

Title II, Part A - Frequently Asked Questions

This document provides the answers to Title II, Part A-related questions received by the Division during the month(s) noted below. You can also navigate through the document using the Bookmarks in your PDF viewer.

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For questions or additional information, please contact us at ESSASupport@tea.texas.gov.

October 2020

Questions and responses are organized by the following topic areas for October 2020:

- [Consultation Requirement](#)
- [Professional Development](#)
- [REAP/Funding Transferability](#)
- [Supplement, Not Supplant](#)
- [Use of Funds](#)

Consultation Requirement

Q1: What stakeholders are required in order for LEAs to meet the Title II, Part A consultation requirement?

A1: ESSA, Section 2102(b)(3)(A), requires LEAs to meaningfully consult with the following nine 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

*“Other school leaders” are defined in Section 8101(44) as 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.

**Specialized instructional support personnel are defined in Section 8101(47) as—

1. school counselors, school social workers, and school psychologists; and
2. other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services as part of a comprehensive program to meet student needs.

Q2: Should each campus have Title II, Part A stakeholder committee or is this a district-level committee?

A2: The statutory consultation requirement for Title II, Part A is at the district level.

Q3: What documentation is recommended to keep on file to show that stakeholder involvement occurred. Additionally, how many persons are recommended to be part of the process? Can the Site-based Decision-making (SBDM) committee meet the consultation requirement?

A3: Typically, documentation of stakeholder meetings includes sign-in sheets with the name of the meeting, the date, stakeholder names, and roles for the required stakeholders. Given the increased use of virtual meeting environments during the 2019-2020 and 2020-2021 school years, participant rosters that include the meeting title, meeting date, and stakeholder names and roles would be acceptable substitutes for the more traditional sign-in sheets. This eliminates the need of a participant signature. In addition, meeting agendas and meeting notes should provide evidence of meaningful consultation with the required stakeholders in the development of the Title II, Part A program. It should be clear from the agendas and minutes that the stakeholders have a genuine opportunity to participate in the planning and decision-making; this should not be a “rubber stamp” approval.

As to the number of participants, in instances where the statute indicates that a required category of membership is plural (i.e., teachers, parents, etc.), there should be at least two representatives per category in order to ensure compliance.

It is possible that the SBDM committee could meet the consultation requirement, if all of the stakeholders required for Title II, Part A are participants on the SBDM committee and if the

committee's participation in the planning and decision-making for the Title II, Part A program is documented.

Q4: What is meant by “meaningful” consultation?

A4: “Meaningful consultation” refers to a genuine opportunity to participate and provide input into planning and decisions concerning the program. The required stakeholders must have a genuine opportunity to participate in the planning and decision-making; it should not be a “rubber stamp” approval.

Professional Development

Q1: What is a good way to keep track of professional development when teachers attend out-of-district training?

A1: One possibility is to collect copies of completion certificates from teachers who attend out-of-district training. This is a district decision, however, and should follow district procedures.

Q2: Can we pay to send district administrators to professional development using Title II, Part A?

A2: The intended beneficiaries of the Title II, Part A program are teachers, principals, and other school leaders. The term “other school leaders” is defined in Section 8101(44) as 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.

In order for an LEA to send a district administrator to professional development using Title II, Part A funds, the LEA would need to document how such an expenditure meets the intent and purpose of Title II, Part A.

REAP/Funding Transferability

Q1: If I do transferability of funds from Title II to Title I what guidelines do I adhere to?

A1: Funds that are transferred into another program through REAP or Funding Transferability follow the guidelines of the receiving program. So, if Title II, Part A funds are transferred into Title I, Part A, those funds follow the guidelines of Title I, Part A.

Supplement, Not Supplant

Q1: What is the Supplement, Not Supplant requirement for Title II, Part A?

A1: ESSA, Section 2301, states that Title II, Part A funds “shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this title.”

Q2: If a district requires certain professional development for every teacher to improve instruction, would using Title II, Part A funds be supplanting?

