must the expenditures that the LEA provides for professional development for private school teachers be equal on a per-pupil basis?

A-9. *Title IX*, Section 9501 of ESEA requires that *Title II, Part A* services for professional development that are provided to private school teachers and other educational personnel be

equitable in comparison to those provided to public school teachers. It also requires that funds provided for professional development for private school teachers be equal on a per-pupil basis.

Q-10. How does the LEA ensure that it is providing equitable services?

A-10. To ensure that it is providing equitable professional development services to private school teachers and other educational personnel, the LEA should consider ways to:

- Assess, address, and evaluate the needs and progress of both public and private school teachers;
- Spend an equal amount of funds per student to serve the needs of public and private school teachers and their students;
- Provide private school teachers with an opportunity to participate in *Title II* activities equivalent to the opportunity provided public school teachers; and
- Offer educational services to private school teachers that are secular, neutral, and non-ideological [Section 9501(a)(2)].

Q-11. Does the professional development program for private school teachers have to be the same as the professional development program for public school teachers?

A-11. No. Consultation and coordination are essential to ensuring high-quality, sustained, intensive, and classroom-focused professional development activities for private school teachers. LEAs must assess the needs of private school teachers in designing the professional development program for private school teachers. If the professional development needs of the private school teachers are different from those of public school teachers, the LEA, in consultation with private school representatives, should develop a separate program.

Q-12. May *Title II, Part A* funds be used to pay for a private school teacher's attendance at a professional conference sponsored or conducted by a faith-based organization?

A-12. Yes. To the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher, then *Title II, Part A* funds may be expended to pay for the portion of the costs of the conference that, as determined by the LEA, represent the secular professional development in which the teacher participated. In this case, the LEA would pay or reimburse the teacher for attendance at the conference.

Q-13. May funds be used to pay stipends to private school teachers participating in a *Title II, Part A* professional development program?

A-13. Yes. *Title II, Part A* funds may be used to pay for stipends for private school teachers, as reasonable and necessary. For example, if the professional development activity is conducted during after-school hours or in the summer, stipends may be needed to compensate teachers for their participation outside their regular employment hours. Stipends for private school teachers must be available on the same basis as those for public school teachers *and* the stipends must be paid directly to the private school teachers for their own use, and not to the private school.

Q-14. May *Title II, Part A* funds be used to pay any portion of a private school teacher’s salary or benefits?

A-14. No. While LEAs must set aside an amount of *Title II, Part A* funds for the equitable participation of private school teachers in professional development activities, funds may not be used to pay or subsidize any portion of a private school teacher’s salary or benefits.

Q-15. May *Title II, Part A* funds be used to pay for substitute teachers who replace teachers from private schools while they attend professional development activities?

A-15. No. The *Title II, Part A* program does not authorize payments to private schools to be used for hiring substitute teachers.

Q-16. May administrative costs be considered in determining the per-teacher expenditures for private school teachers?

A-16. No. LEAs pay the costs of administering professional development programs for public and private school teachers and other educational personnel “off the top” of their allocations. This is calculated before determining how much of the *Title II, Part A* funds are to be made available for professional development of public and private school teachers and other personnel.

Q-17. When an LEA provides services to private schools through a third-party contractor, is the contractor permitted to charge administrative costs?

A-17. No. Administrative costs of providing services to *both* public and private school students come “off the top” of a district’s allocation before the equal expenditures are computed. Since the LEA is reserving its administrative costs “off the top,” then the contract administrative costs (including any fee) must come from that set-aside.

Q-18. If a private school requires and annually provides, as part of its teacher contract, four days of professional development, may the LEA provide, on these same days, professional development supported by *Title II, Part A* funds?

A-18. If the private school is legally bound by contract to provide a certain level of professional development, it would presumably provide those services regardless of whether Federal funds are available, and it would be supplanting to use Federal funds to provide professional development in place of those services. The law requires that all uses of *Title II, Part A* funds supplement non-federal funds that would otherwise be used for activities, and hence, the professional development provided with Federal funds needs to be in addition to, and not in place of, what the private school would otherwise provide.

