



ance for Title II, Part A

Support for Excellent and Leading

ation Non-Regulatory Guidance

y and Secondary Education Act of 1965

y Student Succeeds Act of 2015

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The U.S. Department of Education does not mandate or prescribe practices, models, or other activities in this non-regulatory guidance document. This guidance contains examples of, adaptations of, and links to resources created and maintained by other public and private organizations. This information, informed by research and gathered in part from practitioners, is provided for the reader's convenience and is included here to offer examples of the many resources that educators, parents, advocates, administrators, and other concerned parties may find helpful and use at their discretion. The U.S. Department of Education does not control or guarantee the accuracy, relevance, timeliness, or completeness of this outside information. Further, the inclusion of links to items and examples do not reflect their importance, nor are they intended to represent or be an endorsement by the U.S. Department of Education of any views expressed, or materials provided.

State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) must comply with Federal civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. These laws include Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, Title II of the Americans with Disabilities Act, the Equal Educational Opportunities Act (EEOA), Section 504 of the Rehabilitation Act of 1973, and the Age Discrimination Act of 1975. Further, Section 427 of the General Education Provisions Act (20 U.S.C. §1228a(a)) requires each SEA to include in its application for Title II, Part A funds a description of the steps the applicant proposes to take to ensure equitable access to, and participation in, its Federally-assisted program for students, teachers, and other program beneficiaries with special needs. In addition, LEAs must include this description in their applications to the SEA for Title II, Part A funds. This provision allows applicants discretion in developing the required description. The statute highlights six types of barriers that can impede equitable access or participation: gender, race, national origin, color, disability, or age. Based on local circumstances, SEAs and LEAs should determine whether these or other barriers may prevent their

Introduction

Great teachers, principals and other school leaders (collectively, educators) matter enormously to the learning and the lives of children.¹ Yet, we have struggled as a nation to meaningfully support educators so they can help their students be prepared to succeed in college and careers. The Title II, Part A program is designed, among other things, to provide students from low-income families and minority students with greater access to effective educators. It is critical that State educational agencies (SEAs) and local educational agencies (LEAs) consider how to best use Title II, Part A funds, among other funding sources, to ensure equity of educational opportunity. New provisions in Title II, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) offer new opportunities for SEAs and LEAs to more effectively attract, select, place, support, and retain excellent educators. This initial Title II, Part A guidance is not exhaustive; rather it highlights some of the new and important ways that SEAs and LEAs can use their Title II, Part A funds more strategically and for greater impact. This initial guidance also reflects feedback the Department received from States, districts, and a variety of other stakeholders and educators, during listening sessions regarding high-priority areas for guidance related to these funds. Throughout this guidance, any reference to “educators” refers to teachers, principals, and other school leaders. Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

Strategies outlined in this document, and examples of this work in action, can often be supported by other sources of funding as well, and should not be thought of as tools, policies or programs only made possible through the use of Title II, Part A funds. States and districts are encouraged to explore sources of funding available at the State and local level, as well as other formula and competitive grant awards from the U.S. Department of Education and other sources. This initial Title II, Part A guidance is not exhaustive; rather it highlights some of the new and important ways that SEAs and LEAs can use their Title II, Part A funds more strategically and for greater impact. This initial guidance also reflects feedback the Department received from States, districts, and a variety of other stakeholders and educators, during listening sessions regarding high-priority areas for guidance related to these funds. Throughout this guidance, any reference to “educators” refers to teachers, principals, and other school leaders. Unless otherwise indicated, citations to the ESEA refer to the ESEA, as amended by the ESSA.

Purpose of this Guidance

The U.S. Department of Education (Department) has determined that this guidance is significant guidance under the Office of Management and Budget’s Final Bulletin for Agency Good Guidance Practices, 72 Fed. Reg. 3432 (Jan. 25, 2007). See www.whitehouse.gov/sites/default/files/omb/memoranda/fy2007/m077.pdf. Significant guidance is non

Part 1 : Support for Educators



High-quality teaching and learning requires a diverse cohort of educators, including teachers, principals, and other school leaders, to be prepared and supported to meet the many challenging demands that they and their students face, particularly underserved students and students of color. The continuum of the educator profession and associated opportunities to support educators, from recruitment through career advancement, may be viewed broadly as five interrelated steps that build upon one another. There are many opportunities to use Title II, Part A funds to develop new ways to support educators at various points in this continuum, as well as augment and strengthen existing efforts to improve individual parts and the overall system of supports. While not exhaustive, this section highlights important opportunities to support educators, while acknowledging that Title II, Part A funds alone likely are not enough to fully address and support the entire educator career continuum. Additional information that is helpful in understanding how Title II, Part A investments can be strengthened is included in Part 3 of this guidance.

