

SUWANNEE COUNTY SCHOOL BOARD  
WORKSHOP SESSION  
July 12, 2016

AGENDA

- 9:00 a.m. Call to Order/Welcome/Pledge..... Ed daSilva, Chairman
- 9:02 a.m. Chief Financial Officer Update ..... Vickie DePratter
- 9:15 a.m. Facilities Department Update ..... Mark Carver
- 9:45 a.m. Radio Shack Funding..... Mark Carver
- 10:15 a.m. ELL Program Update..... Lila Udell
- 10:30 a.m. Human Resources Department Update.....Dr. Bill Brothers
- Equity and Minority Recruitment Plans **(pgs. 2-4)**
  - Personnel Issues **(pgs. 5-9)**
  - Substitutes
- 11:00 a.m. Assistant Superintendent of Instruction Update .....Janene Fitzpatrick
- Memorandum of Understanding (MOU) – Teacher Incentive Fund (TIF5) **(pgs. 10-40)**
  - Paraprofessional Equity Analysis Update
  - Every Student Succeeds Act (ESSA)
- 11:30 p.m. Adjourn

## MINORITY TEACHER RECRUITMENT PLAN 2016-2017

The Suwannee County School Board recognizes the need for greater diversity within the teaching force. This is important for several reasons, as research clearly indicates that all students benefit from educators of diverse backgrounds. Diversity promotes creativity, productivity and good citizenship. In addition, career development theory posits that students need to be able to see themselves in a career. If there are fewer role models for minority students to identify with, the shortage of minority teachers will likely get worse.

In an effort to increase the diversity of the District's instructional and administrative workforce, the Suwannee County School Board has developed the following action plan for minority recruitment.

### ACTIONS

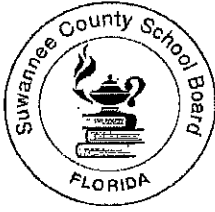
1. The District will continue its recruitment program for the purpose of increasing the number of qualified minority applicants for instructional and administrative positions. Specifically,
  - a. The District will expand the geographic area of recruitment by sending notices to colleges and universities, including Historically Black Colleges and Universities (HBCU's) in Florida, Georgia and Alabama, of available teacher and administrative vacancies.
  - b. The District will seek contacts from other community-based organizations, such as the NAACP and St. Lukes Episcopal Church, to help disseminate teacher and administrative vacancy notices.
  - c. The District will identify additional recruitment fairs and sites, both within the state and out-of-state, that are the best sources for minority teacher and administrative applicants.
  - d. The District will work with teacher education programs at college and universities and encourage preservice teacher field experiences and clinical experiences within our schools.
  - e. The District will collaborate and network with organizations such as the local NAACP, United Teachers of Suwannee County, Suwannee and Lafayette Retired Educators, area churches and other appropriate local organizations to assist in identifying free or low-cost housing for student teachers interning in the district.
2. The District will continue to provide training and professional development opportunities that promote diversity and multicultural competence. Specifically,
  - a. The District will provide training for the superintendent, school board members, principals, and other individuals who have any role in recruiting or hiring teachers or administrators. The training will cover the importance of workforce diversity, the possible disparate impact of the employment criteria utilized for any particular

vacancy, and the appropriate use of selection factors and interview techniques in the recruitment process.

- b. The District will continue to provide training, such as Ruby Payne, which help reinforce multicultural understanding, competence and effective ESOL teaching strategies for teachers.
  - c. The District will continue the practice of providing first year teachers with mentors to increase retention.
  - d. The District will provide training and develop training materials for teachers of ESOL and ELL students.
3. The District will continue seeking opportunities to attract and hire teachers at recruiting fairs. Specifically,
- a. The District will send hiring authorities (principals) to career fairs to interview on site at these recruiting fairs.
  - b. The District will participate in virtual recruitment fairs.
  - c. The District will utilize conditional contracts when making pre-employment job offers.
  - d. District recruiters will continue to maintain a log of prospective candidates; and subsequently, follow up with them regarding the status of their application and any certification questions they may have.
4. The District will continue to find ways to promote teaching as a positive career choice. Specifically,
- a. Guidance counselors and teachers will encourage students to pursue education as a major. There are several scholarships and loan forgiveness programs that are available to students.
  - b. The District will continue to disseminate FFMT and other minority scholarship information to minority students interested in pursuing a career in teaching.
  - c. The District will identify resources and personnel to implement Teaching Assistant as a career academy.
5. The District will continue seeking ways to continuously improve recruitment and retention efforts and to monitor progress. Specifically,
- a. The District will conduct a self-assessment to determine the overall success of its recruitment efforts. The self-assessment will include a comprehensive comparison of the racial and ethnic demographics of the District's current teacher and administrative staff to the racial and ethnic demographics of the relevant applicant pools and or qualified labor market.

- b. The superintendent will provide an annual update to the Suwannee County School Board regarding employment demographics. The public will be invited to address the Board regarding this plan.
- ~~e. Annually, the District will host a meeting to report the employment demographics to the community and to seek input regarding minority recruitment strategies.~~
- d. This plan will be reviewed annually, and modified as needed.

# SUWANNEE COUNTY SCHOOL BOARD



*Serving The Children Of Our Community*

702 - 2<sup>nd</sup> Street, NW • Live Oak, Florida 32064  
Telephone: (386) 647-4600 • Fax: (386) 364-2635  
www.suwannee.k12.fl.us

**JERRY A. SCARBOROUGH**  
Superintendent of Schools

**JERRY TAYLOR**  
DISTRICT 1

**CATHERINE CASON**  
DISTRICT 2

**JULIE ULMER**  
DISTRICT 3

**ED DA SILVA**  
DISTRICT 4

**RONALD WHITE**  
DISTRICT 5

**LEONARD J. DIETZEN, III**  
BOARD ATTORNEY

## Instructional Pre-Contract Conditional Offer of Employment

Congratulations on your consideration of an instructional (Teacher) position with the Suwannee County School District. At this time your job offer is contingent upon your application being reviewed for appropriate qualifications and the following terms and conditions:

- 1) The Teacher shall complete fully and promptly an on-line application for employment and provide all required certification paperwork within ten (10) days of signing this Conditional Offer.
- 2) The Teacher must establish and document requisite subject area knowledge in his/her proposed teaching assignment according to the current Florida Course Code Directory by one of the following means:
  - a. A passing score on the Florida Subject Area Examination for the Teacher's proposed teaching assignment; or,
  - b. Proof of eligibility to hold a Florida Professional Certificate in the Teacher's proposed teaching assignment, or
  - c. A valid out-of-state certificate acceptable to the Florida Department of Education to satisfy the subject knowledge requirement.
- 3) Information on the application must be satisfactory to the Superintendent in order for him/her to continue to offer employment including satisfactory reference, background and work history check. The Teacher will be fingerprinted and a satisfactory result is required in order to be employed.
- 4) This offer is conditional and is subject to approval by the Suwannee County School Board. Notwithstanding any other term or provision of this offer, the School Board shall be under no obligation to enter a contract with the Teacher unless and until all conditions of this offer have been fulfilled and the School Board has approved and authorized the Teacher's employment. Execution of this offer by the personnel agent for the Superintendent constitutes an agreement by the Superintendent to recommend approval of Teacher's employment to the School Board upon satisfaction of all conditions contained herein.
- 5) All appointments are subject to assignment and/or transfer to particular schools and locations within the District. Salary will be based on Teacher's degree status and verified professional experience in accordance with our negotiated instructional salary schedule. A formal contract will be issued at a later date. This conditional offer can be rendered void for failure to meet any of the contingencies and/or reasons that would constitute grounds for discharge under applicable Florida laws and regulations and/or Suwannee County School District Board policies, rules and practices.

**RELEASE OF INFORMATION:** I authorize any individual with information about or access to records referring to the undersigned to provide that information and/or those records to the Suwannee County School District. I waive any and all rights to privacy or confidentiality for the purpose of this authorization, and release all individuals who provide such information and/or records from any liability of every nature and kind arising from those acts.