LEAs and Private Schools

Q-19. When must an LEA consult with appropriate private school officials?

A-19. To ensure timely and meaningful consultation, an LEA must consult with appropriate private school officials during the design and development of the proposed programs. It is important that attention be given to the timing of the consultation so that decisions that affect the opportunities of eligible private school teachers to participate in *Title II, Part A* program activities are made only after discussions have taken place. The quality of the consultative process will likely have an effect on the quality of services to private school teachers [Section 9501(c)(3) and (4)].

Q-20. Must an LEA contact the officials of all private schools every year, even when there have been no recent indications of a desire to participate in the *Title II, Part A* program?

A-20. Yes. The LEA is required to contact appropriate officials of all private schools within the boundaries of the school district *annually* to determine if they want their teachers to participate in the *Title II, Part A* program, regardless of whether or not those officials have recently indicated any interest in program participation.

Q-21. May an LEA require private school representatives to submit an application in order to receive services for the teachers in a private school with *Title II, Part A* funds?

A-21. LEAs may request documentation, as needed, from private school officials that can help the LEA identify services that may be appropriate to the needs of private school teachers. However, requiring a formal application may, depending upon its form and content, constitute an administrative barrier that is inconsistent with the LEA's responsibility to ensure equitable participation of private school teachers.

Q-22. What kinds of records should an LEA maintain in order to show that it has met its responsibilities for equitable participation of private school teachers?

A-22. To meet its general record-keeping responsibility, an LEA should document that: (a) representatives of private schools were informed of the availability of *Title II, Part A* services; (b) the needs of private and public school teachers were identified as part of a district-wide needs assessment; (c) private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; and (d) the LEA designed a project that would permit their equitable participation.

The LEA also should maintain records of its efforts to resolve any complaints made by private school representatives that LEAs that should be serving their teachers are not doing so on an equitable basis.

Q-23. Must the LEAs administer and retain control over the *Title II, Part A* funds used to serve private school teachers?

A-23. Yes. The LEAs must administer and retain control over the funds and, therefore, may not provide program funds directly to private schools. Before determining the amount of funds to be provided for services to private school teachers, an LEA could pay reasonable and necessary administrative costs of providing those services from its *Title II, Part A* allocation.

Q-24. May professional development be conducted within private schools?

A-24. Yes, professional development activities may be conducted in the private school facilities.

Q-25. Does the law require that LEAs provide equitable services with *Title II, Part A* funding only to private “nonprofit” schools?

A-25. Yes. Section 9501(a) requires LEAs to provide equitable services to teachers and students in “private elementary and secondary schools.” NCLB defines “elementary” and “secondary” schools to mean only “nonprofit institutional day or residential school(s)” [Section 9101(18) and (38)].

Q-26. Are teachers employed with *Title I* funds who provide services to eligible private school children required to meet the highly qualified requirements?

A-26. Yes. If they are hired using *Title I* funds to teach core academic subjects they are held to the same requirements as public school teachers.

Q-27. Must an LEA count all the students in participating private schools even if some of the students enrolled in the private schools reside in other districts?

A-27. Yes. The LEA must provide equitable services based on the number of students who are enrolled in participating private schools in the geographical area served by the school district.

Q-28. If a public school district does not use *Title II, Part A* funds to support courses leading to degrees or advanced credentials, is the district nevertheless obligated to offer these services to the private schools upon request?

A-28. The ESEA confers on each LEA the responsibility for determining, after appropriate consultation with private school officials, what services to provide to private school teachers, and section 9501(a)(3) of the ESEA requires that the district's provision of services to private school teachers must be "equitable in comparison to services and other benefits for public school ... teachers participating in the program...."

Department regulations in 34 CFR 299.7(c) require a district to examine the particular needs of private school teachers and not simply make available to private school teachers the kinds of services it makes available to public school teachers.

