



TITLE II, PART A—SUPPORTING EFFECTIVE INSTRUCTION

PROGRAM GUIDE

Federal Program Compliance Division
Department of Grant Compliance and Administration
(512) 463-9499
ESSASupport@tea.texas.gov

COVID-19

As a result of the COVID-19 pandemic, additional flexibility in the administration of federal grant programs is likely to be issued by the U.S. Department of Education. Any additional flexibility for the Title I, Part A program that is available to LEAs related to COVID-19 will be provided on TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page.

Web Resources

- TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) web page

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I. Program Overview

Purpose

The purpose of Title II, Part A is to increase student achievement consistent with the challenging State academic standards; improve the quality and effectiveness of teachers, principals, and other [school leaders](#); increase the number of effective teachers, principals, and other [school leaders](#) who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other [school leaders](#). The intent of the funding is to support educators in their work to improve the overall quality of instruction and ensure equity of educational opportunity for all students.

This program guide contains basic program information as well as direct links to related information and resources available on the Texas Education Agency web site. This resource provides general program information and should not be perceived as an all-inclusive listing of all statutory requirements. Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute. All statutory requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

Additionally, please note that any sample language provided in sections of this guide are examples of what LEAs and/or campuses could use as a guide. It is not meant for an LEA to copy and paste verbatim as LEA policies and procedures may be different than what is provided as sample language.

State Plan

Each State that receives Title II, Part A funds is required to submit a plan to the United States Department of Education (USDE). The preliminary Texas Consolidated State Plan was submitted to the USDE by the Texas Education Agency (TEA) on September 25, 2017. The final Texas Consolidated State Plan was submitted on March 6, 2018. This final plan reflected the results of a series of public hearings, review by the Governor's Office, and review by the State Board of Education, in addition to input from a peer review process and feedback from the USDE. The Plan can be viewed by [clicking here](#).

Allocation of Funds to Local Educational Agencies (LEAs)

Allocations to individual LEAs are determined based on statutory formulas. Several factors affect LEA eligibility for the funding, including Census updates, hold-harmless amounts, and set-asides for state activities, state-level administration, and charter school funding.

The process of determining LEA allocations is detailed in the “**ESSA Funding Reference Manual**” that is available in the Handbooks and Other Guidance section of TEA’s [Finance and Grants web site](#).

[Entitlement amounts](#) for the current school year for these and other grants are available on the Grants Administration Division web page. Title II, Part A entitlements can be found in the ESSA Consolidated Application entitlements section of the web page.

LEA Plan and Application

Local education agencies (LEAs) may apply for funding through the ESSA Consolidated Federal Grant Application that is available on the eGrants system. Information on accessing the eGrants system are detailed on the [TEA Secure Applications web page](#). General information and a sample application are available at the [TEA Grant Opportunities web page](#). For detailed information search by the grant application name.

The ESSA Consolidated Federal Grant Application incorporates the LEA Plan required by Federal statute into the annual application for funding. The ESSA Consolidated Federal Grant Application serves as a Consolidated LEA Plan and Application for the following Federal programs:

- Title I, Part A—Improving Basic Programs Operated by LEAs
- Title I, Part C—Education of Migratory Children
- Title I, Part D—Prevention and Intervention Programs for Children and Youth Who Are Neglected, Delinquent, or At Risk of Dropping Out
- Title II, Part A—Supporting Effective Instruction
- Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part A—Student Support and Academic Enrichment Grants

Web Resources

[ESSA State Plan](#)

[ESSA Funding Formulas Reference Manual](#)

[Entitlements](#)

[eGrants Access](#)

[TEA Grant Opportunities Page](#)

II. Program Description

This section provides program specific requirements and information related to the Title II, Part A program.

Areas of Focus

Title II, Part A allowable activities included in the ESSA statute and in the Non-Regulatory Guidance from the U.S. Department of Education (issued on September 27, 2016) have been categorized into three areas of focus.

- 1) Recruiting and Retaining Effective Teachers and Principals
- 2) Professional Development and Educator Growth
- 3) Other [Evidence-Based](#) Activities

1) Recruiting and Retaining Effective Teachers and Principals

Title II, Part A allowable activities in the area of recruiting and retaining effective teachers and principals include activities in the following categories:

- [Recruiting, Hiring, and Retaining Effective Teachers in High-Need Schools;](#)
- [Educator Induction and Mentorship Programs;](#)
- [Teacher Leadership;](#)
- [School Principal Support;](#)
- [Educator Cultural Competence;](#)
- [Recruiting Qualified Individuals from Other Fields;](#) and
- [Improving School Working Conditions.](#)

Recruiting, Hiring, and Retaining Effective Teachers in High-Need Schools

High-Need Schools Defined

High-need schools are low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards.

- ESSA supports developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers, in [high-need schools](#), to improve within-district equity in the distribution of teachers, such as initiatives that provide—
 - ✓ expert help in screening candidates and enabling early hiring;

- ✓ differential and incentive pay for teachers, principals, or other [school leaders](#) in high-need academic subject areas and specialty areas, which may include performance-based pay systems;
- ✓ teacher, paraprofessional, principal, or other [school leader](#) advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation;
- ✓ new teacher, principal, or other [school leader](#) induction and mentoring programs that are designed to improve classroom instruction and student learning and achievement; and increase the retention of effective teachers, principals, or other [school leaders](#);
- ✓ the development and provision of training for [school leaders](#), instructional/leadership coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform improvement strategies, and personnel decisions; and
- ✓ a system for auditing the quality of evaluation and support systems.

School Leader Defined

The ESSA statute refers to teachers, principals and other school leaders as intended program beneficiaries of the Title II, Part A program. For purposes of the Title II, Part A program, other “school leader” refers to a principal, assistant principal, or other individual who is...

- 1) An employee or officer of an elementary school or secondary school, local education agency, or other entity operating an elementary or secondary school; and
- 2) Responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

For example, LEA central office staff meet the first part of the definition but may not meet the second part. As a result, they are not identified as a ‘school leader.’

The following allowable activities are referenced in the *Non-Regulatory Guidance for Title II, Part A from the U.S. Department of Education* issued on September 27, 2016.

Equity-Based Activities

- ☐ To realize the equity goals of the ESSA, Title II, Part A funds may be used by LEAs in [high-need schools](#) to:
 - ✓ Create incentives for effective educators to teach in [high-need schools](#), and ongoing incentives for such educators to remain and grow in such schools.
 - ✓ Develop and implement initiatives to assist in recruiting, hiring, and retaining effective teachers to improve within-district equity, particularly in districts that are not implementing districtwide reforms, such as initiatives targeted to [high-need schools](#) that provide:
 - Incentives for effective educators to receive additional certifications in high-need areas; or
 - Co-teaching of classes, especially co-teaching by an experienced effective teacher and a novice teacher.

- ✓ Create teams of educators for teachers in [high-need schools](#) who convene regularly to learn, problem solve, and look over student work together, or provide time during the school day for educators to observe one another and reflect on new teaching and leading practices.
- ✓ Provide “teacher time banks” or flexible time to allow effective teachers and [school leaders](#) in [high-need schools](#) to work together to identify and implement meaningful activities to support teaching and learning.
 - For example, when implementing teacher time banks, Title II, Part A funds may be used to pay the costs of additional responsibilities for teacher leaders, use of common planning time, use of teacher-led developmental experiences for other educators based on educators’ assessment of the highest leverage activities, and other professional learning opportunities (which may involve using substitute teachers to cover classes during the school day).

Educator Induction and Mentorship Programs

- Establishing and supporting high-quality educator induction and mentorship programs that, where possible, are [evidence-based](#) and are designed to improve classroom instruction and student learning and achievement, and increase the retention of effective teachers, principals, or other [school leaders](#)
- Supporting a mentoring and induction program by providing early release time for mentoring, compensation for mentors, and [evidence-based](#) professional development for novice educators and mentors

Teacher Leadership

- Compensating teachers for their increased leadership roles and responsibilities
- Full range of activities to better leverage and support teacher leadership, for example:
 - ✓ Career opportunities and advancement initiatives for effective teachers that promote professional growth and emphasize multiple career paths. This includes creating hybrid roles that allow instructional coaching of colleagues while remaining in the classroom, as well as assuming other responsibilities such as collaborating with administrators to develop and implement distributive leadership models and leading decision-making groups
 - ✓ Supporting peer-led, [evidence-based](#) professional development in LEAs and schools
 - ✓ Recruiting and retaining talented and effective educators, including mentoring new educators
 - ✓ Participating in community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implication of a policy or practice on a school community, or organizing a community-wide service learning project,

where teachers afterwards work together to imbed conclusions of these activities into their teaching

School Principal Support

- ❑ Supporting school principals, through a variety of strategies such as:
 - ✓ Partnering with organizations to provide leadership training and opportunities for principals and other [school leaders](#) to hone their craft and bring teams together to improve school structures
 - ✓ Offering community of learning opportunities where principals and other [school leaders](#) engage with their school teams to fully develop broad curriculum models
 - ✓ Developing opportunities for principals and other [school leaders](#) to collaborate, problem-solve, and share best practices

Educator Cultural Competence

- ❑ Improving the recruitment, placement, support, and retention of culturally competent and responsive educators, especially educators from underrepresented minority groups, to meet the needs of diverse student populations.
 - ✓ These efforts may include, but are not limited to:
 - Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce;
 - Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors;
 - Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates;
 - Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations;
 - Providing time and space for differentiated support for all teachers, including affinity group support;
 - Supporting leadership and advancement programs aimed to improve career and retention outcomes for all educators, including educators from underrepresented minority groups; and
 - Developing and implementing other innovative strategies and systemic interventions designed to better attract, place, support, and retain culturally competent and culturally responsive effective educators, especially educators from underrepresented minority groups, such as having personnel or staff-time dedicated to recruiting diverse candidates

of high-quality who can best teach to the diversity of the student population.