**Applicant Name:** \_\_\_\_\_

**Applicant Social Security (last four digits only) XXX-XX-** \_\_\_\_\_

**Best phone number to reach you:** ( \_\_\_\_\_ ) \_\_\_\_\_ - \_\_\_\_\_

**E-mail address:** \_\_\_\_\_

**Area(s) of Certification:** \_\_\_\_\_

**Circle Endorsement(s):**    **ESE Certification**    **Reading**    **ESOL**    **Gifted**

**ACCEPTANCE:** I acknowledge that this offer is made expressly subject to those conditions set forth above, and I accept this offer with full knowledge of that fact. I understand that the Suwannee County School District is extending this pre-contract conditional offer in good faith to meet district staffing needs and by signing below attest to be dealing in good faith with the Suwannee County School District.

Your placement is on hold in the Department of Human Resources until such time as all qualifying paperwork is completed.

\_\_\_\_\_  
Signature of Applicant

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Designee for Superintendent  
of the Suwannee County School District

\_\_\_\_\_  
Date

## SUWANNEE COUNTY SCHOOL DISTRICT

### OCCUPATIONAL THERAPY ASSISTANT, LICENSED

#### JOB DESCRIPTION

**Job Title:** Occupational Therapy Assistant, Licensed

**Reports to:** Director, Exceptional Student Education

#### **SUMMARY:**

Certified occupational therapy assistants support occupational therapists in providing rehabilitative care to students with mental, emotional or physical impairments that prevent them from working or living independently.

#### **QUALIFICATIONS:**

- (1) Valid Florida Occupational Therapist Assistant license
  - (2) Training and experience in screening and provision of occupational therapy per Florida statutes
  - (3) One (1) year experience working with children ages 3 – 21 preferred
  - (4) Satisfactory criminal background check
- \*Reasonable accommodations may be made to enable individuals with disabilities, who are otherwise qualified, to perform the essential functions.

#### **KNOWLEDGE, SKILLS, COMPETENCIES AND ABILITIES:**

To perform the job successfully, an individual should demonstrate the competencies:

- 1) Ability to read and interpret documents such as policies and procedure manuals. Follow directions and apply common sense understanding to carry out instructions furnished in written, oral or diagram form.
- 2) To perform this job successfully, an individual should have knowledge of current Human Resources leave system and Skyward inventory system (if applicable) or be willing to learn new technology practices.
- 3) Ability to complete screening reports and Individual Education Plan goals.
- 4) Work collaboratively with occupational therapist to devise treatment plans and lead students through the plan
- 5) Ability to help students perform stretching, strengthening and range of motion exercises as well as acclimating them to wheelchairs, artificial limbs or other devices
- 6) Ability to monitor the progress of treatment and suggest changes if student isn't progressing
- 7) Good verbal communication skills, sympathetic to the emotional needs of students and perceptive to any difficulties students may have adjusting to limited circumstances.
- 8) Must be capable of physically assisting students with special needs as required (positioning, lifting, transferring, restraining, etc.)
- 9) Maintain excellent integrity and demonstrate good moral character and initiative
- 10) Ability to adjust tasks and schedule to changed priorities

#### **PERFORMANCE RESPONSIBILITIES:**

- (11) Serve as a role model for students, dressing and grooming professionally, demonstrating the importance and relevance of learning, accepting responsibility, and demonstrating pride in their position.
- (12) Must have working knowledge of computer and e-mail

- (13) Establish high standards and expectations for all students to accept responsibility for behavior.
- (14) Supervise students and consistently administer rules regarding student behavior.
- (15) Assist students in learning to accept responsibility, demonstrate respect for people and property, and demonstrate self-discipline.
- (16) Keep accurate records of student attendance and behavior, including any tardiness, and submit to the administration in a timely fashion.
- (17) Observe students skills and capacities to determine their skill level
- (18) Teach students skills and techniques needed to perform educational and physical activities
- (19) Establish a professional rapport with students that earns their respect.
- (20) Provide individual and small-group instruction to adapt the curriculum to the needs of students with varying skills and abilities, and to accommodate a variety of instructional activities
- (21) Complete in a timely fashion all records and reports as required by law and regulation or requested by the administration.
- (22) Consult with classroom teachers, school staff, parents and occupational therapists
- (23) Provide direct occupational therapy services to qualified students based on current Individual Educational Plans.
- (24) Utilize materials and equipment for occupational therapy as prescribed by the occupational therapist
- (25) Plan and conduct in-service demonstrations with classroom teachers
- (26) Provide in a timely manner, requested documentation of specialized student services in accordance with school board criteria established for the purposes of the Medicaid Certified School Match program.
- (27) Maintain positive, cooperative, and mutually supportive relationships with the administration, instructional staff, students, parents, and representatives of resource agencies within the community.
- (28) Attend required staff meetings and serve, as appropriate, on staff committees.
- (29) Maintain in safe working condition and safely operate electronic and other equipment needed to carry out job functions and responsibilities.
- (30) Protect confidentiality of records and information gained as part of exercising professional duties and use discretion in sharing such information within legal confines.
- (31) Attends IEP, or other related meetings necessary for student assessment and/or compliance with federal and/or state law
- (32) Maintain professional competence through in-service education activities provided by the school and/or in self-selected professional growth activities
- (33) Communicate with parents and school counselors on pupil progress
- (34) Perform any other duties as assigned by Department Director

**PHYSICAL REQUIREMENTS:**

Medium Work: Exerting up to 50 pounds of force occasionally, and/or up to 20 pounds of force as frequently as needed to move objects. Tasks involve the ability to exert very moderate physical effort in medium work, typically involving some combination of stooping, kneeling, crouching and crawling, and which may involve some lifting, carrying, pushing and/or pulling of objects and materials of moderate weight. Occasional movement of students by wheelchairs and other mechanical devices may be required.

**TERMS OF EMPLOYMENT:**

Salary and benefits shall be paid consistent with the District's approved compensation plan. Length of the work year and hours of employment shall be those established by the District.

**EVALUATION:**



**Occupational Therapy Assistant, Licensed (Continued)**

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Performance of this job will be evaluated in accordance with provisions of the PCSD Board's policy on evaluation of personnel.

# **Memorandum of Understanding (MOU)**

This Memorandum of Understanding (MOU) is entered into by and between the following entities:

North East Florida Educational Consortium (NEFEC)
and
Suwannee County School District

These entities are applying to the U.S. Department of Education (ED) as group applicants for a grant award under the fiscal year (FY) 2016 Teacher Incentive Fund (TIF5). The purpose of this MOU is to establish the framework through which, if the US Department of Education approves their application, the group applicants will collaborate and to articulate the specific roles and responsibilities of each applicant in implementing the approved TIF project.

## **I. Scope of Work**

Each group applicant agrees to participate in the proposed TIF project that is set forth in this group application for the FY 2016 TIF competition and conduct activities and carry out responsibilities as identified in that application.

## **II. If Funded, Each Applicant Understands That It Will Be a Grantee of the US Department of Education**

Each group applicant understands that if the group application is funded the district assume the legal responsibilities of a grantee.

## **III. Lead Applicant and Fiscal Agent**

A participating district will serve as the lead applicant. The lead applicant will apply for the grant on behalf of the group and will serve as the fiscal agent for the group in the event a grant is awarded. As fiscal agent the lead applicant understands that it is responsible for the receipt and distribution of all grant funds; for ensuring that the project is carried out by the group in accordance with Federal requirements.

## **IV. Use of Funds**

Each group applicant that is not the lead applicant agrees to use the funds it will receive from the lead applicant under the MOU agreement in accordance with all Federal requirements that apply to the grant, including any restrictions on the use of TIF funds set forth in the Notice Inviting Applications (NIA), provisions of the approved TIF application, and applicable provisions of the Education Department General Administrative Regulations (EDGAR), including provisions governing allowable costs in section 74.27 (applicable to non-profit organizations) and section 80.22 (applicable to SEAs and LEAs). (See 34 C.F.R. 74.27 and 80.22.)

## **V. Participating LEA Responsibilities**

Each participating LEA agrees to:

- 1) Implement the human capital management system (HCMS), evaluation systems, performance-based compensation system (PBCS), and other project components described in the approved application.

