



TITLE II, PART A HANDBOOK

SUPPORTING EFFECTIVE INSTRUCTION



OKLAHOMA
Education

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INTRODUCTION

The purpose of Title II, Part A is to provide grants to State educational agencies and subgrants to local educational agencies to:

- (1) increase student achievement consistent with the challenging State academic standards;
- (2) improve the quality and effectiveness of teachers, principals, and other school leaders;
- (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
- (4) provide low-income and minority students greater access to effective teachers, principals, and other school leaders. *[ESSA, Section 2001]*

The Title II, Part A program is designed, among other things, to provide low-income and minority students and their families with greater access to effective teachers, principals and other school leaders. The Every Student Succeeds Act (ESSA) opened new opportunities to Local Education Authorities (LEAs) to attract, support, and retain effective educators. It is vital that LEAs reflect on how to use Title II, Part A funds in more efficient ways, re-visit traditional uses of these funds, and consider new, innovative, evidence-based strategies.

The Oklahoma State Department of Education (OSDE) is issuing this guidance to provide LEAs with information that will assist them in meeting their obligations under the provisions of Title II, Part A. This guidance does not create or impose new legal requirements, but outlines existing state and federal regulations in order to increase LEAs' awareness of their obligations as subgrantees and reporting requirements.

CHAPTER 1: LEA Allocations

1.1 Allocation Calculations

Title II, Part A is a formula allocation. Allocations are calculated using poverty and population census data provided by the United States Department of Education (USDE). The provision of equitable services is also defined in law and non-regulatory guidance.

The Elementary and Secondary Education Act (ESEA) requires USDE to allocate Title II, Part A funds to States. OSDE awards Title II, Part A funds to eligible LEAs on the basis of formula counts used for Title I, Part A allocations. 95% of the Title II, Part A allocation is distributed to LEAs on a formula basis and 5% of the funds are reserved for State administration and State level activities. 20% is based on census population and 80% on census poverty amounts. After all calculations have been applied, the LEA receives the net allocation that is entered into the Grants Management System (GMS).

Title II, Part A funds are not usually allocated at the school level. However, if the LEA decides to allocate at the school level it must prioritize schools that are implementing comprehensive support and improvement (CSI) activities and targeted support and improvement (TSI) activities and that have the highest percentage of children in poverty. LEAs without TSI/CSI schools who allocate at the school level must prioritize in accordance with Title II, Part A Intent and Purposes. Specifically, LEAs should prioritize funds to increase student achievement and provide low-income and minority students greater access to effective teachers. In Oklahoma, LEAs who choose to allocate at the school level, must demonstrate this prioritization during monitoring. There is not only one method for determining allocations. LEAs should choose a methodology that most closely aligns with the LEA's needs and resources and remains in compliance with the law.

CHAPTER 2: Equitable Services under Title II, Part A

2.1 Equitable Services Requirement

Educational services and other benefits for private school children shall be equitable in comparison to services and other benefits for public school children participating in Title I, Part A services, and shall be provided in a timely manner. [ESSA, Section 8501(3)(A)]

The public Local Educational Agency (LEA) shall engage in timely and meaningful consultation with appropriate private school officials, to serve *eligible low-achieving* private school children who reside in a participating Title I public school attendance area. ESSA, Section 1117(a)(4)(ii) stipulates that 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.

2.2 Obligating the Equitable Share Funds

Funds allocated to a Local Educational Agency for educational services and other benefits to eligible private school children *shall be obligated in the fiscal year* for which the funds are received by the agency. [ESSA, Section 1117(a)(4)(B) and 8501(a)(4)(B)]

The purpose of this requirement is to ensure that an LEA obligates the funds available under Title II, Part A to provide equitable services in the fiscal year for which the funds are appropriated, so that eligible students, teachers and other educational personnel, and families receive the services to which they are entitled in a timely manner. This provision reinforces the requirement that an LEA conduct timely consultation with private school officials to design appropriate equitable services so that those services can begin at the beginning of the school year for which the funds are appropriated.

There may be extenuating circumstances in which an LEA is unable to obligate all funds within this timeframe in a responsible manner. Under these circumstances, the funds may remain available for the provision of equitable services under the respective program during the subsequent school year, and not be returned to the LEA's pool of funds for public schools. If not obligated within a two-year period, unused funds will revert to the U.S. Treasury.

2.3 Carryover of the Equitable Share Funds

Any unexpended Title II, Part A equitable share funds will carry over to the *public school* pool of funds for the following fiscal year, unless there are extenuating circumstances for a particular non-public school. In this case, that specific non-public school will be allowed to carry over the unexpended funds for its needs in the following fiscal year. *[Providing Equitable Services to Eligible Private School Children, Teachers, and Families Updated Non-Regulatory Guidance, October 7, 2019, B-27]*

At the end of each fiscal year, after the closeouts have been performed, OSDE sends out an "Extenuating Circumstances" form to all LEAs that have participating private schools. LEAs will complete the form in consultation with each non-public school, indicating whether or not there were any extenuating circumstances that resulted in unobligated funds for non-public services, and return it back to OSDE. If OSDE's determination is that extenuating circumstances existed, the funds will remain available for the provision of equitable services during the subsequent school year for that particular private school, and not be returned to the LEA's pool of funds for public schools. If not obligated within two year period, unused funds will revert to U.S. Treasury.