A2: It depends. If the professional development is required by state law or by local policy, then using Title II, Part A funds to pay for the training would be a supplant. However, if the training is required of teachers as part of the LEA’s districtwide plan or the teachers’ individual growth plan, rather than prescribed by state law or local policy, the training could be provided with Title II, Part A funds.

Use of Funds

Q1: One of my districts wants to know if they can pay for the ESC Distance Learning Fee Service with Title II funds. Would this be an allowable use of funds?

A1: The LEA would have to be able to document that this is a supplemental activity that also meets the intent and purpose of Title II, Part A.

The difficulty might be in ensuring that the distance learning is for training that is supplemental and not training that is required by state law or local policy.

Q2: Can we use Title II to pay for substitutes for our teachers who are attending the Reading Academies?

A2: Because the Reading Academies are a state requirement, Title II, Part A funds cannot be used to pay for substitutes for teachers who attend them. In cases where a training is supplemental, however, Title II, Part A funds can be used to pay for substitutes.

Q3: Are we allowed to use Title II funds for membership fees for conference? Also, if it is a membership fee for a reduced conference fee, do we have to pay the higher registration fee?

A3: The LEA would need to ensure that it could justify such a cost as necessary to carry out the intent and purpose of its Title II, Part A program. Costs associated with membership dues or fees for business, technical, and professional organizations directly related to and necessary to carry out the objectives of the grant are generally allowable, as long as the LEA meets the requirements as noted in the Use of Funds section of the Title II, Part A program guide.

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

- Apply the traditional presumptions of Supplant to determine if the use of funds is supplemental.
- 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.
- 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.
- Ensure that the expenditure(s) meet all EDGAR requirements.
- Ensure that all LEA policies and procedures were followed.

The LEA would also want to be sure that, if this is being done under the professional development focus area, membership must be part of a districtwide or individual growth plan for educational staff.

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November/December 2020

Questions and responses in this FAQ document are organized by the following topic areas for November/December 2020:

- [Use of Funds](#)

Use of Funds

Q1: Is teacher longevity pay an allowable Title II, Part A expense?

A1: It is allowable for Title II, Part A funds to pay for payroll costs, such as longevity pay, that are associated with a position that is paid with Title II, Part A funds, as long as that is in keeping with the districtwide policy.

Q2: In what circumstances could Title II, Part A funds pay for base salaries for positions?

A2: Base salaries could only be paid with Title II, Part A funds if the LEA is funding a position to provide the professional development activities identified by the LEA, or if the LEA has determined that it can fund a supplemental class-size reduction teacher with Title II, Part A funds.

Q3: Are Title II, Part A funds restricted to core content areas?

A3: There are no “core content” requirements related to Title II, Part A under ESSA. An LEA could institute a local practice, such as to focus on STEM subjects, but there is not a core content restriction in statute or guidance.

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January 2021

Questions and responses in this FAQ document are organized by the following topic areas for January 2021:

- [Supplement, Not Supplant](#)
- [Use of Funds](#)

Supplement, Not Supplant

Q1: Is it allowable for Title II, Part A funds to be used for the Reading Academies?

A1: Traditional SNS precludes Title II, Part A from being used for the Reading Academies in the instances where the academies are a state requirement. Therefore, the only instance where the academies may be considered allowable under Title II, Part A is if an LEA wants to provide the training to **non K-3 teachers**. The HB3 state requirement is only for Principals and K-3 Teachers.

Q2: Can an LEA use Title II, Part A funds to pay an annual membership to a job application system that allows applicants to submit one common online application to all participating LEAs? This system provides employers with easy access to thousands of applicants seeking employment in the education industry. Members benefit by avoiding the costly advertising expenses for open positions, and they have easy access to web-based modules that facilitate the applicant screening and hiring process.

A2: An employment application system such as the one described is usually for all LEA employees, including employees that may not be considered intended beneficiaries of the Title II, Part A program (i.e. food service, custodial, transportation, etc.). This raises concerns for potential supplanting, as well as not meeting the intent and purpose of the program. Because of this, it is not a use of funds that is recommended.

