Guidance on
Enhancing Education through Technology (Ed Tech) Program
Funds Made Available under the
American Recovery and Reinvestment Act of 2009

U.S. Department of Education
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A. Introduction

A-1. What is the purpose of the new funds for the Enhancing Education through Technology (Ed Tech) program provided under the American Recovery and Reinvestment Act of 2009 (ARRA)?

The ARRA provides $650 million in fiscal year (FY) 2009 funds for the Ed Tech program, which is authorized under Title II, Part D, Subpart 1 of the Elementary and Secondary Education Act of 1965 (ESEA). (For purposes of this guidance, these funds are referred to as "Ed Tech ARRA funds.") The Ed Tech ARRA funds are a one-time source of funds that supplement the approximately $265 million of Ed Tech funds made available under the regular FY 2009 appropriation. The primary goal of the Ed Tech program is to improve student academic achievement through the use of technology in schools. It is also designed to ensure that every student is technologically literate by the end of eighth grade and to encourage the effective integration of technology with teacher training and curriculum development to establish successful research-based instructional methods. All Ed Tech ARRA funds are subject to the requirements in Title II, Part D, and Subpart 1 of the ESEA (Title II-D).

The Ed Tech ARRA funds provide an unprecedented opportunity for State educational agencies (SEAs), eligible local educational agencies (LEAs), eligible local entities[1], and schools to implement 21st century classrooms using innovative strategies that enhance instruction, facilitate teaching and learning, and improve student achievement. These additional resources will enable LEAs and eligible local entities to provide new and emerging technologies, create state-of-the-art learning environments, and offer additional training and support for teachers to help students achieve academically and acquire the skills needed to compete in a global economy. Four principles guide the distribution and use of ED's ARRA funds, including the Title II-D funds: (1) spend funds quickly to save and create jobs; (2) improve student achievement through school improvement and reform; (3) ensure transparency, reporting, and accountability; and (4) invest one-time ARRA funds thoughtfully to minimize the "funding cliff."

The amount of each State's Ed Tech allocation is available at http://www.ed.gov/about/overview/budget/statetables/recovery.html.

A-2. Must States, LEAs, and eligible local entities follow the Title II-D statutory and regulatory requirements when spending Ed Tech ARRA funds?

Yes. The Ed Tech ARAA funds are subject to the same statutory and regulatory requirements as the Ed Tech funds made available under the regular FY 2009 appropriation and are also subject to specific ARRA accountability and reporting requirements. States, LEAs, and eligible local entities must separately track, account for, and report on the use of Ed Tech ARRA funds. (See Section F.)

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[1] The term "eligible local entity" is defined in Question D-4 of this guidance.

A-3. Must an SEA submit a new or revised technology plan or a new application to the Department to receive Ed Tech ARRA funds?

No. An SEA does not need to submit a new or revised technology plan or a new application to the Department in order to receive Ed Tech ARRA funds. The Department considers the technology plan that an SEA previously submitted to remain in effect until the ESEA is reauthorized. The Department also considers the assurances that each State provided in its consolidated State or program-specific application to apply to the Ed Tech ARRA funds (just as these assurances apply to the regular annual Ed Tech appropriations).

B. Allocation of FY 2009 Ed Tech Funds to States

B-1. On what basis will the Department allocate Ed Tech ARRA and regular FY 2009 Ed Tech funds to States?

The Department awards Ed Tech funds to States by formula. The amount of Ed Tech ARRA funds that a State receives (as well as the amount of regular FY 2009 Ed Tech funds that a State receives) is based on the proportion of the total ESEA Title I, Part A funds that the State receives for FY 2009, except that no State receives less than one-half of one percent of the total FY 2009 Ed Tech funds available to States under both the ARRA and regular FY 2009 appropriations. For purposes of determining allotments, the District of Columbia and Puerto Rico are considered to be States.

B-2. When will the Department award the Ed Tech ARRA and regular FY 2009 Ed Tech funds to States?

The Department will award both the Ed Tech ARRA funds and the regular FY 2009 Ed Tech funds to States no later than July 27, 2009. Together, these two grant awards will constitute a State's total FY 2009 Ed Tech allocation. However, because there are special reporting requirements under ARRA that require each State, LEA, and eligible local entity to account for these funds separately, the Department has created a unique Catalogue of Federal Domestic Assistance (CFDA) number for the Ed Tech ARRA funds. Therefore, for FY 2009, the Department is awarding Ed Tech funds through two separate grant awards as shown in Illustration 1.

B-3. Are the Department of the Interior/Bureau of Indian Education and the Outlying Areas entitled to receive Ed Tech ARRA funds?