- 2) Participate as requested in any evaluations of this grant conducted by ED or by evaluators working at the request of the group.
- 3) Provide leadership support to the delivery of professional development targeted to enabling all teachers to fully understand the requirements of Florida's standards, implement instructional practices that will enable their students to attain these standards, and differentiate appropriately for at-risk students.
- 4) Work collaboratively with grant-funded staff to insure that educators are provided with evaluation system data to inform their professional development needs.
- 5) Collaborate with grant staff in the areas of performance based compensation, professional development, and information systems to implement those programs, services, and systems needed to support the activities described in the grant application.
- 6) Commit to examining and providing solutions that promote equity as it aligns to Florida's Plan to Ensure Equitable Access to Excellent Educators.

#### **VI. Other Members' Responsibilities**

- 1) Each participating LEA agrees to participate in monthly steering committee meetings/teleconferences which will address implementation progress and barriers.
- 2) Each participating LEA agrees to submit such data as is needed to support progress monitoring and project evaluation.

#### **VII. Joint Responsibilities for Communications and Development of Timelines**

Each member of the group agrees to the following joint responsibilities:

- 1) Each member of the group will appoint a key contact person for the TIF grant.
- 2) These key contacts will maintain frequent communication to facilitate cooperation under this MOU.
- 3) These key contacts will work together to determine appropriate timelines for project updates and status reports throughout the whole grant project period.

#### **VIII. Working Relationship Among Group Members**

Each LEA agrees to work collaboratively in cross-LEA professional development sessions to develop maximally effective instructional strategies to achieve student growth.

#### **IX. Assurances**

Each member of the group hereby assures and represents that it:

- 1) Agrees to be bound to every statement and assurance made by the lead applicant in the application;
- 2) Has all requisite power and authority to execute this MOU;
- 3) Is familiar with the group's TIF application and is committed to working collaboratively to meet the responsibilities specified in this MOU in order to ensure the TIF project's success;
- 4) Will comply with all the terms of the Grant and all applicable Federal and State laws and regulations, including laws and regulations applicable to the Program, and the applicable provisions of EDGAR and Uniform Grant Guidance.

#### **X. Modifications**

- (1) Consistent with the group's responsibility to implement the approved TIF application, this MOU may be amended only by written agreement signed by each of the group members. Modifications of this MOU do not relieve members of the group from implementing the

- content of the approved TIF application; therefore any modification that would require a change in the approved application must be approved by the US Department of Education
- (2) Moreover, in no case will a modification of this MOU relieve any member of the group of its responsibility to ensure that the MOU details the activities that each member of the group is to perform, or release any member of the group from every statement and assurance made by the group applicant in the application. See section 75.128(b) of EDGAR (34 C.F.R. 75.128(b)).

#### **XI. Effective Date/Duration/Termination**

This MOU shall take effect upon the lead applicant's receipt of a notice of grant award of TIF funds from the US Department of Education.

This MOU shall be effective beginning with the date of the last signature hereon, and, if a TIF grant is received, ending upon the expiration of the grant project period. Because any award of TIF funds by ED to support the group application is contingent upon the execution of this MOU by each party to the group application, the members of the group also agree that they will not terminate this MOU prior to the end of the grant project period without ED approval.

#### **XII. Signatures**

Project Participant	Name/Title/Date	Signature
North East Florida Educational Consortium	Dr. Patrick J. Wnek	
	Executive Director	
Suwannee County School District	Jerry A. Scarborough	
	Superintendent	

# **Teacher Incentive Fund Program**

## **Frequently Asked Questions For the Fiscal Year 2016 Competition and Grant Awards**



**U.S. Department of Education  
Washington, D.C. 20202**

**June 15, 2016**

### **Purpose of this Guidance**

The purpose of this guidance is to provide information about the Teacher Incentive Fund (TIF) program. This guidance provides the U.S. Department of Education's interpretation of various provisions of the Consolidated Appropriations Act, 2016 (Division H, Title III of Pub. L. 114-113) and other requirements governing the fiscal year (FY) 2016 TIF program competition.

This guidance does not impose any requirements beyond those included in the language of the Consolidated Appropriations Act, 2016 that authorizes funding for this competition, and in applicable provisions established in rules for this competition or in sections 2211 and 2212 of the Teacher and School Leader Incentive Fund Grants Program in the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). Unless otherwise indicated, references in this guidance to the ESEA refer to the ESEA, as amended by the ESSA.

The competitive preference priorities for this competition are from the Secretary's final supplemental priorities and definitions for discretionary grant programs (Supplemental Priorities) published in the Federal Register on December 10, 2014 (79 FR 73425), and sections 2211 and 2212 of the ESEA that require teacher effectiveness to be measured using an evaluation and support system.

The Department will provide additional or updated program guidance, as necessary, on its TIF web site, <http://innovation.ed.gov/what-we-do/teacher-quality/teacher-incentive-fund/>. If you have further questions that are not answered here or are interested in commenting on this guidance, please email [TIF5@ed.gov](mailto:TIF5@ed.gov).

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**A. Eligibility**

**A-1. What is the basis for the eligibility rules that govern which entity may apply for, and receive, a grant through the FY 2016 TIF competition?**

The eligibility rules governing which entity may receive a TIF award come from TIF's authorizing statute. The authorizing statute also establishes certain required TIF project features, such as the need to implement a performance-based compensation system (PBCS) in high-need schools that includes gains in student academic achievement and classroom observations conducted multiple times during the school year. The FY 2016 Notice Inviting Applications (NIA) elaborates upon and clarifies these statutory requirements. The NIA for the FY 2016 TIF competition also contains one absolute priority, as well as certain requirements (and applicable definitions) that applicants must address in order to be eligible for a grant. These Frequently Asked Questions (FAQs) refer to the priorities, requirements, definitions, and selection criteria as stated in the FY 2016 NIA.

An applicant that is eligible to apply for the FY 2016 TIF competition will not be considered for funding if the Department finds that its application fails to meet the absolute priority or a requirement set forth in the FY 2016 NIA. For this reason, we strongly encourage each applicant to respond carefully and fully to the absolute priority for this competition and to each requirement.

**A-2. What entities are eligible to apply for a TIF grant?**

Eligible applicants for an FY 2016 TIF grant are:

- (a) States including State educational agencies (SEAs) that apply with one or more local educational agencies (LEAs);
- (b) LEAs, including charter schools that are considered LEAs in their State; and
- (c) Nonprofit organizations that apply in partnership with
  - (i) one or more LEAs; or
  - (ii) one or more LEAs *and* a State.

The only eligible entity that may apply as a single applicant is an LEA.

NOTE: A nonprofit organization is defined in 2 CFR 200.70 as "any corporation, trust, association, cooperative, or other organization, not including institutions of higher education, that: (a) is operated primarily for scientific, educational, service, charitable, or similar purposes in the public interest; (b) is not organized primarily for profit; and (c) uses net proceeds to maintain, improve, or expand operations of the organization." Therefore, unlike in prior TIF competitions, institutions of higher education are not eligible applicants.

**A-3. Are intermediary units, such as regional educational agencies, that are considered LEAs under State law eligible to apply?**

Yes. However, if the intermediary unit does not itself develop and implement a PBCS for teachers and principals who work in high-need schools of the LEAs in which the TIF project would focus,

it would need to apply with at least one LEA that does develop and implement such a system. In this case, the focus of the project would be on assisting the LEA(s) that would be implementing the PBCS.

**A-4. Must an LEA have high-need schools in order to be eligible to receive a TIF grant?**

Yes. Under Requirement 2 of the NIA, the LEA must list in its application each high-need school in which it will implement the TIF-funded PBCS. Thus, if an LEA has no high-need schools, it cannot satisfy Requirement 2. Failure to meet a provision of the absolute priority or any requirement governing the FY 2016 TIF competition makes the applicant ineligible for funding.

**A-5. Is a current TIF grantee eligible to apply for a new TIF grant award in the FY 2016 competition?**

Yes. Any current TIF grantee that is also an eligible entity described in A-2 is eligible to apply for a new TIF grant in the FY 2016 competition.

**A-6. Are private schools or entities that operate them eligible to apply for a TIF grant?**

No. TIF's authorizing statute does not include private schools, or entities that operate them, as eligible applicants.

