



**COMMONWEALTH OF PUERTO RICO
PUERTO RICO COUNCIL ON HIGHER EDUCATION**

Program Administration Division

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**REQUEST FOR PROPOSALS
AND APPLICATION FOR SUBGRANT**

**FOR
ELIGIBLE PARTNERSHIPS**

**under
NO CHILD LEFT BEHIND ACT
Title II, Part A, Subpart 3
(Public Law 107-110)**

**CLOSING DATE & TIME:
Friday, October 26, 2007
4:30 p.m.**

Fiscal Year 2007-2008

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Memorandum of the President

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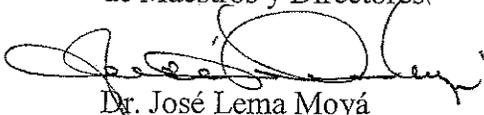
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CONSEJO DE EDUCACIÓN SUPERIOR DE PUERTO RICO
PO Box 19900, San Juan, Puerto Rico 00910-1900
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15 de agosto de 2007

Todas las Entidades Interesadas en Presentar Propuestas para Proyectos de Desarrollo Profesional de Maestros y Directores.


Dr. José Lema Moyá
Presidente del Consejo

CONVOCATORIA PARA SOMETER PROPUESTAS, AÑO FISCAL 2007-08
No Child Left Behind Act, Title II, Part A, Subpart 3
(Eligible Partnerships)

El Consejo de Educación Superior de Puerto Rico anuncia la apertura de la convocatoria para presentar propuestas de proyectos de desarrollo profesional para maestros y directores de escuelas públicas y colegios privados bajo la ley federal *No Child Left Behind*.

El propósito principal del Título II Parte A de la ley es aumentar el aprovechamiento académico de todos los estudiantes mediante estrategias que ayuden a los distritos escolares, sus escuelas y los colegios privados a mejorar la calidad de la enseñanza incrementando el número de maestros y paraprofesionales de alta calidad en la sala de clases, y el número de directores y asistentes de directores de alta calidad en las escuelas y colegios.

Como agencia estatal de educación superior el Consejo recibió la asignación federal de \$2,265,496 para distribuirlos en un proceso competitivo entre consorcios elegibles integrados por: (a) una institución de educación superior (licenciada por el Consejo) con su facultad de preparación de maestros y directores; (b) una facultad de artes y/o ciencias de una institución licenciada por el Consejo; y (c) un distrito escolar de alta necesidad. La entidad primaria en el consorcio y custodio de los fondos será la institución de educación superior del consorcio.

Aparte de estas entidades requeridas, el consorcio también podrá incluir otros distritos escolares, una escuela pública "charter", una escuela o colegio elemental o superior, una agencia de servicios educativos, una organización educativa sin fines de lucro, otra institución de educación superior, una facultad de artes y ciencias de dicha institución, la división de dicha institución que prepara maestros y principales, una organización cultural sin fines de lucro, una entidad que opera un programa de prekindergarten, una organización de maestros, una organización de principales, o una empresa.

Los proyectos elegibles son los que el Departamento de Educación de Puerto Rico estableció como necesidad para el desarrollo profesional de maestros y directores y que se adoptan como prioridad para esta competencia:

- (a) proyectos para directores en tendencias efectivas de enseñanza de las materias básicas para fortalecer el liderazgo instruccional y la supervisión de maestros en la sala de clases;
- (b) proyectos para ofrecer a maestros de nivel elemental cursos de nivel graduado en contenido de lectura o artes del lenguaje, y/o matemáticas;
- (c) proyectos para ofrecer a maestros de nivel intermedio y superior cursos de nivel graduado en contenido de las materias básicas (lectura, o artes del lenguaje, matemáticas, español, inglés, ciencias, historia, economía, geografía, civismo y gobierno, y/o bellas artes);
- (d) proyectos para maestros para fortalecer los conocimientos y las destrezas en la enseñanza de las materias básicas a estudiantes con necesidades especiales.

Todos los proyectos descritos en (b) y (c), deben incluir, además, cursos con créditos o talleres relacionados con metodología de la enseñanza de la materia.

La orientación sobre las nuevas guías y procedimientos de la competencia será el viernes, 24 de agosto de 2007 a las 8:30 a.m. en el Hato Rey Center, Avenida Ponce de León #268 piso 14, Hato Rey.

Se recomienda confirmar su asistencia llamando a la División de Administración de Programas al (787) 641-7100, extensión 2068 o mediante correo electrónico a no_lugo@ces.gobierno.pr. Los documentos también están disponibles en la página electrónica del Consejo en www.ces.gobierno.pr (favor buscar en "INSTITUCIONES") y luego dentro de "Programa Asistencia Económica y Fondos de Propuesta.

La convocatoria cierra el viernes, 26 de octubre de 2007. No se aceptarán propuestas enviadas por correo que lleguen luego de esta fecha, ni entregadas a mano después de las 4:30 p.m. de ese día.

MCR/nl

DEFINITIONS

With respect to the *PRCHE's 2007-2008 Request for Proposals* and all related documents, the following terms will have the definitions stated below, whenever they appear in this *Request* and related documents. Most of the definitions have been quoted from the legal and regulatory references governing the Eligible Partnerships competitive program.

CONTRACTUAL SERVICES

Advisors, consultants and any other professional rendering services on a rate per hour to perform a specific duty at a specific stage in the project. External evaluators are considered within this group.

CORE ACADEMIC SUBJECTS

English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

CREDIT COURSE

A course bearing academic credits towards a higher education degree at an institution licensed by the Puerto Rico Council on Higher Education (PRCHE), which is part of the actual academic offering of such institution/campus and already authorized by PRCHE.

ELIGIBLE PARTNERSHIP COMPETITIVE PROGRAM

Title II Part A subpart 3 of the *No Child Left Behind Act of 2001* (NCLB, Public Law 107-110).

EXTERNAL EVALUATION COMMITTEE

Consulting group designated by PRCHE to evaluate proposals and to recommend to PRCHE the most suitable projects to be funded on the basis of their compliance with Title II Part A subpart 3 of NCLB and the *PRCHE's 2007-2008 Request for Proposals* requirements. This Committee is composed of educational professionals of the highest qualifications who are not employees of PRCHE.

HIGHLY QUALIFIED

Please refer to item 23 of the **Definitions in Title IX of NCLB**. Due to its long extension, it is not included in this section. A copy of these definitions is included in this application package.

INSTITUTIONS OF HIGHER EDUCATION

Any accredited public or other non-profit two and/or four year institution which offers academic programs leading to an associate or higher level degree, licensed by PRCHE. Please refer to item 24 of the **Definitions in Title IX of NCLB**.

KEY PERSONNEL

Project director, all instructional resources and any other remunerated with the project funding to perform the main administrative and teaching responsibilities in the project.

LOCAL EDUCATION AGENCIES

For the purpose of implementing the professional development activities, these are the Puerto Rico Departmento of Education's (PRDE) school districts.

NO CHILD LEFT BEHIND ACT

(NCLB), Public Law 107-110, latest amendment to the Elementary and Secondary Education Act of 1965. Approved on January 2002.

PARAPROFESSIONAL

An individual with instructional duties. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals.

PARTNERSHIP

Group of eligible entities described in section 2.2 of this *Request for Proposals*, which receives a subgrant to conduct professional development activities under the terms and conditions of NCLB Title II Part A subpart 3 and this *Request for Proposals*. Please, see also definition of RECIPIENT or SUBGRANTEE below.

PARTNERSHIP'S CHIEF OFFICER

President or Chancellor of campus of the institution of higher education acting as representative of the partnership and custodian of the funds. Whether it is the President or Chancellor, it shall depend on the institution's board of trustees' regulatory provisions to empower such officer to enter into contracts on behalf of said board and to represent said board in all major affairs.

PARTNERSHIP'S FISCAL AGENT

Officer designated by the partnership to manage the fiscal activities of the partnership's subgrant. None of the project personnel may be the fiscal agent of the project.

PERFORMANCE INDICATORS

Measures of specific outcomes that each project identifies as assessing progress toward the goal of ensuring that all its teachers and principals have the knowledge and skills necessary to assist their students to meet challenging State content standards and challenging State student performance standards in core academic subjects.

PROFESSIONAL DEVELOPMENT

Educational, instructional and training activities designed to increase quality of teachers and principals, by enriching their knowledge and understanding of effective core academic subject teaching practices for the improvement of their performance and of students' academic achievement. Section 3.4 of this *Request for Proposals* describes types of professional development activities allowable under this competition.

PUERTO RICO COUNCIL ON HIGHER EDUCATION

(PRCHE), the State agency for higher education which administers Title II, Part A, section 3, of NCLB, Eligible Partnerships competitive program grant for funding professional development activities.

RECIPIENT or SUBGRANTEE

Partnership to which a subgrant is awarded and which is accountable to PRCHE and to the Federal Government for the use of the funds provided. The subgrantee is the entire legal entity (partnership) even if only a particular component or representative of the entity is designated in the award document as the partnership's representative and custodian of the funds.

SCIENTIFICALLY BASED RESEARCH

Research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs. Please refer to item 37 of the **Definitions in Title IX of NCLB** for more information.

STANDARDS

Challenging content and student performance standards in the core academic subjects (in addition to challenging State content and student performance standards approved by the State for Title I). Professional standards for teachers and academic content standards are established by the Puerto Rico Department of Education.

STATE

As to the *PRCHE's 2007-2008 Request for Proposals* and related documents, means Puerto Rico.

SUBGRANT

Award of NCLB funds granted by PRCHE as the State agency for higher education to eligible partnerships on a competitive basis to conduct the allowable activities established in Title II Part A subpart 3 of NCLB.

SUPPORT PERSONNEL

Half-time assistant working in the project.

REQUEST FOR PROPOSALS FOR ELIGIBLE PARTNERSHIPS (Fiscal Year 2007-2008)

1. BRIEF BACKGROUND

The No Child Left Behind Act of 2001 (NCLB), signed into law by President George Bush on January 8, 2002, is the latest of several amendments to the Elementary and Secondary Act of 1965. The original program providing State grants for staff development in elementary and secondary mathematics and science was enacted in 1984 as the Eisenhower Mathematics and Sciences Program in Title II of the Education for Economic Development Security Act.

The Augustus F. Hawkins-Robert T. Stafford Amendments of 1988 named the program as Dwight D. Eisenhower Mathematics and Science Education and maintained the focus on improving the skills of teachers and the quality of instruction in mathematics and science in public and private schools.

The reauthorization in 1994 as the Improving America's Schools Act renamed the statute as Eisenhower Professional Development Program giving emphasis on sustained and intensive high quality professional development tied to challenging State standards and extending its scope to all core subject areas (mathematics, science, English, civics and government, history, geography, economics, arts, and foreign languages), but with priorities in math and science based on appropriation levels.