In implementing these provisions, each LEA is responsible for determining, on the basis of the consultation process, the kinds of professional development opportunities that private school teachers will have available. The LEA decision must reflect how private school teachers, consistent with the availability of *Title II, Part A* funds, can best secure the professional development they need to address their own identified teaching needs. How the needs of private school teachers will be assessed is a topic for consultation between the LEA and private school officials, and it may be that through the process of assessing the teaching needs of private school teachers, the needs of private school teachers will not be the same as those of public school teachers. As with services for public school teachers, any *Title II, Part A* expenditures for private school teachers must be reasonable and necessary to carry out the purposes of the program.

In general, we believe that an LEA can (and should), in carrying out its responsibility to provide equitable services to private school teachers, establish policies that, for reasons of effectiveness, quality, cost, and other relevant factors, favor certain kinds of courses or other forms of professional development that the *Title II, Part A* statute authorizes over others. However, we do not believe that 34 CFR 299.7(c) permits a district to establish a blanket rule that forbids any private school teacher from receiving certain forms of professional development that the *Title II, Part A* statute otherwise authorizes and that best meet that teacher's identified teaching needs related to improving student academic achievement.

SEAs, SAHEs, and Private Schools

Q-29. Must an SEA provide equitable services to private school teachers if it uses its *Title II, Part A* funds reserved for State activities to provide professional development?

A-29. Yes. An SEA must provide equitable services to public and private school teachers and other educational personnel in professional development activities supported by these funds.

Q-30. Do the ESEA *Title IX* requirements regarding services to private school teachers apply to activities conducted under the competitive awards made under SAHE-administered partnerships program?

A-30. Yes. The SAHE-funded grants to partnerships of IHEs and high-need LEAs must ensure that services are offered on an equitable basis to public and private school teachers since the requirements apply to grants of “financial assistance” provided to an LEA “or another entity” [Section 9501(b)(1)].

APPENDIX A

Definitions, Acronyms, and Abbreviations

AYP: Adequate Yearly Progress

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

CFR: Code of Federal Regulations

CHARTER SCHOOL: The term “charter school” means its the purpose of eligibility under the Federal Charter Schools program, a public school that:

1. In accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of the paragraph of the statute that defines “charter schools”;
2. Is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
3. Operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
4. Provides a program of elementary or secondary education, or both;
5. Is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
6. Does not charge tuition;
7. Complies with the Age Discrimination Act of 1975, *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, and Part B of the Individuals with Disabilities Education Act;
8. Is a school to which parents choose to send their children, and that admits students on the basis of a lottery, if more students apply for admission than can be accommodated;
9. Agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such requirements are specifically waived for the purpose of the Charter Schools program;
10. Meets all applicable Federal, State, and local health and safety requirements;

11. Operates in accordance with State law; and
12. Has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school [Section 5210(1)].

CORE ACADEMIC SUBJECTS: The term “core academic subjects means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography [Section 9101(11)].

THE DEPARTMENT: U.S. Department of Education

EDGAR: Education Department General Administrative Regulations

EISENHOWER PROGRAM: Eisenhower Professional Development Program

ESEA: Elementary and Secondary Education Act of 1965, as amended

ELIGIBLE PARTNERSHIP: This term includes a private or State institution of higher education and the division of the institution that prepares teachers and principals; a school of arts and sciences; and a high-need LEA; and may include another LEA, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a pre-kindergarten program, a teacher organization, a principal organization, or a business [Section 2131].

ESL: English as a Second Language

FERPA: Family Educational Rights and Privacy Act

FY: Fiscal Year

HIGH-NEED LEA: An LEA that serves not fewer than 10,000 children from families with incomes below the poverty line; or for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing [Section 2102(3)].

HEA: Higher Education Act

HIGHLY QUALIFIED PARAPROFESSIONAL: A paraprofessional who has not less than 2 years of experience in a classroom; and post-secondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers [Section 2102(4)].