**A-7. May an LEA within a State whose SEA is applying for a TIF grant apply independently of its SEA? If so, will the SEA's application be given priority over the LEA's application?**

An LEA is eligible to apply for a TIF grant separately from its SEA. For example, in a State with LEA 1 and LEA 2, the SEA may choose to submit an application that includes LEA 1 but not LEA 2. LEA 2 would be eligible to apply independently or as a part of another application with another eligible entity or group of entities.

The Secretary will make grant awards to eligible entities based on the recommendations of peer reviewers who will use the selection criteria described in the NIA to score the applications. One type of eligible entity (e.g., an SEA) will not be given priority over another (e.g., an LEA) during the application review process. (See Section F.)

**B. The Performance-Based Compensation System (PBCS)**

**B-1. What parts of the NIA should an applicant review to understand how to design its PBCS and how it will be scored in the TIF application review process?**

Several parts of the NIA provide information that an applicant may want to consider when designing its PBCS. The priorities, requirements, and definitions in the NIA are designed to ensure that any proposed PBCS will be successful and sustainable. More specifically, the following sections are particularly relevant to PBCS design:

- The Absolute Priority addresses how the PBCS must be aligned with other parts of an LEA's human capital management system (HCMS). It also sets forth the timeline by which the PBCS must be implemented in the high-need schools participating in the project.
- Requirement 1 requires an applicant to describe a plan to develop and implement a PBCS and

that description must conform to the following definition of a PBCS set forth in the NIA:

Performance-based Compensation System means a system of compensation for teachers, principals, and other school leaders—

- (A) That differentiates levels of compensation based in part on measurable increases in student academic achievement; and
- (B) Which may include—
  - (i) Differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and
  - (ii) Recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through--
    - (I) Successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and
    - (II) Evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

**B-2. Are there certain mandatory components of an applicant's proposed PBCS?**

Yes. The definition of a PBCS requires that it differentiate levels of compensation based in part on measurable increases in student academic achievement. Applicants have discretion on how they measure these increases in student academic achievement, which may, for example, include student learning objectives or growth models based on State assessments.

**B-3. Must an LEA implement its PBCS in all of its high-need schools?**

No. An LEA is required to implement its PBCS only in the high-need schools it identifies in its application in response to Requirement 2. The high-need schools identified in response to Requirement 2 may be only a portion of all the high-need schools in the LEA. (See Section E.)

**B-4. Must the proposed PBCS operate in each of the high-need schools identified in response to Requirement 2 in the application?**

Yes, the PBCS must be developed and implemented in each of the high-need schools identified in the application under Requirement 2.

**B-5. How much additional compensation must the TIF-funded PBCS provide teachers, principals, and other personnel?**

Applicants have discretion in setting the dollar amounts of additional compensation for their TIF-funded PBCS. In setting these amounts, applicants should consider what amounts are needed to attract, reward and retain effective educators in high-need schools, an essential purpose of the TIF program. As with all uses of federal funds, the amount of additional compensation must be reasonable

and necessary for carrying out the program objectives and consistent with federal cost principles in 2 CFR Part 200.

The authorizing statute (the Consolidated Appropriations Act, 2016) requires that all applications include a plan to financially sustain the activities conducted and systems developed under the TIF grant after the project period has ended. Further, applications will be evaluated on the extent to which they demonstrate, in response to the selection criterion (e), Adequacy of Resources, a plan to financially sustain the activities conducted and systems developed under the TIF grant after the project period has ended. Given the statutory requirement, applicants should consider whether the proposed amount of additional compensation provided during the project period from TIF and / or non-TIF funds will be sustainable beyond the grant's project period, and explain the sources of funds that the LEA(s) will use to ensure sustainability of the PBCS.

**B-6. May an applicant design a PBCS in which compensation to effective educators is solely in the form of non-financial incentives or rewards?**

No. As noted in B-1, above, the definition of a PBCS requires that applicants propose to provide additional compensation to effective educators. Consistent with the word's common usage, the word "compensation" refers to financial compensation, including any associated fringe benefits an applicant may propose.

**C. The Priorities**

**What is the difference between absolute and competitive preference priorities and how do absolute priorities relate to funding eligibility?**

Absolute priorities are requirements of the grant competition. An applicant must meet the absolute priority of the competition to which it applies in order to be eligible for funding under that competition. Points are not awarded for meeting the absolute priority; rather, applications that do not meet the absolute priority will not be considered for funding.

Competitive preference priorities are not requirements (i.e., applicants do not need to address them to be considered for funding). Applications that satisfactorily address one or more competitive preference priorities will be awarded additional points. See 34 CFR 75.105(c)(3).

**C1. Absolute Priority—An LEA-wide Human Capital Management System (HCMS) with Educator Evaluation and Support Systems at the Center.**

**C1-1. May an applicant apply if it does not have an LEA-wide HCMS at the time of application?**

Every LEA has a system in place for making hiring and related personnel decisions. Although an LEA may not refer to this system as its "HCMS," and this system may be less coherent than others, it is an HCMS nonetheless. Thus, each LEA has some form of an HCMS, and each applicant should be able to describe the HCMS of its participating LEA or LEAs, as the HCMS exists currently and with any

modifications to the HCMS that the applicant proposes to implement during the project period of the grant.

**C1.2. Must the application describe the HCMS for each LEA that is part of an application?**

Yes. By definition, an HCMS is a system that an LEA uses to make decisions about its workforce. Consequently, if there is more than one LEA participating in an application, the application must describe the key features of the HCMS of each participating LEA. If certain features of the participating LEAs' HCMS are the same, we encourage applicants to describe the similarities without providing repetitive descriptions of those common features for each LEA.

**C1.3. How may an applicant respond to the requirement in the Absolute Priority that the applicant describe how the HCMS is, or will be, aligned with each LEA's vision of instructional improvement?**

The Department has not prescribed how an applicant must respond to this component of the Absolute Priority.

Applicants may consider providing a narrative that describes each participating LEA's vision of instructional improvement. The narrative might include descriptions of the various ways in which each LEA's HCMS is, or will be, aligned with its vision. For example:

- The application narrative could include examples of how an LEA's teacher evaluation and support systems evaluate teachers on the key instructional competencies described in the LEA's vision of instructional improvement. It could also include examples of how the principal evaluation system evaluates principals on their understanding and promotion of these competencies.
- The application narrative could describe how an LEA aligns its vision of instructional improvement with its hiring and recruitment practices for high-need schools. For example, the applicant could describe how an LEA looks for evidence of certain key competencies during the process of interviewing and hiring staff. The applicant could describe how it shares these competencies with the local college of education to ensure that they are embedded in the teacher preparation programs offered by the college.
- The application narrative could explain how an LEA aligns its vision of instructional improvement with its professional development systems, including its plans for providing professional development through a TIF-supported career ladder program. For example, if the vision of instructional improvement stresses the need for teachers to use formative assessment data to drive instruction, the applicant may want to describe its plan for training master teachers to facilitate data discussions during the job-embedded professional development process.

**C1.4. How may an applicant respond to the requirement in the Absolute Priority that the applicant describe how each participating LEA uses, or will use, information generated by the evaluation and support systems to inform key human capital decisions?**

The Department has not prescribed how an applicant must respond to this part of the Absolute Priority. An applicant, for example, might choose to respond along two dimensions: first, it might list various key human capital decisions—examples of which are in the priority itself—for which the results



generated by the evaluation and support systems are, or will be, relevant. Second, it might explain the significance, or weight, of the evaluation results in affecting these key human capital management decisions.

The Absolute Priority requires a TIF grantee to use its evaluation and support system (see definition below) to inform its PBCS and professional development. Thus, an applicant must describe how each participating LEA provides, or will provide, performance-based compensation to educators based on results of the LEA's evaluation and support system. Given Requirement 1—that each applicant must describe a plan to develop and implement a PBCS for teachers, principals, and other personnel in LEAs' high-need schools—applicants might include in this description information about the number of schools in which the PBCS will operate. (If the PBCS is, or will be, limited to the high-need schools identified in the application in response to Requirement 2, the applicant can simply state this fact and reference that section of the application.)