Yes. Under section 2411(a)(1) of the ESEA, the Department reserves three-fourths of one percent of the Ed Tech ARRA funds for the Bureau of Indian Education and a total of one-half of one percent for the Outlying Areas. The amounts available for those entities are posted at http://www.ed.gov/about/overview/budget/statetables/10stbyprogram.pdf.

Illustration 1: Basic Award Information

Funding Source	CFDA No.	Amount Available for State Grants	Date of Award
ARRA (Ed Tech ARRA funds)	84.386A	$650,000,000	No later than July 27, 2009
Regular FY 2009 Appropriation (regular FY 2009 Ed Tech funds)	84.318X	$264,474,560	No later than July 27, 2009

C. Funds Reserved for State Use

C-1. May a State reserve a portion of its total FY 2009 Ed Tech allocations for State use?

Yes. A State may use up to 5 percent of its total FY 2009 Ed Tech allotment for State-level activities. The funds reserved for State-level activities may come from the State's ARRA allocation, its regular FY 2009 allocation, or from both of these allocations, so long as the State does not reserve more than 5 percent of its total FY 2009 Ed Tech allocation.

Any funds that are not reserved for State-level activities must be awarded as subgrants to LEAs and eligible local entities as described in Section D of this guidance.

C-2. How may a State use the Ed Tech funds that it reserves?

Of the Ed Tech funds retained for State-level activities (i.e., up to 5 percent of the State's total FY 2009 Ed Tech allocation), an SEA may use no more than 60 percent for administrative costs. The remaining funds must be used to carry out activities under section 2415 of the ESEA in order to assist the State, its LEAs, and eligible local entities in meeting the purposes of the Ed Tech program. The activities include, among other things, the following:

- Supporting innovative strategies for the delivery of specialized or rigorous academic courses and curricula through the use of technology, and providing other technical assistance to grant applicants and recipients, with priority given to high-need LEAs.

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- Supporting high-quality professional and curriculum development that includes the integration of advanced technologies into curricula and instruction.

- Developing performance measurement systems to evaluate the effectiveness of programs supported with Ed Tech funds, particularly in determining the extent to which activities funded are effective in integrating technology into curricula and instruction, increasing the ability of teachers to teach, and enabling students to meet challenging State academic content and student academic achievement standards.

In addition, a State may use the funds it reserves to provide technical assistance and develop guidance to help ensure that LEAs are coordinating activities carried out with Ed Tech ARRA funds with the activities that they carry out with other Federal, State, and local funds.

For detailed information on State uses of funds, see Part D of the Department's March 2002 guidance on the Ed Tech program, which is available at http://www.ed.gov/ programs/edtech/guidance.doc.) The SEA may conduct these activities directly or through grants or contracts.

C-3. How long are FY 2009 Ed Tech funds that are reserved for State use available for obligation?

The funds are available for obligation through September 30, 2011.   However, the Department encourages SEAs to spend funds quickly, but prudently, to support economic recovery. A chart indicating when an obligation occurs for various types of activities is provided in the Education Department General Administrative Regulations (EDGAR) at 34 CFR § 76.707.

C-4.   Do requirements relating to equitable participation of private school students and teachers apply to funds that an SEA uses for State-level activities?

Yes. The equitable participation requirements at Section 9501(a) of the ESEA require SEAs to provide equitable services to private school students and teachers "consistent with the number of eligible children in areas served" by the SEA. See Section G of this guidance.

D. Subgrants to Local Educational Agencies and Eligible Local Entities

D-1. How much of its total FY 2009 Ed Tech allocation must a State allocate to LEAs and eligible local entities?

A State may reserve up to 5 percent of its total FY 2009 Ed Tech allocation for State-level activities and must distribute the remaining amount (i.e., at least 95 percent of its total FY 2009 allocation) as follows:

- **Competitive subgrants –** A State must award at least 50 percent of the remaining amount (i.e., the amount not reserved for State-level activities) *on a competitive basis* to eligible local entities (see Question D-4) that have submitted applications to the State. A State may award up to 100 percent of the subgrant funds on a competitive basis. The Department strongly encourages States to award all of the funds competitively. Larger, competitive grants potentially will have a greater impact than smaller formula grants awarded across more districts. (Additional information on Ed Tech competitive subgrants is available in Part F of the Department's March 2002 Ed Tech guidance at http://www.ed.gov/programs/edtech/guidance.doc.)