- ✓ Although efforts to recruit a diverse workforce may not be limited on the basis of race, differentiation of supports for educators from diverse backgrounds is permissible.

Recruiting Qualified Individuals from Other Fields

- ❑ Recruiting qualified individuals from other fields to become teachers, principals, or other [school leaders](#), including mid-career professionals from other occupations, former military personnel, and recent graduates of institutions of higher education with records of academic distinction who demonstrate potential to become effective teachers, principals, or other [school leaders](#).

Improving School Working Conditions

- ❑ Developing feedback mechanisms to improve working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback which may leverage teacher leadership and community partners.
- ❑ Improve working conditions for teachers through high-impact activities based on local needs, such as improving access to educational technology, reducing class size to a level that is evidence-based, and providing ongoing cultural proficiency training to support stronger school climate for educators and students.
- ❑ Providing ongoing professional development aimed at cultural competency and responsiveness and equity coaching, designed to improve conditions for all educators and students, including educators and students from underrepresented minority groups, diverse national origins, English language competencies, and varying genders and sexual orientations.
- ❑ Carry out in-service training for school personnel in addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.

2) Professional Development and Educator Growth

Title II, Part A allowable activities in the area of professional development and educator growth include activities in the following categories.

- ❑ [Assessments and Data Analysis](#)
- ❑ [Career Readiness Education](#)
- ❑ [Child Sexual Abuse Prevention](#)
- ❑ [Early Childhood Instruction](#)
- ❑ [Effectively Teaching Children with Disabilities](#)
- ❑ [Effectively Teaching English Learners](#)
- ❑ [Evaluation and Support Systems](#)

- ❑ [Evidence-Based Professional Development](#)
- ❑ [Identification and Support of Gifted Students](#)
- ❑ [School Library Programs](#)
- ❑ [Supporting Students Affected by Trauma and/or Mental Illness](#)
- ❑ [STEM-Focused Professional Development](#)

Professional Development Defined

ESSA defines professional development (PD) as activities that are sustained, intensive, collaborative, job embedded, data-driven, personalized or based on information from an evaluation and support system, and classroom-focused rather than PD that stands alone and does not connect to a larger school-wide or individualized plan. The statutory definition for professional development follows.

Professional Development is defined in ESSA Section 8101(42) as activities that are...

- ❑ an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other [school leaders](#), specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and
- ❑ are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that:
 - ✓ improve and increase teachers':
 - knowledge of the academic subjects the teachers teach;
 - understanding of how students learn; and
 - the ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;
 - ✓ are an integral part of broad schoolwide and districtwide educational improvement plans;
 - ✓ allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;
 - ✓ improve classroom management skills;
 - ✓ support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
 - ✓ advance teacher understanding of:
 - effective instructional strategies that are [evidence-based](#); and
 - strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
 - ✓ are aligned with, and directly related to, academic goals of the school or local educational agency;

- ✓ are developed with extensive participation of teachers, principals, other [school leaders](#), parents, representatives of Indian tribes (as applicable), and administrators of schools to be served;
- ✓ are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to English learners, including the appropriate use of curricula and assessments;
- ✓ to the extent appropriate, provide training for teachers, principals, and other [school leaders](#) in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- ✓ 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;
- ✓ are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to children with disabilities or children with developmental delays, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- ✓ include instruction in the use of data and assessments to inform and instruct classroom practice;
- ✓ include instruction in ways that teachers, principals, other [school leaders](#), specialized instructional support personnel, and school administrators may work more effectively with parents and families;
- ✓ involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other [school leader](#) training programs that provide prospective teachers, novice teachers, principals, and other [school leaders](#) with an opportunity to work under the guidance of experienced teachers, principals, other [school leaders](#), and faculty of such institutions;
- ✓ create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under Title I, Part A) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;
- ✓ provide follow-up training to teachers who have participated in activities that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and
- ✓ where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

Assessments and Data Analysis

ESSA supports the training, technical assistance, and capacity-building in local educational agencies to assist teachers, principals, or other [school leaders](#) with selecting and implementing formative assessments, designing classroom-based assessments, and using data from such assessments to improve instruction and student academic achievement, which may include providing additional time for teachers to review student data and respond.

Career Readiness Education

ESSA supports training teachers, principals, or other [school leaders](#) on strategies to integrate rigorous academic content and provide effective career/technical education and work-based learning (if appropriate), which may include providing common planning time to help prepare students for post-secondary education and the workforce.

Child Sexual Abuse Prevention

ESSA supports the provision of training for all school personnel, including teachers, principals, other [school leaders](#), specialized instructional support personnel, and paraprofessionals, regarding how to prevent and recognize child sexual abuse.

Early Childhood Instruction

ESSA promotes the development and use of programs and activities that may be geared toward increasing the knowledge base of teachers, principals, or other [school leaders](#) on instruction in the early grades and on strategies to measure whether young children are progressing. This may include increasing the ability of principals or other [school leaders](#) to support teachers, teacher leaders, early childhood educators, and other professionals to meet the needs of students through age eight, which may include providing joint professional learning and planning activities for school staff and educators in preschool programs that address the transition to elementary school.

Effectively Teaching Children with Disabilities

ESSA supports the development of programs and activities that increase the ability of teachers to effectively teach children with disabilities, including children with significant cognitive disabilities. This may include the use of multi-tier systems of support and positive behavioral intervention and supports so that children with disabilities can meet the challenging State academic standards.

Effectively Teaching English Learners

ESSA supports the development of programs and activities that increase the ability of teachers to effectively teach English learners. This may include the use of multi-tier systems of support so that English learners can meet the challenging State academic standards.

Evaluation and Support Systems

ESSA supports the development or improvement of a rigorous, transparent, and fair evaluation and support system for teachers, principals, or other [school leaders](#) that is based on evidence of student achievement and may include student growth. It should also include multiple measures

of educator performance and provide clear, timely, and useful feedback to teachers, principals, or other [school leaders](#).

Evidence-Based Professional Development

ESSA promotes the implementation of high-quality, personalized, [evidence-based](#) professional development for teachers, instructional leadership teams, principals, or other [school leaders](#), that is focused on improving teaching and student learning. Under ESSA, professional development should be sustained, personalized, and job-embedded initiatives that address identified needs rather than stand-alone, one-day, or short-term professional development. ESSA states this professional development may include training teachers, principals, or other [school leaders](#) to:

- Effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy)
- Use data to improve student achievement (ensuring individual student privacy under FERPA)
- Effectively engage parents, families, and community partners and coordinate services between school and community
- Help all students develop the skills essential for learning readiness and academic success
- Develop policy with school, local educational agency, community, or State leaders
- Participate in opportunities for experiential learning through observation

The following allowable activities are referenced in the Non-Regulatory Guidance for Title II, Part A from the U.S. Department of Education issued on September 27, 2016.

- Support “time banks” or flexible time for collaborative planning, curriculum writing, peer observations, and leading trainings; which may involve using substitute teachers to cover classes during the school day.

Identification and Support of Gifted Students

ESSA supports the provision of training to identify students who are gifted and talented, including high-ability students who have not been formally identified for gifted education services, and implementing instructional practices that support the education of such students, such as:

- Early entrance to kindergarten;
- Enrichment, acceleration, and curriculum compacting activities; and/or
- Dual or concurrent enrollment programs in secondary school and post-secondary education.

School Library Programs

ESSA supports professional development intended to support the instructional services provided by effective school library programs.

Supporting Students Affected by Trauma and/or Mental Illness

ESSA supports the provision of in-service training for school personnel in techniques and support related to identifying and supporting students affected by trauma or mental illness, including the use of referral mechanisms, partnerships with outside organizations, or addressing school conditions for learning such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism. Based on state legislation requiring training in this topic area, LEAs should exercise caution and reference the [Supplement, Not Supplant](#) requirements when determining whether the costs associated with such training are an allowable use of funds.