2.4 Transferability and Equitable Share Funds

ESSA, Section 5103(b)(2) allows Title II, Part A funds to be transferred to Title I, Part A; Title I, Part C; Title I, Part, D; Title III, Part A; Title V, Part B.

If, after timely and meaningful consultation, an LEA transfers Title II, Part A funds into another program authorized under the transferability provision, then Title II, Part A funds are subject to the rules and requirements applicable under that specific program, including the proportional share necessary to provide equitable services.

An LEA may not transfer Title II, Part A funds to another program authorized under the transferability provision *solely* to provide equitable services, nor may it retain funds in Title II, Part A solely for this purpose. For example, if an LEA chooses to transfer its

Title II, Part A to Title I, Part A, the LEA may not retain a portion of those funds solely to provide equitable services under Title II, Part A. Rather, it must provide services to public and private school students, their teachers, and their families in accordance with all Title I requirements. *[ESSA, Section 5103(e)(1)]*

With respect to the transferred funds, the LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program *after* the transfer.

[Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary And Secondary Education Act Of 1965 (ESEA, As Amended By The Every Student Succeeds Act (ESSA), U-4, November 21, 2016]

CHAPTER 3: Fiscal

3.1 Carryover and Transferability of Title II, Part A Funds

There is no amount limitation regarding the carryover of Title II, Part A funds from one fiscal year to another. LEAs may carryover any unexpended funds which are available for obligation and expenditure in the year succeeding the fiscal year for which they are appropriated. However, LEAs should keep in mind that, under Section 421(b) of the General Education Provisions Act (GEPA), LEAs must obligate funds during the 27 months extending from July 1 of the fiscal year for which the funds were appropriated through September 30 of the second succeeding fiscal year. This maximum period includes a 15-month period of initial availability plus a 12 month period for carryover.

“A local educational agency may transfer all, or any lesser amount, of the funds allocated to it under the provisions listed in paragraph (2) [Title II , Part A], for a fiscal year to one or more of its allocations for such fiscal year under any other provision listed in paragraph (2).” *[ESSA, Section 5103(b)(1)]*

“A local educational agency may transfer any funds allotted to such agency under a provision listed in paragraph (2) [Title II, Part A] for a fiscal year to its allotment under any other of the following provisions:

- (i) Part A of title I.
- (ii) Part C of title I.
- (iii) Part D of title I.
- (iv) Part A of title III.
- (v) Part B of Title V.” *[ESSA, Section 5103(b)(2)]*

3.2. Maintenance of Effort (MOE)

ESSA addresses the LEA's responsibility to maintain local funding. If an LEA fails to maintain fiscal effort, the State Education Agency may be required to reduce LEA's Title II, Part A current year allocation. Calculations to determine MOE are done at the State level in compliance with Federal requirements.

A Local Education Agency (LEA) may receive funds under a covered program for any fiscal year only if the State Education Agency (SEA) finds that either the combined fiscal effort per student, or the aggregate expenditures of State and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year. *[ESSA, Section 1118(a) and 8521(a)]*

If an LEA fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the LEA), the SEA must reduce the LEA's allocation under Title I, Part A, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part B, 21st Century Community Learning Centers, Title V, Part B, Subpart 2, RLIS, and Title VI, Part A, Subpart 1, Indian Education in the exact proportion by which the LEA failed to maintain effort, if the LEA fails to maintain effort in a given fiscal year and also failed to maintain effort for 1(one) or more of the 5(five) immediately preceding fiscal years. *[ESSA, Section 8521(b)]*

The United States Department of Education may waive the maintenance of effort requirement for an LEA if it determines that a waiver would be equitable due to:

- 1) exceptional or uncontrollable circumstances; or
- 2) a precipitous decline in the financial resources of the LEA.

If the LEA's failure to meet MOE was due to one of the above exceptions, the LEA can request and be granted a one-year MOE waiver from the United States Department of Education (USDE). The LEA must address the letter of request to the Secretary of Education, along with documentation to support the reason for failure to meet MOE and send it to the Office of Federal Programs, who will then forward the waiver request to USDE. For additional information regarding the Maintenance of Effort appeal process, contact the Office of Federal Programs at (405)521-2846.

3.3 Time Distribution Records (TDRs)

Employees that are paid with federal funds from single or multiple funding sources are required to document their time and effort by maintaining Time Distribution Records (formerly known as Time and Effort Records) at the time that services are performed.

Salaries for such employees will be paid monthly according to the time distribution among specific activities/funding sources, regardless of Title I Targeted Assistance or Schoolwide program status.