- **Formula subgrants –** A State may award up to 50 percent of the remaining amount (i.e., the amount not reserved for State-level activities) on a formula basis to eligible LEAs on the basis of each LEA's proportionate share of the State's total allocation under Part A of Title I for FY 2009 (i.e., Title I, Part A ARRA funds and regular FY 2009 Title I, Part A funds). (Additional information on Ed Tech formula subgrants is available in Part E of the Department's March 2002 Ed Tech guidance at http://www.ed.gov/programs/edtech/guidance.doc.)

In other words, a State may, but is not required to, allocate a portion of its total FY 2009 Ed Tech funds on a formula basis. However, a State may not allocate more than 50 percent of its total FY 2009 Ed Tech subgrant funds by formula.

D-2. To which LEAs may a State award Ed Tech formula grant funds?

A State may award Ed Tech formula grant funds only to LEAs that receive funds under Part A of Title I or to other LEAs that apply as part of a consortium with LEAs that receive funds under Part A of Title I.

D-3. May an eligible LEA (i.e., an LEA that receives funds under Part A of Title I) apply for Ed Tech formula grant funds as part of a consortium with other entities?

Yes. An eligible LEA may apply for Ed Tech formula grant funds as part of a consortium that includes other LEAs, institutions of higher education, educational service agencies, libraries, or other educational entities.

D-4. What is an "eligible local entity" for purposes of the Ed Tech competitive subgrants?

An eligible local entity is either a "high-need local educational agency" *or* an "eligible local partnership." (See D-5 and D-6.) Only eligible local entities may receive Ed Tech competitive grant funds.

D-5. What is a "high-need local educational agency"?

A "high-need local educational agency" is an LEA that –

1. Is among those LEAs in the State with the highest numbers or percentages of children from families with incomes below the poverty line; and

2. Serves one or more schools identified for improvement or corrective action under section 1116 of the ESEA, or has a substantial need for assistance in acquiring and using technology.

For purposes of this program, 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 (ESEA Section 9101(33)). (See the U.S. Census Web site at http://www.census. gov/hhes/www/saipe/.)

D-6. What is an "eligible local partnership"?

An "eligible local partnership" is a partnership that includes at least one high-need LEA *and* at least one of the following –

1. An LEA that can demonstrate that teachers in its schools are effectively integrating technology and proven teaching practices into instruction, based on a review of relevant research, and that the integration results in improvement in classroom instruction and in helping students meet challenging academic standards.

2. An institution of higher education that is in full compliance with the reporting requirements of section 207(f) of the Higher Education Act of 1965, as amended, and that has not been identified by the State as low-performing under that act.

3. A for-profit business or organization that develops, designs, manufactures, or produces technology products or services or has substantial expertise in the application of technology in instruction.

4. A public or private nonprofit organization with demonstrated expertise in the application of educational technology in instruction.

The partnership may also include other LEAs, educational service agencies, libraries, or other educational entities that are appropriate to provide local programs.

D-7. If an eligible local partnership receives an Ed Tech competitive grant award, which entity serves as the fiscal agent?

Only an LEA may serve as the fiscal agent for the award.

D-8. May an SEA use Ed Tech ARRA funds to make a continuation award to an LEA or eligible local entity that is implementing a multi-year project funded under a prior Ed Tech competition?

Yes, an SEA may use Ed Tech ARRA funds or FY 2009 regular appropriation funds to make a continuation award to an LEA or eligible local entity that is implementing a multi-year project funded under a prior Ed Tech competition. In making a continuation award, an SEA must consider whether the LEA or eligible local entity is making substantial progress toward meeting the objectives of its previously approved local application.

D-9. May an SEA use Ed Tech ARRA funds to award a new subgrant to an eligible local entity that competed unsuccessfully in a prior Ed Tech competition?

If an eligible local entity submitted an application of sufficient quality under a prior competition but did not receive an award because of the limited availability of Ed Tech funds, the SEA may award Ed Tech ARRA funds or FY 2009 regular appropriation funds to that entity to carry out the activities provided for in its previously submitted application.

D-10. May an SEA hold a single competition for the Ed Tech ARRA and the regular FY 2009 Ed Tech funds?

Yes. An SEA may conduct a single competition to award both Ed Tech ARRA funds and regular FY 2009 Ed Tech funds. However, in establishing procedures and rules for awarding FY 2009 Ed Tech funds, the SEA should take into consideration the special accountability and reporting requirements that apply to the Ed Tech ARRA funds and ensure that subgrantees are informed of whether the Ed Tech funds they receive are ARRA funds or regular FY 2009 Ed Tech funds. See Section F of this guidance.

D-11. What is the deadline by which an SEA must award Ed Tech ARRA funds to LEAs and eligible local entities?