NCLB redefines the federal role on elementary and secondary education while helping close the achievement gap between disadvantaged and minority students and their peers. It is based on four main principles: stronger accountability for results, increased flexibility and local control, expanded options for parents, and an emphasis on teaching methods that have been proven to work. Part A of Title II of NCLB combined funding from the previous Eisenhower and Class Size Reduction programs. Although the importance of math and science remains a high priority under NCLB Title II Part A, unlike the former Eisenhower Program it does not establish appropriation levels per subject priorities but favors a support for teacher professional development across all core academic subjects. For the first time, States are required to ensure that their strategies and funded activities are grounded on scientifically based research. Also, principals' participation in professional development activities has been expressly targeted, and private school teachers' participation is to be ensured on an equitable basis.

Subpart 3 of Title II Part A has been delimited for competitive subgrants to be administered by the state agency for higher education. Different from the Eisenhower Program, it requires the settlement of a defined partnership to become an eligible proponent or applicant, and for the first time establishes a

geographic distribution criterion. Also, NCLB brings over a special rule that establishes that no single partner in an eligible partnership may use or benefit from more than 50% of the funds made available to the partnership. Furthermore, coordination with section 203 of the Higher Education Act is mandated. Puerto Rico Council on Higher Education (PRCHE) is the state agency for higher education that receives the portion of the grant to be distributed on a competitive basis. Since 1993, it has subgranted 262 projects providing professional development opportunities to approximately 6,593 teachers and 383 school principals, in support to the Puerto Rico Department of Education (PRDE) State Plan for improving classroom instruction and student achievement. These projects have assisted teachers and school principals in most of the school districts around the Island including the municipalities of Vieques and Culebra.

The following table illustrates the funding history of professional development activities since 1993, the year PRCHE was created by law as a government agency:

Fiscal Year	Federal Appropriation for Title II	Appropriation to PR	Appropriation to PRCHE (% of total to PR)	# of Projects Awarded by PRCHE
1993	\$246,016,000	\$7,098,534	\$1,774,633 (25%)	42
1994	250,998,000	6,483,900	1,620,975 (25%)	18
1995	251,206,758	6,717,354	1,074,777 (16%)	15
1996	274,265,000	7,256,208	1,160,993 (16%)	19
1997	310,000,000	8,108,556	1,297,369 (16%)	19
1998	335,000,000	8,244,676	1,319,148 (16%)	19
1999	335,000,000	8,453,085	1,352,494 (16%)	23
2000	335,000,000	8,122,419	1,299,587 (16%)	22
2001	369,280,797	9,122,515	1,737,622 (19%)	13
2002	2,835,750,000	93,047,206	2,418,033 (2.6%)	18
2003	2,916,170,876	97,130,455	2,526,363 (2.6%)	10
2004	2,915,475,501	96,838,185	2,518,761 (2.6%)	16
2005	2,902,021,967	95,590,494	2,486,288 (2.6%)	18
2006	2,873,001,756	91,728,565	2,385,839 (2.6%)	10

2. COMPETITION HIGHLIGHTS

2.1 Awards

The 2007-2008 grant allocated to PRCHE for the administration (\$115,314) of Title II Part A subpart 3 of NCLB and for making subgrants (\$2,265,496) to eligible partnerships amounts to \$2,380,810. No specific appropriation is determined for any particular subject. Notwithstanding, these federal statutes require that private school participation in NCLB professional development activities be on an equitable basis as public school participation. In order to comply with this requirement, PRCHE has adopted the per-pupil basis

distribution PRDE applies to determine the proportional participation of public and private school participants. According to 2006-2007 enrollment data provided by PRDE on public schools and the General Council on Education on private schools, PRCHE shall ensure that 27% of subgrant funds for professional development activities shall be to serve private school teachers. In order to assure compliance with this requirement, 27% of each project's participants must be from private schools.

2.2 Eligible Applicants

One of the amendments brought in by NCLB was the definition of the proponent in this competition, that is, the eligible applicant. An application under Title II Part A subpart 3 requires an eligible partnership as proponent and receiver of a subgrant. An eligible partnership:

(a) shall include the following three statutorily required partners:

- (i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;
- (ii) a school of arts and sciences; and
- (iii) a high-need local educational agency ("LEA")

(b) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

NCLB requires that the local educational agency which is a member of the proponent partnership complies with the following definition of "high need LEA":

- (a) that serves not fewer than 10,000 children from families with incomes below the poverty line; **OR** for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; **AND**
- (b) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; **OR** which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

Considering Puerto Rico as a single Local Educational Agency for federal purpose, it complies as a whole with the "high need LEA" definition, according to PRDE statistics.

2.3 Calendar

Call for Proposals	Friday, August 17, 2007.
Technical Assistance Workshop on the RFP	Friday, August 24, 2007, 8:30 a.m. at The Hato Rey Center, Ponce de León Avenue #268, 14 th floor, Hato Rey
Deadline for RFP	Friday, October 26, 2007, 4:30 p.m. Deadline for hand delivery and

	mailing (see section 2.4)
PRCHE's decision on proposals	December 2007, unless postponed.
Notification to proponents	December 2007, unless approval is postponed.
Projects startup	As of January 2008.
Projects closeout	December 2008 for instructional phase and May 2009 for follow-up on classroom implementation and evaluation of student impact.
Budget period	Expenses for the project may start from the approval of budget (budget signed by PRCHE and partnership) and may continue until 30 days after closeout for concluding and submitting reports. For restrictions on budget period for director and assistant's compensation, see section 5.2 (a) and (c).
Reports and invoices deadline	See section 9.3

2.4 Delivery of Proposals

All proposals must be at PRCHE by October 26, 2007, 4:30 p.m. Any proposal received after said date and time will be automatically disqualified. This means that all proposals, whether hand delivered or sent by mail must be at PRCHE on or before deadline. No exceptions will be made. No mailings received after deadline, regardless if postmarked on or before deadline, will be accepted. See section 7.1.

2.5 Geographic Requirement

NCLB brought in a new criterion to be considered upon selecting proposals for funding. A distribution of funds among eligible partnerships in all geographic areas is required with the purpose of maximizing possibilities for all schools to be involved in professional development no matter their location. This requirement may affect the selection criteria. Please refer to section 7.3 (a) for more information.

3. PROGRAM GUIDELINES

3.1 Purpose

The purpose of Title II Part A is to increase the academic achievement of all students by helping schools and school districts improve teacher and principal quality, and to increase the number of highly qualified (as defined in Title IX of NCLB) teachers and paraprofessionals in the classroom and highly qualified principals and assistant principals in schools. Local educational agencies and schools are held accountable for improvements in student academic achievement.

3.2 Eligible Projects

Eligible partnerships shall design projects to conduct professional development activities in **core academic subjects to ensure that:**

- (i) highly qualified teachers, paraprofessionals, and, if appropriate, principals have subject matter knowledge in the core academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

- (ii) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects.

3.3 Priorities

Only projects addressing the following priorities defined by PRDE are eligible for the 2007-2008 competition:

- (a) projects for principals on new trends of teaching core academic subjects to strengthen supervision skills and instructional leadership; or
- (b) projects with graduate credit courses (may be online) for elementary teachers on reading or language arts, and/or mathematics; **and in addition**, credit courses or workshops on effective instructional methodology and strategies for teaching those core academic subjects; or
- (c) projects with graduate credit courses (may be online) for middle and high school teachers on the core academic subjects of Spanish, English, reading or language arts, science, math, history, economics, geography, civics and government, and/or arts; **and in addition**, credit courses or workshops on effective instructional methodology and strategies for teaching the core academic subjects; or
- (d) projects for teachers to strengthen knowledge and skills in teaching core academic subjects to students with special needs.

3.4 Professional Development Eligible Activities

Effective professional development is a set of activities that produces a demonstrable and measurable effect on student academic achievement. **These activities must be grounded on scientifically based research.** The following are the principal types of activities that may be funded under eligible partnership projects in accordance with Title II Part A subpart 3 of NCLB, as defined for professional development. These are activities that:

- (a) improve and increase knowledge of the academic subjects the teachers teach, to enable teachers to become highly qualified and principals to strengthen supervision skills and instructional leadership;
- (b) are an integral part of broad school wide and district wide educational improvement plans;
- (c) give teachers, principals and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;
- (d) improve classroom management skills;
- (e) are high-quality, sustained, intensive, and classroom-focused in order to have a positive and

lasting impact on classroom instruction and the teaching performance in the classroom, and are not 1-day or short-term workshops or conferences;

- (f) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;
- (g) advance teacher and principal understanding of effective instructional strategies that are based on scientifically based research and strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers or the supervision skills and instructional leadership of principals;
- (h) are aligned with and directly related to State academic content standards, student academic achievement standards, and assessments, and the curricula and programs tied to those standards;
- (i) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served;
- (j) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (k) provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning of the core academic subjects which teachers teach;
- (l) as a whole, are regularly evaluated for their impact on increased teacher or principal effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;**
- (m) provide instruction in methods of teaching children with special needs;
- (n) include instruction in the use of data and assessments to inform and instruct classroom practice;
and
- (o) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents.

The law requires any partnership receiving both a subgrant from this competitive program and an award under the Partnership Program for Improving Teacher Preparation in section 203 of Title II of the Higher Education Act to coordinate activities conducted under the two awards.

3.5 Needs for Professional Development

Every proposal must provide evidence that the project was designed to meet the needs of their target school population and that at least 20 teachers/principals are willing to participate in the project, if funded. Separate needs assessments are required for public and for private school participants (see section 6.1).

3.6 Project Scope

Budget

This competition does not establish a maximum amount of funds that may be requested. Budgets shall be designed and evaluated according to the parameters described in sections 5 and 6.

Participants

Projects must be designed to serve at least twenty (20) participants. Twenty-seven percent (27%) of participants must be from private schools. Main participants will be teachers, principals, paraprofessionals (as defined in DEFINITIONS), and assistant principals. Participation of parents, other school staff, and other persons from business, industry, and community sectors are not to be counted for the 20 participant requirement, and the activities they will attend shall be designed to address their supporting role to schools.

Components

Each project must guarantee at least ninety (90) contact hours of instruction per participant. These ninety (90) hours must include a summer institute. In addition to the contact hours of instruction, each project must design follow-up group activities, to ensure that the knowledge and skills learned are implemented in the schools and classrooms, and a specific evaluation component to assess the impact of the project in students' academic achievement (outcomes assessment). The project director must visit as many participants as possible to observe their performance at their working environment. Activities for other than main participants (please refer to paragraph above) will depend on their nature and purpose, and are not required any specific amount of contact hours.

Length

Projects may start on January 2008, their instructional phase may last until December 2008, and their follow-up and evaluation phase may last until May 2009.