- I. Total compensation must be reasonable for the services rendered and conforms to the established written policy of the non-Federal entity consistently applied to both Federal and non-Federal activities; *2 CFR Part 200.430(a)(1)*
- II. Personnel expenses must be based on records that accurately reflect the work performed and be supported with verifiable documentation; *2 CFR Part 200.430*
- III. Standards for Documentation of Personnel Expenses:
 - i. Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
 - ii. Be incorporated into the official records of the non-Federal entity;
 - iii. Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities;
 - iv. Include both federally funded and all other activities paid by the LEA on an integrated basis, but may also comprise of supplemental records as defined in the LEA's written policy;
 - v. Comply with the established accounting policies and practices of the LEA;
 - vi. Support the distribution of all salary/wages among specific activities or cost objectives regardless of work in any combination of Federal/non-Federal award or direct/indirect cost activity;
 - vii. Recognize that while budget estimates may be used for accounting purposes, they do not qualify as support for reimbursements of federal funds;
 - viii. Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards. *[2 CFR Part 200.430(i)(1)]*

Types of Time Distribution Records

All Local Educational Agencies (LEAs) receiving federal funds under ANY federal program (Title I, Part A; Title I, Part C-Migrant, Title I, Part D-Neglected/Delinquent, Title II, Part A; Title III, Part A; Title IV, Part A; Title V, Part B; Title IX, Part A-Homeless) are responsible for ensuring that all staff members maintain accurate time distribution records. All documentation must be signed by the employee and supervisor evidencing first-hand knowledge of the work performed under the federal program. A description and samples of the documentation required, based on the type of position/duties and reporting periods are listed below.

Cost objective means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. [2 CFR Part 200.28]

Semi-annual Certification

- Completed for employees who work solely on a single Federal award or cost objective;
- Certifies that the employee worked solely on that program for the period covered by the certification;
- Meets the standards for documentation outlined in 2 CFR Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency;
- Will be prepared at least **semi-annually (once per semester)**;
- Will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.

Personnel Activity Report (PAR)

- Completed for employees who work on multiple activities or cost objectives such as:
 - more than one Federal award;
 - a Federal award and a non-Federal award;
 - an indirect cost activity and a direct cost activity;
 - two or more indirect activities which are allocated using different allocation bases; or
 - an unallowable activity and a direct or indirect cost activity.

[2 CFR Part 200.430(i)(1)(vii)]
- Personnel Activity Reports:
 - must meet the standards for documentation outlined in 2 CFR Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency;
 - must reflect an after-the-fact distribution of the actual activity of each employee;
 - must account for the total activity for which each employee is compensated;
 - must be prepared **at least monthly** and must coincide with one or more pay periods; and
 - must be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.

Note: budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards but may be used for interim accounting purposes.

CHAPTER 4: Professional Development (PD)

4.1 Definition of PD

ESSA, Section 8101(42) defines the term of professional development as activities that:

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

(B) are sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities described in detail under *ESSA, Section 8101(42)(B)(i)-xviii*”

4.2 Allowable Personnel to Be Paid with Title II, Part A Funds to Attend PD Activities

Title II, Part A pays for PD activities for teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals. [*ESSA, Section 8101(42)*]

Title II, Part A funds may be used for PD travel expenses such as registration, airfare, lodging, meals, and stipends (if the PD activity is outside the contracted hours.) However, for personnel on a 12 month contract (such as superintendents, assistant superintendents, directors, etc.) monetary stipends for attending PD activities cannot be paid due to the fact that these personnel are already compensated for 12 months, and there are no “out of contract” hours that will entitle them for supplemental pay from federal funds.

Note: Title II, Part A does not pay for PD activities for teacher aides, but for paraprofessionals. (see more definitions under the Glossary section).

4.3 Evidence-based Strategies

Title II, Part A requires LEAs funding professional development to ensure that it is high quality, personalized professional development that is evidence-based.

“The term “evidence-based” means an activity, strategy, or intervention that-

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

(I) strong evidence from a least 1 well-designed and well-implemented experimental study,

(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study, or

(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or

(ii) (I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.”

4.4 Participation in Short-Term PD Activities

Stand-alone, 1-day, or short-term workshops are not allowed from Title II, Part A funds, but intensive, collaborative, job-embedded series of workshops that will lay the groundwork of a larger, systemic, Professional Development (PD) Plan are allowable. An example of such workshops is a presenter who is contracted by an LEA using federal funds, for one-day only, or a teacher who goes to a one-day conference, but there are follow-up sessions to that one-day event. In this case, the PD page in the respective application in the Grants Management System (GMS) must describe the follow-up sessions, when they will occur, and who will benefit from these sessions. The LEA may choose to also upload a PD Plan in GMS, on the supportive documentation page of the Consolidated Application, which will explain in more detail the sequence of all planned PD activities for the entire school year.

All PD activities must be allowable under the respective federal program. Motivational presentations are not considered allowable professional development activities under federal programs.

4.5 Travel for PD Activities

Allowable travel costs from Title II, Part A funds are the expenses for transportation, lodging, subsistence, and related items incurred by employees who travel on official business of the LEA. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two. The method used by the LEA must be applied to the entire trip and not to selected days of

the trip, and must result in charges consistent with LEA's written travel reimbursement policy.

OMB § 200.432 and 200.474 require LEAs to have a written travel policy that is in compliance with federal and state laws. LEAs may choose to be more restrictive, but not less. All costs should be reasonable and necessary and applied consistently to expenditures made with federal and non-federal funds. LEAs must use their written travel policy in the provision of equitable services.

