

Understanding and Implementing Section 2141(c) of the Elementary and Secondary Education Act

According to Section 2141(c) of the Elementary and Secondary Education Act (ESEA), as reauthorized by the No Child Left Behind Act (NCLB), local education agencies (LEAs) that fail to meet annual measurable objectives and make adequate yearly progress (AYP) for three consecutive years must enter into an agreement with the state education agency (SEA) to determine the most effective use of Title II, Part A funds. As part of this agreement, the SEA will “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...and require such agency to utilize such strategies and activities” [NCLB, Section 2141(C)(1)].

SECTION 2141 REQUIREMENTS AND 2141(C) AGREEMENTS

This brief serves as an overview to help SEAs and LEAs get started with meeting the Section 2141 requirements under ESEA. Successful implementation of the Section 2141 process

and improvement in the state of teacher quality in LEAs requires consistent and thorough follow-up at the state level. SEAs must systematically review the funding restrictions from the Section 2141(c) plan and ensure that LEAs follow through with the funding agreement and implement the strategies detailed in their plans. Meeting the requirements of Section 2141 is an integral part of the Title II, Part A, monitoring process. The TQ Center offers technical assistance to regional comprehensive centers as they support their states with preparations for monitoring visits from the U.S. Department of Education.

In This Brief

This brief reviews the provisions of Section 2141 of ESEA and lays out the steps that SEAs should consider for meeting its requirements. Included are examples of steps states have taken in meeting the Section 2141 requirements. The brief also presents some points to consider when developing Section 2141(c) agreements with LEAs.

Author

This brief was written by Amy Potemski of Learning Point Associates.

Introduction

The current provisions of ESEA require that SEAs hold LEAs accountable for meeting their highly qualified teacher (HQT) requirements. LEAs that fail to meet HQT requirements for two consecutive years must develop improvement plans, and SEAs are expected to assist in the development and implementation of those plans. When an LEA does not meet HQT and adequate yearly progress (AYP) requirements for a third consecutive year, ESEA mandates that the SEA develop an agreement that defines how the LEA will spend its Title II, Part A, funding.

A growing number of states are focused on Section 2141 of ESEA for two reasons:

- The number of local education agencies (LEAs) that do not meet ESEA requirements for three consecutive years is likely to increase over time, expanding the number of LEAs subject to the requirement.
- The current protocols for U.S. Department of Education monitoring visits include questions about how states are implementing the requirement. States that receive a finding from the U.S. Department of Education must develop a plan to address it within 30 days.

Monitoring visits conducted by the U.S. Department of Education suggest that some states have not taken the appropriate steps to address the Section 2141 requirements. Many of the states that had monitoring visits in 2007 and 2008 received a finding related to this provision. Most of these states had developed improvement plans with LEAs but had not established formal policies and procedures for developing funding agreements with LEAs that have consistently failed to meet HQT and AYP requirements. Some of these states had not even established funding agreements with LEAs as required by Section 2141 provisions. One monitoring report noted that states need to track the data to meet the requirement, develop agreements, and raise awareness among LEAs of Section 2141.

The National Comprehensive Center for Teacher Quality (TQ Center) developed this Policy-to-Practice Brief as a guide to assist states in addressing Section 2141. The brief begins by reviewing Section 2141 of ESEA and then lays out the steps SEAs should consider for meeting its requirements. The brief also provides examples of state guidance on the Section 2141 requirements and considerations for the development of Section 2141(c) agreements with SEAs.

Review of Section 2141

A brief summary of the statutory language of Section 2141 and a discussion of the steps needed to address its requirements follows.

Improvement Plans—Section 2141(a)

LEAs are expected to have 100 percent of teachers meeting HQT requirements. LEAs, including charter LEAs, that fail to meet annual measurable objectives for HQT for two consecutive years must develop improvement plans. The plans must specifically define the strategies that LEAs will implement to address their HQT shortages.

Technical Assistance—Section 2141(b)

ESEA specifies that SEAs must support LEAs in developing and implementing their improvement plans by providing technical assistance. SEAs also may assist individual schools that are preventing the LEA from meeting HQT goals.