3.7 Project Dissemination

All projects must conduct one collaborative closing activity to share and display achievements as the result of participants' implementation of knowledge and skills learned by means of the project. This activity may get together higher education and school district personnel, school peers, parents and, if appropriate, representatives of the business sector and the community. Instructional material produced in the project **for replication and dissemination shall be included.** Emphasis shall be given to:

- Exhibition of works
- Students' portfolios
- Presentations of individual and cooperative projects
- Model presentations of exemplary pedagogical or supervision practices

- Distribution of materials developed which present innovative pedagogical practices in core academic subjects or new trends in supervision practices
- Examples of collaborative activities
- Panels of discussion (between parents, teachers, principals)

This activity is not to be considered an extension of the instructional phase of the project, but rather an opportunity for participants to be the main actors or presenters.

4. PROPOSAL REQUIREMENTS

4.1 Format Requirements

Number of copies:	5 (original + 4 copies) Proposals must be securely stapled.
Assembling:	Use indexed divisions between forms, narrative and appendixes
Paper:	Standard (8 ½" x 11"), unruled, white
Printing:	Preferably in both sides of paper, narrative must be double spaced (tables in single space)
Font:	Times New Roman 12 pt
Pagination:	ALL pages in narrative must be numbered
Appendixes:	ALL separated with duly identified indexed divisions
Identification of sections:	ALL sections in narrative duly titled
Table of contents:	Break-down as defined in section 4.3 (b)
Extent of narrative:	Up to 20 pages on one side or 10 pages on both sides

4.2 Sequence Requirements

The proposal shall be organized in the following sequence:

- 1st Form #1: COVER PAGE
- 2rd Form #2: PROJECT CONTACTS
- 3rd Form #3: ABSTRACT (in English)
- 4th Form #4: TIMELINE
- 5th Form #5: BUDGET SUMMARY
- 6th Form #6: BUDGET EXPLANATION IN DETAIL
- 7th Form #7: BUDGET DISTRIBUTION (50% RULE)
- 8th Table of Contents
- 9th Narrative
- 10th Appendixes

4.3 Content Requirements

(a) Forms

There are seven (7) forms to be filled out, some of them signed, and furnished with the proposal: (a) follow instructions on each form, (b) provide all information requested, (c) do not miss any section, (d) sign forms as requested; (e) original proposal must bear original signatures; (f) do not alter requirements; and (g) do not modify forms, unless permitted.

(b) Table of Contents

A list of all sections contained in the narrative, and of the documents included as appendixes. Each section must identify the page number and each appendix its identification number or letter.

(c) Narrative

A concise and clearly written description of the proposed project addressing the Proposals Evaluation Criteria listed in section 6. It may be written in Spanish but preferably in English. Format requirements apply, see section 4.1.

(d) Appendixes

Strictly those documents essential to support narrative.

5. BUDGET GUIDELINES

A wise and efficient projection of the budget is expected, with reasonable administrative costs and high support to participants.

5.1 Special Rule

NCLB statutes restrict the use of funds in that no more than 50% of the project award may benefit any one partner of the eligible partnership. Section 2132 (c) of NCLB establishes, as a SPECIAL RULE, that “no single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section”.

All proposals shall complete Form #7 (BUDGET DISTRIBUTION) following the **Guidelines for NCLB Special Rule Distribution** attached to this *2007-2008 Request for Proposals*. Form #5 (BUDGET SUMMARY) is for the consolidated budget.

5.2 Personnel Costs

The personnel structure to be remunerated with NCLB funds shall be limited to the director, faculty, half-time assistant, and external evaluator. Any other staff must be duly justified and will be evaluated to determine indispensability to support proposed project activities and unrepeated personnel responsibilities.

(a) Director

Compensation not to exceed 20% of academic year salary. Monthly compensation is equal to 20% of the academic year salary divided by 12 months. Salary is determined by multiplying the monthly compensation by the project duration in months. Compensation for the director may cover up to a month before the first instructional activity of the project, and up to 30 days after its last follow-up or closing activity.

(b) Faculty

Salary for workshops' (non-credit granting) faculty shall be at the institution's rate per workshop hour

and policies, up to a cost of \$200.00 per workshop hour including preparation time, for one resource;
up to a cost of \$300.00 per workshop hour including preparation time for team-teaching resources.

Salary for fieldtrip instructional resources may only be considered for on-site hours of instruction. Same cost per hour limits as for workshops apply. No compensation shall be requested for faculty if tuition will be paid from NCLB funds for credit courses or continued education units.

(c) Assistant

Not to exceed a half-time shift (half-time is considered not to exceed 20 hours per week). Fees according to institution's rate per hour and policies, and state laws. Compensation for the administrative assistant may cover up to a month before the first instructional activity of the project, and up to 30 days after its last follow-up or closing activity.

(d) Fringe Benefits

According to institution's rates and policies. No fringe benefits apply to the external evaluator or a consultant.

(e) Travel and Meals

For out-of-campus instructional and/or follow-up activities. Travel only within PR, mileage not exceeding \$.35/mile and according to the Autoridad de Carreteras de PR official mileage table. Meals duly justified, at a cost not exceeding \$3 per person for a snack and \$6 per person for lunch.

5.3 Participant Support Costs

These expenses are for participant teachers, principals, assistant principals, and paraprofessionals (teacher assistants).

(a) Tuition and Fees

For academic credit courses or activities granting continued education units, at the institution's rate. Either credit tuition **OR** continued education units may be charged, but not both charges over the same courses or activities. Fees at the institution's rate. Only for main participants. See section 3.6 under **Participants**.

(b) Books and Educational Materials

Directly related to project activities. Number of units equal to number of participants. All items to be kept by participants. No purchase of equipment other than calculators, manipulatives or absolutely necessary devices or instruments for project activities.

(c) Travel and Meals

Travel costs only for field trips or other out-of-campus duly justified activities within PR. No costs for travelling to and from the institution offering activities. If travel is calculated per mile, the rate

shall not be higher than \$.35/mile and according to the Autoridad de Carreteras de PR official mileage table. Meals cost not to exceed \$3 per person for a snack or breakfast, or \$6 per person for lunch or dinner. Dinner will apply to afternoon within-week instructional days and follow-up group activities only. Only one meal per instructional day. Same meal cost criteria apply to closing (dissemination) activity.

(d) Stipends

Not exceeding \$30 per instructional day. Stipends apply only for teachers (or teacher assistants) and principals (or principal assistants). Stipends may be adjusted for compliance with the 50% Special Rule (section 5.1). Follow-up sessions and the closing activity cannot be considered for stipends.

5.4 Supplies

Only expendable office material necessary to develop activities during project duration. No purchase of equipment of any kind. Reproduction costs, if any, shall be included in this item. Do not include educational materials in this item.

5.5 Contractual Costs

Any consultant, if **duly justified**, for which the **amount requested is on the basis of a detailed relation of services to be rendered, projected hours per activity and rate per hour.** No fringe benefits apply. Each proposal shall include a flat fee of **\$3,000** for the external evaluator of the project although an evaluation plan is not required to be submitted with the proposal (See Section 9.2). The final amount to be paid for these services will be determined for approved proposals upon selection of the external evaluator and the scope of the evaluation plan.

5.6 Other Expenses

Essential to the project and duly justified. Breakdown of activities and items under this category is required. No purchase of equipment of any kind. Materials must be expendable during project duration. No rentals of any partner's facilities or equipment. Expenses for closing activity are limited to one meal (following the \$3 or \$6 top mentioned above) per person, and for reproduction of instructional material produced in the project for dissemination. These expenses must be detailed and justified.

5.7 Indirect Costs

Up to a reasonable 8% rate is encouraged.

6. PROPOSALS EVALUATION CRITERIA (100 points)

Each proposal will be reviewed and rated on the basis of its strengths and weaknesses as to meeting Title II

Part A professional development and the *PRCHE's 2007-2008 Request for Proposals* requirements. The following set of criteria will be used to evaluate all proposals.

6.1 Demonstration of Need (25 points)

Each proposal shall demonstrate that proposed instructional activities respond to the specific needs assessment of the target population of public teachers/principals and private teachers/principals, separately.

Each application will be reviewed to determine the extent to which it includes:

- (a) evidence of how students learning needs were assessed, which may include assessment of grade level student performance on end-of-grade or course tests or other for the proposed service area. (Provide summaries of needs only of the targeted population, **not** from U.S. national studies);
- (b) evidence of how principals instructional leadership needs on the project core academic subject(s) were assessed.
- (c) identification of the specific needs of the targeted population for content knowledge and instructional skills improvement of teachers, or for instructional leadership skills improvement of principals.
- (d) goals and measurable objectives that emphasize conceptual mastery of content knowledge, skills and attitudes according to the needs revealed in the assessment;
- (e) description of instructional strategies and activities grounded on scientifically based research that will satisfy the needs revealed in the assessment.

6.2 Operation Plan (55 points)

Each application will be reviewed to determine the quality of the operation plan and the extent to which it includes: (a) a plan for providing effective instruction to participants integrating effective use of educational technology to enhance the target core subject(s) or instructional leadership context; and (b) a plan for managing daily requirements of the project and the subgrant. Please identify the instructional plan apart from the management plan, both duly titled.

(a) Instructional Plan (35 of 55 points)

- (i) Includes a description of the up-to-date scientific research based instructional strategies to be incorporated, an explanation of why the strategies are expected to improve the academic achievement of students with diverse needs, and a list of up-to-date research references (in an appendix) which justify the use of these strategies.
- (ii) Lists specific measurable objectives for implementing the project and changing classroom teaching performance or instructional leadership; specifies what participants will know and be able to do as the result of the proposed activity (content knowledge and instructional skills); and establishes a direct relationship between proposed goals and training activities.
- (iii) Includes at least 90 contact hours of training; also follow-up activities (**additional to the 90**

contact hours of training requirement) to ensure classroom implementation and student improvement. The training period may start on January 2008, must include a 2008 Summer institute, and finish on December 2008. From January 2009 to May 2009, the project must conduct the classroom assessment to determine effective implementation and project impact on student academic achievement and schools.

- (iv) Includes a detailed scope and sequence of training topics. An instructional timeline is to be provided in Form #4, and a description of the schedule is to be included in the narrative. Projects offering academic credit courses must include the **syllabus** of each course. Projects offering workshops must include an outline of its contents.
- (v) Describes practical approaches rather than theoretical ones.
- (vi) **Includes a plan for making effective use of technology as a tool for enhancing the targeted subject**; examples of educational technologies which could be used appropriately and effectively in classroom may include computers, calculators, CD Rom, video discs, telecommunications, e-mail, etc. The partnership must ensure that the educational technology and/or software bought for the project activities are suitable to be used by participants at schools.

(b) Management Plan (20 of 55 points)

- (i) Presents a high quality plan for using resources and personnel to achieve objectives.
- (ii) Includes a description of the responsibilities of all personnel.
- (iii) Includes a description of the timeframe of the administrative activities that will support the professional development activities.
- (iv) Uses a specific teacher and/or principal **recruitment, selection and retention plan** that clearly describe the strategies to integrate new participants to fill the space of those who left the project, ensuring to keep the proportional public-private participation established in section 3.6 under **Participants**.
- (v) Presents a budget that is cost effective, complies with the budget guidelines of this *Request for Proposals* and with the 50% Special Rule (Form #7), and provides adequate support to the proposed project by evidencing a clear relationship with the project objectives, number of participants and anticipated results.