CHAPTER 5: Supplement, Not Supplant

5.1 Compliance with the Supplement, not Supplant Requirement

Funds made available under this title shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title. *[ESSA, Section 2301]*

Title II, Part A funds may be used only to supplement educational program activities provided with state and local funds. The LEA may not use Title II, Part A funds to pay for activities that, in the absence of these funds, would be provided with state and local funds. Title II, Part A funds may be used to fund only the professional development activities that supplement those mandated locally or by the state, and can supplement those discretionary professional development activities that the LEA would fund in the absence of other local and/or state funding sources.

5.2 Supplanting Test Criteria

In the following instances, it is presumed that supplanting has occurred if:

- 1) The LEA used Title II, Part A funds to provide services that were required under other Federal, state or local laws.
- 2) The LEA used Title II, Part A funds to provide services that were provided with non-Federal funds in the prior year.
- 3) The LEA used Title II, Part funds to provide services for some teachers, principals or other school leaders, while other teachers, principals or other school leaders received the same services provided with non-Federal funds.

CHAPTER 6: Uses of Funds

Although this is not a comprehensive list of allowable uses of funds, LEAs may use Title II, Part A funds to pay for personnel salaries only for CSR teachers, substitute teachers

(only those who cover for teachers attending allowable Title II, Part A PD activities), federal programs directors/coordinators, instructional coaches, travel expenses to Title II related conferences (for teachers, principals and other school leaders), etc.

6.1 Administrative costs

For the purpose of administering Title II, Part A program, LEAs may use these funds for administrative costs, which will be those incurred by the LEAs to carry out the administration, evaluation and technical assistance associated with this grant.

Administrative costs will be coded under function code 2330, and may encompass Title II administrative personnel's salaries (Title II director/coordinator, Title II secretary/claims clerk), Title II administrators' travel expenses to Title II related conferences, subscription to federal publications, etc.

Oklahoma Statute 70 O.S. 18-1 allows administrative costs to be charged by LEAs in the amount of 5, 7 or 8% of their state allocation, and are calculated based on the LEA's student Average Daily Attendance (ADA) as follows:

ADA less than 500 students	8%
ADA between 500-1500 students	7%
ADA greater than 1500 students	5%

The OSDE allows the same percentages to be applicable to the Title II, Part A allocation for administrative cost calculation purposes.

6.2 Compensation Allowable from Title II, Part A Funds

Title II, Part A funds may be used to provide stipends to allowable participants to attend allowable professional activities in alignment with LEA's stipend policy, applied consistently to federal and non-federal situations.

Additional compensation may be provided to LEA staff who provide allowable professional learning and/or mentoring above and beyond contractual obligations to allowable participants. Title II, Part A Non-Regulatory Guidance provides some suggestions as to how LEAs might provide compensation to support LEA authorized use of funds like mentoring for retention and professional growth opportunities.

Additional compensation may be provided as a recruitment or retention incentive, given the LEA is targeting effective educators, particularly in high needs areas and for high needs schools. Criteria should be developed, put in writing, and applied consistently.

6.3 Class-size Reduction

LEAs may use Title II, Part A funds for reducing class size to a level that is evidence-based, to the extent the State (in consultation with local educational agencies in the

State) determines that such evidence is reasonably available, to improve student achievement through the recruiting and hiring of additional effective teachers. [ESSA, Section 2103(b)(3)(D)]

State Bill (SB) 1469 (Effective July 1, 2014)

This state bill extends the accreditation moratorium for two additional years, so that accreditation shall not be withdrawn from or denied (or penalties assessed) to school districts for failing to meet class size limitations, make textbook expenditures, or make library/media expenditures. The bill also amends the manner in which the graduation rate will be calculated for accountability purposes: “For a student who transfers out of a school site or school district, the written or electronic confirmation shall be official and document that the student has enrolled in another school site or school district or in an educational program that culminates in a high school diploma recognized by a state or private higher educational institution accredited or recognized by the Oklahoma State Regents for Higher Education for purposes of admission to the institution. Students not enrolled in a program which culminates in the award of a credential recognized by a state or private higher educational institution for purposes of admission shall not be included in the graduation rate...”

State Bill (SB) 193 (Effective July 1, 2019)

“Beginning with the fiscal year which begins July 1, 2021, if the amount of money appropriated to the State Board of Education for the financial support of public schools is at least One Hundred Million Dollars (\$100,000,000.00) greater than the amount of money appropriated to the State Board of Education for the financial support of public schools for the fiscal year ending June 30, 2019, pursuant to Chapter 146, O.S.L. 2018, a financial penalty shall be assessed against any school districts that do not comply with the class size limitations for kindergarten as provided for in Section 18-113.2 of this title and class size limitations for grade one as provided for in subsection A of Section 18-113.1 of this title. Provided, the One Hundred Million Dollars (\$100,000,000.00) shall not include any amount of appropriations dedicated for support or certified employee salary increases.”