In addition, the NIA defines an evaluation and support system as providing, among other things, “teachers, principals, or other school leaders with ongoing, differentiated, targeted, and personalized support and feedback for improvement, including professional development opportunities designed to increase effectiveness.” Therefore, in addressing the Absolute Priority, an applicant must describe how each participating LEA uses, or will use, evaluation and support system results to identify educators who need additional professional development to increase their effectiveness.

**C1-5. What if an LEA either does not currently use results from evaluation and support systems to inform key human capital decisions or uses them now only to a limited degree but plans to expand the use of these results in making human capital decisions in the future?**

The application must identify those policies and procedures for using evaluation and support system results to inform key human capital decisions, if any, that are already in place and those that are planned. For those that will be implemented during the grant's project period, the application must describe these future policies and procedures and the timetable for their development and implementation. We also recommend that applicants address any obstacles to their development and implementation.

**C1-6. How may an applicant respond to the requirement in the Absolute Priority that it describe the human capital strategies the LEA uses, or will use, to ensure that high-need schools are able to attract and retain effective educators?**

The Department has not prescribed how an applicant must respond to this part of the Absolute Priority. If, for example, an LEA has a strategy for attracting effective teachers to teach in its high-need schools, the applicant could describe how this recruitment and placement program works or will work, i.e., its process for identifying strong candidates for recruitment, contacting these educators, and successfully attracting them to a high-need school. The applicant could then also describe its strategies for retaining effective teachers in those schools.

In addition, an LEA could describe how its PBCS will recognize and reward effective educators

who take on the challenge of working and remaining in high-need schools. Examples of strategies that an applicant might describe could include providing:

- Extra resources for teachers who provide intervention services for students in high-need schools;
- Special instructional schedules to give teachers in high-need schools additional time for planning and interaction with colleagues within a professional learning community; and
- Extra administrative staffing to give principals in high-need schools more time to serve as instructional leaders.

An applicant should consider describing each significant strategy that it proposes to implement regardless of whether TIF funds will be used to support the strategy. In the high-need schools identified in the application in response to Requirement 2, TIF funds may be used to support the costs of the PBCS and the other activities that support the PBCS, such as professional development (see Section F). TIF-supported strategies, such as the PBCS and activities needed to enhance the HCMS to enable the LEA to implement the Absolute Priority, combined with the strategies supported with non-TIF funds, are all relevant to whether an LEA's strategies for attracting and retaining effective educators in high-need schools are adequate.

**C1-7. What if an LEA either does not currently have strategies to attract and retain effective educators in high-need schools, or has such strategies only to a limited degree and plans to develop additional strategies in the future?**

The application must describe the LEA's current strategies and those it plans to implement during the grant's project period. For those that will be implemented during the grant's project period, the application must describe the timeline for their development and implementation.

**C1-8. How might an applicant prepare a timeline to meet the requirements of the Absolute Priority?**

The Department has not prescribed a specific format for the timeline required under the Absolute Priority. However, paragraph (4) of the Absolute Priority sets a deadline by which certain features of an HCMS must be in place. This deadline must be reflected in the proposed timeline.

The Department also recommends that each applicant include, as part of any timeline, the key dates or time periods by which intermediate steps toward full implementation of described features will occur. For example, an applicant LEA may plan to use results from its evaluation and support systems to recruit its most effective educators to its highest-need schools. The applicant should include a timeline that indicates when the LEA plans to implement this recruitment strategy (e.g., each year during the months of February through May beginning in year 2 of the grant's project period). The applicant may also wish to include, as part of its timeline, the dates or time periods for completion of important intermediate steps, such as selection of a recruitment strategy management team and implementation of a recruitment strategy communication plan.

**C2. Competitive Preference Priority 1—Supporting High-Need Students: Projects that are designed to improve academic outcomes for students served by Rural Local Educational Agencies.**

**C2-1. How many points may an applicant receive under Competitive Preference Priority 1?**

Applicants may earn either 0 or 2 competitive preference priority points under Competitive Preference Priority 1.

For a group application to be eligible to receive points under this Competitive Preference Priority 1, the LEAs included in the application must be all rural.

**C2-2. How does an LEA qualify as a rural LEA for Competitive Preference Priority 1?**

To be considered a rural LEA under Competitive Preference Priority 1, an LEA must meet the definition of “rural local educational agency” in the NIA (i.e., an LEA that is eligible under the Small Rural School Achievement program or the Rural and Low-Income School program authorized under Title VI, Part B of the ESEA, as amended by the No Child Left Behind Act (NCLB)).

Eligible applicants may determine whether a particular LEA is eligible for these programs by referring to information on the Department’s Web site at [www2.ed.gov/nclb/freedom/local/reap.html](http://www2.ed.gov/nclb/freedom/local/reap.html).

**C3. Competitive Preference Priority 2—Improving Teacher Effectiveness and Promoting Equitable Access to Effective Educators**

**C3-1. How many points may an applicant receive under Competitive Preference Priority 2?**

Applicants may earn up to 5 competitive preference priority points under Competitive Preference Priority 2, depending on the quality of their response. As the NIA notes, this priority is for projects that are designed to promote equitable access to effective teachers for students from low-income families and minority students across and within schools and districts.

For the purposes of this priority, teacher effectiveness must be measured using an evaluation and support system (as defined in the NIA).

**C3-2. How may an applicant address Competitive Preference Priority 2?**

The Department believes TIF can support SEAs and LEAs in implementing a variety of strategies aimed at improving equitable access to effective educators. For example, one LEA might choose to design a project that includes an emphasis on recruiting, developing, and retaining excellent principals with the capacity to provide collaborative leadership and effective instructional support and to create high-quality teaching and learning conditions. A different LEA might consider providing classroom coaching for teachers in high-poverty or high-minority schools to promote the use of effective instructional strategies. The Department also invites applicants to consider addressing the Invitational Priority. (See Section D.)

**D. Invitational Priority—Promoting Equitable Access Through State Plans To Ensure Equitable Access to Excellent Educators**

**D-1. How may an applicant address the Invitational Priority?**

The Department encourages applicants that address Competitive Preference Priority 2 to also address the Invitational Priority. Specifically, the Department believes that applications would be strengthened by describing how the applicant's project promotes equitable access to effective educators for students from low-income families and for students of color across and within districts consistent with approved State Plans to Ensure Equitable Access to Excellent Educators (State Equity Plans). We encourage LEAs to align their own strategies with the State Equity Plan because LEAs may not be aware of their State's plan, and may not know (1) if their strategies for addressing Competitive Preference Priority 2 align with the State Equity Plan, and (2) whether the State may provide extra support or resources to help LEAs implement the LEA's project.

**D-2. How many points may an applicant receive under the Invitational Priority?**

None. Although an applicant will not earn points for responding to the Invitational Priority, the Department encourages applicants that address Competitive Preference Priority 2 to also address the Invitational Priority.

**E. Requirements**

**Must an applicant meet both Requirement 1: Implementation of Performance-based Compensation Systems and Requirement 2: Documentation of High-Need Schools set forth in the NIA to be eligible for funding under the FY 2016 competition?**

Yes. The Department therefore encourages applicants to follow these requirements carefully.

**E1. Requirement 1—Implementation of Performance-based Compensation Systems (PBCS)**

**E1-1. What is the relationship between Requirement 1 and the PBCS definition?**

To meet Requirement 1, an applicant must describe its plan to develop and implement a PBCS for teachers, principals, and other personnel in high-need schools in the participating LEA(s), including in charter schools that are LEAs. An applicant's PBCS must meet the definition of PBCS contained in the NIA.

**E1-2 How can an applicant ensure that its PBCS conforms to the PBCS definition?**

Applicants should carefully review the PBCS definition in the NIA for the FY 2016 TIF competition:

Performance-based Compensation System means a system of compensation for teachers, principals, and other school leaders--

(A) That differentiates levels of compensation based in part on measurable increases in student academic achievement; and

(B) Which may include--

(i) Differentiated levels of compensation, which may include bonus pay, on the basis of the employment responsibilities and success of effective teachers, principals, and other school leaders in hard-to-staff schools or high-need subject areas; and

- (ii) Recognition of the skills and knowledge of teachers, principals, and other school leaders as demonstrated through--
  - (i) Successful fulfillment of additional responsibilities or job functions, such as teacher leadership roles; and
  - (ii) Evidence of professional achievement and mastery of content knowledge and superior teaching and leadership skills.