STEM-Focused Professional Development

ESSA supports the development and provision of professional development and other comprehensive systems of support for teachers, principals, or other [school leaders](#) to promote high-quality instruction and instructional leadership in science, technology, engineering, mathematics, and computer science.

3) Other Evidence-Based Activities

Title II, Part A other [evidence-based](#) allowable activities can be categorized into the following categories.

- Reducing Class Size
- Carrying Out Other [Evidence-Based](#) Activities

Evidence-Based Defined

Section 8101(21)(A) of the ESEA defines evidence-based as “...the term ‘evidence-based,’ when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that –

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

Reducing Class Size

ESSA supports reducing class size to a level that is [evidence-based](#) and used to improve student achievement through the recruiting and hiring of additional effective teachers. An LEA shall maintain documentation locally to document the use of Title II, Part A funds for reducing class size. The LEA may be required to provide evidence of class-size reduction to the degree intended (i.e. from 26 students to 22 students) and for the grade(s) and subject(s) intended (i.e., 6th grade math) to improve student outcomes.

Carrying Out Other [Evidence-Based](#) Activities

ESSA supports carrying out other activities that are [evidence-based](#), to the extent the State (in consultation with local education agencies in the State) determines that such evidence is reasonably available, and identified by the local educational agency that meet the purpose of Title II, Part A.

For detailed information and guidance on the definition of “Evidence-Based,” see Appendix A of the [United States Department of Education *Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading* \(September 27, 2016\)](#).

Program Requirements

The following program requirements are noted in ESSA and LEAs shall ensure that they are able to document compliance of the program requirements.

1. Alignment of Activities to the Challenging State Academic Standards

Title II, Part A program activities are required to be aligned to the challenging State academic standards.

Establishing Program Requirement Compliance

- Include a statement in the District Improvement Plan that describes how the LEA will ensure that the activities to be carried out under Title II, Part A will be aligned with the challenging State academic standards.
- Retain activity documentation that can be used to establish compliance that the activity carried out under Title II, Part A was aligned with the challenging State academic standards. (see examples referenced in the table that follows)

| 6100 Payroll Costs | 6200 Professional and Contracted Services | 6300 Supplies and Materials | 6400 Other Operating Costs |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Possible Activities: Extra duty pay for Title II, Part A professional development outside of the regular school day/week, Paraprofessional pay (evidence from research requirement), Incentive pay, Substitute pay | Possible Activities: Title II, Part A professional development, Title II, Part A program development | Possible Activities: Supplies and materials for Title II, Part A professional development, Educator recruitment materials | Possible Activities: Professional development conferences, Off-site professional development |
| Examples of Activity Documentation*: Training certificate, Sign in sheet, Job description, Extra duty pay request form, PD evaluation form/results, Training agenda, Training materials, Payroll documents | Examples of Activity Documentation*: Executed contract, Statement of work, Quote, Purchase requisition, Invoice, Receipt, Sign in sheet, Training materials, Training agenda | Examples of Activity Documentation*: Purchase requisition, Purchase order, Quote, Invoice, Receipt, Sign in sheet, Training materials, Training agenda, PD evaluation form/results | Examples of Activity Documentation*: Travel requisition, Training certificates, Training agenda, Training materials, Out of state justification form, PD evaluation form/results |

***Note:** All documentation must include relevant information to establish compliance including, but not limited to, a description of how the activity is aligned with the challenging State academic standards (for example, as noted in the District and/or Campus Improvement Plan). If the activity is related to a professional development opportunity that is not noted in the ESSA Statute and/or the USDE Non-Regulatory Guidance, it must also include whether it is sustained, intensive, collaborative, job embedded, data-driven, personalized or based on information from an evaluation and support system, and classroom-focused rather than PD that stands alone and does not connect to a larger school-wide or individualized plan.

2. Meaningful Consultation

Timely and meaningful stakeholder consultation is a critical requirement that can be found throughout the ESSA statute. It is important for LEAs to ensure that their processes and procedures include elements that document timely and meaningful stakeholder consultation in the processes associated with planning, implementing and evaluating the Title II, Part A program. LEAs should use the following guiding questions when considering whether stakeholder consultation is timely and meaningful.

- Are stakeholders involved in the planning processes on an ongoing basis?
- Are the planning processes tailored to solicit meaningful input and feedback from all stakeholders?
- Are there outreach activities for stakeholder input and feedback?
- Do the planning activities include goal setting and development of ideas and activities rather than just one-way communication for information sharing purposes?
- Is stakeholder engagement sustained with stakeholders having the opportunity to participate in discussions at the decision-making, implementation, and evaluation stages of the processes?
- Are all the required stakeholders involved and in attendance at every step of the planning process?
- Does the process have enough time built in for meaningful consultation?
- Are the planning activities part of a process rather than an event?
- Are there opportunities built into the process for stakeholders to share their feedback in a comfortable setting?
- Has the LEA considered the barriers to greater participation by stakeholders in planning activities?
- Are the activities associated with the meaningful consultation of stakeholders held at a variety of times to ensure maximum stakeholder attendance and engagement?
- Does the process incorporate seeking out diverse perspectives?
- Are concerns identified during consultation and are plans revised, when appropriate, based on the concerns?

Required Stakeholders

The LEA is required to meaningfully consult with the following 9 groups of stakeholders as they plan for, implement, and evaluate their Title II, Part A program.

- Teachers
- Principals
- Other school leaders*
- Paraprofessionals (including organizations representing such individuals)
- Specialized instructional support personnel**
- Charter school leaders (in an independent school district (ISD) that has in-district charter schools)
- Parents
- Community partners
- Other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part A

* The term “school leader” means a principal, assistant principal, or other individual who is: 1. An employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; AND 2. Responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building. For example, LEA central office staff meet the first part of the definition but may not meet the second part. As a result, they do not meet the definition of a ‘school leader’.

** The term “specialized instructional support personnel” refers to the following school employees: school counselors, school language pathologists, school librarians, school nurses, school psychologists, school social workers and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services) as part of a comprehensive program to meet student needs.

Additional Meaningful Consultation Requirements

LEAs are required to...

- seek advice from the [required stakeholders](#) regarding how best to improve the LEA's activities to meet the purpose of Title II, Part A; and
- use data and ongoing consultation to continually update and improve Title II, Part A activities.

Recommended Strategies

LEAs should consider engaging in the following activities to help meet the consultation requirements described above and strengthen Title II, Part A planning and implementation.

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

Source: [United States Department of Education Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading \(September 27, 2016\)](#)

Establishing Program Requirement Compliance

- Include a statement in the District and/or Campus Improvement Plan or in the Comprehensive Needs Assessment written process that describes how the LEA will meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in an ISD that has in-district charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part A; how the LEA will seek advice from the individuals and organizations described regarding how best to improve the LEA's activities to meet the purpose of Title II, Part A; and how the LEA will use data and ongoing consultation to continually update and improve activities supported under Title II, Part A.
- Retain consultation documentation such as: stakeholder meeting agendas and minutes; sign in sheets that clearly identify the role associated with each person in attendance to

document involvement of all stakeholders; materials used during consultation meetings/events; and/or surveys used to gather input/feedback and their results that clearly identifies the role associated with each survey respondent.

3. Coordination

Coordination is another critical requirement that can be found throughout the ESSA statute. In order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program, coordination of professional development activities is a critical requirement of Title II, Part A.

- LEAs are required to coordinate professional development activities authorized under Title II, Part A with professional development activities provided through other federal, state, and local programs.
- LEAs are required to coordinate activities authorized under Title II, Part A with other related strategies, programs, and activities being conducted in the community.

Establishing Program Requirement Compliance

- Include a statement in the District and/or Campus Improvement Plan or in the Comprehensive Needs Assessment written process that describes...
 - ✓ how the LEA will coordinate professional development activities authorized under Title II, Part A with professional development activities provided through other federal, state, and local programs and
 - ✓ how the LEA will coordinate activities authorized under Title II, Part A with other related strategies, programs, and activities being conducted in the community
- Identify the multiple fund sources for coordinated professional development activities in the District and/or Campus Improvement Plan.
- Retain coordination documentation such as: official promotional materials showing coordination through other federal, state, or local programs for applicable activities and showing coordination between the LEA and community partners for applicable activities; coordination meeting agendas and minutes; sign in sheets that clearly identify the programs (state, federal, local) associated with each person in attendance; materials used during coordination meetings/events; surveys used to gather input/feedback and their results that clearly identifies the program (state, federal, local) associated with each survey respondent; and/or documentation showing use of funds in coordination through other federal, state, and local programs and with applicable community activities.

