

**District Awards for Teaching Excellence
Frequently Asked Questions
Updated December 1, 2008**

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A. General Information

A-1 What is D.A.T.E.?

D.A.T.E. is the State of Texas' District Awards for Teacher Excellence grant program. For more information, visit the D.A.T.E. website at:

http://www.tea.state.tx.us/ed_init/eeg/datex/

<http://www.utsystem.edu/ipsi/teaperformanceawards/date.html>.

A-2 What is the fundamental purpose of D.A.T.E.?

The purpose of D.A.T.E. is to award educators for outstanding work above and beyond their normal job duties, specifically for their contributions to improving student achievement.

A-3 How is the District Awards of Teacher Excellence program different from the Texas Educator Excellence Grant?

The District Awards for Teacher Excellence (D.A.T.E.) is a district level grant, while the Texas Educator Excellence Grant (TEEG) is a campus level grant. Unlike TEEG, D.A.T.E. does not have an eligibility list rather all districts in Texas are eligible to apply to D.A.T.E.

A-4 Are campuses receiving the Texas Educator Excellence Grant able to receive awards under the District Awards for Teacher Excellence?

Yes, districts can have both TEEG and D.A.T.E. awards. If districts have TEEG awards as well as a D.A.T.E. award, districts will want to coordinate with all the involved campuses so that teachers and other campus personnel are aware of eligibility for either award program. Districts will have to decide to include or exclude TEEG campuses in their D.A.T.E. plan.

A-5 Can D.A.T.E. funds be used to provide all professional educators in a district with a pay raise?

No, a district must make difficult decisions when designing their D.A.T.E. plans. A district must align their D.A.T.E. goals with district goals to justify the practice of awarding certain educators. While there is a strong egalitarian mindset in education, and all educators in Texas schools work hard, a performance award system is meant to reward those educators who are most effective in producing learning gains in their students. It is not feasible that D.A.T.E funds be used to provide pay raises to all teachers in the district.

B. Grant Information

B-1 How can a district obtain materials needed to apply for a D.A.T.E. award?

Districts can download the D.A.T.E. Request For Application (RFA) and other grant application materials at the TEA Grant Opportunities page at: <http://burleson.tea.state.tx.us/GrantOpportunities/forms/>.

B-2 When are D.A.T.E. applications due?

The D.A.T.E. application is due to the TEA Document Control Center by **5:00pm CST on Tuesday, April 8th**.

B-3 What are the important grant dates?

Date	Event
Friday, October 26, 2007	Notice of Intent to Apply due
Friday, October 26, 2007	Publication of Grant Application, Application Guidelines, Schedules and Schedule Instructions on TEA Website
Early November 2007	Districts receive estimated award amount notification
Monday, December 31, 2007	Districts receive revised award amount notification
Monday, March 3, 2008	Districts receive revised award amount notification
Tuesday, April 8, 2008	<i>Application is due to the TEA Document Control Center, 5:00 p.m., Central Time</i>
Monday, September 1, 2008	Beginning date of project
Sunday, February 28, 2010	Ending date of project
Wednesday, March 31, 2010	Final Expenditure Report due to TEA
Wednesday, March 31, 2010	Final Evaluation Report (and final product, if applicable) due to TEA

**Note: All of these dates *except* the final completion date may vary slightly as conditions require.

B-4 What criteria were used to determine district eligibility?

All districts were eligible to opt into D.A.T.E.. The district was eligible as long as it submitted a Mandatory Notice of Intent to Apply by October 26, 2007 by 5:00pm CST; agreed to participate in the required technical assistance activities as established by the Commissioner and published in the RFA; agreed to participate for at least two consecutive grant cycles (contingent on appropriations), including budgeting for matching funds; and agreed to complete required activities as described by the established timelines set forth in the RFA and found at: http://www.tea.state.tx.us/ed_init/eeg/datex/timeline.html.

B-5 Is list of eligible districts final?

Yes, only districts that opted into D.A.T.E. by October 26, 2007 and agreed to the required assurances make up the final list of eligible districts for D.A.T.E., Cycle 1. No other districts will be added to the list after October 26, 2007 by 5:00pm CST.

B-6 For the purposes of this grant, does the definition of a classroom teacher include permanent substitutes?