Use of Funds

Q1: Would it be an allowable use of funds to have Title II, Part A funds pay the salary of an Assistant Superintendent who supervises principals?

A1: The LEA would have to be very careful to avoid a supplant here. If this is an existing position that has been paid with state/local funds, it would be a supplant to start paying it with Title II, Part A funds. Even if it is a new position, the job duties could also be problematic. Any general administrative duties for the LEA as a whole would likely be outside the intent and purpose of the Title II, Part A program. Coaching teachers and principals could be seen as allowable, but perhaps not normal supervisory duties.

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February 2021

Questions and responses in this FAQ document are organized by the following topic areas for February 2021:

- [Carryover](#)
- [Professional Development](#)

Carryover

Q1: Our district is likely to have higher than usual carryover in 2020-2021 because travel for training is much reduced because of the pandemic. What options do we have to avoid having excess carryover?

A1: The Title II, Part A statute does not specify a limitation on carryover funds; therefore, the LEA could choose to carryover the funds into 2021-2022.

Another option is to use [Title V, Part A – Fund Transferability](#). This allows LEAs the flexibility to target federal funds to programs that most effectively address their unique needs. Eligible LEAs may transfer all or any lesser amount of the funds allocated from Title II, Part A or Title IV, Part A into one or more of the following programs:

- Title I, Part A – Improving Basic Programs Operated by Local Education Agencies
- Title I, Part C – Education of Migratory Children
- Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
- Title II, Part A – Supporting Effective Instruction
- Title III, Part A – Language Instruction for English Learners and Immigrant Students
- Title IV, Part A – Student Support and Academic Enrichment
- Title V, Part B – Rural Education Initiative

Transferred funds are subject to the rules and requirements applicable to the funds under the provision to which the funds are transferred. If the LEA transfers funds from a program that provides for the participation of students, teachers, or other educational personnel from private nonprofit schools, LEA must conduct private school consultation in accordance with section 8501.

Contact your grant negotiator for assistance on the amendment process.

Professional Development

Q1: In regard to Title II, Part A, what is the best way to document that a practice/professional development is evidence-based according to the definition listed in the Program Guide?

A1: The ESSA statute [Section 8101(21)(A)] defines “evidence-based” as meaning 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 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.

For documentation, the LEA would need to be able to provide a copy of evidence from such a study, to show why the LEA believes that the activity or strategy will be effective in meeting the needs of its target population. The LEA would also need to show its own evaluation efforts to determine the effectiveness of the activity or strategy after implementation.

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March 2021

Questions and responses in this FAQ document are organized by the following topic areas for March 2021:

- [Definition of Evidence-based](#)
- [Use of Funds](#)

Definition of Evidence-based

Q1: In regard to Title II, Part A, what is the best way to document that a practice/professional development is evidence-based according to the definition listed in the Program Guide?

A1: The ESSA statute [Section 8101(21)(A)] defines “evidence-based” as meaning 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 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.

For documentation, the LEA would need to be able to provide a copy of evidence from such a study, to show why the LEA believes that the activity or strategy will be effective in meeting the needs of its target population. The LEA would also need to show its own evaluation efforts to determine the effectiveness of the activity or strategy after implementation.

Use of Funds

Q1: Can Title II, Part A funding be used to pay tuition for aides going through a teacher certification program?

A1: It could be possible for this to be an allowable activity with Title II, Part A funds. However, each LEA would need to make its own determination as to whether the activity would be supplemental, as well as in line with the LEA's policies and procedures.