4. Prioritization of Funds

LEAs are required to prioritize funds to schools identified for school improvement by TEA and that have the highest percentage of children counted under Title I, Part A.

To see if campuses in your LEA have been identified for school improvement, visit the [Texas Schools Report Card](#) web page.

For additional information related to the Identification of Schools for Improvement and the Texas Accountability Rating System, see the TEA webpage on the [Texas Accountability Rating System](#). The information referenced about identification of schools for improvement can be found in the Accountability Manual that is published yearly. To access the accountability manual, click on the year specific reference for the Accountability Ratings and the manual can be found in the resources section of the page for the specific year selected.

Establishing Program Requirement Compliance

- Include a statement in the District and/or Campus Improvement Plan or in the Comprehensive Needs Assessment written process that describes...
 - ✓ How the LEA prioritized Title II, Part A funds for use at Title I, Part A campuses identified for School Improvement and campuses serving Title I, Part A students or
 - ✓ How the LEA was able to provide the Title II, Part A activities at the Title I, Part A school(s) as part of their Title I, Part A program and/or other state/local programs and thus the LEA chose to use the Title II, Part A funds at their non-Title I, Part A campus(es)
- Retain documentation that shows Title II, Part A activities and their costs for each campus within the LEA, demonstrating prioritization to Title I, Part A campuses identified for School Improvement and campuses serving Title I, Part A students.

5. System of Professional Growth and Improvement

LEAs are required to have a system of professional growth and improvement, such as induction for teachers, principals, or other school leaders and opportunities for building the capacity of teachers and opportunities to develop meaningful teacher leadership.

Establishing Program Requirement Compliance

- Include a statement in the District and/or Campus Improvement Plan that describes the system of professional growth and improvement.
- Retain documentation such as a locally developed professional development plan that includes a system of professional growth and improvement.

6. Private Nonprofit School Participation

LEAs are required to comply with the uniform provisions for providing equitable services to private schools as specified in Title XIII, Section 8501.

For additional information and for answers to frequently asked questions, see the TEA webpage on [ESSA Private School Equitable Services](#).

Establishing Program Requirement Compliance

- For information related to Private Nonprofit School Participation compliance, see the TEA webpage on [ESSA Private School Equitable Services](#).

Web Resources

[ESSA Private School Equitable Services](#)

[Texas Accountability Rating System](#)

[Texas Schools Report Cards](#)

Frequently Asked Questions – Program Description

Comprehensive Needs Assessment and Improvement Planning Related Questions

- Q1. Should the needs assessment and improvement plan be completed at the end of an academic year, at the beginning of an academic year or after school starts?**
- A1. The comprehensive needs assessment and initial improvement planning processes should be completed upon submission of the ESSA Consolidated Federal Grant Application. By certifying and submitting the application, the LEA is agreeing to the Program-Specific Provisions and Assurances which include references to the comprehensive needs assessment and improvement planning processes. The improvement plan is a living document and may change based on the LEA's needs. Documentation noting the changes would need to be retained locally in case of an audit and/or random validation monitoring. Please note that there are meaningful consultation requirements that also must be followed as it relates to the comprehensive needs assessment and improvement planning.
- Q2. Does the amount of federal funds budgeted per activity need to be noted in the District Improvement Plan (DIP)?**
- A2. For Title II, Part A compliance purposes, the exact dollar amounts do not need to be noted in the DIP as they are already noted in the ESSA Consolidated Federal Grant Application, ESSA Consolidated Compliance Report and ESSA Consolidated Federal Grant Application Expenditure Reporting processes. Activities in the DIP do need to reference the specific federal program that is funding each of the activities. It is best practice to include an estimated amount range in the CIP and DIP.
- Q3. Could the compliance documentation for an activity be listed in the CIP or does it have to be in the DIP?**
- A3. If Title II, Part A funds are used at the campus level, the activity could be included in the Campus Improvement Plan and provided as supporting documentation to establish compliance.
- Q4. Where in statute is a comprehensive needs assessment and/or district improvement plan referenced for Title II, Part A purposes?**
- A4. Historically, LEAs were required to conduct a needs assessment to engage key stakeholders under section 2122(c) of the ESEA, as amended by NCLB. While Title II, Part A of the ESEA, as amended by the ESSA, does not require the same formal needs

assessment (although a needs assessment is required under other sections of ESEA), such an assessment may help ensure that Title II, Part A funds are used strategically, to maximize educator effectiveness and student outcomes. (Source: [United States Department of Education Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading \(September 27, 2016\)](#)). The professional development definition in ESSA also states that professional development activities “are an integral part of broad schoolwide and districtwide educational improvement plans.” Thus, the reason that compliance can be documented via improvement plans is that they are documents that are universally implemented across LEAs. Additionally, this provides LEAs the opportunity to include the Title II, Part A required information in a plan that is already developed rather than having to develop another document to establish compliance.

Q5. Does each specific training/PD session need to be stated in the CNA/CIP or can it be more general?

A5. The level of specificity to be included in the comprehensive needs assessment and campus improvement plan related to specific training and professional development activities is a local decision as long as the LEA is able to provide documentation that establishes compliance. LEAs are strongly recommended not to include vendor names and/or vendor-specific products. Instead, LEAs can include a general description of the service/activity.

Documenting Activities Alignment to the Challenging State Academic Standards Related Questions

Q6. When professional development evaluation results are referenced as supporting documentation, could you be more specific about what that is?

A6. When professional development evaluation results are referenced as acceptable supporting documentation, we are referring to the evaluation form/survey completed by meeting/professional development participants. When retaining an evaluation form as documentation, LEAs should also retain a synthesis or summary of the participant responses/results. It is considered best practice to use evaluation results as data for ongoing consultation and for continuous improvement. Such responses/results can be used as documentation of ongoing consultation with the required stakeholders.

Q7. For the requirement related to activities alignment with the challenging State academic standards, if an LEA is using Title II, Part A funds for contracted services of professional development, would the contract or the LEA’s purchase order (PO) be retained as documentation?

A7. For the requirement related to activities alignment with the challenging State academic standards, an LEA should retain documentation that provides the information needed to show compliance with the requirement. In some cases, a PO may not have detailed information about the professional development being provided. Thus, if the contract has more information that would establish compliance, then it may be provided as documentation. In general, the documentation provided should be the one that has the most information related to meeting the compliance requirement in question.

Q8. How does an LEA document that a professional development activity meets the ESSA definition of professional development?

A8. All professional development activities noted in this program guide are from the ESSA statute or the USDE Non-Regulatory guidance and would meet the ESSA definition of professional development. Thus, additional documentation for such activities would not be needed. For example, if STEM focused professional development is an activity noted on an invoice, then additional documentation would not be needed to establish compliance because it is a statutory referenced activity.

If the activity is not referenced in Statute or in the USDE Non-Regulatory Guidance, then additional information would be needed to show that it would meet the ESSA definition of professional development. In case of an audit and/or random validation monitoring, the LEA may be asked to provide documentation justifying that the professional activity meets the ESSA definition of professional development.

If an invoice does not have all the information, then additional documentation would need to be provided to establish compliance (i.e. presentation materials, agenda, minutes, evaluation/survey and summary of the responses/results, detailed statement of work, detailed contract for services, etc).

Q9. If an LEA used all their Title II, Part A funds for class-size reduction, what do they retain as documentation?

A9. If an LEA used all their Title II, Part A funds for class-size reduction, they are still required to meet all Title II, Part A requirements. For the activities alignment with challenging State academic standards requirement, they can retain documentation referenced in the [Documentation Reference Table](#) in the Program Requirements section of this program guide.

Coordination Related Questions

Q10. What happens if an LEA does not include the local amounts for a professional development activity noted in the DIP? How would an LEA document that coordination of professional development activities is occurring?

A10. For Title II, Part A compliance purposes, the exact federal dollar amounts do not need to be noted in the DIP as they are already noted in the ESSA Consolidated Federal Grant Application, ESSA Consolidated Compliance Report and ESSA Consolidated Federal Grant Application Expenditure Reporting processes. Activities in the DIP do need to reference the specific federal program that is funding each of the activities. Making reference to other federal, state and/or local funds being used for Title II, Part A related professional development activities can be used to document Title II, Part A coordination of professional development activities through other federal, state and local programs. It is best practice to include an estimated amount range in the CIP and DIP.

Q11. In reference to coordination of professional development activities, can Title II, Part A fully fund an activity that includes participation of other programs like Title III?

A11. In order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instructional program, coordination is a critical requirement of Title

II, Part A. The example referenced can be considered coordination with another federal program. For allowability of the activity, please see the [Use of Funds](#) section of this program guide.

Q12. Can you give an example of coordinating with community examples?

A12. The Title II, Part A Non-Regulatory Guidance and/or ESEA provides the following examples of recommended strategies related to coordinating with the community.