Funding Agreement—Section 2141(c)

The requirement to establish a funding agreement is triggered when an LEA, including a charter LEA, fails to meet HQT requirements and does not make AYP for three consecutive years. The SEA must enter into an agreement with that LEA on how Title II, Part A, funds will be used, with a focus on addressing issues that are preventing improvement in the proportion of classes taught by HQTs. The agreement must specify the professional development strategies that the LEA will use to meet

HQT requirements and must stipulate the implementation of the strategies. ESEA specifies that the LEA should identify research-based professional development strategies.

This part of Section 2141 also restricts the use of Title I, Part A, funds for hiring paraprofessionals unless the LEA demonstrates that the hiring is to fill the vacancy of another paraprofessional or there is an increase in student enrollment or an increase in need for translators or assistance with parent activities.

HQT AND AYP RESOURCES

The TQ Center website offers many resources on the issues of highly qualified teachers, adequate yearly progress, and struggling schools including the following:

- *Ten Early Lessons Learned From Highly Qualified Teacher Monitoring Reports*
<http://www.tqsource.org/TenLessonsLearnedFromHQTMonitoringReports.pdf>
- *Innovative Ideas and Practical Suggestions for Improving State Highly Qualified Teacher Plans (webcast)*
<http://www.tqsource.org/webcasts/hqtPlans/>
- *Approaches to Evaluating Teacher Effectiveness: A Research Synthesis*
<http://www.tqsource.org/publications/EvaluatingTeachEffectiveness.pdf>

Addressing the Section 2141(c) Funding Agreement

States should consider the following steps as they construct funding agreements with LEAs to ensure compliance with Section 2141(c).

Step 1. Inform LEAs of Section 2141(c) Provisions.

LEAs should know and understand well in advance the purpose of Section 2141(c) and the consequences for failing to meet its requirements. LEAs are more likely to react defensively if they learn about Section 2141(c) for the first time when they must reach an agreement on the use of their funding. In addition, the requirement is effective in holding LEAs accountable for meeting HQT and AYP requirements only if they are aware of the potential consequences. LEAs need forewarning that their Title II, Part A, funding will be restricted for failing to meet HQT and AYP requirements for three consecutive years.

SEAs must conduct outreach to inform LEAs about Section 2141(c) and raise awareness of its provisions. LEAs are unlikely to know about the requirements of Section 2141(c) unless SEAs notify them. SEAs might consider sending out a policy document that explains why an LEA would be subject to the requirements of Section 2141(c), the consequences for failure to meet those requirements, and how the SEA will develop funding agreements.

EXAMPLES

Oregon provides LEAs with an overview of all important provisions under ESEA, including Section 2141(c) (Pratt, 2008).

Pennsylvania informed LEAs of the Section 2141(c) provision while out in the field, during HQT presentations.

Step 2. Make Sure to Work With Title I Staff.

In most states, the Title I office is responsible for AYP data, so staff responsible for HQT provisions must work with Title I staff to ensure the availability of all data needed to determine which LEAs are subject to Section 2141(c) (see Step 3). Also, because Section 2141(c) agreements must include provisions about spending Title I program funds on paraprofessionals, Title I and Title II staff need to be aware of Section 2141(c) requirements and work together to ensure that they are met.

Step 3. Track the Data.

Section 2141(c) is triggered when an LEA does not meet HQT or AYP requirements for three consecutive years. Most states track HQT data and AYP data separately, but Section 2141(c) implementation requires a specific effort to track the number of consecutive years that each LEA has not met HQT and AYP requirements. SEAs will need to combine their LEA-level HQT and AYP data. States must report on at least three years of data on the HQT and AYP status of each LEA. This analysis provides a more complete understanding of the challenge facing the SEA and allows the SEA to develop a plan and timeline for ensuring that LEAs have the necessary funding agreements in place.

Step 4. Notify LEAs Before They Are Subject to 2141(c).

Notifying LEAs that have not met HQT and AYP requirements for two consecutive years can lay the groundwork for the funding agreement.