Class Size Standards

210:35-5-41. Early childhood staffing and class size

The number of children in an early childhood education class shall not exceed 20. The child: adult ratio shall not exceed 10:1. Any enrollment that exceeds 10 shall require the employment of a teacher assistant.

210:35-5-42. Elementary School Class Size

(a) Kindergarten

For the purpose of computing and paying state appropriated funds, children in kindergarten shall not be assigned to a teacher or class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 10 students, class size limitations shall not apply if a teacher's assistant is employed to serve full-time with each class which exceeds the class size limitation.

(b) Grades One, Two, and Three

For the purpose of computing and paying state-appropriated funds, children in Grades 1, 2, and 3 shall not be assigned to a teacher or class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 10 students, class size limitations shall not apply if a teacher's assistant is employed to serve full-time with each class which exceeds the class size limitation.

(c) Grades Four, Five, and Six

For the purpose of computing and paying state-appropriated funds, children in Grades 4, 5, and 6 shall not be assigned to a teacher of a class that includes more than 20 students. If the creation of an additional class would cause the class to have fewer than 16 students, the class size penalty shall not apply. [70 O.S. § 18-113.1 (B)]

For the purpose of computing and paying state-appropriated funds, if a school district groups its grades as Grades 1 through 5, Grades 6 through 8, and Grades 9 through 12, then as to such district the class size provisions of (c) (1) of this section shall apply to Grades 4 and 5 rather than Grades 4 through 6 and the class size provisions of (d) (1) of this section shall apply to Grades 6 through 8 rather than Grades 7 through 9. [70 O.S. § 18-113.1 (D-E)]

(d) Grades Seven and Eight

No teacher who is counted in class size computation for Grades 7 and 8 shall be responsible for the instruction of more than 140 students on any given 6-hour school day. [70 O.S. § 18-113.3 (C)]

(e) Physical Education, Chorus, Band, Orchestra, other similar Music classes. Classes in Physical Education, Chorus, Band, Orchestra, and other similar music classes shall not be subject to the class size limitations. [70 O.S. § 18-113.1 (C)]

(f) Minimum scheduled time for planning and/or preparation and consultation. A minimum of 200 minutes of scheduled time shall be provided each week for each classroom teacher for individual planning and/or preparation and consultation.

6.4 Directors

Title II, Part A funds may not be used to pay for Directors' salaries (such as Technology Director, Curriculum Director, PD Director, etc., using job code 204). However, Title II, Part A pays for Instructional Coaches/Teacher Trainers (job code 211) and Principal Supervisors (new code TBD starting with FY21).

6.5 Gift Cards

The use of federal funds for purchasing prepaid store cards—i.e. retail/grocery stores, Amazon, I-Tunes, convenience stores, gas cards, etc. is not allowed under federal regulations. Because prepaid cards are considered “cash equivalents”, their use cannot be controlled, and their purchase does not meet the necessary and reasonable standard required by federal regulations. *[OMB Circular A-87, Appendix A, Part C, 1.a]*

6.6 Incentives

Title II, Part A funds may be used for “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 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.” *[ESSA, Section 2103(b)(3)(B)]*

Therefore, Title II, Part A funds may be used to pay incentives in low income schools with high percentages of ineffective teachers and high percentages of students who do not meet the challenging State academic standards, and only for teachers who teach high-need academic subject areas and have proof of being highly effective teachers.

To ensure that federal funds are used according to the law above, the incentives are equitably offered to all eligible employees, and all employees have knowledge about these incentives, LEAs seeking to use Title II, Part A funds for incentives shall provide the Office of Federal Programs the following:

1. A copy of the district's policy regarding financial incentives that outlines:
 - a. the eligibility requirements;
 - b. how the policy is not discriminatory in its eligibility requirements;
 - c. indicate the amount that employees may receive during a school year;

- d. how this policy is publicized to all employees who are eligible to participate.
2. If the incentives are paid to *hire* teachers to teach in high-need academic subject areas, the LEA must provide proof (such as repeated ads that have dates of posting) that will indicate that the position was on the job market for a long time, and it was difficult for the LEA to find a State certified teacher to fill that position.
3. If the incentives are paid to *retain* teachers who have a record of success in helping low achieving students improve their academic achievement, the LEA must provide proof (such as student test scores for a couple of years) that will indicate that the teacher is highly effective, and he/she made a positive impact on improving student achievement. A performance-based pay system may be also submitted.

6.7 Incentives for Aspiring Principals

ESSA, Title II, Part A statute has no stipulation on the use of funds for incentives for aspiring principals. Only Title II, Part B Subpart 4 speaks about the use of these funds for “developing or implementing programs or activities for recruiting, selecting, and developing aspiring or current principals or other school leaders to serve in high-need schools.” [ESSA, Section 2243(a)(2)]. OSDE is not the recipient of these particular funds.

6.8 Instructional Coaches

The salary of Instructional Coaches/Facilitators is allowable from Title II, Part A funds. These individuals would not be providing instruction to students, but would work directly with teachers in the classroom to provide *daily* resources, modeling lessons, and leading data meetings to determine instructional needs of students. Instructional coaches *MUST hold a teaching certificate* in the State of Oklahoma, with any teaching certification area codes, in any core or non-core subject areas.