Teacher Leadership - Participating in community of learning opportunities and other professional development opportunities with diverse stakeholder groups such as parents, civil rights groups, and administrators, to positively impact student outcomes; for example, through a forum to discuss the implication of a policy or practice on a school community, or organizing a community-wide service learning project, where teachers afterwards work together to imbed conclusions of these activities into their teaching.

Educator Cultural Competence - Improving the recruitment, placement, support, and retention of culturally competent and responsive educators, especially educators from underrepresented minority groups, to meet the needs of diverse student populations. These efforts may include, but are not limited to: Providing financial support to educator recruitment programs within the community to improve hiring and retention of a diverse workforce; Offering career advancement opportunities for current staff members, such as paraprofessionals, who have worked in the community for an extended period of time, to support their efforts to gain the requisite credentials to become classroom instructors; and Partnering with preparation providers including local community colleges, Institutions of Higher Education (IHEs), Minority Serving Institutions, and alternative route providers, to build a pipeline of diverse candidates.

Evidence-Based Professional Development - ESSA promotes the implementation of high-quality, personalized, evidence-based professional development for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning. Under ESSA, professional development should be sustained, personalized, and job-embedded initiatives that address identified needs rather than stand-alone, one-day, or short-term professional development. ESSA states this professional development may include training teachers, principals, or other school leaders to: Effectively engage parents, families, and community partners and coordinate services between school and community; and develop policy with school, local educational agency, community, or State leaders.

Supporting Students Affected by Trauma and/or Mental Illness - ESSA supports the provision of in-service training for school personnel in techniques and support related to identifying and supporting students affected by trauma or mental illness, including the use of referral mechanisms, partnerships with outside organizations, or addressing school conditions for learning such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism.

Other activities include community partner involvement in the meaningful consultation process of planning for your LEA's Title II, Part A program; and partnering with community partners for topic specific professional development opportunities (i.e. mental health, safety, health, nutrition, etc.).

Documenting Meaningful Consultation Related Questions

Q13. Can the documentation provided for meaningful consultation reference DIP or CIP coordinated meetings or does there have to be a specific Title II, Part A meeting?

A13. Having a coordinated meeting with other programs that includes all the Title II, Part A required stakeholders for meaningful consultation and to seek advice for continuous improvement of the Title II, Part A program would meet the meaningful consultation requirements in Title II, Part A. The meeting(s) would also need to include the use of data and ongoing consultation requirements specific to Title II, Part A. It is not required that separate meetings be held for planning purposes related to the Title II, Part A program.

Q14. Some small LEAs do not have multiple people to meet the required stakeholder requirements. For example, there are small LEAs that only have 1 principal in their LEA and the requirement references “Principals.” How does the LEA document this type of exception?

A14. We understand that small LEAs may not have multiple people to meet the required stakeholder requirements for a group of stakeholders. For example, if an LEA only has 1 principal in their LEA, it can be noted on the sign in sheet retained as documentation. However, this does not mean that an LEA can exclude a group of stakeholders because they weren't invited to participate and were an available group of stakeholders in the LEA.

Q15. Are the dates of meetings, surveys, etc. relevant when it comes to documentation retained to show compliance?

A15. Dates of meetings are relevant because they can justify compliance with the “ongoing consultation” requirements related to the academic year in question. A list of meeting dates would not be sufficient documentation to show compliance. Meeting agendas and minutes, sign-in sheets and/or surveys/results would need to be provided along with the specific dates as documentation of the meaningful consultation requirements. Surveys, as a form of documentation, are also relevant as long as a summary or synthesis of the survey responses/results accompany the survey provided as documentation.

Q16. Are the meaningful consultation requirements for Title II, Part A similar to the PNP consultation requirement in that it has to be timely (i.e. the beginning of the year)?

A16. The meaningful consultation requirements for Title II, Part A are not necessarily similar to the PNP consultation requirement about timely consultation at the beginning of the year. Although the beginning of the year is the natural time for the Title II, Part A meaningful consultation process to begin because that is the time when planning takes place, multiple meetings held throughout the year shows ongoing consultation. The CIP/DIP is a living document and may need to be revised at multiple points in the year and thus, ongoing consultation may be useful in that process of continuous improvement.

Q17. Are a school librarian and a school counselor considered “other school leaders”?

A17. In terms of stakeholder requirements related to the Title II, Part A LEA meaningful consultation process, a school librarian and school counselor would be considered

[specialized instructional support personnel](#). A school librarian or school counselor may be considered “other school leaders,” if they meet the definition of [school leader](#).

Q18. What are examples of other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part A?

A18. Individuals or organizations with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part A include, but are not limited to the following: professional development providers, Education Service Center federal programs personnel, and professional development consultants.

Q19. To meet the meaningful consultation requirements, are face to face meetings the only method to establish compliance?

A19. No. Although having meetings that include all the required stakeholder groups represented may be the simplest way of ensuring program compliance with the requirements associated with meaningful consultation, there are multiple methods of establishing compliance.

For example, an LEA may choose to seek advice from teachers regarding how best to improve the LEA’s activities to meet the purpose of Title II, Part A by administering a survey or having a focus group. In turn, the LEA may use the data obtained to continually update and improve their Title II, Part A activities. The LEA would need to retain documentation showing the process and results associated with the advice sought.

Additionally, to meet the stakeholder group requirement of other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of Title II, Part, an LEA may choose to seek advice from their Education Service Center (ESC) federal programs staff regarding how best to improve the LEA’s activities to meet the purpose of Title II, Part A by attending ESC offered Title II, Part A meetings and/or training opportunities. In turn, the LEA may use the data obtained to continually update and improve their Title II, Part A activities. The LEA would need to retain documentation showing the process and results associated with the advice sought.

III. Parent and Family Engagement

Although the Title II, Part A program does not specifically have parent and family engagement requirements it does support parent engagement in various ways.

Meaningful Consultation - Parents

Parents are one of the groups of required stakeholders in the meaningful consultation and planning processes associated with the use of Title II, Part A funds.

Title II, Part A Parent and Family Engagement Use of Funds

Title II, Part A funds could be used to provide professional development to teachers, principals and other school leaders aimed at parent engagement and involvement strategies if the professional development meets the [ESSA definition of professional development](#) referenced in this program guide. Although funds used to pay for professional development activities associated with parent engagement or involvement strategies are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds](#) section of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Web Resource

[Title I, Part A Parent and Family Engagement Statewide Initiative](#)

Frequently Asked Questions – Parent and Family Engagement

Q1. How and in what context would it be allowable to use Title II, Part A funds to provide training to parents?

A1. The intent and purpose of Title II focuses on professional development for teachers, principals and other school leaders. Although Title II, Part A does support parent engagement in various ways, it could be difficult to document that providing training to parents directly would align with the intent and purpose of Title II, Part A. You may consider inviting parents to a Title II, Part A professional development opportunity provided to teachers, principals and/or other school leaders in which the LEA has paid a set amount for the training rather than a per participant cost and ensure that by including parents it does not have an adverse effect on the training received by the teachers, principals and/or other school leaders.

Parent engagement in Title II, Part A would be allowable in the following ways. For example, parents are required stakeholders in the meaningful consultation and planning processes associated with the use of Title II, Part A funds. Additionally, Title II, Part A

funds could be used to provide professional development to teachers, principals and other school leaders aimed at strategies for engaging parents, families, and community partners if the professional development meets the ESSA definition of professional development. Although funds used to pay for professional development activities associated with parent engagement or involvement strategies are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds](#) section of this program guide for additional information.

IV. Fiscal Requirements

This section provides information related to the Fiscal Requirements associated with Title II, Part A program.

Supplement, Not Supplant

LEAs are to use Title II, Part A funds to supplement and not supplant nonfederal funds that would otherwise be used for allowable Title II, Part A program expenditures. The Title II, Part A program uses the traditional presumptions of supplanting. Preferably, the LEA would budget and expend federal dollars so as to avoid any of the following three presumptions entirely:

- 1) Providing services required under state or local law;
- 2) Providing same services as those provided in prior school year with state or local funds;
- 3) Providing the same services in federal and non-federal programs.

For detailed information about Supplement, Not Supplant, see the TEA [Supplement, Not Supplant Handbook](#).