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April 2021

Questions and responses in this FAQ document are organized by the following topic areas for April 2021. Please note that these questions were received in response to the Title II, Part A Program Overview that was provided at ACET. That presentation is available on the Whova application for conference participants. It will also be offered as part of the [Statewide Training Series](#) in August 2021:

- [Carryover](#)
- [Professional Development](#)
- [Supplement, Not Supplant](#)
- [Use of Funds](#)

Carryover

- Q1:** A lot of us have more unspent funding than in previous years in the ESSA grants. I know there's a waiver for the 85% rule on Title I, but what about the other ESSA funds? What if I have 50-60% left in my 20-21 T2 or T3 on 9/30/21? Those grants have been a little bit more difficult to spend this year, with the COVID restrictions (especially T2).
- A1:** This has been a concern for more LEAs than usual because of the effect the pandemic has had on travel and large gatherings. There is no statutory limitation on the amount of 2020-2021 Title II, Part A funds that can be carried forward into the 2021-2022 grant year. If this seems to create a situation where the LEA will have more funds than are expendable in 2021-2022, the LEA may want to consider using its Funding Transferability option in the Consolidated Federal Grant Application (Schedule PS3109).

Professional Development

- Q1:** Would Central Office staff who are instructional leaders, example the instructional office over the math dept, not be allowed to attend T2 funded training?
- A1:** It would not be a problem for additional staff to attend Title II-funded trainings, so long as it did not increase the cost of the training, and so long as the training is meeting the intent and purpose of Title II, Part A to improve educator quality and effectiveness.
- Q2:** Can funds be used for face-to-face professional development now?
- A2:** This has always been a district decision.

Supplement, Not Supplant

- Q1: We were granted the Mentor Allotment last year and were able to pay for mentor stipends. This year, we were not granted the allotment, so may we go back to paying the stipends with Title II funds as in previous years?**
- A1:** This would be an example of where the LEA would want to keep documentation showing that the state fund source that had been used is no longer available. (This could be minutes from a board meeting, or from a budget report.) This would be what an auditor would want to see in order for the LEA to successfully rebut the presumption of supplanting.

Use of Funds

- Q1: Can you provide more specificity to evaluation and support systems? Is this evaluation of LEA programs? What do you mean by Support Systems?**
- A1:** There is a bit more detail in the Title II, Part A program guide on pp. 10-11: "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."
- Q2: In the slide that references "part of the planning process" for other evidence-based activities, can you expand on what the documentation would look like when the LEA is considering whether they can replicate the results of the study and appropriate context in implementing the activity.**
- A2:** The LEA would want to be able to show that they would be implementing the activity in a similar context and with similar materials, so that they have a reasonable expectation of being able to produce similar results. If the activity is contingent on having certain materials or set of circumstances that the LEA is not planning to use, the LEA might not be able to justify the expectation of success.
- Q3: Can Title II Part A split-fund costs with Title I since Title funds can only cover the cost of Title schools? For example, substitutes for training or programs that are evidence based?**
- A3:** It would not be a supplanting issue for Title II, Part A funds to replace Title I, Part A funds (or vice versa) because those statutes only require the federal funds to supplement state and local funds—not other federal funds. However, an LEA would want to ensure that it could document that Title II, Part A funds have been prioritized to meet the needs at campuses that have been identified for school improvement and campuses that have the highest percentage of low-income students. If Title II, Part A funds remain after that, then this could be an allowable activity if it meets with LEA policies and procedures.

Q4: The purpose of Title II is to improve Educator Quality & Effectiveness which includes teachers, principals, and school leaders. Can this include Paraprofessionals too?

A4: Initiatives that provide paraprofessionals with professional growth opportunities can be allowable with Title II, Part A funds, provided the other Use of Funds considerations are met (i.e., SNS, consultation requirements, EDGAR, local policies and procedures).

Q5: Can we use Title II money to create a teacher podcast? I would need to be able to purchase the equipment needed.

A5: This could be possible; however, the LEA would need to ensure that the equipment purchased with 100% Title II, Part A funds was used only for Title II, Part A activities. If the equipment is split-funded, the LEA would have to document its proportional use among those fund sources.

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May 2021

Questions and responses in this FAQ document are organized by the following topic areas for May 2021:

- [Carryover](#)
- [Professional Development](#)

Carryover

Q1: Has there been any additional information released concerning the possibility of another waiver from the USDE to extend the grant period for 2019-2020 grant funds that are set to expire September 30, 2021?