In accordance with the goals of ARRA, a State should award Ed Tech ARRA funds to LEAs and eligible local entities as soon as possible, consistent with prudent management. Similarly, an LEA or eligible local entity should use the Ed Tech ARRA funds expeditiously, but sensibly. Ed Tech ARRA funds may be used for obligations that occurred as of February 17, 2009, the date that ARRA was enacted. The regular FY 2009 Ed Tech funds may be used for obligations that occur as of July 1, 2009.

D-12. What is the period of availability of FY 2009 Ed Tech funds?

The FY 2009 Ed Tech funds (both the ARRA funds and the regular FY 2009 funds) remain available for obligation through September 30, 2011.   However, the Department encourages LEAs and eligible local entities to spend funds quickly, but prudently, to support economic recovery. A chart indicating when an obligation occurs for various types of activities is provided in the Education Department General Administrative Regulations (EDGAR) at 34 CFR § 76.707.

E. Local Uses of Funds

E-1. For what activities may an LEA or eligible local entity use Title II, Part D, Subpart 1 (ARRA Ed Tech funds and regular FY2009 funds)?

An LEA or eligible local entity of ARRA Ed Tech funds may support such activities as –
- Increasing accessibility to technology, particularly through public-private partnerships, with special emphasis on access for high-need schools.
- Adapting or expanding applications of technology to enable teachers to increase student academic achievement, including technology literacy, through the use of research-based teaching practices and innovative distance learning strategies.
- Implementing proven and effective courses and curricula that include integrated technology and that are designed to help students reach challenging academic standards.
- Using technology to promote parental involvement and foster communication among students, parents, and teachers about curricula, assignments, and assessments.
- Preparing one or more teachers in schools as technology leaders who will assist other teachers, and providing bonus payments to the technology leaders.
- Enhancing existing technology and acquiring new technology to support education reforms and to improve student achievement.
- Acquiring connectivity linkages, resources, and services for use by students and school personnel to improve academic achievement and technology literacy.
- Using technology to collect, manage, and analyze data to inform and enhance teaching and school improvement efforts.
- Implementing enhanced performance measurement systems to determine the effectiveness of education technology programs funded with Ed Tech funds.
- Developing, enhancing, or implementing information technology courses.

(See section 2416 of the ESEA at http://www.ed.gov/policy/elsec/leg/esea02/ pg35.html#sec2416.)

E-2. What factors should an SEA, LEA, or eligible local entity take into consideration in determining how to use the Ed Tech ARRA funds?

In making decisions about the uses of Ed Tech ARRA funds, the Department encourages SEAs, LEAs, and eligible local entities to give particular consideration to strategies that will help build sustainable capacity for technology integration, improve student achievement, and advance education reform in the following four areas:

- Increasing teacher effectiveness and addressing inequities in the distribution of effective teachers through high-quality professional development and teacher incentive programs designed to attract and keep effective teachers in hard-to-staff schools in rural and urban areas;
- Using advanced technology systems to collect, manage, and analyze data in order to track student progress from pre-K through college and career and foster continuous improvement;
- Implementing technology-enhanced strategies that support rigorous college- and career-ready, internationally benchmarked standards, supplemented with high-quality assessments that are valid and reliable for all students, including limited English proficient students and students with disabilities; and
- Targeting intensive support to high-poverty, high-need LEAs to improve access to and the effective use of advanced technologies to turn around the lowest-performing schools.

The Department expects SEAs, LEAs, and eligible local entities to use Ed Tech ARRA funds to implement strategies that will help build sustainable capacity for integrating technology into curricula and instruction in order to improve student achievement. Because the ARRA funds constitute a large increase in Title II-D funding that will likely not be available at the same level beyond September 30, 2011, SEAs, LEAs and eligible local entities should focus these funds on short-term investments with the potential for long-term benefits rather than make ongoing commitments that they might not be able to sustain once ARRA funds are expended.

Questions for Decision Making

In considering how to best spend ARRA funds, decision makers should consider whether they can answer "yes" to these questions:

1. **Drive results for students?** Will the proposed use of funds drive improved results for students, including students in poverty, students with disabilities, and English language learners?

2. **Increase capacity?** Will the proposed use of funds increase educators' long-term capacity to improve results for students?

3. **Accelerate reform?** Will the proposed use of funds advance State, district, or school improvement plans and the reform goals encompassed in the ARRA?

4. **Avoid the cliff and improve productivity?** Will the proposed use of funds avoid recurring costs that States, school systems, and schools are unprepared to assume when this funding ends? Given these economic times, will the proposed use serve as "bridge funding" to help transition to more effective and efficient approaches?