While these State authorizers would be new, States can look to other types of authorizers, such as charter school authorizers, for best practices. Though not a perfect analogue to the role the state authorizer will play with these academies, some resources to consider include: The National Alliance of Charter School Authorizers' [PINQSA and Standards](#) and NACSA's [12 Essential Practices](#). The Council for Higher Education Accreditation also has [resources](#) that may be worth considering.

Then, the SEA may use Title II, Part A funds to support a teacher, principal, or other school leader academy that, consistent with the requirements of ESSA:

(1) Enters into an agreement with the State authorizer that includes:

- (a) A requirement that prospective candidates receive a significant part of their training through clinical preparation that includes partnerships with effective educators as determined by the State, with a demonstrated record of increasing student academic achievement, while also receiving concurrent, appropriate

(d) A requirement that the academy will award a certificate of completion to a principal or other school leader only after the principal or other school leader demonstrates a record of success in improving

Meaningful Evaluation and Support

Principles for Strong Educator Evaluation and Support Systems

The Department encourages SEAs and LEAs to establish and continuously improve human capital management systems including educator evaluation and support systems. Title II, Part B funds may be used by SEAs and LEAs to develop, implement, and improve rigorous, transparent and fair evaluation and support systems if these systems are based in part on evidence of student achievement, which may include student growth, and (1) include multiple measures (00.7(a

and support systems should not be used as a mechanism to put teachers into binary positive or negative categories but rather to help educators improve.

f **Meaningfully involve educators and other stakeholders:** Educator support and evaluation systems should directly connect to opportunities for educators to improve instruction. As such, educators should be involved in the development and implementation of evaluation and support systems. Educator expertise in the innovation and improvement of these systems is critical to successful implementation and maintenance. For example, encouraging teachers to design measures for the overall evaluation and support systems.

f **Be valid, reliable, and fair:** To be effective, educator evaluation and support systems should be technically and educationally sound, and implemented by well-trained educators and administrators. Generally SEAs and LEAs should convene technical advisory committees that include experts in assessment of student learning.

- f **Be transparent:** The inputs, outputs, and outcomes of educator evaluation and support systems should be transparent and comprehensible. Educators should participate in the development and implementation of evaluation and other human capital plans. All teachers and school leaders should have a clear understanding of the metrics on which they are being evaluated before the data collection process begins, as well as confidence that evaluation scores will be used to support professional development that will ultimately help educators serve their students. Educators should have access to their individual performance measures, not just their summative ratings. Resources should be readily available for educators to access in order to improve in areas they and their evaluators jointly identify as areas of need. Clear processes and procedures should also be in place for educators to dispute results they think are unfair.
- f **Help ensure educational equity:** The Department shares with SEAs and LEAs the goal of ensuring that the most vulnerable students in the highest-need schools have access to excellent teachers and leaders. To realize this goal, educator evaluation and support systems should be put in place, whether funded by Title II, Part A or other sources – to identify excellent teachers and leaders as an important first step towards ensuring that all students have equal access to them. See Part 3 for more information on Educator Equity.

Some resources that may be helpful in developing, implementing and improving evaluation and support systems include: GTL’s [State Teacher and Principal Evaluation Policies](#), [Educator Evaluation Tools](#) and [Brief: Alternative Measures of Teacher Performance](#), and TNTP’s [Teacher Evaluation 2.0](#)

Strong Teacher Leadership

Leveraging Teacher Expertise and Leadership

Sustainable teacher career paths should give teachers the opportunity to exercise increased responsibility and to grow professionally, while keeping effective teachers in the classroom. Moreover, the availability of teacher leadership opportunities positively impacts teacher recruitment and retention, job satisfaction, and student achievement.

With the recommended strategies below, and other permissible activities, Title II, Part A funds may be used to support “time banks” or flexible time for collaborative planning, curriculum writing, peer observations, and leading trainings; which may involve using substitute teachers to cover classes during the school day. (ESEA sections 2101(c)(4)(B)(v) and 2103(b)(3)(E)). Furthermore, funds may be used to compensate teachers for their increased leadership roles and responsibilities. (ESEA sections 2101(c)(4)(B)(vii)(I) and 2103(b)(3)(E)).