Note: There are *licensure certification* areas that personnel must have in order to work in a school, in specific *instructional support* positions, such as: physical therapist (7003), school nurse (7005), school psychologist (0517), school psychometrists (0519), ROTC (8015), speech pathologist (0521) etc. However, these are *licensure certification* area codes for *instructional support personnel*, not teaching certification area codes for *instructional personnel*. Teacher trainers (job code 211) will NOT validate on the Personnel page of any of the Title programs applications if they are *instructional support* personnel and only have *licensure certification* area codes.

Title II, Part A also pays for instructional coaches' PD expenses, as they fall under "other school leader" definition under ESSA.

6.9 National Board Certification

For the initial National Board Certification there is a state scholarship offered in the amount of \$1,900. Therefore, Title II, Part A funds cannot be used to pay for it, as a matter of supplanting.

For the re-take or the re-certification the cost is \$1,250. There is no PD value in it, just renewing the certificate. Therefore, federal funds cannot be used to pay for it.

6.10 Principal Supervisors

Title II, Part A 2016 Non-Regulatory Guidance encourages SEAs and LEAs "to extend Title II, Part A-funded services to 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."

The salary of Principal Supervisors is allowable from Title II, Part A funds. Principal Supervisors (new code TBD starting with FY21) will provide adequate and individualized support for principals by actively mentoring and supporting them, and by doing so, are themselves responsible for the school's *daily* instructional leadership and managerial operations. They conduct classroom walkthroughs to observe strengths and areas for growth, provide timely and meaningful feedback to principals, and help developing solutions to challenges.

6.11 Recruitment

Title II, Part A funds may be used for "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." [ESSA, Section 2103(b)((3)(C)]

6.12 Substitutes

"As reasonable and necessary, Title II, Part A funds may be used to pay for substitute teachers if, and only if, (a) those regular classroom teachers they are replacing were hired with Title II, Part A funds to reduce class size, or (b) the teachers are participating in Title II-funded "programs and activities that are designed to improve the quality of the teacher force, such as...innovative professional development programs... described in

ESSA, Section 2103(b). LEAs also must ensure that the hiring of these substitutes supplements, and does not supplant, the use of local and State funds they would otherwise be spending for such substitutes.” [Title II, Part A Non-Regulatory Guidance, October 5, 2006, E-4]

Substitutes for teachers attending in-house Professional Learning Communities (PLCs) are allowable, as long as the PLCs align with the allowable activities under *ESSA, Section 2103(b)*. Substitutes for paraprofessionals or for administrators cannot be paid with Title II, Part A funds.

6.13 Testing Fees for Certification

Teacher certification testing fees paid with Title II, Part A funds are allowed only for currently state certified teachers to add endorsements in academic subject areas (OSAT), but not for the General Education Test (OGET), or Oklahoma Professional Teaching Exam (OPTE). Testing fees are allowable to be paid from Title II, Part A funds only if the tester successfully passes the exam.

Title II, Part A funds may not be used to pay for testing fees for individuals to become highly qualified paraprofessionals. But, the funds may be used for testing fees for existing paraprofessionals to become certified or licensed teachers.

Testing fees for Principal certification for “aspiring principals” are not allowable from Title II, Part A funds. Individuals must be existing principals to receive benefits under Title II, Part A. See additional information under the *Incentives for Aspiring Principals* section above.

6.14 Teacher Leader Effectiveness Evaluation System (TLE)

Oklahoma State Law §70-6-101.16 regarding Teacher Leader Effectiveness Evaluation System (TLE) was enacted in December 2011. A summary of the law is as follows:

- For each leader framework, the law requires initial training (hours vary from each vendor) for each participant responsible for evaluating leaders (the Superintendents);
- For each teacher framework, the law requires initial training (hours vary from each vendor) for each participant responsible for evaluating teachers (the Principals);
- Superintendents and Principals must participate in mandatory re-certification training, which will lead to certification for life. Each vendor had different requirements for recertification, but most were one-day sessions;
- Basic Leader and Teacher Framework training (15 hours for Superintendents, 20 hours for principals), re-certification hours (at least one-day), VAM, SLO/SOO

training provided by the approved providers are considered supplanting, if paid with federal funds.

TLE components	Approved Vendors for Training
1. Qualitative (50%)	
a. Leader Framework	
McREL’s Principal Evaluation Systems	CCOSA (Cooperative Council for Oklahoma School Administration)
Reeves’ Leadership Performance Matrix	Houghton Mifflin Harcourt, in partnership with The Leadership and Learning Center
Marzano School Leadership Model	LSI (Learning Sciences International, Inc.) (***)Observation is a division of LSI)
b. Teacher Framework	
TAP Framework	NIET (National Institute for Effective Teachers)
Marzano’s Causal Teacher Evaluation Model	LSI (Learning Sciences International, Inc.) (***)Observation is a division of LSI)
Tulsa’s TLE Observation and Evaluation System	CCOSA
2. Quantitative - Student Academic Growth (35%)	
VAM (Value Added Model)	UPD (Urban Policy Development) via OSDE-one-half day training
SLO (Student Learning Objectives)	AIR (American Institutes for Research) via OSDE – 2-day training
SOO (Student Outcome Objectives)	AIR (American Institutes for Research) via OSDE – 2-day training
3. Quantitative – OAM (Other Academic Measurements)-15%	N/A

As they are required by an Oklahoma State law, none of the TLE framework trainings mentioned in the chart above are allowable from federal funds.