Web Resource

[Supplement, Not Supplant Handbook](#)

Frequently Asked Questions – Fiscal Requirements

- Q1. LEA staff will be attending the required HB3 Reading Academy trainings so that the LEA can be an authorized provider. Can the LEA use Title II, Part A funds for the travel related expenses, such as mileage, meals, and lodging. Can you please confirm if this specific request would violate the Supplement Not Supplant requirements?**
- A1. HB3 does currently require each teacher and principal in grades K-3 to attend Reading Academies by 2021-2022. Thus, use of Title II, Part A funds for Reading Academy related professional development activities would be considered supplanting as per the “Providing Services Required Under State or Local Law Presumption of Supplant” noted on Page 4 of the most recent version of the [Supplement, Not Supplant Handbook](#).
- Q2. We have historically sent teachers to a conference with local funds. We would like to also send instructional coaches to that conference using Title II, Part A funds. Would this be considered a supplant?**
- A2. Title II, Part A funds must be used to supplement, not supplant, any non-federal funds that would otherwise be used to pay for the activity. To “supplement” would be to enhance, expand, increase, or extend the programs and services offered with state and local funds. So, it is not the number of staff sent to the training, but the activity paid with grant funds that is to be considered. By paying with federal funds, the LEA must be able to demonstrate that they would enhance, expand, increase, or extend the programs and services offered with state and local funds.

- Q3. Would it be considered a supplant if an LEA utilized Title II, Part A funds to pay for state required professional development (i.e. District Testing Coordinator Training, 30 hour G/T training for teachers meeting the needs of G/T identified students and LPAC training for members of the LPAC committee)?**
- A3. Use of Title II, Part A funds for state required professional development activities as referenced in the question would be considered supplanting as per the “Providing Services Required Under State or Local Law Presumption of Supplant” noted on Page 4 of the most recent version of the [Supplement, Not Supplant Handbook](#). In the event of a fiscal audit, the LEA must be prepared to provide documentation to rebut the presumption or work with their finance office to re-classify the funds.
- Q4. Would it be considered a supplant if an LEA utilized Title II, Part A funds to pay for salary increases as required by HB3(2019)?**
- A4. Use of Title II, Part A funds for state required salary increases would be considered supplanting as per the “Providing Services Required Under State or Local Law Presumption of Supplant” noted on Page 4 of the most recent version of the [Supplement, Not Supplant Handbook](#). In the event of a fiscal audit, the LEA must be prepared to provide documentation to rebut the presumption or work with their finance office to re-classify the funds.

V. Use of Funds

This section provides information related to the Use of Funds associated with the Title II, Part A program.

Steps and Requirements for Use of Title II, Part A Funds

LEAs must use the following 5 steps and requirements to determine whether Title II, Part A funds can be used for any activity/resource.

1. Apply the traditional presumptions of Supplant to determine if the use of funds is supplemental.
2. Ensure that the LEA has prioritized Title II, Part A funds for use at Title I, Part A campuses identified for School Improvement and campuses serving Title I, Part A students.
3. Ensure that activities and/or resources address the learning needs of all students, including children with disabilities, English learners, and gifted and talented students; and are:
 - Identified in the Comprehensive Needs Assessment;
 - Included in the District and/or Campus Improvement Plan;
 - The plan addresses how the activity/resource identified will be aligned with challenging State academic standards; and
 - The planning process for the Title II, Part A program meets the requirements for meaningful consultation of stakeholders and coordination
 - If a professional development activity, ensure that it meets the ESSA definition of Professional Development;
 - Reasonable;
 - Necessary to carry out the intent and purpose of the Title II, Part A program;
 - Allocable; and
 - Allowable under Title II, Part A.
4. Ensure that the expenditure(s) meet all EDGAR requirements.
5. Ensure that all LEA policies and procedures were followed.

Maximizing the Use of Title II, Part A Funds

Cyclical Framework for Maximizing Investments



Title II, Part A interventions are more likely to result in sustained, improved outcomes for students if:

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

The framework is designed to help decision-makers make more effective Title II, Part A investments and to make the use of evidence, research, and data part of the decision-making process.

For an explanation of each step in detail and for a series of questions to consider when using this framework, please see pages 30-36 of the [United States Department of Education Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading \(September 27, 2016\)](#)

Source: [United States Department of Education Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading \(September 27, 2016\)](#)

Using Federal Grant Funds to Pay for Food

Reference: [BUDGETING COSTS GUIDANCE HANDBOOK](#)

When a subgrantee is hosting a meeting, the subgrantee may be able to use federal grant funds to pay for food, beverages, or snacks. However, there is a very high burden of proof to show that paying for food and beverages with federal funds is necessary to meet the goals and objectives of a federal grant. When a subgrantee is hosting a meeting, the subgrantee should structure the agenda for the meeting so that there is time for participants to purchase their own food, beverages, and snacks. In addition, when planning a meeting, subgrantees may want to consider a location in which participants have easy access to food and beverages.

While these determinations will be made on a case-by-case basis, and there may be some circumstances where the cost would be permissible, it is likely that those circumstances will be rare. Subgrantees, therefore, will have to make a compelling case that the unique circumstances they have identified would justify these costs as reasonable and necessary.

Receptions and Networking Sessions

In virtually all cases, using grant funds to pay for food and beverages for receptions and “networking” sessions is not justified because participation in such activities is rarely necessary to achieve the purpose of the meeting or conference.

Food Costs Included in Contracts with Hotels

Federal grant funds may only be used for expenses that are reasonable and necessary. In planning a conference or meeting and negotiating with vendors for meeting space and other relevant goods and services, subgrantees may only pay for allowable costs. If a hotel vendor embeds food and beverage costs into a hotel contract for meeting space, the subgrantee should work with the hotel to have the food and beverage costs identified and “backed out” of the contract, and have the price they are paying for meeting space appropriately adjusted to reflect the fact that food and beverages are not being purchased. The fact that food and beverages are embedded in a contract for meeting space does not mean that the food and beverages are being provided at no cost to the subgrantee.

Complimentary Beverages at Meeting Venues

If a hotel or other venue provides “complimentary” beverages (e.g., coffee, tea) and there is no charge to the subgrantee hosting the meeting, the subgrantee has an obligation, under these circumstances, to confirm that the beverages are truly complimentary and will not be reflected as a charge to the grant in another area. For example, many hotels provide complimentary beverages to all guests who attend a meeting at their facility without reflecting the costs of those beverages in other items that their guests or, in this case, the subgrantee purchases.

As noted above, it would not be acceptable for a vendor to embed the cost of beverages in other costs, such as meeting space.

Using Indirect Cost Funds to Pay for Food and Beverages

The cost of food and beverages, because they are easily associated with a specific cost objective, such as a USDE grant, are properly treated as direct costs, rather than indirect costs. As noted above, federal grant funds cannot be used to pay for food and beverages unless doing so is reasonable and necessary.

Using Federal Grant Funds to Pay for Alcoholic Beverages

Use of federal grant funds to pay for the cost of alcoholic beverages is strictly prohibited.

Boxed Lunches for Participants

Subgrantees may offer meeting participants the option of paying for food (such as lunch, breakfast, or snacks) and beverages, and arrange for these items to be available at the meeting.

Web Resources

[United States Department of Education Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading \(September 27, 2016\)](#)

[TEA Budgeting Costs Guidance Handbook](#)

Frequently Asked Questions – Use of Title II, Part A Funds

- Q1. Can Title II, Part A funds be used to provide teachers with stipends to attend professional development outside of their work schedule (for example, after hours, during the summer or on weekends)?**
- A1.* LEAs must determine that the professional development meets the requirements noted in the ESSA definition for professional development. Additionally, LEAs will also need to refer to the [Use of Funds section](#) of this program guide to see if all use of funds criteria are met.
- Q2. Can Title II, Part A funds be used to provide new teachers with stipends to attend new teacher orientation which is considered outside of their contracted workdays?**
- A2.* New teacher orientations are known for providing general information about campus/LEA policies and procedures and in part do not focus on improving student academic achievement related to the State’s challenging academic standards. Additionally, such orientations may not meet the ESSA definition for professional development activities. If an LEA determines that it meets the professional development requirements noted in the ESSA definition for professional development, they will also need to refer to the [Use of Funds section](#) of this program guide to see if all use of funds criteria are met.

* = It depends.

Q3. Are recruitment and retention initiatives for effective teachers such as signing bonuses, recruitment materials, salary differentials or incentive pay considered Title II, Part A allowable expenditures?

A3.* Although funds for recruitment and retention initiatives for effective teachers such as signing bonuses, recruitment materials, salary differentials or incentive pay are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q4. Can an LEA use Title II, Part A funds to pay stipends and/or substitute costs associated with educators participating in professional development or mentorship initiatives?

A4.* Although funds used to pay for stipends and/or substitute costs associated with educators participating in professional development or mentorship initiatives are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q5. Can an LEA use Title II, Part A funds to pay stipends and/or substitute costs associated with educators participating in collaborative educator work such as planning, peer observations, and/or analyzing student data to increase student achievement in relation to meeting the challenging State academic standards?

A5.* Although funds used to pay for stipends and/or substitute costs associated with educators participating in collaborative educator work such as planning, peer observations, and analyzing student data to increase student achievement in relation to meeting the challenging State academic standards are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q6. Can an LEA use Title II, Part A funds to pay for conference fees, travel and hotel costs, meal reimbursements, and mileage reimbursements associated with teacher, principal and/or other [school leader](#) travel to a conference?

