

Federal Non-Regulatory Guidance on Title II Part A Improving Teacher Quality State Grants

*A Technology Monitoring and Information Service (TechMIS)
SPECIAL REPORT*

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This Special Report provides an update on Title II Part A/Improving Teacher Quality Grants. It includes highlights of the changes/additions made in USED's December release to the draft proposed regulations of June which were described in the July TechMIS issue (attached for reference purposes).

Rather than attempting to summarize the entire 100-page plus guidance, we have identified specific areas which either provide or confirm opportunities for software and other publishers and/or providers of technology products and services -- particularly training for teachers and paraprofessionals. Earlier guidance was provided in November on paraprofessionals and included in the December Washington Update. Below we identify both opportunities and some concerns for most TechMIS subscribers.

Technology Related Opportunities/Concerns

One of the commentors on the earlier guidance inquired as to whether supplies or instructional materials used as part of professional development activities could be purchased with Title II A funds. The USED response is "Yes, but only if the expenditures, like any costs paid for by Federal program funds, are reasonable and necessary to carry out these activities. While Title II, Part A funds may be used to purchase materials and supplies used in professional development activities, including the materials (such as graphing calculators) that a teacher will need in order to apply the

professional development in a classroom setting, Title II, Part A does not permit program funds to be used to purchase materials and supplies (e.g., graphing calculators) that each student would need to take advantage of professional development.” This response is similar to nonregulatory guidance relating to the previous Title II Eisenhower professional development provisions in ESEA. To the extent that a firm is interested in having the maximum amount of hardware, software, instructional materials, etc., purchased using Title II A funds, these products must be bundled together with an extensive and sustained professional development effort conducted by the vendor or another party. The firm would need to justify that all of the proposed bundle are “necessary” and that the costs are “reasonable,” such that individual purchases of components would cost more than if purchased as a bundled procurement. Hence, such a packaged solution could be used by the teacher to provide instruction, while the students’ instructional components would still have to be purchased.

Not included in the earlier draft guidance but part of the updated guidance is a new opportunity for online or otherwise technology-delivered instruction in schools that have alternative education planning for disruptive or behaviorally-challenged students. The guidance states that both elementary and middle school teachers who provide instruction in alternative education placements should meet the same highly-qualified requirements as elementary school teachers. However, “At the middle school level arrangements should be made for independent study opportunities, where the teacher of record provides materials and lessons for the student.” If the teacher of record is located in the school from which the student was transferred, then one way for that teacher to provide materials and lessons for the student would be through online or other technology-delivered means to the alternative school where the student is enrolled. This is similar to the situation in which a Title I-eligible student leaves a Title I school to enroll in a nonpublic school. During the late 1970s and 1980s, this provided opportunities for firms to provide telecommunication-based computer-assisted instruction in parochial schools. One could assume that similar approaches would now be allowed under Title II A.

Training Opportunities

In the review of November nonregulatory guidance regarding teachers who can meet the highly-

qualified requirements through alternative certification routes, we emphasized the unique opportunity for staff development as ongoing training is required for these individuals during the certification process that could take up to three years.

In response to comments made on the draft NRG, some of the parameters of allowable types of training are more explicit. The new nonregulatory guidance clearly states that Title II A funds cannot pay for the cost of registration and attendance at one-day or short-term workshops or conferences as they are not considered allowable professional development activities. Such activities are allowable when the short-term workshops are part of a “comprehensive set of intensive training opportunities” that conform to the principles in the statutory definition or when participation at a short-term workshop or conference reinforces or lays the foundation as part of a larger systemic professional development plan. The new law clearly specifies that it is up to an LEA to ensure that all proposed training activities conform to the statute and are integrated into long-term systemic training efforts. Moreover, the new guidance once again clearly emphasizes that the SEA cannot impose its priorities or definitions upon the LEA.