Part I funds of the grant applies to teachers that meet the classroom teacher definition, as defined in the TEC, §5.001(2). According to this definition, a substitute teacher is not considered as a school district employee employed under contract. The school district is not mandated by law to place a substitute on the minimum salary schedule (the district pays the sub's pay), and the substitute is not mandated by law to be given the 5 state days per year that are given to school district employees. Therefore, under this definition, a substitute teacher does not fall under the classroom teacher definition. Including full-time substitute teachers will be at the discretion of the school district.

B-7 Are half time teachers eligible for funding, like those assigned to career and tech settings?

As long as the teachers meet the definition of a classroom teacher as defined in TEC §5.001 and are able to meet the performance criteria, they may be awarded under Part I.

Please note that decisions to include or not include certain teachers are made at the discretion of the eligible district.

B-8 If a campus included in the District Award Plan will be closed or reorganized in the 2006-07 school year, will D.A.T.E. funds for that campus be available to teachers and other personnel who have been reassigned to other campuses that are not eligible?

Yes, for the 2008-09 cycle of D.A.T.E., districts are allowed, at their discretion, to provide Part I or Part II awards to teachers who were involuntarily transferred off one campus to another campus for 2008-09. If Part I funding is used, teachers must meet the criteria laid out in the district award plan.

Applicants opting to do this must state this activity clearly in the program narrative of their applications. Please note that decisions to include or not include certain teachers are made at the discretion of the eligible district.

B-9 Can districts choose to award funds to teachers who are new to the school or teachers who are retiring?

Yes, as long as the teachers meet the definition of a classroom teacher and are able to meet the performance criteria, they may be awarded under Part I. Teachers who retire at the end of the 2007-08 school year are allowed to receive awards; those who retired before the 2007-08 school year began are not allowed to be included. Teachers who retire mid-year are allowed to receive awards. Please note that decisions to include or not include teachers are made at the discretion of the eligible district.

Applicants opting to do this must state this activity clearly in the program narrative of their applications, as well as budget accordingly. Please note that decisions to include or not include certain teachers are made at the discretion of the eligible district.

B-10 How can a district obtain their grant award amount?

Districts can find a link to the most up-to-date award amounts on the D.A.T.E. website at http://www.tea.state.tx.us/ed_init/eeg/datex/award.html Click on "District Award Amounts."

B-11 Do teachers in a district or in individual schools applying to participate in D.A.T.E. have to vote acceptance of the plan?

If a district plans to implement their program district-wide, then a vote on participation and approval of the plan is not required. If a district plans to implement their program within selected campuses, a simple majority through a campus wide vote at minimum including classroom teachers is required from the campuses chosen to participate in the program.

Although the TEA does not require districts to obtain a vote of acceptance of a plan from teachers and administrators, it is recommended that districts do in fact take a vote and obtain feedback in order to gain support and buy-in.

B-12 Are principals and other administrators eligible for D.A.T.E awards?

Yes, principals and other administrators can be awarded under Part II funds of the D.A.T.E. grant. Please see the requirements for the use of Part II funds in the D.A.T.E. RFA.

B-13 Can a less than satisfactory D.A.T.E submission be negotiated with the TEA and be resubmitted?

Yes, TEA will conduct a thorough review of all D.A.T.E. applications and negotiate when necessary.

To avoid a lengthy negotiation process, you can send your plan to the technical assistance team for review before submitting your application to the TEA. You can use the template on our website under Tools and Resources and email to teaperformanceawards@utsystem.edu.

B-14 Can a district that already has a performance award program submit that program for D.A.T.E funding?

Yes, a district may submit its current performance award program to receive D.A.T.E. funding. A district must ensure, however, that they are properly using Part I and Part II funds. For detailed information on the uses of funds, please see the D.A.T.E. program requirements.

B-15 Can one person submit the applications for the whole district?

Yes, the person who is designated as the Grantee Official, usually the Superintendent, can certify and submit grant application for the eligible district.

B-16 Is local school board approval of the district award plan required?

Yes, local school board approval of the district award plan is required. Districts are required to act pursuant to a board policy for submitting district plans to the Texas Education Agency.

B-17 What is the difference in purpose between Part I and Part II of D.A.T.E?