HIGHLY QUALIFIED TEACHER:

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

- a. Has met the applicable standard requirements, which includes an option for a test; **or**
 - b. Demonstrates competency in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that-
 - i) Is set by the State for both grade appropriate academic subject-matter knowledge and teaching skills;
 - ii) Is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;
 - iii) Provides objective, coherent information about the teacher's attainment of core content knowledge in the academic subjects in which a teacher teaches;
 - iv) Is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;
 - v) Takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;
 - vi) Is made available to the public upon request; and
 - vii) May involve multiple, objective measures of teacher competency [Section 9101(23)].
4. When the term “highly qualified teacher” is used with respect to any public elementary school or secondary school special education teacher teaching in a State, it means that:
- a. The teacher has obtained full State certification as a special education teacher (including certification obtained through alternate routes to certification) or passed the State special education teacher licensing examination, and holds a license to teach in the State as a special education teacher, except that when the term is used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the certification or licensing requirements set forth in the State's public charter school law (*see entry below for the definition of a highly qualified charter school teacher*); and
 - i) The teacher has not had special education certification or licensure requirements waived on an emergency, temporary, or provisional basis; and
 - ii) The teacher holds at least a bachelor’s degree.

HIGHLY QUALIFIED CHARTER SCHOOL TEACHER: Charter school teachers who teach core academic subjects must comply with any provision in a State’s charter school law regarding certification or licensure requirements. A teacher in a charter school does not have to be licensed or certified by the

State if the State does not require such licensure or certification. However, teachers of core academic subjects in charter schools must meet the other requirements that apply to public school teachers, including holding a four-year college degree and demonstrating competency in the subject area in which they teach. (See definition above for information on how teachers can demonstrate subject area competence.)

HIGHLY QUALIFIED VOCATIONAL EDUCATION TEACHER: Only vocational education teachers who teach core academic courses are required to meet the definition of a highly qualified teacher. The term “core academic subjects” is defined in ESEA as “English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.”

HIGH QUALITY PROFESSIONAL DEVELOPMENT: See the definition for “professional development.”

IHE: Institution of Higher Education

LEA: Local educational agency

LOW-PERFORMING SCHOOL: The term “low-performing school” means an elementary school or secondary school that is identified under Section 1116 of ESEA.

NCLB: The *No Child Left Behind* Act of 2001

OMB: Office of Management and Budget

OUT-OF-FIELD TEACHER: A teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified [Section 2102(5)].

PARAPROFESSIONAL: A paraprofessional is an individual with instructional duties. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals for *Title I* purposes.

PRINCIPAL: The term “principal” includes an assistant principal [Section 2102(6)].

PROFESSIONAL DEVELOPMENT: [Section 9101(34)] The term “professional development”:

1. Includes activities that:
 - a. Improve and increase teachers' knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;
 - b. Are an integral part of broad schoolwide and districtwide educational improvement plans;

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

- m. Provide instruction in methods of teaching children with special needs;
 - n. Include instruction in the use of data and assessments to inform and instruct classroom practice; and
 - o. Include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and
2. May include activities that:
- a. Involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;
 - b. Create programs to enable paraprofessionals (assisting teachers employed by a LEA receiving assistance under Part A of Title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and
 - c. Provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that is designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom [Section 9101(34)].

PUPIL SERVICES PERSONNEL; PUPIL SERVICES: The term “pupil services personnel” means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in Section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs. The term “pupil services” means the services provided by pupil services personnel [Section 9101(36)].

RFP: Request for Proposal

SCIENTIFICALLY BASED RESEARCH: The term “scientifically based research”:

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

- c. Relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;
- d. Is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;
- e. Ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and
- f. Has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review [Section 9101(37)].

SECRETARY: Secretary of Education, U.S. Department of Education

SAHE: State agency for higher education

SEA: State educational agency

STATUTE: The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the *No Child Left Behind Act of 2001*

APPENDIX B

Title II, Part A Statute

PART A - TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

SEC. 2101. PURPOSE.

The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to -

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) hold local educational agencies and schools accountable for improvements in student academic achievement.

SEC. 2102. DEFINITIONS.