Applications must also demonstrate that any PBCS is developed with the input of teachers and school leaders in the schools and LEAs to be served by the grant. We also encourage applicants to read the discussion of the PBCS definition and related requirements in the "PBCS" section of these FAQs. (See Section B.)

**E2. Requirement 2—Documentation of High-Need Schools**

**E2-1. Do all "high-need schools" in an LEA need to be listed in the application in response to Requirement 2?**

No. In response to Requirement 2, applicants must list in their applications those "high-need schools" that will participate in the TIF-supported PBCS. The applicant may choose whether to extend the PBCS to educators in some or all of the high-need schools within each participating LEA.

For applicants that are also 2012 TIF grantees, under Requirement 7 of the 2012 TIF competition, an applicant may not propose to use funds awarded under the FY 2016 competition to support any high-need schools that are being served under the 2012 TIF grant until the 2012 project has ended.

**E2-2. What is the definition of a "high-need school"?**

For the 2016 TIF competition, a high-need school is

- (a) A high-poverty school, or
- (b) A persistently lowest-achieving school, or
- (c) In the case of States that have received the Department's approval of a request for ESEA flexibility, a priority school.

Please carefully review the following FAQs for explanations of the terms "high-poverty school," "persistently lowest-achieving school," and "priority school," as defined in the NIA.

**E2-3. Must all of the schools listed in response to Requirement 2 be the same type of "high-need school"?**

No. So long as a school is any one of the three types of schools included in the definition of "high-need school," it may be listed in the TIF application in response to Requirement 2. Thus, for example, an applicant could include one school that is a "high-poverty school" and one school that is a "persistently lowest-achieving school."

**E2-4. What is the definition of a "high-poverty school"?**

A "high-poverty school" is a school with 50 percent or more of its enrollment from low-income families, based on eligibility for free or reduced-price lunch subsidies under the Richard B. Russell National School Lunch Act or other poverty measures that LEAs use to determine school attendance areas under Title I, Part A of the ESEA, as amended by the NCLB. (See §1113(a)(5) of the ESEA, as amended by the NCLB, 20 U.S.C. §6313(a)(5)). For middle and high schools, eligibility may be calculated on the basis of comparable data from feeder schools. See Question E2-5. Eligibility as a "high-poverty school" is determined on the basis of the most currently available data.

**E2-5. May feeder patterns be used to establish that a school is a "high-poverty school"?**

Yes. As noted in E2-4, applicants may calculate the percentage of students from low-income families at a middle or high school using poverty data from the elementary school attendance areas that feed into the middle or high school. Below is an example of how an applicant would use feeder patterns to calculate the poverty rate of a high school:

<i>Feeder Elementary Schools</i>	<i>Total Enrollment</i>	<i>Number of Low-Income Students</i>
School A	568	401
School B	329	207
School C	588	362
School D	<u>836</u>	<u>427</u>
<i>Total</i>	2,321	1,397

In this example, to calculate the average poverty rate of the high school into which the four elementary schools feed, divide the total number of low-income children attending these elementary schools by the total enrollment of the schools (i.e.,  $1,397 \div 2,321$ ). The average percentage of poverty in this example is 60.19%.

Other examples of how to calculate poverty rates using feeder patterns can be found in the response to question 10 of the non-regulatory guidance for the ESEA Title I program at <http://www.ed.gov/programs/titleiparta/wdag.doc>.

**E2-6. What evidence must an applicant provide to demonstrate that a school qualifies as a "high-need school" because it is a "high-poverty school"?**

An applicant must identify the name of the school and the poverty rate of the school; using the most currently available data. If the school's eligibility is based on the poverty level of feeder schools, the applicant must identify the poverty levels of those feeder schools and how it determined that the high-need school in question qualifies on the basis of the poverty levels of those schools.

Applicants should include this information as part of a narrative attached to the "Other Attachment Form" in Grants.gov. It should be labeled clearly as "Documentation of High-Need Schools."

**E2-7. What is the definition of a “persistently lowest-achieving school”?**

A “persistently lowest-achieving school” means, as determined by the State:

- (a) Any Title I school in improvement, corrective action, or restructuring that —
  - (i) Is among the lowest-achieving five percent of Title I schools in improvement, corrective action, or restructuring or the lowest-achieving five Title I schools in improvement, corrective action, or restructuring in the State, whichever number of schools is greater; or
  - (ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years; and
- (b) Any secondary school that is eligible for, but does not receive, Title I funds that —
  - (i) Is among the lowest-achieving five percent of secondary schools or the lowest-achieving five secondary schools in the State that are eligible for, but do not receive, Title I funds, whichever number of schools is greater; or
  - (ii) Is a high school that has had a graduation rate as defined in 34 CFR 200.19(b) that is less than 60 percent over a number of years.

To identify a “persistently lowest-achieving school,” a State must take into account both:

- (i) The academic achievement of the “all students” group in a school in terms of proficiency on the State’s assessments under section 1111(b)(3) of the ESEA, as amended by NCLB, in reading/language arts and mathematics combined; and
- (ii) The school’s lack of progress on those assessments over a number of years in the “all students” group.

NOTE: For purposes of this definition, the Department considers schools that are identified as Tier I or Tier II schools under the School Improvement Grants program (see 75 FR 66363) as lowest-performing schools.

**E2-8. Where can an applicant find a list of the “persistently lowest-achieving schools” in its State?**

Each State’s list of persistently low-achieving schools can be found in the State’s most recently approved School Improvement Grant application. Approved State applications can be found on the Department’s website at the link below:

<http://www2.ed.gov/programs/sif/index.html#map>.

**E2-9. What evidence must an applicant submit to demonstrate that a school qualifies as a “high-need school” because it is a “persistently lowest-achieving school”?**

An applicant must identify the name of the school and indicate that it is one of the State’s “persistently lowest-achieving schools.”

**E2-10. What is the definition of a “priority school”?**

A “priority school” is a school that has been identified by the State as a priority school pursuant to the State’s approved request for ESEA flexibility.

**E2-11. What evidence must an applicant submit to demonstrate that a school qualifies as a "high-need school" because it is a "priority school"?**

An applicant must submit documentation verifying that the school has been identified by the State as a priority school. This documentation could consist, for example, of a letter from the SEA that identifies the school as a "priority school."

**F. The Selection Criteria**

**F-1. How will applications be reviewed?**

The Department may, at various points in the review process, screen applications to determine which applications are eligible, and the adequacy of their response to the Absolute Priority and other requirements included in the NIA.

The Department intends to use independent peer reviewers with relevant expertise. These reviewers will use their professional judgment to evaluate and score each application based on the selection criteria published in the NIA.

**F-2. Will an applicant receive its scores and reviewer comments after the competition is completed?**

Yes. Both funded and unfunded applicants will receive a copy of the technical review forms completed by the peer reviewers on their applications. Individual reviewer names are deleted from the technical review forms to preserve reviewers' confidentiality.

**F-3. Will the reviewers be asked to read every part of each application?**

Yes. To facilitate the review process, the Department encourages applicants to carefully follow the directions in the application package. Applicants should pay particular attention to the flow of the narrative and correctly label all attachments.

**G. Budgets**

**G-1. What is the budget period for TIF grants?**

TIF grant awards are made for up to a 60-month performance period, and applicants should plan to implement their TIF project over a 60-month period. However, except in unusual circumstances, awards are made for a single budget period at a time, and that period is typically 12 months.

Following the initial award, any subsequent award of funds is contingent on the level of congressional appropriations for TIF and a grantee's satisfactory performance under the grant. These subsequent awards are known as "continuation awards."



**G-2. On the SF-424 form, under "Estimated Funding," what amount should an applicant enter—the budget request for the first 12 months of the project or for the entire 60-month period?**

An applicant should enter the amount of its budget request for the first 12 months of its project.