Grant awards to districts are divided into two parts. Part I funds represent a minimum of 60 percent of the total district award. These funds are used to award classroom teachers based on student improvement, growth, and/or achievement. Part II funds represent a maximum of 40 percent of the total district award. These funds can be used for stipends and awards for:

- (1) the recruitment and retention of teachers in critical shortage subject areas, in subject areas with high percentages of out-of-field assignments, certified and teaching in their main subject area and/or with postgraduate degrees in their teaching areas;
- (2) career, mentor, and master teachers;
- (3) on-going applied professional growth – To re-examine and restructure a campus school schedule to provide time during the regular school day for teachers to collaborate, receive professional development and learn new instructional strategies to become more effective teachers;
- (4) increasing local data capabilities to support instruction and accountability – To enable districts to design, develop, and implement data systems to efficiently and accurately manage, analyze, disaggregate, and use individual student to teacher data. An improved data system should assist a district in generating and using accurate and timely data to meet reporting requirements; support decision-making at the district, campus, and classroom levels; and facilitate research needed to eliminate achievement gaps and improve learning of all students;
- (5) awards for principals who increase student performance; and
- (6) other campus employees who demonstrate excellence through job-related performance criteria.

B-18 What is a classroom teacher, for purposes of Part I funds?

The Texas Education Code §5.001 defines a classroom teacher as “an educator who is employed by a school district and who, not less than an average of four hours each day, teaches in an academic instructional setting or a career and technology setting. The term does not include a teacher’s aid or a full-time administrator.”

B-19 Are individual awards required to be at least \$3,000? Can we provide awards in other amounts?

Research shows that in order for award amounts to be meaningful, it is highly suggested that award amounts be at least \$3,000 per teacher. Teachers listed in Part I must have the opportunity to receive a minimum award of \$1,000 as approved by the local school board. Part II funds have no minimum award amounts.

B-20 What is the purpose of requiring a contingency plan section in the D.A.T.E. proposal submission?

A district's contingency plan will provide guidance in the event that the total grant amount allocated to both Part I and Part II funds are not utilized (including unawarded awards). If funds remain, a district's contingency plan will identify how the district will distribute and/or use those funds.

B-21 Is the requirement that 60 percent of D.A.T.E funds be allocated to Part I program efforts a maximum or can a district allocate a larger share of its D.A.T.E grant to Part I award activities?

A district can allocate 100 percent of funds to Part I if they wish. A district cannot allocate more than 40 percent to Part II funds, however.

B-22 How should the 5% allowable deduction for administrative costs be determined?

If taken, the 5% for administrative costs should be calculated as a percentage of the total district award amount and should be taken from Part II funds.

B-23 Can you clarify between an administrative cost and an indirect cost?

Please see page 19 of 33 in the Part 2: Program Guidelines of the RFA for information on distinguishing between administrative and indirect costs.

B-24 What are allowable administrative costs?

Direct administrative costs may include those associated with accounting and other fiscal activities, auditing, and overall program administration. Direct administrative costs also include salaries and benefits for staff who supervise activities of program staff and insurance that protects your organization.

B-25 When should districts and campuses plan to distribute funds to teachers and other district personnel?

Districts should expect to pay out awards under Part I between May 15, 2009 and October 15, 2009.

B-26 The district award is not sufficient to adhere to the grant requirement that each teacher cannot receive less than \$1000 and award all the teachers in the district. How will we be able to give them this amount, and will we still qualify if we are not able to give the least amount stipulated?

We recognize that districts will have to make difficult decisions as they implement their district plans. The award program was intended to award the districts' highest performing teachers and to target student improvement, growth, and achievement, in doing so the district award may not be sufficient to award every teacher in the district with a meaningful award amount. District awards may increase if districts choose not to move forward with D.A.T.E..

Within a district award plan, teachers listed in Part I must be able to receive (at a minimum) an award of \$1000 through the Part I funds. Please note, to ensure meaningful award amounts and improve the effectiveness of the grant award program, the TEA recommends the minimum award amount under Part I funding should be \$3000.

B-27 Do Part II awards have to be a minimum of \$1000?

No, the district can decide the appropriate award amounts for Part II funds.

B-28 Is it allowable to contract with a consultant to help prepare the application? (e.g., schedules, attachments, etc.).

Campuses and districts may use their own funds for consultants. However, the D.A.T.E. grant funds may not be used for this purpose.

B-29 How should districts and campuses handle legal suits or complaints as a result of this program?

There have been a very small number of isolated complaints to districts about this program. TEA has not learned of any legal suits to this date. Campuses and districts are encouraged to consult with their legal counsel in developing and implementing their plans. Personnel with complaints should follow district grievance process to settle any issues related to the district award plan.

C. Funding

C-1 Is D.A.T.E a competitive award? Can only a few of the districts applying receive funding?

No, D.A.T.E. is not a competitive grant. All school districts in the state are able to apply for the grant.

C-2 How are the district awards determined and are the award amounts final?

