

Title II-A: Supporting Effective Instruction

The purpose of Title II-A is to:ⁱ

- Increase student achievement; and
- Improve quality and effectiveness of teachers, principals and other school leaders; and
- Increase the number of teachers, principals and other school leaders who are effective in improving student academic achievement; and
- Provide low-income and minority students greater access to effective teachers, principals and other school leaders.

In Oregon, the local education agency (LEA) is usually the district, and in this document “district” is synonymous with LEA.

For how to determine the Title II-A equitable share, see [Module 3](#).

Who is responsible for providing Title II-A equitable services?

The district is responsible for maintaining control of all Title II-A funds. They obligate the equitable share on equitable services for private school educators. The district must never reimburse a private school for equitable services. Under specific circumstances, the district may directly pay private school staff; but they must never pay the private school directly. All equipment and supplies paid for with Title II-A funds are owned by the district and must be recorded on [inventory records](#), as applicable.ⁱⁱ

Who is eligible to receive Title II-A equitable services?

In most cases, only private school teachers, principals, and other school leaders are eligible to receive equitable services. An “other school leader” is someone who is responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.ⁱⁱⁱ In this document “educator” is synonymous with teachers, principals and other school leaders.

Title II-A services must be used to meet the [specific needs](#) of private school educators and cannot be used to meet the needs of the private school in general.^{iv} In some cases, it is allowable to provide training on specific topics to other private school employees. For example, the equitable share may be used for training all school personnel regarding student safety, peer interactions, drug and alcohol abuse, and chronic absenteeism.^v

What types of activities may a district provide to private school educators?

Usually, the Title II-A equitable share is used to provide professional development (PD). When providing PD, all activities must address the [specific needs](#) of private school children, and not the general needs of the private school.

Other permissible uses may include trainings on various topics such as:

- Selecting and implementing formative and classroom-based assessments; and

- Identifying gifted and talented children; and
- Supporting instructional services provided by effective school library programs; and
- Preventing and recognizing child sexual abuse.

Additionally, all school personnel may receive in-service training related to school conditions for student learning such as techniques and supports necessary to facilitate:

- Student access to appropriate mental health services; and
- School safety; and
- Peer interactions; and
- Drug and alcohol abuse prevention; and
- Chronic absenteeism.^{vi}

There is no requirement that private school educator’s PD be aligned with state or district goals or strategic plans.^{vii}

Title II-A funds may be used to purchase equipment and supplies used in professional development activities, including the materials that a teacher will need in order to apply the professional development. Additionally, technology purchased solely for the purposes of recording data for teacher observations is considered allowable.^{viii}

The equitable share must not be used to reduce class sizes in a private school or pay for substitute teachers so that a private school teacher may attend PD paid for with the equitable share. Except under rare circumstances, equitable services may not be used in developing or implementing initiatives to assist in recruiting, hiring and retaining private school teachers.^{ix}

For more information on general equitable service allowability and how to [evaluate](#) equitable service programs, see [Module 2](#).

For more information on Title II-A allowability, see [Module 6b](#).

What criteria must PD services meet?

- Meet the definition of “professional development” under ESEA.^x
- Be evidence-based.^{xi}
- Be reasonable and necessary.^{xii}
- Be focused on improving teaching and student learning and achievement.^{xiii}
- Supplement, and not supplant, PD that would have otherwise been provided by the private school.^{xiv}
- Meet the [specific needs](#) of the educators and/or students, not the general needs of the private school.^{xv}
- Be [secular, neutral, and non-ideological](#).^{xvi}

What is the ESEA definition of PD?

ESEA requires that the PD activity is both:^{xvii}

- 1) Part of the strategies for providing educators with the knowledge and skills necessary to enable children to succeed in a well-rounded education; and

- 2) Sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused.

Because many conferences are short-term or are stand-alone, they may not meet the ESEA definition of PD. However, if a private school can demonstrate, through consultation with the district, that attendance at a short-term conference is part of a sustained and comprehensive PD plan, part of the strategies to enable children to succeed in a well-round education and meets the needs of the educator, then conference expenses are allowable. Furthermore, some types of training are specifically allowed under Title II-A even if they do not meet the definition of PD.^{xviii}

What does it mean to be evidenced-based?

ESEA has a very specific definition of evidenced-based. There are different types or levels of evidence.^{xix} The [What Works Clearinghouse](#) and [Evidence for ESSA](#) are two resources that can be used to identify the type of evidence that supports equitable services.

May the district pay, or reimburse private school educators, for costs such as conference fees, hotel, travel and meal expenses, even if the conference is out of state?