6.3 Cooperative Planning (10 points)

NCLB requires a partnership for planning, designing, proposing and conducting a project to improve teaching and student achievement. This joint effort of different educational levels and interests is a key element in this competitive program to ensure that the professional development activities address the high priority professional needs of participants as outlined by their school districts, private and public schools, and needs assessments. **Therefore, all proposals must describe the collaborative effort among all members of the partnership during the planning and designing of the proposed project.** Also, cooperative planning ensures that the collaborative structure (section 6.4) will provide the project with the

adequate support and resources to ensure its success. Thus, each proposal shall describe:

- (a) how each of the three partners participated in the planning and designing of the proposed project;
- (b) how each of the three partners plans to ensure its participation in the proposed project; and
- (c) how each of the three partners will contribute to ensure the effective interaction with the other partners.

A letter of support for the project and agreement to participate does not constitute evidence of involvement in planning.

6.4 Partnership's Collaborative Structure (10 points)

Each application will be reviewed to determine all partners' commitment to and participation in the implementation of the proposed project by the level of involvement each one will have in the proposed activities and procurement of expected outcomes. Proposals must:

- (a) identify all key personnel (director, instructional resources) and consultant, if any; describe their responsibilities in the project, and provide a two (2) page resume (updated to August 2007) highlighting experience and academic background;
- (b) describe each of the three partners' participation in the operational plan and the instructional plan **(the division that prepares teachers and principals and the science /arts division must have an active role in the instructional activities)**;
- (c) describe each of the three partners' support in the implementation of the project, whether by providing funding, in-kind resources, and specific facilities or other.

7. SUBMISSION, REVIEW AND AWARD PROCEDURES

7.1 Submission Limits and Deadline

Each eligible partnership may submit the amount of proposals it deems reasonable. No one with responsibilities as project director or instructional staff may work in more than two (2) projects.

Deadline is Friday, October 26, 2007 at 4:30 pm. Proposals received after this deadline, either by mail or hand, will be disqualified. See section 2.4 for more information.

Mail proposal to:

Consejo de Educación Superior de Puerto Rico
División de Administración de Programas
PO Box 19900
San Juan, Puerto Rico 00910-1900

Or hand deliver proposal at:

The Hato Rey Center
15th Floor

#268 Ponce de León Avenue
Hato Rey, Puerto Rico

7.2 Review

(a) Pre-qualification

The Program Administration Division will perform a pre-qualification of proposals to determine completeness and compliance with requirements established for deadline (section 7.1), eligible applicants (section 2.2), eligible projects and priorities (section 3.2 and 3.3), and project scope (section 3.6). Also, the proposed budget will be revised to verify coherence and allowable costs. Proposals that fail to comply with deadline, eligibility of applicants, project eligibility, priorities, and/or scope, will be disqualified and applicants will be so notified. Proposals which do not duly identify project director and instructional staff will not be accepted. **Partnerships are highly encouraged to meet with PRCHE's Program Administration Division well in advance to deadline to discuss and review the proposal for compliance with eligibility requirement.**

(b) Evaluation

All proposals will be reviewed and evaluated under the coordination of PRCHE's Program Administration Division. To help select the best proposals and applicants, PRCHE will appoint a review panel of at least three (3) members with expertise in the proposed subject matter areas, in methodology, and evaluation. This External Evaluation Committee will recommend proposals to be funded on the basis of ranking as a result of the total award of points per criterion described in section 6. See sections 2.5 and 7.3 (a) for more elements affecting the selection of proposals.

7.3 Selection, Award and Notification

(a) Selection Criteria

Although ranking a project for the score obtained in the evaluation is determining for the final selection, a high or good ranking will not be an isolated factor or the only consideration for decision since federal statutes establish another factor that must be taken into account when awarding projects: geographic areas to be served (section 2.5).

(b) Award Process

The Program Administration Division will forward the final recommendation report to PRCHE members for consideration and award. PRCHE reserves the right to negotiate budgets with partnerships selected for awards.

PRCHE reserves the right to call for new proposals to fulfill any unmet expectations for program year 2007-2008.

(c) Notification of Decision

PRCHE will issue an official certification including the partnership subgrantee, project title, and grant amount of every project funded for the 2007-2008 program year.

Right after PRCHE's decision, the Program Administration Division will notify all applicants in writing whether or not their proposals were selected for funding. Notification to selected proposals will state the amount of subgrant awarded, project identification number, any condition to be met and will include the grant award notification, the approved detailed budget and the Assurances documents, to be signed by the Partnership's Chief Officer.

8. DUE PROCESS

Applicants whose proposals are not selected for funding this year will be provided with due process as described in the Uniform Administrative Procedures Act 170 of 1988, as amended. The notification will describe specific procedures and requirements to be met in order that a claim may be considered by PRCHE.

9. ACCOUNTABILITY

Granting, administration and use of the competitive subgrant funds, both by PRCHE as well as subgrantees, are ruled by statutes under Title II Part A of NCLB and provisions in the Education Department General Administrative Regulations (EDGAR) 34 CFR, sections 74, 76, 77, 79, 80 and 85. Since they are not intended to cover all administrative aspects of the competitive program, it is recommended that all subgrant recipients be familiar with EDGAR and to consult PRCHE's Program Administration Division for specifics. Please call (787) 641-7100, extensions 2052 or 2068, or write to ma_mendez@ces.gobierno.pr.

Each partnership must foresee all measures it will need to take to ensure proper management and use of funds to guarantee a successful accomplishment of proposed project objectives, and to account to PRCHE for all the project administrative and instructional activities. The institution of higher education representing the partnership must ensure to hold the other partners accountable for their responsibilities in the instructional and administrative activities in the project.

The following are the standard strategies operated by PRCHE for the competitive subgrant program with the purpose of providing technical assistance to subgrantees and holding subgrantees accountable for the development and outcome of their projects.

9.1 Monitoring and Auditing

Each subgranted project will be visited during the funding period by a PRCHE's monitor to observe the project development as proposed. Projects will also receive a visit by a PRCHE's external auditing firm to

perform agreed-upon procedures on project fiscal activity. The institution of higher education representing the partnership must ensure proper coordination with the other partners in order that monitoring and auditing visits may be performed at the institution with all the documentation necessary to conduct such procedures.

Monitoring and auditing visits will produce a report to PRCHE. Visits will be scheduled and notified in advance.

The institution of higher education representing the partnership shall submit a copy of the **single audit** performed for its institution by an external auditor on Higher Education Act Title IV funds for the fiscal year in which NCLB monies were expended. This document shall be furnished within the timeframe established by said Act after the fiscal year closing.

The reason for requiring such document is that in case of serious findings on compliance with Title IV provisions, PRCHE could request a particular audit on the use of NCLB subgrants and, on the worst case scenario, suspend funding and/or request repayment of any amount received from NCLB. Any institution of higher education which is found in serious findings in compliance with Title IV might be deemed by PRCHE unable to participate in a NCLB project as partner.

9.2 Project Evaluation

The fundamental issue of accountability is to determine the extent to which the project has been effective in the accomplishment of its purposes, as measured by the extent to which goals, objectives and activities were completed, classroom implementation has been achieved, a positive impact has been evidenced on student academic performance, and provisions have been taken to enhance the observed effects of the project in the future. The purpose of evaluating the project is to determine its effectiveness and impact, the way it influenced the participants, and primarily its effect on student achievement.

Proposals competing under this Request for Proposals are not required to submit an evaluation plan. Only proposals approved by PRCHE will be required to do so, working with an external evaluator selected from a list of resources provided by PRCHE. The selected external evaluator will design an evaluation plan for the project, which must address the criteria required by PRCHE.

9.3 Project Reports

All funded projects will be required to report on its fiscal and instructional activities and on its outcomes. Following is a description of the scope, frequency and deadlines.

(a) Statistic Reports

A statistic report with data on participants and activities to be submitted electronically by the project director.

Mid-term Report: Covering from startup through Summer 2008
Due date: August 31, 2008

Final Report : Covering the whole project
Due date: 30 days after project closeout

(b) Evaluation Reports

Two evaluation reports, prepared by the external evaluator in coordination with the project director.

Mid-term report: Covering from startup through Summer 2008
Due date: August 31, 2008

Final report: Covering the whole project
Due date: 30 days after project closeout

(c) Expenditures Reports

An invoice prepared by the partnership's fiscal agent and submitted electronically. A mid-term invoice and a final invoice are required, **but the Institution may submit more invoices as necessary.**

Mid-term Invoice: Covering from startup through Summer 2008
Due date: August 31, 2008

Final Invoice: Covering last expenses
Due date: 30 days after project closeout

9.4 Project Suspension

When a subgrant recipient has failed to comply with the terms of a subgrant and the Accountability provisions in sections 9.1, 9.2 and/or 9.3, PRCHE may require a plan with affirmative actions for compliance. Should the results prove to be unsatisfactory, PRCHE may suspend the subgrant in whole or in part and/or request repayment of any disbursement made to partnership with NCLB funds upon reasonable notice. Suspensions shall remain in effect until satisfactory action has taken place. Procedures will be performed in accordance with Act 170 of 1988.

9.5 Retention of Records

A subgrant recipient shall retain the following records for a period of three (3) years after its final expenditures report to PRCHE unless any litigation, claim, negotiation, audit or other action involving the records started before the expiration of the three (3) year period, in which case records shall be retained until completion of the action and resolution of all issues:

- (a)** Records to show the subgrant recipient's compliance with program requirements.
- (b)** Records that fully show amount of funds under the subgrant, how were used, total cost of

project, all costs provided from other sources, and any records to facilitate an effective audit.

10. Credit and Disclaimer

Statements of credit and disclaimer are required by the U.S. Department of Education (USDE). Credit and disclaimer for both USDE and PRCHE must be included in all notices, recruiting brochures, workshop materials, and any other publication produced with support of PRCHE/NCLB grants. The two statements below will satisfy this requirement:

“This project is funded (in part) by a federal grant under Title II of the No Child Left Behind Act (P.L. 107-110) administered by the Puerto Rico Council on Higher Education. (Also name any other federal program granting funds to the project).

Opinions and findings expressed herein do not necessarily reflect the position or policy of the U.S. Department of Education or the Puerto Rico Council on Higher Education, and no official endorsement by either of these agencies should be inferred.”

(This document is also available at www.ces.gobierno.pr)

Rvsd. August 2007

TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACH- ERS AND PRINCIPALS

SEC. 201. TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND.