This advance notice gives them one year to respond and adjust their strategies before their funding is restricted. LEAs that do not meet HQT and AYP requirements for a third year will not be surprised when the state has to negotiate an agreement for their funding.

EXAMPLE

Kansas had visited all LEAs subject to Section 2141(c) by December 2008 to explain the requirements of the Section 2141(c) agreements, which are all in place. Budgetary components will be ready during the first half of the school year. This effort earned Kansas a commendation.

Step 5. Carefully Consider the Timing for Negotiating Section 2141(c) Agreements.

Because these agreements affect the funds that LEAs receive under federal programs, it might make sense to negotiate Section 2141(c) agreements when LEAs make their annual applications for federal funds.

EXAMPLE

Pennsylvania links the notification to LEAs of their AYP and annual measurable objective status to LEA applications for funds through their eGrant system.

Step 6. Establish a Formal Policy and a Process for Developing Funding Agreements.

A formal policy ensures that agreements are implemented consistently across the state and are perceived to be applied fairly. A formal policy makes the state's approach to Section 2141(c) more transparent. States with a large number of LEAs especially need a formal process to ensure that agreements are in place with the necessary LEAs.

A transparent process also can prepare LEAs for what to expect if they fail to meet HQT and AYP measurable objectives after three years.

EXAMPLE

Washington provides LEAs with a policy document that details the requirements under ESEA (Johnson, Wright, & Parriott, 2009).

Step 7. Reach an Agreement With LEAs on the Use of Title II, Part A, Funding.

When an LEA has not met the requirements under Section 2141(c), the next step is to reach a funding agreement, which means that the SEA and LEA must agree about how money will be spent. The process should, at a minimum, include the following substeps to hold informed discussions:

- a. Gather the appropriate HQT information for the LEA. The right data will help the SEA identify any HQT patterns or trends in the LEA. Useful information may include the proportion of classes taught by non-HQTs over time, the subject areas with the largest number or highest proportion of classes taught by non-HQTs, and the proportion of non-HQTs in all schools. Furthermore, disaggregating HQT data by type of school can identify the schools with the most staffing difficulties.
- b. Ensure that the appropriate stakeholders are at the table. At the state level, participants might include the Title II coordinator, staff who oversee LEA funding, and Title I staff. LEAs might invite staff from the office of certification or licensure, human resources,

- professional development, or school improvement. The LEAs' ability to implement the agreement depends on collaboration between multiple offices.
- c. Discuss what is not working with the current improvement plan. LEAs that are subject to the requirements of Section 2141(c) should already have Section 2141(a) improvement plans in place, which can serve as starting points for discussion. After a third consecutive year of not meeting HQT and AYP requirements, LEAs should consider the efficacy of the current plan, as there may be problems with the current approach; whether the strategies in the improvement plan lead to the expected results; and any other reasons for not meeting HQT and AYP requirements.
 - d. Reach agreement on how funds will be used. Section 2141(c) is an accountability provision that restricts LEAs' spending. Ultimately the SEA and LEA must agree on the details. Section 2141(d) provides further specification on LEA professional development activities to address the HQT and AYP issues.

EXAMPLES

Oregon provides guidance to LEAs on how to develop a district HQT plan (Oregon Department of Education, 2008).

Washington was commended for its rollout, technical assistance, and process for meeting the requirements of Section 2141(a) and (c). Guidance on all the teacher quality provisions of ESEA are available online (Office of Superintendent of Public Instruction, n.d.).

Considerations for the Development of Section 2141(c) Agreements With LEAs

District Improvement Plans Are Not the Same as Section 2141(c) Agreements.

District improvement plans address Title I schools consistently not making AYP. The Section 2141(c) agreements focus on districts that neither make AYP nor meet 100 percent HQT status. The funds affected by the Section 2141 agreement are those dedicated to addressing teacher quality issues in the state—the Title II, Part A, funding.

If There Is a Strong Local Control Ethic in the State, SEAs Should Make Sure the Process Is as Fair and Equitable as Possible.