A6.* Conferences must meet the ESSA definition for professional development activities (for example, professional development activities that are sustained [not stand-alone, 1-day, or short-term workshops], intensive, collaborative, job-embedded, data-driven, and classroom-focused). If an LEA determines that the conference meets the professional development requirements noted in the ESSA definition for professional development, they will also need to refer to the [Use of Funds section](#) of this program guide to see if all use of funds criteria are met. Additional details on state and federal travel guidelines can be found on [TEA's Administering a Grant web page](#).

* = It depends.

Q7. Can an LEA use Title II, Part A funds to pay for program development costs such as conducting a needs assessment, contracting with program developers, or administering and analyzing surveys?

A7.* Although funds used to pay for program development costs such as conducting a needs assessment, contracting with program developers, or administering and analyzing surveys are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q8. Can an LEA use Title II, Part A funds to pay for materials and supplies for use in PD sessions?

A8.* Although funds used to pay for materials and supplies that are 100% dedicated for use in professional development sessions that meet the ESSA definition of professional development are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q9. Can an LEA use Title II, Part A funds to pay for materials and supplies used for implementing collaborative educator work?

A9.* Although funds used to pay for materials and supplies that are 100% dedicated for implementing collaborative educator work are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q10. Can an LEA use Title II, Part A funds to pay for food and/or refreshments for professional development?

A10. See the [Using Federal Grant Funds to Pay for Food section](#). LEAs will also need to refer to the [Use of Funds section](#) of this program guide to see if all use of funds criteria are met. Additional details can be found on [TEA’s Administering a Grant web page](#).

Q11. Can an LEA use Title II, Part A funds to pay for individual teacher electronic tablet devices?

A11. No. Materials and supplies that are not directly connected to professional development as defined in ESSA and/or used outside the scope of a professional development environment are considered unallowable expenditures.

* = It depends.

Q12. Can an LEA use Title II, Part A funds to pay for electronic devices used by administrators to conduct classroom observations and/or provide feedback to teachers?

A12.* Although funds used to pay for materials and supplies that are used directly for professional development and educator growth are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q13. Can an LEA use Title II, Part A funds to pay for electronic white boards for classroom use?

A13. No. Materials and supplies that are not directly connected to professional development as defined in ESSA and/or used outside the scope of a professional development environment are considered unallowable expenditures.

Q14. Can an LEA use Title II, Part A funds to pay for a professional library book collection?

A14. No. Materials and supplies that are not directly connected to professional development as defined in ESSA and/or used outside the scope of a professional development environment are considered unallowable expenditures.

Q15. Can an LEA use Title II, Part A funds to pay for tuition and/or fees associated with a teacher, principal, and/or other [school leader](#)’s advanced degree?

A15. No. However, if the coursework meets the ESSA definition of professional development with the degree solely as a byproduct and the steps and requirements listed in the [Use of Funds section](#) of this program guide, it may be an allowable expenditure.

Q16. Can an LEA use Title II, Part A funds to pay for the State certification fees, certification exam fees and certification exam preparation course fees associated with a teacher adding a State certification?

A16.* Although funds used to pay for the State certification fees associated with a teacher adding a State certification are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q17. Can an LEA use Title II, Part A funds to pay for the State certification fees, certification exam fees and certification exam preparation course fees associated with a paraprofessional obtaining a State teacher certification?

A17.* Although funds used to pay for the State certification fees associated with a paraprofessional obtaining a State teacher certification are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

* = It depends.

Q18. Can Title II, Part A pay for professional development for an Instructional Officer at the District level that supports specialists/program coordinators (campus) since they don't work directly with teachers?

A18. The intent of Title II, Part A funding is to support educators in their work to improve the overall quality of instruction and ensure equity of educational opportunity for all students. Since the Instructional Officer in this scenario seems to be disconnected from working directly with educators, this would conflict with the intent and be hard to justify that it meets the Title II, Part A use of funds steps and requirements referenced in the [Use of Funds section](#) of this program guide.

However, if the Instructional Officer is a Principal Supervisor, the Title II, Part A Non-Regulatory Guidance provides the following guidance. "When developing strategies for supporting principals and other school leaders, SEAs and LEAs may use Title II, Part A funds to improve the effectiveness of principals, assistant principals, and other school leaders, which includes an employees or officers of an elementary or secondary school, LEA, or other entity operating a school who are "responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building." (ESEA section 8101(44)). By including principal supervisors who are responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building, the ESEA section 8101(44) definition of "school leader" acknowledges the importance of school leaders who are actively responsible for successful instruction and management in the school. This means that the ESEA considers those LEA staff, such as the principals' supervisors, who actively mentor and support principals and by doing so are themselves "responsible for the school's daily instructional leadership and managerial operations," to also be eligible for Title II, Part A funded support. (ESEA section 8101(44)). We encourage SEAs and LEAs to extend Title II, Part A-funded services to these principal supervisors to the extent that those individuals actively and frequently take responsibility for helping principals with instructional leadership and the school's managerial operations."

Q19. Can funds be used for a math coach to provide instructional coaching to teachers?

A19. The intent of Title II, Part A funding is to support educators in their work to improve the overall quality of instruction and ensure equity of educational opportunity for all students. Since a math coach in this scenario seems to be connected to working directly with educators, this would be aligned with the intent of Title II, Part A. Although funds used to pay for other school leaders supporting educator professional development and growth are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. "Allowable" under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q20. What would be allowable expenses related to "improving school working conditions"?

A20. The Title II, Part A Non-Regulatory Guidance provides the following examples of recommended strategies and additionally references ESEA sections 2103(b)(3)(B),(D) and (E).

From Title II, Part A Non-Regulatory Guidance: Improve working conditions for teachers through high-impact activities based on local needs, such as improving access to educational technology, reducing class size to a level that is evidence-based, to the extent the State determines that such evidence is reasonably available, or providing ongoing cultural proficiency training to support stronger school climate for educators and students.

From ESEA Section 2103(b)(3)(B): Developing and implementing initiatives to assist in recruiting, hiring, and retaining effective teachers (particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards) to improve within-district equity in the distribution of teachers, consistent with section 1111(g)(1)(B), such as initiatives that provide...

- expert help in screening candidates and enabling early hiring;
- differential and incentive pay for teachers, principals, or other school leaders in high-need academic subject areas and specialty areas, which may include performance-based pay systems;
- teacher, paraprofessional, principal, or other school leader advancement and professional growth, and an emphasis on leadership opportunities, multiple career paths, and pay differentiation; new teacher, principal, or other school leader induction and mentoring programs that are designed to
 - improve classroom instruction and student learning and achievement; and
 - increase the retention of effective teachers, principals, or other school leaders;
- the development and provision of training for school leaders, coaches, mentors, and evaluators on how accurately to differentiate performance, provide useful feedback, and use evaluation results to inform improvement strategies, and personnel decisions; and
- a system for auditing the quality of evaluation and support systems.

From ESEA Section 2103(b)(3)(D): Reducing class size to a level that is evidence based and used to improve student achievement through the recruiting and hiring of additional effective teachers.

From ESEA Section 2103(b)(3)(E): Providing high-quality, personalized professional development that is evidence-based for

- teachers, instructional leadership teams, principals, or other school leaders,
- that is focused on improving teaching and student learning and achievement, including
 - supporting efforts to train teachers, principals, or other school leaders to
 - effectively integrate technology into curricula and instruction (including education about the harms of copyright piracy);
 - use data to improve student achievement and understand how to ensure individual student privacy is protected,
 - as required under section 444 of the General Education Provisions Act (commonly known as the “Family Educational Rights and Privacy Act of 1974”) (20 U.S.C.

1232g) and State and local policies and laws in the use of such data;

- effectively engage parents, families, and community partners, and coordinate services between school and community;
- help all students develop the skills essential for learning readiness and academic success;
- develop policy with school, local educational agency, community, or State leaders; and
- participate in opportunities for experiential learning through observation.

Q21. For a STEM focused professional development activity, is it a Title II, Part A allowable expense to procure supplies, consultants, etc. as related to the activity?

A21. Although funds used to pay for supplies and materials and/or contracted services related to Title II, Part A professional development activities are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps. Please reference the [Use of Funds section](#) of this program guide for the steps required to determine whether an LEA can use Title II, Part A funds for a particular expense.

Q22. Can an LEA use Title II, Part A funds to pay for the salary of an Assistant Principal?

A22. Use of Title II, Part A funds for the salary of an Assistant Principal generally would not meet the intent and purpose of Title II, Part A.