Title II (20 U.S.C. 6601 et seq.) is amended to read as follows:

“TITLE II—PREPARING, TRAINING, AND RECRUITING HIGH QUALITY TEACH- ERS AND PRINCIPALS

“PART A—TEACHER AND PRINCIPAL TRAINING AND RECRUITING FUND

20 USC 6601.

“SEC. 2101. PURPOSE.

“The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to—

“(1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and

“(2) hold local educational agencies and schools accountable for improvements in student academic achievement.

20 USC 6602.

“SEC. 2102. DEFINITIONS.

“In this part:

“(1) ARTS AND SCIENCES.—The term ‘arts and sciences’ means—

“(A) when referring to an organizational unit of an institution of higher education, any academic unit that offers one or more academic majors in disciplines or content areas corresponding to the academic subjects in which teachers teach; and

“(B) when referring to a specific academic subject, the disciplines or content areas in which an academic major is offered by an organizational unit described in subparagraph (A).

“(2) CHARTER SCHOOL.—The term ‘charter school’ has the meaning given the term in section 5210.

“(3) **HIGH-NEED LOCAL EDUCATIONAL AGENCY.**—The term ‘high-need local educational agency’ means a local educational agency—

“(A)(i) that serves not fewer than 10,000 children from families with incomes below the poverty line; or

“(ii) for which not less than 20 percent of the children served by the agency are from families with incomes below the poverty line; and

“(B)(i) for which there is a high percentage of teachers not teaching in the academic subjects or grade levels that the teachers were trained to teach; or

“(ii) for which there is a high percentage of teachers with emergency, provisional, or temporary certification or licensing.

“(4) **HIGHLY QUALIFIED PARAPROFESSIONAL.**—The term ‘highly qualified paraprofessional’ means a paraprofessional who has not less than 2 years of—

“(A) experience in a classroom; and

“(B) postsecondary education or demonstrated competence in a field or academic subject for which there is a significant shortage of qualified teachers.

“(5) **OUT-OF-FIELD TEACHER.**—The term ‘out-of-field teacher’ means a teacher who is teaching an academic subject or a grade level for which the teacher is not highly qualified.

“(6) **PRINCIPAL.**—The term ‘principal’ includes an assistant principal.

“**SEC. 2103. AUTHORIZATIONS OF APPROPRIATIONS.**

20 USC 6603.

“(a) **GRANTS TO STATES, LOCAL EDUCATIONAL AGENCIES, AND ELIGIBLE PARTNERSHIPS.**—There are authorized to be appropriated to carry out this part (other than subpart 5) \$3,175,000,000 for fiscal year 2002 and such sums as may be necessary for each of the 5 succeeding fiscal years.

“(b) **NATIONAL PROGRAMS.**—There are authorized to be appropriated to carry out subpart 5 such sums as may be necessary for fiscal year 2002 and each of the 5 succeeding fiscal years.

“**Subpart 1—Grants to States**

“**SEC. 2111. ALLOTMENTS TO STATES.**

20 USC 6611.

“(a) **IN GENERAL.**—The Secretary shall make grants to States with applications approved under section 2112 to pay for the Federal share of the cost of carrying out the activities specified in section 2113. Each grant shall consist of the allotment determined for a State under subsection (b).

“(b) **DETERMINATION OF ALLOTMENTS.**—

“(1) **RESERVATION OF FUNDS.**—

“(A) **IN GENERAL.**—From the total amount appropriated under section 2103(a) for a fiscal year, the Secretary shall reserve—

“(i) one-half of 1 percent for allotments for the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, to be distributed among those outlying areas on the basis of their relative need, as determined by the Secretary, in accordance with the purpose of this part; and

“(ii) one-half of 1 percent for the Secretary of the Interior for programs under this part in schools operated or funded by the Bureau of Indian Affairs.

“(2) STATE ALLOTMENTS.—

“(A) HOLD HARMLESS.—

“(i) IN GENERAL.—Subject to subparagraph (B), from the funds appropriated under section 2103(a) for any fiscal year and not reserved under paragraph (1), the Secretary shall allot to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico an amount equal to the total amount that such State received for fiscal year 2001 under—

“(I) section 2202(b) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

“(II) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

“(ii) RATABLE REDUCTION.—If the funds described in clause (i) are insufficient to pay the full amounts that all States are eligible to receive under clause (i) for any fiscal year, the Secretary shall ratably reduce those amounts for the fiscal year.

“(B) ALLOTMENT OF ADDITIONAL FUNDS.—

“(i) IN GENERAL.—Subject to clause (ii), for any fiscal year for which the funds appropriated under section 2103(a) and not reserved under paragraph (1) exceed the total amount required to make allotments under subparagraph (A), the Secretary shall allot to each of the States described in subparagraph (A) the sum of—

“(I) an amount that bears the same relationship to 35 percent of the excess amount as the number of individuals age 5 through 17 in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined; and

“(II) an amount that bears the same relationship to 65 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line, in the State, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in all such States, as so determined.

“(ii) EXCEPTION.—No State receiving an allotment under clause (i) may receive less than one-half of 1 percent of the total excess amount allotted under such clause for a fiscal year.

“(3) REALLOTMENT.—If any State does not apply for an allotment under this subsection for any fiscal year, the Secretary shall reallocate the amount of the allotment to the remaining States in accordance with this subsection.

"SEC. 2112. STATE APPLICATIONS.

20 USC 8612.

"(a) IN GENERAL.—For a State to be eligible to receive a grant under this part, the State educational agency shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require.

"(b) CONTENTS.—Each application submitted under this section shall include the following:

"(1) A description of how the activities to be carried out by the State educational agency under this subpart will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

"(2) A description of how the State educational agency will ensure that a local educational agency receiving a subgrant to carry out subpart 2 will comply with the requirements of such subpart.

"(3) A description of how the State educational agency will ensure that activities assisted under this subpart are aligned with challenging State academic content and student academic achievement standards, State assessments, and State and local curricula.

"(4) A description of how the State educational agency will use funds under this part to improve the quality of the State's teachers and principals.

"(5)(A) A description of how the State educational agency will coordinate professional development activities authorized under this part with professional development activities provided under other Federal, State, and local programs.

"(B) A description of the comprehensive strategy that the State educational agency will use, as part of such coordination effort, to ensure that teachers are trained in the use of technology so that technology and applications of technology are effectively used in the classroom to improve teaching and learning in all curricula and academic subjects, as appropriate.

"(6) A description of how the State educational agency will encourage the development of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

"(7)(A) A description of how the State educational agency will ensure compliance with the requirements for professional development activities described in section 9101 and how the activities to be carried out under the grant will be developed collaboratively and based on the input of teachers, principals, parents, administrators, paraprofessionals, and other school personnel.

"(B) In the case of a State in which the State educational agency is not the entity responsible for teacher professional standards, certification, and licensing, an assurance that the State activities carried out under this subpart are carried out in conjunction with the entity responsible for such standards, certification, and licensing under State law.

"(8) A description of how the State educational agency will ensure that the professional development (including teacher

mentoring) needs of teachers will be met using funds under this subpart and subpart 2.

“(9) A description of the State educational agency’s annual measurable objectives under section 1119(a)(2).

“(10) A description of how the State educational agency will use funds under this part to meet the teacher and paraprofessional requirements of section 1119 and how the State educational agency will hold local educational agencies accountable for meeting the annual measurable objectives described in section 1119(a)(2).

“(11) In the case of a State that has a charter school law that exempts teachers from State certification and licensing requirements, the specific portion of the State law that provides for the exemption.

“(12) An assurance that the State educational agency will comply with section 9501 (regarding participation by private school children and teachers).

“(c) DEEMED APPROVAL.—An application submitted by a State educational agency pursuant to subsection (a) shall be deemed to be approved by the Secretary unless the Secretary makes a written determination, prior to the expiration of the 120-day period beginning on the date on which the Secretary received the application, that the application is not in compliance with this subpart.

“(d) DISAPPROVAL.—The Secretary shall not finally disapprove the application, except after giving the State educational agency notice and an opportunity for a hearing.

“(e) NOTIFICATION.—If the Secretary finds that the application is not in compliance, in whole or in part, with this subpart, the Secretary shall—

“(1) give the State educational agency notice and an opportunity for a hearing; and

“(2) notify the State educational agency of the finding of noncompliance and, in such notification, shall—

“(A) cite the specific provisions in the application that are not in compliance; and

“(B) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

“(f) RESPONSE.—If the State educational agency responds to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, and resubmits the application with the requested information described in subsection (e)(2)(B), the Secretary shall approve or disapprove such application prior to the later of—

“(1) the expiration of the 45-day period beginning on the date on which the application is resubmitted; or

“(2) the expiration of the 120-day period described in subsection (c).

“(g) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary’s notification described in subsection (e)(2) during the 45-day period beginning on the date on which the agency received the notification, such application shall be deemed to be disapproved.

"SEC. 2111. STATE USE OF FUNDS.

20 USC 6611.

"(a) IN GENERAL.—A State that receives a grant under section 2111 shall—

"(1) reserve 95 percent of the funds made available through the grant to make subgrants to local educational agencies as described in subpart 2;

"(2) reserve 2.5 percent (or, for a fiscal year described in subsection (b), the percentage determined under subsection (b)) of the funds to make subgrants to local partnerships as described in subpart 3; and

"(3) use the remainder of the funds for State activities described in subsection (c).

"(b) SPECIAL RULE.—For any fiscal year for which the total amount that would be reserved by all States under subsection (a)(2), if the States applied a 2.5 percentage rate, exceeds \$125,000,000, the Secretary shall determine an alternative percentage that the States shall apply for that fiscal year under subsection (a)(2) so that the total amount reserved by all States under subsection (a)(2) equals \$125,000,000.

"(c) STATE ACTIVITIES.—The State educational agency for a State that receives a grant under section 2111 shall use the funds described in subsection (a)(3) to carry out one or more of the following activities, which may be carried out through a grant or contract with a for-profit or nonprofit entity:

"(1) Reforming teacher and principal certification (including recertification) or licensing requirements to ensure that—

"(A)(i) teachers have the necessary subject matter knowledge and teaching skills in the academic subjects that the teachers teach; and

"(ii) principals have the instructional leadership skills to help teachers teach and students learn;

"(B) teacher certification (including recertification) or licensing requirements are aligned with challenging State academic content standards; and

"(C) teachers have the subject matter knowledge and teaching skills, including technology literacy, and principals have the instructional leadership skills, necessary to help students meet challenging State student academic achievement standards.

"(2) Carrying out programs that provide support to teachers or principals, including support for teachers and principals new to their profession, such as programs that—

"(A) provide teacher mentoring, team teaching, reduced class schedules, and intensive professional development; and

"(B) use standards or assessments for guiding beginning teachers that are consistent with challenging State student academic achievement standards and with the requirements for professional development activities described in section 9101.

"(3) Carrying out programs that establish, expand, or improve alternative routes for State certification of teachers and principals, especially in the areas of mathematics and science, for highly qualified individuals with a baccalaureate or master's degree, including mid-career professionals from other occupations, paraprofessionals, former military personnel,

and recent college or university graduates with records of academic distinction who demonstrate the potential to become highly effective teachers or principals.