Transformative School Leadership

Ongoing Professional Learning for Principals and Other School Leaders

Effective principals, assistant principals, and other school leaders are essential to school success, particularly in schools with large numbers of students from low-income families and minority students⁷. Strong principals attract teachers with great potential for success, support the ongoing professional learning of teachers, and retain excellent teachers.

A resource on how SEAs and LEAs may produce a large and steady supply of high-performing school principals and support their effective supervision is The Wallace Foundation's [Building Principal Pipelines: A Strategy to Strengthen Education Leadership](#). An additional resource that SEAs and LEAs may consider when selecting evidence-based interventions related to school leadership is [School Leadership Interventions under the Every Student Succeeds Act](#) from RAND Corporation. This report describes opportunities for supporting school leadership, discussing the standards of

⁷ See for example Keithwood (2004): How Leadership Influences

evidence, and synthesizing the research with respect to those standards

State-

Principal Supervisors

When developing strategies for supporting principals and other school leaders, SEAs and LEAs may

diversity of the educator workforce may be particularly beneficial for minority students, helping to close the achievement gap. When considering how to better support educators, SEAs and LEAs should consider supporting a diverse educator workforce as a critical component of all efforts across the career continuum (for example, as framed by this Part 2). Relevant resources include the Department's report:

Part 2: Educator Equity

To ensure that every student has access to excellent educators, SEA and LEAs must work together to develop, attract, and retain excellent educators in all schools, especially in high schools. Part of the purpose of the Title II, Part A program is to provide students from low-income families and minority students greater access to effective teachers, principals

Recommended Strategies (Continued)

- New educator induction or mentoring programs designed to improve classroom instruction and student learning and achievement and increase the retention of effective educators;
 - Many of the other strategies highlighted earlier in this document with a focus on the highestneed schools.
 - Development and provision of training for school leaders, coaches, mentors, evaluators on how to accurately differentiate performance, provide useful feedback, use evaluation results to inform decisionmaking about professional development, improvement strategies and personnel decisions;
- ¾ Develop feedback mechanisms to improve working conditions, including through periodically and publicly reporting results of educator support and working conditions feedback which may leverage teacher leadership and community partners. (ESEA section 2103(b)(3)(N)).
- ¾ Carry out inservice training for school personnel in addressing issues related to school conditions for student learning, such as safety, peer interaction, drug and alcohol abuse, and chronic absenteeism. (ESEA section 2103(b)(3)(I)(iv)).
- ¾ Create teams of educators for teachers in high schools who convene regularly to learn, problem solve, and look over student

Supporting Early Learning Educators: Ensuring All of Our Youngest Learners Start Strong

The ESEA explicitly includes new ways SEA 0.5(n) 0.k3 The

Part 3:

Understanding the Use of Title II, Part A Funding

Generally, the amount of funds reserved for spending at the SEA and LEA levels has not changed with the reauthorization of the ESEA. However, Title II, Part A of the ESEA includes new optional SEA reservations of funds for principal and school leader support and teacher principal

- f Seek advice from these stakeholders regarding how best to improve the Title II, Part A activities;
- f Coordinate the activities with other related strategies, programs or activities in the State or LEA (ESEA sections 2101(d)(3) and 2102(b)(3)) and
- f Provide for the equitable participation of private school teachers and other educational personnel in private schools and engage in timely and meaningful consultation with private school officials during the design and development of their Title II, Part A programs.¹⁴ (ESEA sections 8501).

Recommended Strategies

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

- ¾ Conduct outreach to, and solicit input from relevant stakeholders during the design and development of plans for Title II, Part A funds ensuring that there is a diverse representation of educators from across the State or LEA, especially those who work in high schools and in early education.
- ¾ Be flexible when consulting with stakeholders, especially educators, by holding meetings or conferences outside the hours of the school day or by using a variety of communications tools, such as electronic surveys.
- ¾ Seek out diverse perspectives within stakeholder groups, when possible, and ensure that consultation is representative of the State/LEA as much as possible.
- ¾ Make stakeholders aware of past and current uses of Title II, Part A funds and research or analysis of the effectiveness of those uses, if available, as well as research or analysis of proposed new uses of funds, in order to consider the best uses for schools and districts to support teacher and school leader development.
- ¾ Consider the concerns identified during consultation, and revise uses of Title II, Part A funds when appropriate.

When designing the consultation process, SEAs and LEAs should consider the Department's guidance on [State Plans to Ensure Equitable Access to Excellent Education](#), the Department's [policy letter on stakeholder engagement](#), and the Reform Support Network's [Communications and Engagement Assessment Rubric](#) which include information on consultation and stakeholder engagement.