In this part:

- (1) ARTS AND SCIENCES- The term arts and sciences' means -
 - (A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and
 - (B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).
- (2) CHARTER SCHOOL- The term charter school' has the meaning given the term in section 5210.
- (3) HIGH-NEED LOCAL EDUCATIONAL AGENCY- The term high-need local educational agency' means a local educational agency -
 - (A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or
 - (ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and
 - (B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or
 - (ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.
- (4) HIGHLY QUALIFIED PARAPROFESSIONAL- The term highly qualified paraprofessional' means a paraprofessional who has not less than 2 years of -
 - (A) experience in a classroom; and
 - (B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.
- (5) OUT-OF-FIELD TEACHER- The term out-of-field teacher' means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.
- (6) PRINCIPAL- The term principal' includes an assistant principal.

SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.

(a) GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS- There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

Subpart 1 - Grants to States

SEC. 2111. ALLOTMENTS TO STATES.

(a) IN GENERAL- The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

(b) DETERMINATION OF ALLOTMENTS-

(1) RESERVATION OF FUNDS-

(A) IN GENERAL- From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve -

- (i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and
- (ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

(2) STATE ALLOTMENTS-

(A) HOLD HARMLESS-

- (i) IN GENERAL- Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under -

(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

(ii) RATABLE REDUCTION- If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

(B) ALLOTMENT OF ADDITIONAL FUNDS-

(i) IN GENERAL- Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of -

(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

(ii) EXCEPTION- No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

(3) REALLOTMENT- If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

SEC. 2112. STATE APPLICATIONS.

(a) IN GENERAL- For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

(b) CONTENTS- Each application submitted under this section shall include the following:

(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

(8) A description of how the State educational agency will ensure that the professional development (including teacher mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

(9) A description of the State educational agency's annual measurable objectives under section 1119(a)(2).

(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).

(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).

(c) DEEMED APPROVAL- An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

(d) DISAPPROVAL- The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

(e) NOTIFICATION- If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall--

- (1) give the State educational agency notice and an opportunity for a hearing; and
- (2) notify the State educational agency of the finding of noncompliance and, in such notification, shall--
 - (A) cite the specific provisions in the application that are not in compliance; and
 - (B) request additional information, only as to the noncompliant provisions, needed to make the application compliant.
- (f) RESPONSE- If the State educational agency responds to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of--
 - (1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or
 - (2) the expiration of the 120-day period described in subsection (c).
- (g) FAILURE TO RESPOND- If the State educational agency does not respond to the Secretary's notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

SEC. 2113. STATE USE OF FUNDS.

- (a) IN GENERAL- A State that receives a grant under section 2111 shall -
 - (1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;
 - (2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of the funds to make subgrants to local partnerships as described in subpart 3; and
 - (3) use the remainder of the funds for State activities described in subsection (c).
- (b) SPECIAL RULE- For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals \$125,000,000.
- (c) STATE ACTIVITIES- The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:
 - (1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that -
 - (A)(i) teachers have the necessary subject-matter knowledge and teaching skills in the academic subjects that the teachers teach; and
 - (ii) principals have the instructional leadership skills to help teachers teach and students learn;
 - (B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and
 - (C) teachers have the subject-matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.
 - (2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that -
 - (A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and
 - (B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.
 - (3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel, and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.
 - (4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only -
 - (A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and
 - (B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.
 - (5) Reforming tenure systems, implementing teacher testing for subject-matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.
 - (6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.
 - (7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.
 - (8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.
 - (9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

- (10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.
- (11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.
- (12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.
- (13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
- (14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
- (15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).
- (16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.
- (17) Funding projects and carrying out programs to encourage men to become elementary school teachers.
- (18) Establishing and operating a center that -
- (A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and
 - (B) establishes and carries out programs to improve teacher recruitment and retention within the State.
- (d) ADMINISTRATIVE COSTS- A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.
- (e) COORDINATION- A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.
- (f) SUPPLEMENT, NOT SUPPLANT- Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 2 - Subgrants to Local Educational Agencies

SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES-

- (1) IN GENERAL- The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.
- (2) HOLD HARMLESS-
- (A) IN GENERAL- From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under -
 - (i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and
 - (ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).
 - (B) NONPARTICIPATING AGENCIES- In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.
 - (C) RATABLE REDUCTION- If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.
- (3) ALLOCATION OF ADDITIONAL FUNDS- For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of -
- (A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and
 - (B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number

of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.