"(4) Developing and implementing mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

"(A) if the State educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

"(B) in a manner consistent with mechanisms to assist local educational agencies and schools in effectively recruiting and retaining highly qualified teachers and principals.

"(5) Reforming tenure systems, implementing teacher testing for subject matter knowledge, and implementing teacher testing for State certification or licensing, consistent with title II of the Higher Education Act of 1965.

"(6) Providing professional development for teachers and principals and, in cases in which a State educational agency determines support to be appropriate, supporting the participation of pupil services personnel in the same type of professional development activities as are made available to teachers and principals.

"(7) Developing systems to measure the effectiveness of specific professional development programs and strategies to document gains in student academic achievement or increases in teacher mastery of the academic subjects the teachers teach.

"(8) Fulfilling the State educational agency's responsibilities concerning proper and efficient administration of the programs carried out under this part, including provision of technical assistance to local educational agencies.

"(9) Funding projects to promote reciprocity of teacher and principal certification or licensing between or among States, except that no reciprocity agreement developed under this paragraph or developed using funds provided under this part may lead to the weakening of any State teaching certification or licensing requirement.

"(10) Developing or assisting local educational agencies in the development and use of proven, innovative strategies to deliver intensive professional development programs that are both cost-effective and easily accessible, such as strategies that involve delivery through the use of technology, peer networks, and distance learning.

"(11) Encouraging and supporting the training of teachers and administrators to effectively integrate technology into curricula and instruction, including training to improve the ability to collect, manage, and analyze data to improve teaching, decisionmaking, school improvement efforts, and accountability.

"(12) Developing, or assisting local educational agencies in developing, merit-based performance systems, and strategies that provide differential and bonus pay for teachers in high-need academic subjects such as reading, mathematics, and science and teachers in high-poverty schools and districts.

“(13) Providing assistance to local educational agencies for the development and implementation of professional development programs for principals that enable the principals to be effective school leaders and prepare all students to meet challenging State academic content and student academic achievement standards, and the development and support of school leadership academies to help exceptionally talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

“(14) Developing, or assisting local educational agencies in developing, teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

“(15) Providing assistance to teachers to enable them to meet certification, licensing, or other requirements needed to become highly qualified by the end of the fourth year for which the State receives funds under this part (as amended by the No Child Left Behind Act of 2001).

“(16) Supporting activities that ensure that teachers are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement.

“(17) Funding projects and carrying out programs to encourage men to become elementary school teachers.

“(18) Establishing and operating a center that—

“(A) serves as a statewide clearinghouse for the recruitment and placement of kindergarten, elementary school, and secondary school teachers; and

“(B) establishes and carries out programs to improve teacher recruitment and retention within the State.

“(d) ADMINISTRATIVE COSTS.—A State educational agency or State agency for higher education receiving a grant under this part may use not more than 1 percent of the grant funds for planning and administration related to carrying out activities under subsection (c) and subpart 3.

“(e) COORDINATION.—A State that receives a grant to carry out this subpart and a grant under section 202 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section.

“(f) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

“Subpart 2—Subgrants to Local Educational Agencies

“SEC. 2121. ALLOCATIONS TO LOCAL EDUCATIONAL AGENCIES.

20 USC 6621.

“(a) SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.—

“(1) IN GENERAL.—The Secretary may make a grant to a State under subpart 1 only if the State educational agency agrees to distribute the funds described in this subsection as subgrants to local educational agencies under this subpart.

“(2) HOLD HARMLESS.—

“(A) IN GENERAL.—From the funds reserved by a State under section 2113(a)(1), the State educational agency shall allocate to each local educational agency in the State an amount equal to the total amount that such agency received for fiscal year 2001 under—

“(i) section 2203(1)(B) of this Act (as in effect on the day before the date of enactment of the No Child Left Behind Act of 2001); and

“(ii) section 306 of the Department of Education Appropriations Act, 2001 (as enacted into law by section 1(a)(1) of Public Law 106-554).

“(B) NONPARTICIPATING AGENCIES.—In the case of a local educational agency that did not receive any funds for fiscal year 2001 under one or both of the provisions referred to in clauses (i) and (ii) of subparagraph (A), the amount allocated to the agency under such subparagraph shall be the total amount that the agency would have received for fiscal year 2001 if the agency had elected to participate in all of the programs for which the agency was eligible under each of the provisions referred to in those clauses.

“(C) RATABLE REDUCTION.—If the funds described in subparagraph (A) are insufficient to pay the full amounts that all local educational agencies in the State are eligible to receive under subparagraph (A) for any fiscal year, the State educational agency shall ratably reduce such amounts for the fiscal year.

“(3) ALLOCATION OF ADDITIONAL FUNDS.—For any fiscal year for which the funds reserved by a State under section 2113(a)(1) exceed the total amount required to make allocations under paragraph (2), the State educational agency shall allocate to each of the eligible local educational agencies in the State the sum of—

“(A) an amount that bears the same relationship to 20 percent of the excess amount as the number of individuals age 5 through 17 in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined; and

“(B) an amount that bears the same relationship to 80 percent of the excess amount as the number of individuals age 5 through 17 from families with incomes below the poverty line in the geographic area served by the agency, as determined by the Secretary on the basis of the most recent satisfactory data, bears to the number of those individuals in the geographic areas served by all the local educational agencies in the State, as so determined.

20 USC 6622.

***SEC. 2122. LOCAL APPLICATIONS AND NEEDS ASSESSMENT.**

“(a) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall submit an application to the State educational agency at such time, in such manner, and containing such information as the State educational agency may reasonably require.

“(b) CONTENTS.—Each application submitted under this section shall be based on the needs assessment required in subsection (c) and shall include the following:

“(1)(A) A description of the activities to be carried out by the local educational agency under this subpart and how these activities will be aligned with—

“(i) challenging State academic content standards and student academic achievement standards, and State assessments; and

“(ii) the curricula and programs tied to the standards described in clause (i).

“(B) A description of how the activities will be based on a review of scientifically based research and an explanation of why the activities are expected to improve student academic achievement.

“(2) A description of how the activities will have a substantial, measurable, and positive impact on student academic achievement and how the activities will be used as part of a broader strategy to eliminate the achievement gap that separates low-income and minority students from other students.

“(3) An assurance that the local educational agency will target funds to schools within the jurisdiction of the local educational agency that—

“(A) have the lowest proportion of highly qualified teachers;

“(B) have the largest average class size; or

“(C) are identified for school improvement under section 1116(b).

“(4) A description of how the local educational agency will coordinate professional development activities authorized under this subpart with professional development activities provided through other Federal, State, and local programs.

“(5) A description of the professional development activities that will be made available to teachers and principals under this subpart and how the local educational agency will ensure that the professional development (which may include teacher mentoring) needs of teachers and principals will be met using funds under this subpart.

“(6) A description of how the local educational agency will integrate funds under this subpart with funds received under part D that are used for professional development to train teachers to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy.

“(7) A description of how the local educational agency, teachers, paraprofessionals, principals, other relevant school personnel, and parents have collaborated in the planning of activities to be carried out under this subpart and in the preparation of the application.

“(8) A description of the results of the needs assessment described in subsection (c).

“(9) A description of how the local educational agency will provide training to enable teachers to—

“(A) teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

“(B) improve student behavior in the classroom and identify early and appropriate interventions to help students described in subparagraph (A) learn;

“(C) involve parents in their child’s education; and

“(D) understand and use data and assessments to improve classroom practice and student learning.

“(10) A description of how the local educational agency will use funds under this subpart to meet the requirements of section 1119.

“(11) An assurance that the local educational agency will comply with section 9501 (regarding participation by private school children and teachers).

“(c) NEEDS ASSESSMENT.—

“(1) IN GENERAL.—To be eligible to receive a subgrant under this subpart, a local educational agency shall conduct an assessment of local needs for professional development and hiring, as identified by the local educational agency and school staff.

“(2) REQUIREMENTS.—Such needs assessment shall be conducted with the involvement of teachers, including teachers participating in programs under part A of title I, and shall take into account the activities that need to be conducted in order to give teachers the means, including subject matter knowledge and teaching skills, and to give principals the instructional leadership skills to help teachers, to provide students with the opportunity to meet challenging State and local student academic achievement standards.

20 USC 6623.

“SEC. 2123. LOCAL USE OF FUNDS.

“(a) IN GENERAL.—A local educational agency that receives a subgrant under section 2121 shall use the funds made available through the subgrant to carry out one or more of the following activities, including carrying out the activities through a grant or contract with a for-profit or nonprofit entity:

“(1) Developing and implementing mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers, including specialists in core academic subjects, principals, and pupil services personnel, except that funds made available under this paragraph may be used for pupil services personnel only—

“(A) if the local educational agency is making progress toward meeting the annual measurable objectives described in section 1119(a)(2); and

“(B) in a manner consistent with mechanisms to assist schools in effectively recruiting and retaining highly qualified teachers and principals.

“(2) Developing and implementing initiatives to assist in recruiting highly qualified teachers (particularly initiatives that have proven effective in retaining highly qualified teachers), and hiring highly qualified teachers, who will be assigned teaching positions within their fields, including—

“(A) providing scholarships, signing bonuses, or other financial incentives, such as differential pay, for teachers to teach—

“(i) in academic subjects in which there exists a shortage of highly qualified teachers within a school or within the local educational agency; and

“(ii) in schools in which there exists a shortage of highly qualified teachers;

“(B) recruiting and hiring highly qualified teachers to reduce class size, particularly in the early grades; and

“(C) establishing programs that—

“(i) train and hire regular and special education teachers (which may include hiring special education teachers to team-teach in classrooms that contain both children with disabilities and nondisabled children);

“(ii) train and hire highly qualified teachers of special needs children, as well as teaching specialists in core academic subjects who will provide increased individualized instruction to students;

“(iii) recruit qualified professionals from other fields, including highly qualified paraprofessionals, and provide such professionals with alternative routes to teacher certification, including developing and implementing hiring policies that ensure comprehensive recruitment efforts as a way to expand the applicant pool, such as through identifying teachers certified through alternative routes, and using a system of intensive screening designed to hire the most qualified applicants; and

“(iv) provide increased opportunities for minorities, individuals with disabilities, and other individuals underrepresented in the teaching profession.

“(3) Providing professional development activities—

“(A) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning—

“(i) one or more of the core academic subjects that the teachers teach; and

“(ii) effective instructional strategies, methods, and skills, and use of challenging State academic content standards and student academic achievement standards, and State assessments, to improve teaching practices and student academic achievement; and

“(B) that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning effective instructional practices and that—

“(i) involve collaborative groups of teachers and administrators;

“(ii) provide training in how to teach and address the needs of students with different learning styles, particularly students with disabilities, students with special learning needs (including students who are gifted and talented), and students with limited English proficiency;

“(iii) provide training in methods of—

“(I) improving student behavior in the classroom; and

“(II) identifying early and appropriate interventions to help students described in clause (ii) learn;

“(iv) provide training to enable teachers and principals to involve parents in their child's education,

especially parents of limited English proficient and immigrant children; and

“(v) provide training on how to understand and use data and assessments to improve classroom practice and student learning.