¹⁴ New or changed requirements that affect the equitable participation of private school teachers and other educational personnel in the ESEA will be addressed in forthcoming guidance. Except as otherwise provided in that guidance, the existing regulatory *Title IX, Part E Uniform Provisions, Subpart 1 – Private Schools (Revised March 2009)* will remain applicable.

On May 31, 2016, the Department published a [Notice of Proposed Rulemaking \(NPRM\)](#) in the *Federal Register* that proposed specific requirements for engaging in timely and meaningful consultation when developing, revising, or amending State plans, which has implications for an SEA's plans for spending Title II, Part A funds. Proposed 34 C.F.R. §§ 299.13 and 299.15 outlines specific requirements for how an SEA must engage in timely and meaningful consultation with stakeholders.

To meet these proposed requirements, each SEA would need to:

- f Provide public notice, in a format and language, to the extent practicable, that the public can access and understand in compliance with the requirements under proposed 34 C.F.R. § 299.13(b)(1)(3), of the SEA's processes and procedures for developing and adopting its State plan;
- f Conduct outreach to, and solicit input from, the required stakeholders identified in proposed 34 C.F.R. § 299.15(a) for a consolidated State plan or the specific Title II, Part A stakeholders identified in SEA Section 2101(d)(3)(A) each case during the design and development of the plan, prior to submission of the plan.

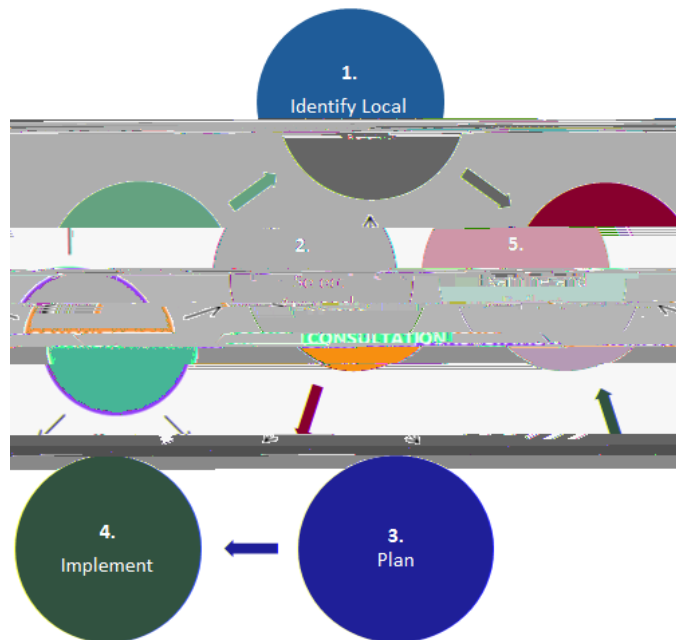
A Cyclical Framework for Maximizing Title II, Part A Investments

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

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

This framework is designed to help decision makers make more effective Title II, Part A investments and make the use of evidence, research, and data part of the decision-making process. The remainder of this section of the guidance will explain each step in detail. Additionally, a series of questions to consider when using this framework have been included on pages 12-13 of this document.

Here's how this framework should look in practice:



1. IDENTIFY LOCAL NEEDS

SEAs and LEAs must engage in meaningful consultation with a broad range of stakeholders (further described on pages 26-28), as required by ESEA sections 2101(d)(3) and 2102(b)(3), and should examine relevant data to understand students' and educators' most pressing needs, including the potential root causes of those needs given local context. Interviews, focus groups, and surveys, as well as student, school data, and educator data, may also provide insights into local needs. [The Distribution of Teachers in Delaware report](#) in Chapter 3 of the Center on Great Teachers and Leaders' (GTL) [Teacher Effectiveness and Equity Guide](#) discusses the survey and interview protocols developed as part of

- x In addition to the WWC, the Department's Regional Educational Laboratory (RELs) and other federally funded technical assistance centers may provide summaries of the evidence on various activities and strategies and guidance on how existing research aligns to the ESEA evidence levels discussed in the Appendix
- x Local capacity also helps predict the success of an activity with the available funding, staff resources, staff skills, and support for activities should be considered when selecting an evidence-based activity. SEAs can work with individual and/or groups of LEAs to improve their capacity to implement evidence-based activities.