States should focus on the agreement aspect of the Section 2141(c) provision. Doing so will let LEAs know that the focus is on their specific needs. Through this approach, the state is working with the district and providing assistance in completing the analysis. The state is providing technical assistance, rather than issuing a directive to LEAs.

States With a Large Number of LEAs May Face a More Time-Consuming Process.

States with a large number of LEAs need to follow up to ensure that the LEAs get their information to SEAs in a timely manner. Such states also should develop a unique and specific language for the LEAs to use in order to describe their needs.

If LEAs Are Not Required to Submit Detailed Budgets for Their Title II Funding, More Technical Assistance From the State May Be Necessary.

States may need to develop a funding agreement template that LEAs can use to understand the detailed budgeting process that Section 2141(c) requires.

Conclusion

Through the examples presented in this brief, the TQ Center hopes to provide RCCs and SEAs with the knowledge needed to implement the provisions of Section 2141(c)

of ESEA. Please contact the TQ Center with any questions about this brief or the Section 2141 provisions.

References

- Goe, L., Bell, C., & Little, O. (2008). *Approaches to evaluating teacher effectiveness: A research synthesis*. Washington, DC: National Comprehensive Center for Teacher Quality. Retrieved August 14, 2009, from <http://www.tqsource.org/publications/EvaluatingTeachEffectiveness.pdf>
- Johnson, M. J., Wright, J., & Parriott, D. (2009). *Highly qualified teacher resource manual: Guidelines, workbook, data collection 2008–09 school year*. Olympia, WA: Office of Superintendent of Public Instruction. Retrieved August 14, 2009, from <http://www.k12.wa.us/TitleIIA/pubdocs/NCLB-HQTResourceManual.pdf>
- National Comprehensive Center for Teacher Quality. (n.d.). *Ten early lessons learned from highly qualified teacher monitoring reports*. Washington, DC: Author. Retrieved August 14, 2009, from <http://www.tqsource.org/TenLessonsLearnedFromHQTMonitoringReports.pdf>
- National Comprehensive Center for Teacher Quality. (2006, September 7). *Innovative ideas and practical suggestions for improving the state highly qualified teacher plans*. [Webcast]. Retrieved August 14, 2009, from <http://www.tqsource.org/webcasts/hqtPlans/>
- No Child Left Behind Act of 2001, Pub. L. No. 107-110, 115 Stat. 1425 (2002). Retrieved August 14, 2009, from <http://www.ed.gov/policy/elsec/leg/esea02/index.html>
- Office of Superintendent of Public Instruction (State of Washington). (n.d.) *Title II, Part A: Teacher and principal quality: NCLB teacher requirements* [Website]. Retrieved August 14, 2009, from <http://www.k12.wa.us/TitleIIA/HighlyQualifiedTeachers.aspx>
- Oregon Department of Education. (2008). *District plan for highly qualified teachers: 2008–2009 school year*. Salem, OR: Author. Retrieved August 14, 2009, from http://www.ode.state.or.us/opportunities/grants/nclb/title_ii/a_teacherquality/hqtplanappendb.rtf
- Pratt, B. (2008). *HQT & NCLB: What does it all mean?* [PowerPoint presentation]. Salem: Oregon Department of Education. Retrieved August 14, 2009, from http://www.ode.state.or.us/opportunities/grants/nclb/title_ii/a_teacherquality/nclbmore2008highlyqualifiedteachers.pdf



1100 17th Street NW, Suite 500
Washington, DC 20036-4632
877-322-8700 • 202-223-6690
www.tqsource.org

Copyright © 2009 National Comprehensive Center for Teacher Quality, sponsored under government cooperative agreement number S283B050051. All rights reserved.

This work was originally produced in whole or in part by the National Comprehensive Center for Teacher Quality with funds from the U.S. Department of Education under cooperative agreement number S283B050051. The content does not necessarily reflect the position or policy of the Department of Education, nor does mention or visual representation of trade names, commercial products, or organizations imply endorsement by the federal government.

The National Comprehensive Center for Teacher Quality is a collaborative effort of ETS, Learning Point Associates, and Vanderbilt University.