“(4) Developing and implementing initiatives to promote retention of highly qualified teachers and principals, particularly within elementary schools and secondary schools with a high percentage of low-achieving students, including programs that provide—

“(A) teacher mentoring from exemplary teachers, principals, or superintendents;

“(B) induction and support for teachers and principals during their first 3 years of employment as teachers or principals, respectively;

“(C) incentives, including financial incentives, to retain teachers who have a record of success in helping low-achieving students improve their academic achievement; or

“(D) incentives, including financial incentives, to principals who have a record of improving the academic achievement of all students, but particularly students from economically disadvantaged families, students from racial and ethnic minority groups, and students with disabilities.

“(5) Carrying out programs and activities that are designed to improve the quality of the teacher force, such as—

“(A) innovative professional development programs (which may be provided through partnerships including institutions of higher education), including programs that train teachers and principals to integrate technology into curricula and instruction to improve teaching, learning, and technology literacy, are consistent with the requirements of section 9101, and are coordinated with activities carried out under part D;

“(B) development and use of proven, cost-effective strategies for the implementation of professional development activities, such as through the use of technology and distance learning;

“(C) tenure reform;

“(D) merit pay programs; and

“(E) testing of elementary school and secondary school teachers in the academic subjects that the teachers teach.

“(6) Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders.

“(7) Hiring highly qualified teachers, including teachers who become highly qualified through State and local alternative routes to certification, and special education teachers, in order to reduce class size, particularly in the early grades.

“(8) Carrying out teacher advancement initiatives that promote professional growth and emphasize multiple career paths (such as paths to becoming a career teacher, mentor teacher, or exemplary teacher) and pay differentiation.

“(10) Carrying out programs and activities related to exemplary teachers.

“(b) SUPPLEMENT, NOT SUPPLANT.—Funds received under this subpart shall be used to supplement, and not supplant, non-Federal funds that would otherwise be used for activities authorized under this subpart.

“Subpart 3—Subgrants to Eligible Partnerships

“SEC. 2131. DEFINITIONS.

20 USC 6631.

“In this subpart:

“(1) ELIGIBLE PARTNERSHIP.—The term ‘eligible partnership’ means an entity that—

“(A) shall include—

“(i) a private or State institution of higher education and the division of the institution that prepares teachers and principals;

“(ii) a school of arts and sciences; and

“(iii) a high-need local educational agency; and

“(B) may include another local educational agency, a public charter school, an elementary school or secondary school, an educational service agency, a nonprofit educational organization, another institution of higher education, a school of arts and sciences within such an institution, the division of such an institution that prepares teachers and principals, a nonprofit cultural organization, an entity carrying out a prekindergarten program, a teacher organization, a principal organization, or a business.

“(2) LOW-PERFORMING SCHOOL.—The term ‘low-performing school’ means an elementary school or secondary school that is identified under section 1116.

“SEC. 2132. SUBGRANTS.

20 USC 6632.

“(a) IN GENERAL.—The State agency for higher education for a State that receives a grant under section 2111, working in conjunction with the State educational agency (if such agencies are separate), shall use the funds reserved under section 2113(a)(2) to make subgrants, on a competitive basis, to eligible partnerships to enable such partnerships to carry out the activities described in section 2134.

“(b) DISTRIBUTION.—The State agency for higher education shall ensure that—

“(1) such subgrants are equitably distributed by geographic area within a State; or

“(2) eligible partnerships in all geographic areas within the State are served through the subgrants.

“(c) SPECIAL RULE.—No single participant in an eligible partnership may use more than 50 percent of the funds made available to the partnership under this section.

“SEC. 2133. APPLICATIONS.

20 USC 6633.

“To be eligible to receive a subgrant under this subpart, an eligible partnership shall submit an application to the State agency for higher education at such time, in such manner, and containing such information as the agency may require.

“SEC. 2134. USE OF FUNDS.

20 USC 6634.

“(a) IN GENERAL.—An eligible partnership that receives a subgrant under section 2132 shall use the subgrant funds for—

“(1) professional development activities in core academic subjects to ensure that—

“(A) teachers and highly qualified paraprofessionals, and, if appropriate, principals have subject matter knowledge in the academic subjects that the teachers teach, including the use of computer related technology to enhance student learning; and

“(B) principals have the instructional leadership skills that will help such principals work most effectively with teachers to help students master core academic subjects; and

“(2) developing and providing assistance to local educational agencies and individuals who are teachers, highly qualified paraprofessionals, or principals of schools served by such agencies, for sustained, high-quality professional development activities that—

“(A) ensure that the individuals are able to use challenging State academic content standards and student academic achievement standards, and State assessments, to improve instructional practices and improve student academic achievement;

“(B) may include intensive programs designed to prepare such individuals who will return to a school to provide instruction related to the professional development described in subparagraph (A) to other such individuals within such school; and

“(C) may include activities of partnerships between one or more local educational agencies, one or more schools served by such local educational agencies, and one or more institutions of higher education for the purpose of improving teaching and learning at low-performing schools.

“(b) COORDINATION.—An eligible partnership that receives a subgrant to carry out this subpart and a grant under section 203 of the Higher Education Act of 1965 shall coordinate the activities carried out under this subpart and the activities carried out under that section 203.

“Subpart 4—Accountability

20 USC 6541.

*SEC. 2141. TECHNICAL ASSISTANCE AND ACCOUNTABILITY.

“(a) IMPROVEMENT PLAN.—After the second year of the plan described in section 1119(a)(2), if a State educational agency determines, based on the reports described in section 1119(b)(1), that a local educational agency in the State has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), for 2 consecutive years, such local educational agency shall develop an improvement plan that will enable the agency to meet such annual measurable objectives and that specifically addresses issues that prevented the agency from meeting such annual measurable objectives.

“(b) TECHNICAL ASSISTANCE.—During the development of the improvement plan described in subsection (a) and throughout implementation of the plan, the State educational agency shall—

“(1) provide technical assistance to the local educational agency; and

“(2) provide technical assistance, if applicable, to schools served by the local educational agency that need assistance

to enable the local educational agency to meet the annual measurable objectives described in section 1119(a)(2).

“(c) ACCOUNTABILITY.—After the third year of the plan described in section 1119(a)(2), if the State educational agency determines, based on the reports described in section 1119(b)(1), that the local educational agency has failed to make progress toward meeting the annual measurable objectives described in section 1119(a)(2), and has failed to make adequate yearly progress as described under section 1111(b)(2)(B), for 3 consecutive years, the State educational agency shall enter into an agreement with such local educational agency on the use of that agency’s funds under this part. As part of this agreement, the State educational agency—

Contracts.

“(1) shall develop, in conjunction with the local educational agency, teachers, and principals, professional development strategies and activities, based on scientifically based research, that the local educational agency will use to meet the annual measurable objectives described in section 1119(a)(2) and require such agency to utilize such strategies and activities; and

“(2)(A) except as provided in subparagraphs (B) and (C), shall prohibit the use of funds received under part A of title I to fund any paraprofessional hired after the date such determination is made;

“(B) shall allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate that the hiring is to fill a vacancy created by the departure of another paraprofessional funded under title I and such new paraprofessional satisfies the requirements of section 1119(c); and

“(C) may allow the use of such funds to fund a paraprofessional hired after that date if the local educational agency can demonstrate—

“(i) that a significant influx of population has substantially increased student enrollment; or

“(ii) that there is an increased need for translators or assistance with parental involvement activities.

“(d) SPECIAL RULE.—During the development of the strategies and activities described in subsection (c)(1), the State educational agency shall, in conjunction with the local educational agency, provide from funds allocated to such local educational agency under subpart 2 directly to one or more schools served by such local educational agency, to enable teachers at the schools to choose, with continuing consultation with the principal involved, professional development activities that—

“(1) meet the requirements for professional development activities described in section 9101; and

“(2) are coordinated with other reform efforts at the schools.

TITLE IX—GENERAL PROVISIONS

SEC. 901. GENERAL PROVISIONS.

Title IX (20 U.S.C. 7801 et seq.) is amended to read as follows:

“TITLE IX—GENERAL PROVISIONS

“PART A—DEFINITIONS

20 USC 7801.

“SEC. 9101. DEFINITIONS.

“Except as otherwise provided, in this Act:

“(1) AVERAGE DAILY ATTENDANCE.—

“(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term ‘average daily attendance’ means—

“(i) the aggregate number of days of attendance of all students during a school year, divided by

“(ii) the number of days school is in session during that year.

“(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

“(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located

in another school district, the Secretary shall, for the purpose of this Act—

“(i) consider the child to be in attendance at a school of the agency making the payment; and

“(ii) not consider the child to be in attendance at a school of the agency receiving the payment.

“(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

“(2) AVERAGE PER-PUPIL EXPENDITURE.—The term ‘average per-pupil expenditure’ means, in the case of a State or of the United States—

“(A) without regard to the source of funds—

“(i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

“(ii) any direct current expenditures by the State for the operation of those agencies; divided by

“(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

“(3) BEGINNING TEACHER.—The term ‘beginning teacher’ means a teacher in a public school who has been teaching less than a total of three complete school years.

“(4) CHILD.—The term ‘child’ means any person within the age limits for which the State provides free public education.

“(5) CHILD WITH A DISABILITY.—The term ‘child with a disability’ has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

“(6) COMMUNITY-BASED ORGANIZATION.—The term ‘community-based organization’ means a public or private nonprofit organization of demonstrated effectiveness that—

“(A) is representative of a community or significant segments of a community; and

“(B) provides educational or related services to individuals in the community.

“(7) CONSOLIDATED LOCAL APPLICATION.—The term ‘consolidated local application’ means an application submitted by a local educational agency pursuant to section 9305.

“(8) CONSOLIDATED LOCAL PLAN.—The term ‘consolidated local plan’ means a plan submitted by a local educational agency pursuant to section 9305.

“(9) CONSOLIDATED STATE APPLICATION.—The term ‘consolidated State application’ means an application submitted by a State educational agency pursuant to section 9302.

"(10) CONSOLIDATED STATE PLAN.—The term 'consolidated State plan' means a plan submitted by a State educational agency pursuant to section 9302.

"(11) CORE ACADEMIC SUBJECTS.—The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

"(12) COUNTY.—The term 'county' means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

"(13) COVERED PROGRAM.—The term 'covered program' means each of the programs authorized by—

- "(A) part A of title I;
- "(B) subpart 3 of part B of title I;
- "(C) part C of title I;
- "(D) part D of title I;
- "(E) part F of title I;
- "(F) part A of title II;
- "(G) part D of title II;
- "(H) part A of title III;
- "(I) part A of title IV;
- "(J) part B of title IV;
- "(K) part A of title V; and
- "(L) subpart 2 of part B of title VI.