The contents of staff development also can be inferred from the new draft guidance as to what is a core academic subject. A teacher, in order to meet the new high-quality requirements, must demonstrate competencies through an exam and other measures that he or she is competent to teach core academic subjects. The new guidance defines core academic subjects as “English, reading or language arts, mathematics, science, foreign language, civics and government, economics, arts, history, and geography.” States are likely to define certain types of academics or core subjects such as “applied physics,” as part of a vocational training curriculum, in which case the vocational teacher would not have to be certified in teaching physics. Well over a third of current vocational education teachers are not “fully certified” by their states to teach their vocational courses and trades.

Another opportunity may be provided at the state level and one should assume at the district level. In response to an earlier question as to whether Part A funds reserved for administration can be used to pay the cost of a contract with a public or private agency for goods and services the SEA needs to

help it administer the program, the USED response is, “Yes, provided the cost of the contract --- like costs attributable to any program --- are reasonable and necessary to help the SEA carry out required administrative functions and otherwise comport with the cost principles in OMB circular A-87.” This government-wide circular allows for “contracting out” in areas where private entities can provide services to a government agency at a reasonable cost and in an effective manner. This circular has been cited in many cases where private entities have argued that the Federal government competes with the private sector (e.g., unfair competition.) We are aware of several private firms and at least one large nonprofit consortium which now offer systems that can help administer the implementation of Title II and other related programs, as well as staff development components of other Titles, to ensure that agencies are being held accountable and making progress toward the goals under No Child Left Behind. Up to two percent of a state’s allocation can be reserved for SEA activities.

Another commentor asked whether or not LEAs are required to expend a certain portion of their allocation on math and science activities. The response is that the Secretary “recognizes the importance of math and science instruction” and that “Second only to a weapon of mass destruction detonating in an American city, we can think of nothing more dangerous than a failure to manage properly science, technology, and education for the common good over the next quarter century” (U.S. Commission on National Security 21st Century). The guidance states, “In preparing their needs assessments, LEAs are strongly encouraged to look closely at their needs for recruiting, training, and retaining high quality math and science teachers, particularly in light of their students’ academic achievement in math and science.” Given the flexibility provided to LEAs and the somewhat “purposeful ambiguity” in this guidance, it is likely that some districts, through their needs assessments, can justify including science and technology as part of the overall teacher quality improvement and staff development effort.

Regarding the types of training that can be provided to teachers, principals, and where appropriate, paraprofessionals, some of the topics included in the new guidance include:

- effective instructional strategies, methods, and skills and use of challenging content in

meeting academic achievement standards in state assessments;

- training in how to teach, and address the needs of, students with different learning styles, particularly students with disabilities and those with special learning needs, including students with limited English proficiency;
- training in methods of improving student behavior in the classroom and identifying appropriate early interventions to help special needs students learn; and
- training in how to understand and use data from assessments to improve classroom practice and student learning.

Although these skills are specifically addressed in the law, the nonregulatory guidance emphasizes them. Certainly, Title II A funds can be used to support such types of training activities.

Another area for which such funds can clearly be used is “supporting the training of teachers and administrators in effectively integrating technology into curricula and instruction.”

There are additional clarifications that, it is hoped, will represent overriding precedence in the ESEA “legal framework.” For example, one of the questions addressed is “Are all LEAs, like the SEA, required to develop a plan to have all teachers highly qualified by 2005-2006, or is this representation limited to LEAs that receive Title I funds.” The USED response says that the requirement to develop this plan applies only to LEAs and SEAs that receive Title I Part A funds. While the vast majority of school districts receive Title I funds, a number do not. Moreover, some school districts do not receive Title I funds but can apply for, or otherwise receive, other Federal education funds such as IDEA. Uncertainty still remains here.

The new guidance also makes it clear that Title II A funds can not be used to pay for substitutes employed by a private school whose teachers are being released to receive Title II A-supported training. Moreover, Title II A funds cannot be used to pay for the salary and the class size reduction of a teacher of “pull out” programs such as Title I. This guidance will be conducive to the designation of more Title I schoolwide programs in the future.

Also, in identifying the highest priority teachers to be selected for professional development, an LEA must target the funds to schools that have “the lowest portion of highly-qualified teachers or those schools that have been identified for school improvement.” This guidance will result in even more funds being earmarked for staff development in districts that have additional Title II A funds allocated to many schools identified for improvement.