5. **Foster continuous improvement?** Will the proposed use of funds include approaches to measure and track implementation and results and create feedback loops to modify or discontinue strategies based on evidence?

E-3. What are some examples of uses of Ed Tech ARRA funds that SEAs, LEAs, and eligible local entities are encouraged to consider?

SEAs and LEAs have a unique opportunity to improve teaching and learning through the innovative use of information and communication technology to support education reform. SEAs should strongly encourage LEAs to focus the use of Ed Tech ARRA funds on implementing research-based, promising practices that integrate technology into the curriculum, enhance teaching and learning, and facilitate instruction that will help students meet challenging core academic achievement standards and become prepared for future learning. SEAs, LEAs, and eligible local entities should focus on short-term investments with the potential for long-term capacity building benefits and sustainability.

Examples of potential uses of Ed Tech ARRA funds that are allowable under Title II, Part D and consistent with ARRA principles and core reform assurances are provided in Appendix A of this guidance.

E-4. Must Ed Tech subgrant recipients use at least 25 percent of their Ed Tech funds for professional development?

Yes. Except as noted below, each recipient of Ed Tech funds (including Ed Tech ARRA and regular FY 2009 Ed Tech funds) must use at least 25 percent of its total FY 2009 Ed Tech funds to provide ongoing, sustained, and intensive, high-quality professional development. (This requirement applies to both formula and competitive grant funds.) The recipient must provide professional development in the integration of advanced technologies, including emerging technologies, into curricula and instruction and in using those technologies to create new learning environments.

However, the 25 percent requirement does not apply if the recipient demonstrates, to the satisfaction of its SEA that it already provides such professional development, which is based on a review of relevant research, to all teachers in core academic subjects. In such cases, the remaining funds are to be used to carry out other activities consistent with the purposes of the program and the district's local technology plan.

F. Transparency, Accountability, Reporting, and Other Requirements

F-1. What are the shared responsibilities of the Department and SEAs, LEAs, and eligible local entities for ensuring that all funds under the ARRA are used for authorized purposes and that instances of fraud, waste, and abuse are prevented?
All ARRA funds must be spent with an unprecedented level of transparency and accountability. Accordingly, SEAs, LEAs, and eligible local entities must maintain accurate, complete, and reliable documentation of all Ed Tech ARRA expenditures. The ARRA contains very stringent reporting requirements and requires that detailed information on the uses of funds be available publicly at www.recovery.gov.

An SEA has important oversight responsibilities and must monitor grant and subgrant activities to ensure compliance with all applicable Federal requirements. If an SEA, LEA, or eligible local entity fails to comply with requirements governing the use of the Ed Tech ARRA funds, the Department may, consistent with applicable administrative procedures, take one or more enforcement actions, including withholding or suspending, in whole or in part, the funds or recovering misspent funds following an audit.

The ARRA establishes the Recovery Act Accountability and Transparency Board, which is responsible for coordinating and conducting oversight of spending under the ARRA to prevent fraud, waste, and abuse. The Department's Office of Inspector General (OIG) will conduct comprehensive audits of ARRA implementation activities. In addition, Department program offices will closely monitor these activities.

Any instances of potential fraud, waste, and abuse should be promptly reported to the OIG hotline at 1-800-mis-used or oig.hotline@ed.gov. Moreover, SEAs, LEAs, and eligible local entities are reminded that significant new whistleblower protections are provided under section 1553 of the ARRA.

F-2. How will the Department ensure "transparency" in the implementation of the Ed Tech ARRA activities by SEAs, LEAs, and eligible local entities?

As part of the process of ensuring transparency, the Department will keep the public fully apprised of all activities that occur through States' implementation of the ARRA. For example, detailed information concerning how States, LEAs, and eligible local entities use their Ed Tech ARRA funds will be available in the quarterly reports required under section 1512 of the ARRA and posted at www.recovery.gov.

F-3. What information is a State required to include in its quarterly reports under the ARRA?

A State is required to submit reports containing the information required under section 1512(c) of the ARRA. These reports must be submitted not later than 10 days after the end of each calendar quarter The Office of Management and Budget (OMB) issued government-wide guidance (M-09-21) on the ARRA reporting requirements and procedures on June, 22, 2009. See http://www.whitehouse.gov/omb/assets/memoranda_fy2009/m09-21.pdf.

F-4. How must an SEA, LEA, or eligible local entity account for Ed Tech ARRA funds?