Suggested SEA Strategies for Using Evidence in Title II, Part A Activities

When using Title II, Part A funds for professional development and class size reduction, an SEA may require an LEA to only use Title II, Part A funds on evidence-based activities to the extent that the State determines evidence is reasonably available (ESEA section 2103(b)(3)(D) and (H)). Historically, SEAs and LEAs have used the majority of Title II, Part A funds to support reductions in class size and to provide professional development. While some of these efforts are evidence-based and have been effective in supporting teachers and students in certain contexts, many class size and professional development activities have resulted in negligible impacts for many students.¹⁶ An SEA may consider the following ways to implement the Title II, Part A evidence requirements, including:

- f An SEA, in consultation with LEAs, may determine after reviewing available evidence that activities for class size reduction and professional development, when designed and implemented in certain ways, have sufficient levels of evidence (i.e., those meeting promising, strong, or moderate evidence levels, as defined in ESEA section 8101(21) and clarified in the Appendix).¹⁷
- f If higher levels of evidence are not available (i.e., those meeting promising, strong or moderate evidence levels as defined in ESEA section 8101(21) and clarified in the Appendix), an SEA may require that Title II, Part A activities demonstrate a rationale (as defined in ESEA section 8101(21) clarified in the Appendix) for how they will achieve their goals.
- f If, when applying for an LEA Title II, Part A subgrant, an LEA requests to spend Title II, Part A funds on class size reduction and professional development, an SEA may require LEAs to use Title II, Part A funds for only those activities that the State determines are evidence-based.

3. PLAN FOR IMPLEMENTATION

An implementation plan, developed with input from stakeholders, while not required by statute, sets up LEAs and schools for successful implementation. [See here for a sample implementation planning and monitoring tool](#) from REL:

Pacific) Implementation plans may include the following components:

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the intervention could be changed for continuous improvement. Performance information can also provide insight into whether the expected outcomes are being achieved.

f Evaluations of effectiveness may be appropriate when SEAs and/or LEAs want to know if an activity was effective in that the activity affected the intended student or educator outcomes. These types of evaluations may meet strong or moderate evidence levels, as defined in ESEA section 8101(21) and clarified in the Appendix to ensure these evaluations of effectiveness produce credible results. SEAs or LEAs can receive Department of Education technical assistance, including working with local RELs to plan, implement, and conduct evaluations. Engage university faculty as research partners, and/or by using supporting resources like this free software to simplify analysis and reporting of evaluation results.

Putting a Cyclical Framework into Practice: Questions to Consider

Identifying Local Needs

What data are available or needed to best understand local needs?

How do student outcomes compare to identified performance goals? Are there inequities in student outcomes across the State or district?

What are the potential root causes of areas where performance falls short of goals or of inequities in student

Selecting Relevant, Evidence-Based Strategies: Using Evidence

Selecting Relevant, Evidence-Based Strategies: Understanding Local Capacity

Appendix A:
Guidance on the Definition of “Evidence” -

Evidence Considerations, Resources, and Criteria for Levels

While the ESEA definition of “evidence based” states that “at least one study” is needed to provide *strong evidence*, *moderate evidence*, or *promising evidence* for an intervention, SEAs, LEAs, and other stakeholders should consider the entire body of relevant evidence. Additionally, when available, interventions supported by higher levels of evidence, specifically *strong evidence* and *moderate evidence*, which describe the *effectiveness of an intervention*¹ through *causal inference*,² should be prioritized. Stakeholders should also consider whether there is evidence that an intervention has substantially improved an important education outcome (e.g., credit accumulation and high school graduation). The What Works Clearinghouse (WWC), an initiative of ED’s Institute of Education Sciences, is a helpful resource for locating the evidence on various education interventions.³ For a longer discussion of key steps and considerations for decision making, including but not limited to the use of evidence-based interventions, see Part III of this guidance.

The criteria below represent the Department’s recommendations for identifying evidence at each of the four levels in ESEA (also summarized in Table 1 on page 41).

¹ Strong Evidence. To be supported by *strong evidence*, there must be at least one be

and/or analytic methods to reduce or account for differences between the intervention group and a comparison group. Additionally, to provide *promising evidence*, the study should:

- 1) Show a statistically significant and positive (i.e., favorable) effect of the intervention on a student outcome or other *relevant outcome*; and
- 2) Not be overridden by statistically significant and negative (i.e., unfavorable) evidence on that intervention ;

Appendix B: Title II, Part A Statutory Language

Title II, Part A statutory language can be found as part of the full [Title II Legislation](#)

Legislation, regulations, guidance, and other policy documents for the [Every Student Succeeds Act \(ESSA\)](#) and other topics can be found at the Department's [Policy Landing Webpage](#)