(a) IN GENERAL- To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

(b) CONTENTS- Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with -

(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

(ii) the curricula and programs tied to the standards described in clause (i).

(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that -

(A) have the lowest proportion of highly qualified teachers;

(B) have the largest average class size; or

(C) are identified for school improvement under section 1116(b).

(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

(8) A description of the results of the needs assessment described in subsection (c).

(9) A description of how the local educational agency will provide training to enable teachers to -

(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

(C) involve parents in their child's education; and

(D) understand and use data and assessments to improve classroom practice and student learning.

(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

(c) NEEDS ASSESSMENT-

(1) IN GENERAL- To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

(2) REQUIREMENTS- Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject-matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

SEC. 2123. LOCAL USE OF FUNDS.

(a) IN GENERAL- A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only -

(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including -

- (A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach -
 - (i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and
 - (ii) in schools in which there exists a shortage of highly qualified teachers;
- (B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and
- (C) establishing programs that -
 - (i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);
 - (ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;
 - (iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and
 - (iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.
- (3) Providing professional development activities--
 - (A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning--
 - (i) one or more of the core academic subjects that the teachers teach; and
 - (ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and
 - (B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that--
 - (i) involve collaborative groups of teachers and administrators;
 - (ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;
 - (iii) provide training in methods of--
 - (I) improving student behavior in the classroom; and
 - (II) identifying early and appropriate interventions to help students described in clause (ii) learn;
 - (iv) provide training to enable teachers and principals to involve parents in their child's education, especially parents of limited English proficient and immigrant children; and
 - (v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.
- (4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide--
 - (A) teacher mentoring from exemplary teachers, principals, or superintendents;
 - (B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;
 - (C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or
 - (D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.
- (5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as--
 - (A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;
 - (B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;
 - (C) tenure reform;
 - (D) merit pay programs; and
 - (E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.
- (6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.
- (7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.
- (8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.
- (10) Carrying out programs and activities related to exemplary teachers.

(b) SUPPLEMENT, NOT SUPPLANT- Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

Subpart 3 - Subgrants to Eligible Partnerships

SEC. 2131. DEFINITIONS.

In this subpart:

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

(A) shall include -

(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;

(ii) a school of arts and sciences; and

(iii) a high-need local educational agency; and

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

(2) LOW-PERFORMING SCHOOL- The term low-performing school' means an elementary school or secondary school that is identified under section 1116.

SEC. 2132. SUBGRANTS.

(a) IN GENERAL- The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.

(b) DISTRIBUTION- The State agency for higher education shall ensure that -

(1) such subgrants are equitably distributed by geographic area within a State; or

(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

(c) SPECIAL RULE- No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

SEC. 2133. APPLICATIONS.

To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

SEC. 2134. USE OF FUNDS.

(a) IN GENERAL- An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for -

(1) professional development activities in core academic subjects to ensure that -

(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject-matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that -

(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

(b) COORDINATION- An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.

Subpart 4 - Accountability

SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.

(a) IMPROVEMENT PLAN- After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

(b) TECHNICAL ASSISTANCE- During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall -

(1) provide technical assistance to the local educational agency; and

- (2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).
- (c) ACCOUNTABILITY- After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency's funds under this part. As part of this agreement, the State educational agency -
- (1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and
 - (2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;
 - (B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and
 - (C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate -
 - (i) that a significant influx of population has substantially increased student enrollment; or
 - (ii) that there is an increased need for translators or assistance with parental involvement activities.
- (d) SPECIAL RULE- During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that -
- (1) meet the requirements for professional development activities described in section 9101; and
 - (2) are coordinated with other reform efforts at the schools.