A1: The Agency is in the process of requesting such a waiver from the USDE, but there is no word yet on whether it will be granted.

Professional Development

Q1: An LEA has conducted its needs assessment and has, as part of its plan, set aside a week of training that will begin this year and continue annually. This week will be at the end of July or first of August and it is outside of the teachers' contracted days. This is to be part of the LEA's ongoing PD development for teachers in the classroom. The LEA want to separate it from all the back-to-school training that occurs during in-service so that teachers will not be so overwhelmed with information.

The LEA plans to provide their teachers with stipends to attend that week since it is outside of their contract days and will also have to pay for some of the PD as well. Assuming the PD meets the criteria of T2A, would these be allowable costs for Title 2?

A1: It would be allowable to plan for Title II, Part A to cover some type of PD that the LEA wants to continue on an annual basis. However, they would need to be sure that none of the PD that Title II is paying for is to meet a state requirement. Any PD provided with Title II, Part A funds must be supplemental.

It would be permissible to use Title II, Part A funds to be used for stipends to pay teachers for their time to attend supplemental training that is scheduled outside their contracted days.

- Q2: Based on the definition of school leader, if an LEA wants to send a cohort of leaders/administrators/teachers to work with the regional education service center, in TIL (Texas Instructional Leadership) and if the principal supervisor works on campuses to coach the principals (not working at the service center, but floats from campus to campus), would this activity be an allowable use of Title II, Part A funds?**
- A2:** Such a professional development opportunity for teachers, principals, and principal supervisors could be an allowable activity, as long as the activity is supplemental (i.e., not to meet state requirements).

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June 2021

Questions and responses in this FAQ document are organized by the following topic areas for June 2021:

- [Supplement, Not Supplant](#)
- [Use of Funds](#)

Supplement, Not Supplant

- Q1:** We have been paying a teacher out of Title II for class-size reduction, but it does not truly satisfy that requirement so I will be moving it back into the local budget but would need to move some of the locally paid mentor stipends to Title II. We may have to look at doing away with some of our stipends if I cannot do this. What can I do?
- A1:** The answer to this depends on whether the LEA can rebut the presumption of supplanting. If the LEA can document that the stipends will end because of budget reductions, the LEA can rebut the presumption of supplanting. However, the LEA must be careful not to plan to use Title II, Part A funds for the stipends so that the state/local funds that were previously used for stipends are available for use elsewhere. That would be seen by auditors as a supplant. It all comes down to the documentation.

Use of Funds

- Q1:** Can an LEA pay stipends (time for studying and time to take the test) for teachers adding ESL certification? Can we pay for the certification test? If so, will this be under Recruit, Support, and Retain?
- A1:** These could be allowable activities under Title II, Part A. However, the LEA would need to consider whether any state/local funds have previously been used for this purpose. If so, there may be a supplanting issue. If such state/local funds are no longer available because of budget reductions, the LEA might be able to rebut the presumption of supplanting with appropriate documentation. The LEA would also need to ensure that these activities are in keeping with its policies and procedures. The activity, if allowable for the LEA, would fall under the “Recruit, Support, and Retain” area of focus.
- Q2:** Can a district use Title II funds to hire a mentor/coach to provide training (according to the Professional Development definition) and support for teachers on a high-need Title I campus?
- A2:** Because the mentor/coach in this case would be connected to working directly with educators, this would be aligned with the intent of Title II, Part A. The LEA would need to ensure that the other requirements in the Use of Funds guidance are met.

Q3: Can Title IIA funds be used toward a subscription to a service that would provide an LEA the opportunity to expand recruitment efforts and create more the diverse teacher application pools?

A3: This could be problematic. It might be possible if the subscription is strictly for teachers and principals. However, if there are other LEA/campus personnel positions, such as maintenance workers, cafeteria staff, and/or clerical positions, that would be included in the service, it would not be possible to differentiate these from positions that are related to the provision of Title II, Part A services. Also, if the LEA has previously had such a service paid with state/local funds, there would be a supplanting issue.