**G-3. May an applicant request an annual award amount that increases over time? For example, may an applicant request \$1 million in Year 1, \$5 million in Year 2, and \$8 million in Year 3 as the project expands to reach full implementation of the LEA-wide evaluation system in Year 3?**

Yes. An applicant may submit a request for increasing award amounts in succeeding budget years and explain the basis for its proposed budgetary increases in its budget narrative. However, an applicant should bear in mind that the Department's ability to make awards in years following the initial budget period (i.e., continuation awards) will depend, in part, on the size of future congressional appropriations to support TIF continuation awards. Applicants that request increasing award amounts in succeeding budget years should plan on the possibility that out-year costs may not be fully funded.

**G-4. Are TIF applicants required to secure matching funds?**

No. There is no match requirement in the FY 2016 competition. However, the overall success of the project as well as the success of the required sustainability plan may be enhanced or dependent upon non-TIF contributions to the project.

**G-5. When an applicant commits non-TIF funds to the proposed project, does this create a legal obligation to fulfill the commitment?**

Yes. Under 34 CFR 75.700, each grantee must comply with the content of its approved application. Therefore, if an application is approved, the grantee is responsible for fulfilling the commitment of non-TIF funds or in-kind resources set forth in Section B of the Department's Form 524 included in its application and any commitment of non-TIF Federal funds identified in the application. Grantees are required to meet these commitments and to report on the extent to which they have been met in their annual performance reports.

**G-6. What should be included in the budget narrative?**

As explained in the application package, an application should include two budget narratives. One narrative should provide a detailed description of how the applicant plans to use its requested TIF grant funds for each project year. The second narrative should provide a detailed description of how the applicant plans to use its commitment of non-TIF funds or in-kind resources for each project year.

The budget narrative should be of sufficient scope and detail for the Department to determine if the costs are necessary, reasonable, and otherwise allowable, and for the reader to understand how the applicant proposes to use Federal and non-Federal funds to support the proposed project. For further guidance on Federal cost principles, please consult the Uniform Administrative Requirements issued by the Office of Management and Budget (OMB) at 2 CFR Part 200, and in particular the Basic

Considerations at 2 CFR 200.402 – 200.411, and the General provisions for Selected Items of Cost at 2 CFR 200.420 – 200.475.

Additionally, the “Budget Narrative” section of the application package provides extensive detail, including examples, on how an applicant might present the assumptions on which it bases the proposed performance-based compensation costs.

**G-7. How should the budget describe and value any materials and services that would be provided as part of the project’s contribution of non-TIF resources?**

If an applicant plans to contribute services or materials as part of the project’s contribution of non-TIF resources, the value of these services or materials should be indicated in Section B of the Department’s Form 524. The value of these services or materials should be calculated according to 2 CFR 200.306. In addition, the application should include a detailed description of these services or materials in the budget narrative for Section B.

**G-8. If a State or LEA currently funds a performance-based compensation system using State or local funds, may the SEA or LEA use TIF funds to replace some of the State or local funds?**

Unlike many Federal grant programs, the TIF program does not have a “supplement, not supplant” requirement. Therefore, there is no statutory bar to using TIF funds to supplant State or local funds. However, like any Department grantee, TIF grantees would need to ensure that all Federal costs are reasonable and necessary per established cost principles in 2 CFR Part 200. In addition, applicants should consider whether their use of TIF funds to replace State and local funds that currently support the PBCS could undermine their statutorily required plan to sustain the PBCS after the TIF grant expires.

**G-9. Must a grantee wait until the start of the initial budget period to begin incurring costs that grant funds will reimburse?**

No. TIF funds are available to reimburse a grantee for pre-award costs that are reasonable, necessary, and otherwise allowable when these costs were incurred within 90 days prior to the beginning of the grant’s initial budget period. See 2 CFR 200.308(d)(1).

For instance, a grantee with a budget period start date of October 1, 2016, may begin carrying out tasks for the new project as early as July 1, although it cannot draw down any payments until at least October 1—when the grant has been awarded and the initial budget period has begun.

However, until notified of its receipt of a grant award, an applicant bears the risk of committing its own funds to these pre-award obligations. If the applicant is not awarded a TIF grant, the Department will not reimburse the applicant for any costs the applicant incurred in anticipation of a possible grant award.

**G-10. For Sections A and B of the Department's Form 524, where should an applicant include its estimate of the costs to make payments of performance-based compensation under the proposed PBCS?**

As explained in the "Budget Narrative" section of the application package, an applicant has two options for presenting performance-based compensation costs in its budget narrative and on the Department's Form 524. Which option to choose depends on whether the applicant plans to pay fringe benefits on the compensation. If an applicant plans to apply a fringe benefit rate to the compensation, it should include this additional compensation in the "Personnel" line item and reflect the costs related to the fringe benefit rate in the "Fringe Benefits" line item. However, if an applicant does not plan to apply a fringe benefit rate to the compensation, it should include the performance-based compensation costs in the "Other" line item.

Clarification of these proposed costs should be included in the budget narrative. The application package provides an example of how these costs should be presented.

**G-11. Can TIF funds support training stipends for educators?**

Yes. TIF funds may support stipends to educators as long as the costs are reasonable and necessary to help educators receive professional development support to improve their performance.

Payments to staff should be included under the "Personnel" line item and justified with a clear explanation of the cost in the budget narrative. Stipends should be included separately under other items with an explanation provided.

**G-12. How can TIF funds be used to support educator professional development?**

Grantees are encouraged to use TIF funds to support the professional development of educators in high-need schools, in order to help them enhance their effectiveness and the benefits they may receive under the LEA's PBCS. Examples of such professional development might include ongoing subject area learning opportunities, coaching and modeling, and activities that encourage educator leadership, such as learning communities that foster peer collaboration.

**G-13. May applicants budget for costs of educators related to their attendance at professional development events?**

Yes. Applicants for TIF grants may budget for the costs of educators related to their attendance at professional development events so long as those events are truly a part of a sustained professional development effort. See section 8101(42) of the ESEA for what "professional development" entails.

**G-14. If an applicant intends to charge indirect costs to the grant, what documentation should it submit with its application?**

If an applicant has a current indirect cost rate, it should submit a copy of its current indirect cost rate agreement, including its current rate. If the applicant's indirect cost rate has expired, it should

discuss options with its cognizant indirect cost agency on how to update the expired indirect cost rate. Please see the application package for additional information on how to submit this information as an attachment.

If an applicant does not have an indirect cost rate agreement, the applicant has two options for charging indirect cost rates, as described below. Note that a grantee may elect to not charge any indirect costs to the grant; however, to be able to charge indirect costs to the grant, the applicant must follow the procedures described in the following sections. In addition, the applicant should include an estimated amount of indirect costs in its proposed TIF-supported budget and budget narrative.

**G-15. If a grantee fails to propose indirect costs in the budget it includes as part of its application, may it charge indirect costs to the grant, if one is awarded?**

During the Department's budget review process, which occurs prior to the grant award, the Department reviews each applicant's requested budget. If the requested budget does not include these estimated indirect costs, they will not be included in the budget approved by the Department that forms the basis of the grant award. This means that, after the grant award, a grantee would only have funds with which to charge indirect costs to the grant if the approved direct costs of the grantee's project for any budget period exceed the grantee's actual direct costs. Where this occurs, the grantee may submit a requested budget revision to the Department program office to use the excess funds budgeted for direct costs to cover its indirect costs.

**G-16. If, at the time it receives its TIF grant award, a grantee does not have an approved indirect cost agreement, may it still charge indirect costs to the TIF grant?**

A grantee that does not have an indirect cost agreement at the time of application may charge indirect costs to the TIF grant as long as: (1) the application states the grantee's intent to charge indirect costs; and (2) the grantee meets conditions in one of the following two options:

Option 1: The applicant may choose to negotiate an indirect cost rate with the Department. Until the applicant receives an approved, negotiated rate, it should request to use a temporary rate of no more than 10 percent of direct salaries and wages. See 34 CFR 75.560(c).

Option 2: The applicant, if eligible, may elect to use a de minimis rate of 10 percent of modified total direct costs (MTDC). This option reduces the burden of negotiating a rate, but there are certain eligibility requirements. For example, LEAs and SEAs are not eligible. Applicants interested in a de minimis rate should see 2 CFR 200.414.