The framework training entities listed in the above chart may/do offer other trainings, therefore OSDE reviewers examine applications and claims carefully to ensure that none of framework trainings listed in this document are included on applications or claims.

Supplemental professional development related to TLE but not directly to activities required by the State Law or Board of Education policy are allowable (i.e, trainings from other entities that address TLE, training to teaching staff or non-evaluative personnel).

6.15 Tuition Reimbursement

Title II, Part A Non-Regulatory Guidance, Section E-1, 9 stipulates that Title II, Part A funds may pay for programs that carry-out teacher advancement initiatives and promote professional growth. Therefore, OSDE allows college tuition reimbursement from Title II, Part A funds as a strategy to improve teacher and principal quality, and to promote their professional growth. The State of Oklahoma is a reimbursement state. Therefore, tuition is reimbursed to the teacher/principal after the course has been successfully completed and passed, and the transcript is submitted along with the claim, as supportive documentation.

A degree, *per se*, is *not* an allowable use of Title II, Part A funds. OSDE allows paying with Title II, Part A funds for tuition reimbursement only for teachers to take courses in core academic subject areas, or instructional leadership classes, when working on a degree in school administration. Leadership classes may include courses such as: Fundamentals of Public School Administration, Supervision of school personnel, Supervision and Evaluation of Instruction, Curriculum, etc. Classes such as School Finance, School Law, etc. cannot be paid from Title II, Part A funds.

To ensure that federal funds are used according to the law above, the incentives are equitably offered to all eligible employees, and all employees have knowledge about these incentives, LEAs seeking to use Title II, Part A funds for incentives shall provide the Office of Federal Programs the following:

1. A copy of the district's policy regarding financial incentives that outlines:
 - a. the eligibility requirements;
 - b. how the policy is not discriminatory in its eligibility requirements;
 - c. indicate the amount that employees may receive during a school year;
 - d. how this policy is publicized to all employees who are eligible to participate;
 - e. how incentive rates are consistently applied to both Federal and non-Federal activities.
2. If the incentives are not paid as tuition reimbursement, but are paid *to hire* teachers to teach in high-need academic subject areas, the LEA must provide proof (such as repeated ads that have dates of posting) that will indicate that the position was on the job market for a long time, and it was difficult for the LEA to find a State certified teacher to fill that position.
3. If the incentives are not paid as tuition reimbursement, but are paid *to retain* teachers who have a record of success in helping low achieving students improve their academic achievement, the LEA must provide proof (such as student test scores for a couple of years) that will indicate that the teacher is highly effective, and he/she made a positive impact on improving student achievement. A performance-based pay system may be also submitted.

Note: Tuition reimbursement cannot be paid for individuals to become Highly Qualified paraprofessionals. When hired as instructional support personnel, they already have to have proper qualifications as paraprofessionals.

CHAPTER 7: FAQs

7.1 Class-size Requirements

7.1.1 Q: Why is the class-size ratio checked by the Office of Federal Programs? Hasn't the class-size requirement been removed?

A: No. The class-size requirement was and still is in effect, but the *penalty* for not meeting this requirement was removed (under certain conditions), in 2014. State Bill 193 approved by the governor in May 2019 stipulates that - starting with July 1, 2021 and based on the State Board of Education appropriation for that fiscal year - a financial penalty shall be assessed against any school districts that do not comply with the class size limitations for kindergarten and first grade.

7.1.2 Q: Can I pay a paraprofessional with Title II, Part A funds to meet the class-size requirement?

A: No. If the teacher student ratio exceeds 1:20, then a paraprofessional *paid with state and local funds* should have been placed in the classroom for the purpose of meeting the class-size requirement mandated by the state law. Using any federal funds to pay a para to meet the class size requirement is not allowable due to supplanting (unless using Title I, Part A funds under schoolwide flexibility, where this is not a supplanting matter anymore).

7.1.3 Q: Can I pay a Special Education paraprofessional with Title II, Part A funds to meet the class-size requirement?

A: No. A Special Education paraprofessional works with a Special Education student according to student's IEP, to meet specific provisions under IDEA. Because this paraprofessional is dedicated to the student with an IEP, this person cannot provide instructional support to other regular education students in the classroom.

7.1.4 Q: What are some ways in which LEAs may use highly qualified teachers hired with Title II, Part A funds to reduce class size?