Direct costs for items such as stipends, travel allowances, and registration fees are considered participant support costs, which are allowable without additional approval from the US Department of Education as long as participant costs are less than \$5,000 per participant.^{xx}

Districts may require private school educators to follow the same travel and per diem policies that apply to district employees, so long as doing so does not prohibit private school educators from participating in otherwise reasonable and allowable activities. For example, if a PD activity best meets the needs of an educator, is an allowable activity, and is available at a reasonable cost, the request may not be denied simply based on the location of the activity.^{xxi}

There is not a prohibition in ESEA on paying for out-of-state PD for private school educators. However, the district must ensure that costs associated with the PD, whether within or outside the state, are reasonable and necessary.^{xxii}

If a private school educator attends PD that is not fully [secular, neutral, and non-ideological](#), the equitable share can only pay the percentage of the PD and participant support costs that can be easily shown to be fully secular, neutral and non-ideological. Furthermore, the private school educator must provide evidence to the district that they attended the fully secular, neutral and non-ideological parts of the PD. For example, if a private school educator attends a PD event that has 8 sessions, and only 3 of the sessions are fully secular, neutral and non-ideological; the equitable share may only pay 3/8, or 38%, of the total PD participant support costs.^{xxiii}

Title II-A funds can only be obligated for PD that can be shown to be fully secular, neutral and non-ideological. Speculation as to the percentage of PD that is secular, neutral and non-ideological is not allowed. For example, PD titled “How to Convince Students to Vote for the Green Party” is unallowable as it is ideological in nature, even if the attendee were to speculate

that only 50% of the PD was spent engaging in ideological discussion. Evidence, and not speculation, must be used to show that the PD was non-ideological.^{xxiv}

May the Title II-A equitable share be used to pay for an online subscription to a PD video database?

Title II-A funds may be used to purchase a subscription to an online video database to provide PD as long as the content is fully [secular, neutral, and non-ideological](#).^{xxv}

May the Title II-A equitable share be used to pay for stipends for private school educators?

Yes, if private school educators spend time in an allowable activity beyond their regular contracted hours, they may be paid a stipend for the excess time accrued. The stipend must be paid directly to the private school educator and not to the private school. Stipends should be made available to private school educators on the same basis as public school educators.^{xxvi}

For the district to pay an educator's salary or benefits, they must be hired by the district and under the supervision of the district. Therefore, a district paying part or all of a private school educator's private school salary or benefits is not allowable.^{xxvii}

ⁱ [Title VIII Equitable Services NRG](#) (2023) H-1, [ESEA](#) section 2001

ⁱⁱ [Title VIII Equitable Services NRG](#) (2023) C-16, H-3, H-5, [ESEA](#) section 2102, 8501(a)(1), (d)

ⁱⁱⁱ [ESEA](#) section 8101(44)

^{iv} [Title VIII Equitable Services NRG](#) (2023) C-8

^v [Title VIII Equitable Services NRG](#) (2023), H-2, [ESEA](#) section 2103(b)(3)(I), 8101(44)

^{vi} [Title VIII Equitable Services NRG](#) (2023) H-6, H-2, [ESEA](#) sections 2103(b)(3)(H), (J), (K), (L)

^{vii} [Title VIII Equitable Services NRG](#) (2023) H-13, [34 CFR § 299.7\(c\)](#)

^{viii} [ESEA](#) section 2001, Purpose

^{ix} [Title VIII Equitable Services NRG](#) (2023) C-10, C-20, H-6, H-14, [ESEA](#) sections 2103(b)(3)(D), 8501(c),(d) [34 CFR § 299.8\(b\)](#)

^x [Title VIII Equitable Services NRG](#) (2023) H-7, H-8 [ESEA](#) section 8101(42)

^{xi} [Title VIII Equitable Services NRG](#) (2023) H-7, H-8 [ESEA](#) section 8101(21)

^{xii} [Title VIII Equitable Services NRG](#) (2023) C-10, H-7, [2 CFR § 200.403](#)

^{xiii} [Title VIII Equitable Services NRG](#) (2023) H-8, [ESEA](#) section 2103(b)(3)(E)

^{xiv} [Title VIII Equitable Services NRG](#) (2023) C-9, H-7, H-11, [34 CFR § 299.8\(a\)](#), [ESEA](#) section 2301

^{xv} [Title VIII Equitable Services NRG](#) (2023) C-10, [34 CFR § 299.8\(b\)](#)

^{xvi} [Title VIII Equitable Services NRG](#) (2023) C-10, H-7, H-10, [ESEA](#) section 8501(a)(2)

^{xvii} [Title VIII Equitable Services NRG](#) (2023) H-8, [ESEA](#) section 2103(b)(3)(E), (H), (J), (K), (L)

^{xviii} [Title VIII Equitable Services NRG](#) (2023) H-9, [ESEA](#) section 8101(42)

^{xix} [ESEA](#) section 8101(21)(A)

^{xx} [Title VIII Equitable Services NRG](#) (2023) C-19, [2 CFR § 200.1](#), [USDE's December 8, 2022 letter to Chief State School Officers](#)

^{xxi} [Title VIII Equitable Services NRG](#) (2023) C-19

^{xxii} [Title VIII Equitable Services NRG](#) (2023) C-18, C-19, [2 CFR § 200.403\(a\)](#), [404](#), [456](#)

^{xxiii} [Title VIII Equitable Services NRG](#) (2023) H-10

^{xxiv} [Title VIII Equitable Services NRG](#) (2023) H-10

^{xxv} [Title VIII Equitable Services NRG](#) (2023) H-12

^{xxvi} [Title VIII Equitable Services NRG](#) (2023) [ESEA](#) section 8501(d)(1)

^{xxvii} [Title VIII Equitable Services NRG](#) (2023) H-14, [ESEA](#) section 8501(d)