All recipients of ARRA funds must separately account for, and report on, how those funds are spent. The Department has assigned a new CFDA number (84.386A) to the Ed Tech ARRA funds in order to facilitate separate accounting for the funds. Recipients must maintain accurate documentation of all ARRA expenditures to ensure that the data reported are accurate, complete, and reliable. SEAs must monitor subgrantees to help ensure data quality and the proper expenditure of ARRA funds. Further information on ARRA reporting instructions is provided at www.FederalReporting.gov.

ARRA recipients need to maintain and report accurate, complete, and reliable documentation from the beginning of the grant period.

F-5. Does the receipt of Ed Tech ARRA funds require recipients to comply with Federal civil rights laws?

Yes. The receipt of Federal funds obligates recipients to comply with civil rights laws that prohibit discrimination based on race, color, national origin, sex, disability, and age. Among the obligations imposed on recipients by disability civil rights laws is the obligation to ensure that students with disabilities are not denied the benefit of Ed Tech programs because of inaccessible technologies. For additional information see: http://www.ed.gov/policy/gen/leg/recovery/notices/civil-rights.html.

F-6. How will SEAs be held accountable under the Ed Tech program (whether funded by the ARRA or regular appropriations)?

To help ensure accountability for Ed Tech funds, SEAs must develop a process and accountability measures that the State will use to evaluate the extent to which activities funded under the program are effective in integrating technology into curricula and instruction. These accountability measures should evaluate the impact that Ed Tech activities have had on student achievement. The Ed Tech statute expressly authorizes States to use funds that are set aside for State-level activities to develop performance measurement systems to determine the effectiveness of educational technology programs supported with Ed Tech funds. (See section 2415(5) of the ESEA.)

As part of its monitoring and evaluation of the program, the Department will examine annually the rigor of accountability systems and measures and the progress that SEAs have made in integrating technology into curricula and instruction, technology literacy, professional development, and meeting the SEA's goals for using technology to improve student academic achievement.

F-7. How will LEAs and eligible local entities be held accountable under the Ed Tech program (whether funded by the ARRA or regular appropriations)?

To help ensure accountability for Ed Tech funds, LEAs and eligible local entities must develop a process and accountability measures that they will use to evaluate the extent to which activities funded under the program are effective in (1) integrating technology into curricula and instruction; (2) increasing the ability of teachers to teach; and (3) enabling students to meet challenging State academic achievement standards.

Because the Ed Tech program is a State-administered program, the SEA is responsible for ensuring that LEAs and eligible local entities comply with Ed Tech statutory requirements. In addition, as part of its evaluation of the program, the Department will examine the extent to which LEAs and eligible local entities have effectively used funds to meet the goals of the program.

F-8. What are the program-specific annual reporting requirements?

SEAs must report, through their annual ED*Facts* submissions, the performance of LEAs receiving Ed Tech funds (either through ARRA or the regular FY 2009 appropriation) on the following four measures:

- The percentage of districts receiving Ed Tech funds that have effectively and fully integrated technology.
- The percentage of classrooms with Internet access in high and low-poverty schools.
- The percentage of teachers who meet their State technology standards.
- The percentage of students who meet State technology standards by the end of the eighth grade.

F-9. Are there rules that govern the amount of Ed Tech funds that an SEA or subgrantee may draw down at any one time?

Yes. A State must have an effective system for managing the flow of funds that ensures that entities are able to draw down funds as needed to pay program costs but that also minimizes the time that elapses between the transfer of the funds and their disbursement by the grantee or subgrantee, in accordance with U.S. Department of the Treasury regulations at 31 C.F.R. Part 205. (*See* 34 C.F.R. 80.21(b).) Grantees and subgrantees must promptly, but at least quarterly, remit to the Department interest earned on advances (34 C.F.R. 80.21(i)). The Department will take appropriate actions against grantees and subgrantees that fail to comply with this requirement.

G. Equitable Participation of Private School Students and Personnel

G-1. Do the equitable participation requirements in Subpart 1 of Part E of Title IX of the ESEA apply to the Ed Tech program?

Yes. The equitable participation requirements apply to the program, regardless of whether the program is funded by Ed Tech ARRA funds or regular FY 2009 funds. (See ESEA Section 9501(b)(1).)

G-2. What do the equitable participation provisions require LEAs and eligible local entities to do?

LEAs and eligible local entities must engage in timely and meaningful consultation with appropriate private school officials during the design and development of programs and continue the consultation throughout the implementation of these programs. This consultation must take place before the LEA makes any decision that affects the opportunities of eligible private school students, teachers, and other educational personnel to participate in the program. Therefore, for both the regular FY 2009 Ed Tech and Ed Tech ARRA formula and competitive awards, the consultation must begin during the development of the local grant proposals. Eligible LEAs that seek both competitive and formula Ed Tech ARRA funding may engage in consultations that simultaneously involve the competitive and formula grants.