A: LEAs may reduce class sizes by creating additional classes in a particular grade or subject and placing highly qualified teachers hired with program funds in those classes. However, because of space constraints and other concerns, this is not always feasible. There are other methods of reducing class size that are effective in assisting students in increasing their level of achievement. For instance, the benefits of smaller class size can be provided by the creation of smaller instructional groups served by highly qualified teachers for sustained blocks of time on a regular basis. Some examples of how LEAs might use this approach to reduce class size include but are not limited to:

1. Having two highly qualified teachers team teach [such as co-teachers] in a single classroom for either part of the school day or the entire day.
2. Hiring an additional highly qualified teacher for a grade level (e.g., providing three teachers for two 3rd grade classes) and dividing the students among the teachers for sustained periods of instruction each day in core academic subjects, such as reading and math.
3. Hiring an additional highly qualified teacher who works with half the students in a class for reading or math instruction, while the other half remains with the regular classroom teacher. *[ESEA Title II, Part A Non-Regulatory Guidance, October 5, 2006, E-17]*

7.2 Equitable Share

7.2.1 Q: Under ESEA section 5103(b), after timely and meaningful consultation, may an LEA transfer Title II, Part A funds into the Title I, Part A program solely to provide services for private school students?

A: No. The ESEA does not authorize an LEA to transfer to the Title I program only the portion of funds available for services for private school students from one or more of the programs whose funds may be transferred. If an LEA decides to transfer funds, it must provide services to public and private school students and teachers in accordance with all of the requirements of the program(s) to which the funds are transferred. *[ESEA, Section 5103(e)(1)]*

7.2.2 Q: May an LEA, after timely and meaningful consultation, retain funds in a program from which it transfers funds to Title I solely to provide equitable services under that program?

A: No. Just as an LEA may not transfer funds to a particular program solely to provide equitable services, it may not retain funds solely for this purpose. Thus, if an LEA chooses to transfer its Title II, Part A or Title IV, Part A funds to Title I, it may not retain a portion of those funds solely to provide equitable services under Title II, Part A or Title IV, Part A. Rather, if an LEA decides to transfer funds into Title I, it must provide services to public and private school students, their teachers, and their families in accordance with all Title I requirements. *[ESEA, Section 5103(e)(1)]*

7.3 Paraprofessionals

Q: Can paraprofessionals' salary be paid from Title II, Part A funds?

A: No. There is no provision in Title II, Part A law or Non-regulatory guidance that allows to pay salaries of paraprofessionals. "Title II, Part A funds can be used **only** to pay the salaries of highly qualified [state certified] teachers hired for the purpose of reducing class size." *[ESEA Title II, Part A Non-Regulatory Guidance, October 5, 2006, E-4]*

7.4 Principals

Q: What can Title II, Part A funds be used for school principals?

A: Title II, Part A funds cannot be used to pay for principals' salary, but they can be used to pay for principals' PD training (as they are instructional personnel leaders).

7.5 Teacher Leader Effectiveness (TLE) training

Q: Is there an approved TLE vendor for OAM (Other Academic Measurements)?

A: No. OAMs are completely developed at the local level and teachers may select any assessment/measure that is on the approved list, but there would not be any training on OAM from the approved list. There may be training on how to use the assessment/measure, but not on OAMs. For example, Tulsa Public Schools is using two different student surveys. They may need training on how to administer and analyze the results of the two different surveys. This would not appear as training on OAMs, but as training on the surveys. Since they are not required to use the surveys (it is one of many options), it

would be considered an optional training on best practices of student assessment.

GLOSSARY

Core Academic Subjects

“The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.” *[Title IX, Part A, Section 9101(11)]*

Paraprofessionals

Federal definition: “For the purposes of Title I, Part A, a **paraprofessional** is an employee of an LEA who provides instructional support in a program supported with Title I, Part A funds. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals under *Title I, Part A.*”*[Title I Paraprofessionals, Non-regulatory Guidance, Section A-2]*

State definition “A public school paraprofessional is an employee of a school district whose position is either instructional in nature, or who delivers other direct services to students and/or their parents. A public school paraprofessional serves in a position for which a teacher or another professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance.” *[OS §70-6-127(A)]*

Principals

While the ESEA does not provide a direct definition of a principal, Oklahoma state law defines a principal as “any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers.” *[OS §70-1-116(3)]*

Pupil Services Personnel

Section 9101(36)(A) of the ESEA defines Pupil Services Personnel as: “The term pupil services personnel means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the

Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.”

School Leader

The term “school leader” means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building. *[ESSA, Section 8101(44)]*

Teacher Aides

Teacher aides are individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance, and are not considered to be paraprofessionals.” *[Title I Paraprofessionals, Non-regulatory Guidance, Section A-2]*

RESOURCES

- *Every Student Succeeds Act (ESSA), July 31, 2018*
- *Title II, Part A Non-Regulatory Guidance, 2016*
- *Title II, Part A Non-Regulatory Guidance, 2006*
- *Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance, October 7, 2019*
- *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act Of 1965 (ESEA), As Amended By The Every Student Succeeds Act (ESSA), November 21, 2016*
- *Title I Paraprofessionals, Non-regulatory Guidance*
- *Oklahoma Statute, Title 70*
- *Office of Management and Budget (OMB), 2 CFR Chapter I, Chapter II, Part 200, December 26, 2013*
- *OMB Circular A-87*
- *Oklahoma State Bill 1469*
- *Oklahoma State Bill 193*