NOTE: If you have questions about either of these indirect cost rate options or applying your indirect cost rate, more information is available on the Department's website at: <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>. In addition, contact information for the Department's Indirect Cost Group is available at: <http://www2.ed.gov/about/offices/list/ocfo/fipao/icgreps.html>.

**G-17. Do TIF grantees calculate indirect costs using a restricted or unrestricted indirect cost rate?**

Because TIF does not have a supplement, not supplant requirement, applicants may use an unrestricted, rather than a restricted, indirect cost rate.

**G-18. In the case of a group application (i.e., an application that is not from a single LEA), what indirect cost rate should be used?**

As with group applicants for other Department discretionary grant applications, group applicants for TIF awards must meet requirements in 34 CFR 75.127 – 75.129. Under 34 CFR 75.564(e), the eligible partnership should use the lead applicant's indirect cost rate, as applied to the direct cost base for the grant. Under 34 CFR 75.128(b), the members of the eligible partnership need to enter into an agreement that details the responsibilities of each partner, and this agreement should among other things, identify how indirect costs will be apportioned among members of the eligible partnership.

**G-19. When direct costs include equipment and large contracts, how are these costs treated in the calculation of a grantee's indirect costs?**

The terms of the applicable indirect cost agreement govern this issue. In general, the indirect cost rate is applied to direct costs to calculate the indirect costs that can be charged to a grant. However, many indirect cost rate agreements exclude from the direct costs used for this calculation equipment costs and contractual costs that exceed the first \$25,000 of each contract. Each applicant should review its own indirect cost rate agreement, as the agreement will describe the indirect cost allocation base and those expenses that are excluded from the base, expenses that should not be used when calculating indirect costs under the grant.

**G-20. Can TIF funds be used for the implementation of LEA-wide systems and tools if those systems and tools are used to enhance the quality and success of the PBCS?**

Yes. However, under OMB cost principles related to allocating costs, TIF can support only the proportion of the costs of these systems and tools that relate to implementation of the PBCS.

**G-21. May TIF funds be used to support the salary costs of an LEA's central office staff who are responsible for areas of the HCMS described in the application?**

It depends. TIF funds may be used to support the salary costs of central office staff who administer and implement the PBCS in the high-need schools identified in response to Requirement 2 and to implement the Absolute Priority.

In keeping with the general principles stated above, TIF funds may be used for salary costs needed to make proposed modifications to an LEA's HCMS, where such salary costs are reasonable and necessary for the development or improvement of systems and tools that support the PBCS. In every LEA, a number of central office staff will be directly involved in the LEA's HCMS, but only a limited number of individuals will be involved in the development or improvement of systems and tools that support the PBCS. Additionally, TIF funds also may be used for the reasonable and necessary salary

costs of central office staff working on necessary changes to the LEA's human capital strategies identified in the LEA's plan to implement the Absolute Priority.

**G-22. Is there a minimum or maximum amount of performance-based compensation that a grantee must provide to effective educators as part of its PBCS?**

No.

**G-23. Are there restrictions on the use of TIF funds for the additional compensation provided under a proposed PBCS in the high-need schools identified in the application in response to Requirement 2?**

Under cost principles generally applicable to Federal grants, all costs supported with grant funds must be reasonable and necessary. Because the TIF program gives applicants wide discretion in establishing the amount of performance-based compensation that effective educators will receive, the Department does not anticipate that these cost principles would conflict with the amount of compensation a grantee determined to be appropriate. However, they could come into play if the incentive amounts were so high as to be deemed "unreasonable" or "unnecessary."

#### **H. Identifying Vendors in Applications**

**H-1. What flexibility does 34 CFR 75.135(b) provide for applicants for Department discretionary grant awards?**

Under recently published revisions to 34 CFR 75.135(b), applicants for the Department's competitive grant programs may identify those entities with which it would contract for data collection, data analysis, evaluation services, or essential services, where these activities are required by the program (including procurements, for example, for project evaluations issued in response to a competition's selection criteria). The regulation permits governmental and non-governmental applicants to use the simple small purchase procedures authorized under 2 CFR 200.320(b) (including the definition of "simplified acquisition threshold" in 2 CFR 200.88) to select the contractors they identify in their applications regardless of whether the contract price exceeds the small purchase threshold. Applicants will have to determine whether applicable State or local law prohibits them from using the flexibility that 34 CFR 75.135(b) permits.

**H-2. Why is this provision important to applicants?**

By allowing the use of the small purchase procedures set out in 2 CFR 200.320(b) (including the definition of "simplified acquisition threshold" in 2 CFR 200.88) under certain circumstances, 34 CFR 75.135(b) provides applicants with a means for selecting and identifying vendors that can be completed prior to the submission of their grant application to the Department. Before this change to the Education Department's General Administrative Regulations (EDGAR), most applicants could not, within the time frame most grant applications have to be prepared and submitted to the Department, complete the required procurement process. This often led to audit findings that applicants for competitive grants had identified partners, evaluators, and project sites in their applications without first fulfilling responsibilities for selecting those vendors through competitive procurement as required

by 34 CFR 74.43-74.44 and 80.36. The flexibility provided by 34 CFR 75.135(b), expanding the circumstances under which the small purchase procedures in 2 CFR 200.320(b) can be used, allows competitive grantees to avoid these audit findings, secure appropriate project vendors for key services without delay, and do so in a way that ensures cost are reasonable and competition promoted.

**H-3. What does 2 CFR 200.320(b) require?**

Section 200.320(b) states that:

If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.

**H-4. How can an applicant, in exercising the flexibility under 34 CFR 75.135(b), meet the small purchase requirements of 2 CFR 200.320(b)?**

As 34 CFR 75.135(b) permits prospective applicants to use EDGAR's small purchase procedures to identify prospective vendors for key services in their competitive grant applications, it is clear that those applicants must be able to reasonably interpret 2 CFR 200.320(b) to allow for the kind of simplified process that this provision makes available.

The purpose of the small purchase procedures in 2 CFR 200.320(b) is to ensure that, even for small procurements, prospective applicants and grantees do not just choose their favorite vendors but rather have some objective information about a reasonable number of potential vendors, so the applicant can make an unbiased, informed selection. This regulation does not require an elaborate or formal process of obtaining the needed price quotes. Indeed, this procedure is intended to permit selection of an appropriate vendor in a short period of time.

While there may be other permissible approaches, in implementing 34 CFR 75.135(b) the Department believes that an LEA or any other prospective grantee should use its best judgment in obtaining a single vendor that it identifies to carry out the activities proposed in the application, even if, at the time the vendor is selected, the applicant has not completed the process of preparing its application and the specifications that the vendor will be expected to meet. For example, as it develops its proposal, an applicant might submit to an appropriate number of potential vendors a request that each potential vendor respond with basic information on key topics such as--

- Experience and expertise with the kind of work the applicant needs;
- Knowledge of, and experience working with, the program and the kinds of educators and entities to be served;
- Experience producing high-quality deliverables and reports the applicant would have to deliver if the application is funded;
- Basic information about the vendor's cost structure that fit the kind of project design the applicant envisions; and

- Based on the best information about the kinds of deliverables, timeline for work, etc. that the applicant can provide at the time of the solicitation, how the potential vendor would address the specific deliverable that would be required under the grant.

The applicant would then use price and other information provided by these possible vendors to select the vendor it would use, ensuring in doing so that products or services to be procured are of adequate quality, and identify the selected vendor in its application. We also note that coupled with the new flexibility in 34 CFR 75.135(b) is a new requirement in 34 CFR 75.135(c) that the applicant certify that "any employee, officer, or agent participating in the selection, award, or administration of a contract is free of any real or apparent conflict of interest." Moreover, even when relying on the flexibility provided by 34 CFR 75.135(b), applicants also should take steps to avoid organizational and other conflicts of interest. See 2 CFR 200.318.

If, after award of a grant, the grantee decides not to use the selected vendor, the grantee would need, with prior Department approval, to go through the usual competitive procurement process required by 2 CFR 200.319(c) and (d).