LEAs and local entities must provide, on an equitable basis, special educational services or other benefits that address the needs under the program of children, teachers, and other educational personnel in private schools in areas served by the LEAs and local entities. The services and programs provided by the LEA do not have to be identical to those offered to public school students and teachers.

Expenditures for educational services and other benefits for private school children, teachers, and other educational personnel must be equal, taking into account the number

and educational needs of the children to be served, relative to the expenditures for participating public school children**.**

At all times the LEA remains in control of the funds, maintains title to all equipment and materials purchased with such funds, and makes the final decisions.

G-3. What topics should be discussed during the consultation process between LEAs or eligible local entities and private school officials?

Section 9501(c)(1) of the ESEA requires that LEAs or eligible local entities consult with appropriate private school officials on such issues as:

- how the children's needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;
- how the services will be assessed and how the results of the assessment will be used to improve those services;
- the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and
- how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

G-4. May an LEA use Ed Tech funds to purchase computer equipment for use by private school students and teachers?

Yes. An LEA may use Ed Tech funds to purchase computer equipment for use by private school students and teachers, but not to support wiring for computer networks or access to the Internet. The LEA maintains title to equipment purchased with Ed Tech funds and placed in private schools and should be clearly labeled and identified as the district's property. Furthermore, the equipment may not be used for religious purposes.

G-5. Does the requirement for a grant recipient to use at least 25 percent of its total FY 2009 Ed Tech funds to provide professional development apply to the funds allocated for equitable services to private school students and teachers?

No. The requirement for a grant recipient to use at least 25 percent of its total FY 2009 Ed Tech funds for professional development does not apply to the funds allocated for private school students and teachers. However, the topic of professional development should be addressed during the consultation process with private school officials to ensure that the technology services, materials, and/or equipment will be effectively implemented.

G-6. Must a private school whose students and teachers receive services under the Ed Tech Program develop a school technology plan?

No. A private school whose students and teachers receive services under the Ed Tech Program does not need to develop a school technology plan.

H. Impact of Various Flexibility Provisions on the Ed Tech Program

H-1. How do the principal flexibility provisions affect the Ed Tech program?

In general, the principal flexibility provisions, which are described in greater detail on the Department's Web site at http://www.ed.gov/nclb/freedom/local/flexibility/index.html, affect the Ed Tech program as follows:

- **Transferability (ESEA Sections 6121 through 6123) –** Under this flexibility authority, an SEA may transfer up to 50 percent of the non-administrative funds that it receives under certain Federal programs (including the Ed Tech program) to other specified programs that address more effectively its unique needs or to its allocation under Part A of Title I. This authority allows an SEA to transfer, subject to the statutory limitations, State-level non-administrative funds into or out of the Ed Tech program. The 50 percent limitation for transferring FY 2009 State-level non-administrative funds out of the Ed Tech program applies to the total of the State-level non-administrative ARRA and regular FY 2009 funds.

  Likewise, an LEA (except an LEA identified for improvement or subject to corrective action under section 1116(c)(9)) may transfer up to 50 percent of the funds allocated to it *by formula* under certain other programs to its Ed Tech allocation (or to other specified allocations) or to its allocation under Part A of Title I. An LEA may also transfer up to 50 percent of its Ed Tech *formula grant funds* to certain other programs. (There are special transferability rules governing LEAs identified for improvement or corrective action.) The 50 percent limitation for transferring FY 2009 funds out of the Ed Tech program applies to the total of the LEA's ARRA and regular FY 2009 funds received by formula.

  An SEA or LEA that transfers Ed Tech ARRA funds to another program must continue to track and account separately for those funds. The Ed Tech ARRA funds do not lose their identity after they are transferred.

  For additional guidance on transferability, see http://www.ed.gov/programs/transferability/finalsummary04.doc.

- **Rural Education Initiatives (ESEA Sections 6201 through 6234) --** Under the Title VI Alternative Uses of Funds Authority (REAP-Flex), an eligible LEA may use its Ed Tech *formula grant funds* and certain other Federal funds to carry out

local activities under one or more specified Federal programs. The Ed Tech program is one of the programs for which an LEA may spend all or part of its "applicable funding" as defined in section 6211(c) of the ESEA.

An eligible LEA may use funds under the Small, Rural School Achievement Program to carry out activities under a number of Federal programs, including Ed Tech. Similarly, an LEA that receives funds under the Rural and Low-Income School Program may use those funds for activities authorized under the Ed Tech program and for other purposes.