VI. Carryover of Funds

As per ESSA, Title II, Part A funds remaining at the end of a grant period are made available to grant recipients through a carryover process. This allows grant recipients to use unobligated balances from the prior fiscal year in the current grant year. TEA grant staff calculate carryover amounts after a grant has closed and make the funds available to eligible grant recipients through their current approved applications. There is no percent threshold for carryover of Title II, Part A funds. An LEA has 27 months to expend Title II, Part A funds.

VII. Private School Equitable Services

For the Title II, Part A program, LEAs are required to comply with Section 8501 regarding participation by teachers.

Please note that the educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological. Educational services and other benefits for eligible private school teachers and other educational personnel shall be equitable in comparison to service and other benefits for public school teachers participating under Title II, Part A and shall be provided in a timely manner. The LEA may provide services directly or through third-party contracts with public and private agencies, organizations, and institutions.

The provision of services shall be provided—

- By employees of a public agency; or
- Through third-party contract by such public agency with an individual, association, agency, or organization.

In the provision of such services, such employee, individual, association, agency, or organization shall be independent of the private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

The LEA is required to abide by all requirements for providing equitable services in the following programs: Title I, Part A; Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B.

Funding Requirements

Expenditures for educational services and other benefits to eligible PNP school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools in such participating school attendance areas. The proportional share of funds shall be determined based on the total amount of funds received by the LEA, prior to any allowable expenditures or transfers by the LEA. Funds allocated to the LEA for educational services and other benefits to eligible PNP school children shall be obligated in the fiscal year for which the funds are received by the LEA. The LEA may determine the equitable share each year or every two years.

The control of funds, title to materials, equipment, and property belong to the LEA and should be on its inventory list and labeled prior to private school use.

Meaningful Consultation Requirements

To ensure timely and meaningful consultation, the LEA shall consult with appropriate PNP school officials during the design and development of the LEA's programs. The LEA and PNP school officials shall both have the goal of reaching agreement on how to provide equitable and

effective programs for eligible PNP school children. This consultation shall include such issue as—

- ❑ The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion of funds that is allocated for such services, and how that proportion of funds is determined;

If the LEA disagrees with the views of PNP school officials with respect to an issue in regard to the meaningful consultation requirements, above, the LEA shall provide in writing to the PNP school officials the reasons why the LEA disagrees. The LEA assures such consultation shall include meetings of the LEA and PNP school officials and shall occur before the LEA makes any decision that affects the opportunities of eligible PNP school teachers to participate in this program. Such meetings shall continue throughout implementation and assessment of services. The LEA assures that such consultation shall include a discussion of service delivery mechanisms to eligible PNP school teachers.

The LEA shall maintain in the district's records and provide to TEA a written affirmation signed by officials of each participating private school that the meaningful consultation required has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such private school officials do not sign such affirmation within a reasonable period, the LEA shall keep documentation on file. If requested, the LEA shall forward to TEA the documentation that such private school meaningful consultation has or attempts at such have taken place.

If a private school official files a complaint to TEA stating that the LEA did not comply with the meaningful consultation requirements, the LEA shall forward to TEA any appropriate documentation.

Web Resource

[ESSA Private School Equitable Services](#)

VIII. Compliance Monitoring

Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute. All requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

The Federal Program Compliance Division monitors the program requirements through random validations and compliance reporting. The Federal Fiscal Monitoring Division monitors the fiscal requirements as noted.

Program Compliance Random Validations

To monitor the compliance of each eligible entity receiving ESSA funds, the State conducts an annual validation process for LEAs. The annual validation process for LEAs addresses the statutory requirements based on program implementation and effectiveness for the current grant year. During the annual validation process, the State randomly selects LEAs to submit documentation for the program compliance requirements.

The State reviews the documentation to determine if the subgrantee met the statutory requirements as noted in the validation guidance documents. LEAs that submit insufficient documentation will be offered technical assistance by their regional Education Service Centers (ESCs). These LEAs will be required to submit compliance documentation for the subsequent application year to ensure full compliance of program requirements.

For validation specific information, see the TEA webpage on [Federal Program Compliance Random Validations](#).

Program Compliance Reporting

The ESSA Consolidated Compliance Report is completed by LEAs annually to document that LEAs complied with the program-specific provisions and assurances in the preceding application year. LEAs are responsible for indicating the sources of documentation used to establish compliance. The documentation is to remain on file at the LEA. However, it must be readily available upon request from the Texas Education Agency for audit and/or validation monitoring purposes. The ESSA Consolidation Compliance Report will assess specific statutory requirements. Additionally, the PR3001-Needs Assessment, Priorities, and Program Outcomes Compliance Report will also document progress through the collection of LEA data on student outcome-focused SMART Goals, ESSA funds spent on Strategic Priorities, and implementation of TEA recommended uses of ESSA funds guidance that LEAs included in the preceding year on the SC3001 Needs Assessment, Priorities, and Program Outcomes Special Collections report. General Samples of Compliance Reports, instructions for completing the Compliance Reports and the Guide to the Program Implementation Questions are available at the [TEA Grant Opportunities web page](#). For the detailed information search by the grant application name and review the information located in the Application and Support Information section.

Federal Fiscal Compliance Monitoring

The Federal Fiscal Monitoring Division is responsible for monitoring the expenditures of federal grant subrecipients to ensure federal funds are used for authorized purposes in compliance with federal statutes, regulations, and the terms and conditions of federal awards.

For additional information on the federal fiscal monitoring processes and procedures, see the TEA webpage on [Federal Fiscal Monitoring](#).

Web Resources

[Federal Program Compliance Random Validation Monitoring](#)

[TEA Grant Opportunities Page](#)

[Federal Fiscal Monitoring](#)

Frequently Asked Questions – Compliance Monitoring

Random Validation Process General Questions

Q1. Which year will be validated: prior or current?

A1. The Title II, Part A random validation will validate Title II, Part A program requirements in the current year.

Q2. If a District transferred their Title II, Part A funds into another program area through funding transferability or the Rural Education Achievement Program (REAP), will they be selected for a random validation?

A2. If an LEA transferred 100% of their Title II, Part A funds through the funding transferability option or REAP, they will not be in the pool of LEAs subject to random validation for Title II, Part A. However, if the LEA transferred less than 100% of their funds out of Title II, Part A, they are subject to random validation because they are required to meet all Title II, Part A requirements since they chose to keep a portion of their Title II, Part A funds.

Q3. If an LEA joined a Shared Services Arrangement (SSA) for Title II, Part A, will they be selected for a random validation?

A3. If an LEA joined a Shared Services Arrangement for Title II, Part A, they are still required to meet all the program requirements associated with Title II, Part A. Thus, the LEA will be in the pool of LEAs subject to random validation for Title II, Part A. Based on the agreement between the SSA and LEA, the SSA may be required to submit the documentation required for random validation.

Q4. How are LEAs selected for validation?

A4. 40 LEAs stratified by ESC region are randomly selected for the Title II, Part A Random Validation process based on an algorithm that generates a random list of LEAs.

IX. Ed-Flex

By taking advantage of Ed-Flex, LEAs can design and implement programs in ways that best meet the needs of their students and communities. Texas has been approved as an Ed-Flex State under the Every Student Succeeds Act of 2015 (ESSA). The state's Ed-Flex authority has been renewed through the 2023-2024 school year.

There are three types of Ed-Flex waivers as described below.

Statewide Administrative Waivers

Statewide administrative Ed-Flex waivers address regulations governing applications for funds and certain record-keeping provisions. These administrative waivers are automatically granted to LEAs applying for federal funds covered by Ed-Flex.

Statewide Programmatic Waivers

Statewide programmatic waivers address design and delivery of federal programs covered under Ed-Flex. Statewide programmatic waivers must be applied for through the Local Education Agency's original ESSA Consolidated Application for Federal Funds. The two statewide programmatic waivers are:

- Threshold eligibility to implement Title I, Part A Schoolwide Programs
- Waiver of Title I, Part A 15% Roll Forward Limitation

Individual Programmatic Waivers

Individual programmatic waivers may be requested by an LEA for the district as a whole or for an individual campus. The application forms and information concerning deadlines and start dates are posted annually on [TEA's Ed-Flex web page](#).

Web Resource

[Ed-Flex Waivers](#)

A-Z Topic List

[Acronyms](#)

[Activities Alignment to the Challenging State Academic Standards](#)

[Areas of Focus](#)

[Compliance Report](#)

[Coordination](#)

[Ed-Flex](#)

[Evidence-Based Activities](#)

[ESSA State Plan](#)

[High-Need School Defined](#)

[Meaningful Consultation](#)

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[Prioritization of Funds](#)

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[Professional Development – ESSA Definition](#)

[Program Requirements](#)

[School Leaders Defined](#)

[Specialized Instructional Support Personnel Defined](#)

[Supplement, Not Supplant](#)

[Use of Funds – Food](#)

[Use of Funds – General](#)