"(14) CURRENT EXPENDITURES.—The term 'current expenditures' means expenditures for free public education—

"(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

"(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I and part A of title V.

"(15) DEPARTMENT.—The term 'Department' means the Department of Education.

"(16) DISTANCE LEARNING.—The term 'distance learning' means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

"(17) EDUCATIONAL SERVICE AGENCY.—The term 'educational service agency' means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

"(18) ELEMENTARY SCHOOL.—The term 'elementary school' means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

"(19) EXEMPLARY TEACHER.—The term 'exemplary teacher' means a teacher who—

"(A) is a highly qualified teacher such as a master teacher;

"(B) has been teaching for at least 5 years in a public or private school or institution of higher education;

"(C) is recommended to be an exemplary teacher by administrators and other teachers who are knowledgeable about the individual's performance;

“(D) is currently teaching and based in a public school; and

“(E) assists other teachers in improving instructional strategies, improves the skills of other teachers, performs teacher mentoring, develops curricula, and offers other professional development.

“(20) FAMILY LITERACY SERVICES.—The term ‘family literacy services’ means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

“(A) Interactive literacy activities between parents and their children.

“(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

“(C) Parent literacy training that leads to economic self-sufficiency.

“(D) An age-appropriate education to prepare children for success in school and life experiences.

“(21) FREE PUBLIC EDUCATION.—The term ‘free public education’ means education that is provided—

“(A) at public expense, under public supervision and direction, and without tuition charge; and

“(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

“(22) GIFTED AND TALENTED.—The term ‘gifted and talented’, when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

“(23) HIGHLY QUALIFIED.—The term ‘highly qualified’—

“(A) when used with respect to any public elementary school or secondary school teacher teaching in a State, means that—

“(i) the teacher has obtained full State certification as a teacher (including certification obtained through alternative routes to certification) or passed the State teacher licensing examination, and holds a license to teach in such State, except that when used with respect to any teacher teaching in a public charter school, the term means that the teacher meets the requirements set forth in the State’s public charter school law; and

“(ii) the teacher has not had certification or licensure requirements waived on an emergency, temporary, or provisional basis;

“(B) when used with respect to—

“(i) an elementary school teacher who is new to the profession, means that the teacher—

“(I) holds at least a bachelor’s degree; and

“(II) has demonstrated, by passing a rigorous State test, subject knowledge and teaching skills

in reading, writing, mathematics, and other areas of the basic elementary school curriculum (which may consist of passing a State-required certification or licensing test or tests in reading, writing, mathematics, and other areas of the basic elementary school curriculum); or

“(ii) a middle or secondary school teacher who is new to the profession, means that the teacher holds at least a bachelor’s degree and has demonstrated a high level of competency in each of the academic subjects in which the teacher teaches by—

“(I) passing a rigorous State academic subject test in each of the academic subjects in which the teacher teaches (which may consist of a passing level of performance on a State-required certification or licensing test or tests in each of the academic subjects in which the teacher teaches); or

“(II) successful completion, in each of the academic subjects in which the teacher teaches, of an academic major, a graduate degree, coursework equivalent to an undergraduate academic major, or advanced certification or credentialing; and

“(C) when used with respect to an elementary, middle, or secondary school teacher who is not new to the profession, means that the teacher holds at least a bachelor’s degree and—

“(i) has met the applicable standard in clause (i) or (ii) of subparagraph (B), which includes an option for a test; or

“(ii) demonstrates competence in all the academic subjects in which the teacher teaches based on a high objective uniform State standard of evaluation that—

“(I) is set by the State for both grade appropriate academic subject matter knowledge and teaching skills;

“(II) is aligned with challenging State academic content and student academic achievement standards and developed in consultation with core content specialists, teachers, principals, and school administrators;

“(III) provides objective, coherent information about the teacher’s attainment of core content knowledge in the academic subjects in which a teacher teaches;

“(IV) is applied uniformly to all teachers in the same academic subject and the same grade level throughout the State;

“(V) takes into consideration, but not be based primarily on, the time the teacher has been teaching in the academic subject;

“(VI) is made available to the public upon request; and

“(VII) may involve multiple, objective measures of teacher competency.

"(24) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given that term in section 101(a) of the Higher Education Act of 1985.

"(25) LIMITED ENGLISH PROFICIENT.—The term 'limited English proficient', when used with respect to an individual, means an individual—

"(A) who is aged 3 through 21;

"(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

"(C)(i) who was not born in the United States or whose native language is a language other than English;

"(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

"(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

"(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

"(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

"(i) the ability to meet the State's proficient level of achievement on State assessments described in section 1111(b)(3);

"(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

"(iii) the opportunity to participate fully in society.

"(26) LOCAL EDUCATIONAL AGENCY.—

"(A) IN GENERAL.—The term 'local educational agency' means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

"(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

"(C) BIA SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Affairs but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Affairs.

“(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

“(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

“(27) MENTORING.—The term ‘mentoring’, except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

“(28) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms ‘Native American’ and ‘Native American language’ have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

“(29) OTHER STAFF.—The term ‘other staff’ means pupil services personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

“(30) OUTLYING AREA.—The term ‘outlying area’ means the United States Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands, and for the purpose of section 1121(b) and any other discretionary grant program under this Act, includes the freely associated states of the Republic of the Marshall Islands, the Federated States of Micronesia, and the Republic of Palau until an agreement for the extension of United States education assistance under the Compact of Free Association for each of the freely associated states becomes effective after the date of enactment of the No Child Left Behind Act of 2001.

“(31) PARENT.—The term ‘parent’ includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child’s welfare).

“(32) PARENTAL INVOLVEMENT.—The term ‘parental involvement’ means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

“(A) that parents play an integral role in assisting their child’s learning;

“(B) that parents are encouraged to be actively involved in their child’s education at school;

“(C) that parents are full partners in their child’s education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child;

“(D) the carrying out of other activities, such as those described in section 1118.

“(33) POVERTY LINE.—The term ‘poverty line’ means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

“(34) PROFESSIONAL DEVELOPMENT.—The term ‘professional development’—

“(A) includes activities that—

“(i) improve and increase teachers’ knowledge of the academic subjects the teachers teach, and enable teachers to become highly qualified;

“(ii) are an integral part of broad schoolwide and districtwide educational improvement plans;

“(iii) give teachers, principals, and administrators the knowledge and skills to provide students with the opportunity to meet challenging State academic content standards and student academic achievement standards;

“(iv) improve classroom management skills;

“(v)(I) are high quality, sustained, intensive, and classroom-focused in order to have a positive and lasting impact on classroom instruction and the teacher’s performance in the classroom; and

“(II) are not 1-day or short-term workshops or conferences;

“(vi) support the recruiting, hiring, and training of highly qualified teachers, including teachers who became highly qualified through State and local alternative routes to certification;

“(vii) advance teacher understanding of effective instructional strategies that are—

“(I) based on scientifically based research (except that this subclause shall not apply to activities carried out under part D of title II); and

“(II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers; and

“(viii) are aligned with and directly related to—

“(I) State academic content standards, student academic achievement standards, and assessments; and

“(II) the curricula and programs tied to the standards described in subclause (I) except that this subclause shall not apply to activities described in clauses (ii) and (iii) of section 2123(3)(B);

“(ix) are developed with extensive participation of teachers, principals, parents, and administrators of schools to be served under this Act;

“(x) are designed to give teachers of limited English proficient children, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;

“(xi) to the extent appropriate, provide training for teachers and principals in the use of technology so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and core academic subjects in which the teachers teach;

"(xii) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;

"(xiii) provide instruction in methods of teaching children with special needs;

"(xiv) include instruction in the use of data and assessments to inform and instruct classroom practice; and

"(xv) include instruction in ways that teachers, principals, pupil services personnel, and school administrators may work more effectively with parents; and

"(B) may include activities that—

"(i) involve the forming of partnerships with institutions of higher education to establish school-based teacher training programs that provide prospective teachers and beginning teachers with an opportunity to work under the guidance of experienced teachers and college faculty;

"(ii) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers; and

"(iii) provide follow-up training to teachers who have participated in activities described in subparagraph (A) or another clause of this subparagraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom.

"(35) PUBLIC TELECOMMUNICATIONS ENTITY.—The term 'public telecommunications entity' has the meaning given that term in section 397(12) of the Communications Act of 1934.

"(36) PUPIL SERVICES PERSONNEL; PUPIL SERVICES.—

"(A) PUPIL SERVICES PERSONNEL.—The term 'pupil services personnel' means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.

"(B) PUPIL SERVICES.—The term 'pupil services' means the services provided by pupil services personnel.

"(37) SCIENTIFICALLY BASED RESEARCH.—The term 'scientifically based research'—

"(A) means research that involves the application of rigorous, systematic, and objective procedures to obtain reliable and valid knowledge relevant to education activities and programs; and

"(B) includes research that—

"(i) employs systematic, empirical methods that draw on observation or experiment;

"(ii) involves rigorous data analyses that are adequate to test the stated hypotheses and justify the general conclusions drawn;

"(iii) relies on measurements or observational methods that provide reliable and valid data across evaluators and observers, across multiple measurements and observations, and across studies by the same or different investigators;

"(iv) is evaluated using experimental or quasi-experimental designs in which individuals, entities, programs, or activities are assigned to different conditions and with appropriate controls to evaluate the effects of the condition of interest, with a preference for random-assignment experiments, or other designs to the extent that those designs contain within-condition or across-condition controls;

"(v) ensures that experimental studies are presented in sufficient detail and clarity to allow for replication or, at a minimum, offer the opportunity to build systematically on their findings; and

"(vi) has been accepted by a peer-reviewed journal or approved by a panel of independent experts through a comparably rigorous, objective, and scientific review.

"(38) SECONDARY SCHOOL.—The term 'secondary school' means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

"(39) SECRETARY.—The term 'Secretary' means the Secretary of Education.

STATE.—The term 'State' means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

"(41) STATE EDUCATIONAL AGENCY.—The term 'State educational agency' means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

"(42) TEACHER MENTORING.—The term 'teacher mentoring' means activities that—

"(A) consist of structured guidance and regular and ongoing support for teachers, especially beginning teachers, that—

"(i) are designed to help the teachers continue to improve their practice of teaching and to develop their instructional skills; and

part of an ongoing developmental induction process—

"(I) involve the assistance of an exemplary teacher and other appropriate individuals from a school, local educational agency, or institution of higher education; and

"(II) may include coaching, classroom observation, team teaching, and reduced teaching loads; and

"(B) may include the establishment of a partnership by a local educational agency with an institution of higher

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education, another local educational agency, a teacher organization, or another organization.

"(43) TECHNOLOGY.—The term 'technology' means state-of-the-art technology products and services.