An SEA or LEA that uses the Title VI Alternative Uses of Funds Authority (REAP-Flex) in spending its Ed Tech ARRA funds must continue to track and account separately for those funds. The Ed Tech ARRA funds do not lose their identity after they are "REAP-Flexed."

For additional guidance on REAP-Flex, see
http://www.ed.gov/policy/elsec/guid/reap03guidance.doc.

H-2. How do requirements relating to equitable participation of private school students and teachers apply to funds that may be transferred?

Before an SEA may transfer funds, it must engage in timely and meaningful consultation with officials representing the full spectrum of private schools in the State. Similarly, before an LEA may transfer funds, it must engage in timely and meaningful consultation with private school officials representing the full spectrum of private schools in the district. With respect to the transferred funds, private school students and teachers must receive equitable services from the SEA/LEA based on the total amount of funds available to the program after a transfer.

I. Additional Information

I-1. How would I obtain additional information about the Ed-Tech program?

You may submit specific questions about the Ed Tech program to the following e-mail address: Title2D@ed.gov.   Department staff will respond promptly to your questions.

Appendix A:
Examples of Uses of Ed Tech Funds

Examples of potential uses of Ed Tech ARRA funds that are allowable under Title II, Part D and consistent with ARRA principles and **core reform assurances** include the following:

1. Teaching Effectiveness and School Improvement Practices
2. Data and Learning Management Systems
3. 21st Century College and Career Ready Standards
4. Effective Interventions and Intensive Support

Teaching Effectiveness and School Improvement Practices:

- Implementing software, including open-source, that has been shown to be effective for interpreting formative student assessments and curriculum-based measurements, identifying individual learning needs, and changing instructional practices in order to personalize learning and increase student academic achievement;

- Using school-based technology coordinators and coaches to provide support, technical assistance, and professional development for teachers implementing and integrating technology into the classroom and instruction; and

- Measuring and tracking the impact of research-based professional development on teachers' ability to increase students' technology literacy and their reading, writing, and communication skills.

Data and Learning Management Systems:

- Acquiring systems to collect and manage data in order to inform teacher practices and personalize learning for individual student needs through effective use of interim assessments and curriculum-based measurements;

- Developing online formative assessment systems to provide teachers with data that can inform instruction on an ongoing basis as well as drive decisions related to curriculum development, instruction, and professional development; and

- Implementing a learning management system (LMS) using commercial, open-source, or free software services (e.g., social software systems) to enable teachers to better manage instructional practices, organize subject-matter content, and support classroom communication and collaboration.

- Creating or expanding components of Statewide Longitudinal Data Systems to inform areas such as curriculum development, professional development and instruction.

21st Century College and Career Ready Standards:

- Using project-based learning in classroom instruction to prepare students for the increasingly complex life and work environments of the 21st century, which will require high levels of creativity and innovation, critical thinking and problem solving, and collaborative reading, writing, and communication;

- Making innovative use of computing and communication technologies, Web services, interactive whiteboards, handheld technology, simulations, online games, student response units, online learning courseware, open-source resources, digital media, and mobile computing devices that can facilitate access to rigorous interactive content and support interactive pedagogical practices, especially for students in geographically isolated areas who would not otherwise have access to such courses;

- Developing activities to promote, implement, or expand the use of emerging technologies to deliver educational content in schools, including digital media, audio and video podcasting, collaborative learning environments, online communication tools, and eLearning resources; and

- Providing new opportunities for elementary and secondary school students to use high-quality, online courseware and learning activities for meeting mathematics and science requirements.

Effective Interventions and Intensive Support:

- Developing performance measurement systems to evaluate the effectiveness of programs supported with Ed Tech funds in order to inform action to strengthen, modify, or discontinue programs based on evaluation results;

- Developing and implementing activities that are being carried out with other ARRA funds as well as other Federal, State, and local sources in order to effectively integrate the use of technology as part of an overall education reform strategy;

- Acquiring technology that is accessible to all students, including students with disabilities and English language learners.

- Acquiring and training teachers to use instructional software, technology-enabled white boards, and other interactive technologies that have been shown to be effective aids for instruction, particularly for English language learners, students with disabilities (see : http://www.rrfcnetwork.org/content/view/340/47/#technology), and both struggling and advanced learners; and

- Providing secondary school students with access to high-quality, open/free or commercial online courseware and instructional learning activities in core subject areas and also to deliver specialized rigorous academic course curricula (including Advanced Placement courses) not otherwise available to students.