District grant award amounts will be based on the average daily attendance (ADA) for the 2007-2008 school year calculated among the total number of districts opting into the grant program. District award amounts may change with an increase or decrease in ADA in the second year of implementation. Districts will receive estimated award amounts in early November and revised amounts in January and February. However, additional funding may be added to the district awards if eligible districts decline to participate or become ineligible.

C-3 How can a district determine the amount of funding for which it is eligible under D.A.T.E?

Districts can find a link to the most up-to-date award amounts on the D.A.T.E. website at http://www.tea.state.tx.us/ed_init/eeg/datex/award.html Click on “District Award Amounts.”

The TEA will divide the total amount of grant funds available (\$147.5 million) by the total number of students in average daily attendance (ADA) of the districts that submit the mandatory notice of intent to apply. This calculation will result in the per student dollar amount to determine district grant awards [per student amount = (PS)]. If districts choose not to apply for the grant funds and remove themselves from consideration, the dollar per student amount for the remaining districts will increase. Districts will receive a grant award estimate based on 2006-07 ADA data.

Calculation: $\frac{\$147.5 \text{ million}}{\text{(ADA of the D.A.T.E. districts)}} = \text{(PS)}$

Your district 2006-07 ADA X (PS) = your district grant award.

TEA reserves the right to reduce funding in the event projections are determined not to have been realistic based on actual participation. Should additional unexpended funds become available for distribution, the commissioner will determine how these will be distributed. Grant funds may change from year to year, contingency upon appropriations. District awards are available at:

http://www.tea.state.tx.us/ed_init/eeg/datex/ under “Participating Districts.”

C-4 How will funds from districts that do not apply be redistributed?

These funds will be redistributed to the districts that do apply to D.A.T.E..

C-5 If approved, when will D.A.T.E. award funds be supplied to my district?

Part II funds can be drawn down from the date of notice of grant award (NOGA) to the end of the grant period, excluding funds for awards to teachers or other district staff. The districts can draw down funds from Part I and Part II for awards to teachers or other district staff between May 15, 2009 through October 15, 2009.

C-6 Will D.A.T.E. receive future appropriations by the state?

The renewal of D.A.T.E. funds is contingent on legislative appropriations. The Legislature has authorized \$147.5 million for this program. D.A.T.E. is currently funded for implementation in 2008-2009.

C-7 Is the district award amount for more than one year of funding or for two years?

No, the current award amount is for one year of funding for implementation during 2008-2009. Districts will receive an award amount for the additional years, contingent on future legislative appropriations.

C-8 Is it permissible to carry over unearned or otherwise unspent D.A.T.E funding into the next school year?

No, district may not carry over unearned or unspent D.A.T.E funds. Part II funds not used for awarding teachers and staff do however last until February 10, 2010.

C-9 If after submitting the D.A.T.E application, more state or local funding becomes available, can a district alter its plan to accommodate additional or larger dollar awards?

Yes, districts will be able to submit amendments to the D.A.T.E. application based on new award amounts.

C-10 In what form can a local district's contribution to the 15 percent matching funds to D.A.T.E take?

Districts can provide matching funds in the form of cash or in-kind contributions. Districts can find a list of potential matching funds on the technical assistance website, <http://www.utsystem.edu/ipsi/teaperformanceawards/Resources.html> and click on "Matching Funds".

C-11 Since award amounts have changed as districts have opted out of the D.A.T.E. program, what figure should a district use to determine the amount of their fifteen percent matching contribution?

A district should use the first D.A.T.E. award amount list published in October 2007 to determine their matching requirement amount.

C-12 Can TEEG funds be used as a part of a district's required 15 percent contribution to D.A.T.E?

No, funds from TEEG, GEEG, TAP, or BTIM grant programs are not eligible to be used as matching.

C-13 Can a district receive all of their award money at one time?

No, districts are required to distribute teacher awards allocated from Part I (a minimum of 60 percent) of the total grant award by no later than October 15, 2009. If the district chooses to use all of the funds for awards, the total grant amount may be requested as long as the final expenditure report and any final program reports are submitted at that time. Grantees will enter not more than 90 percent of the **final** cumulative expenditures in evaluation report. Upon TEA's receipt of the final program evaluation report, TEA staff will release the 10 percent reserve on the NOGA.

C-14 How long will it take to receive a reimbursement payment?

Depending on the payment request it can take up to approximately 10 working days to process.

C-15 When can funds for Part II professional development be drawn down?

Part II funds (a maximum of 40 percent) can be drawn down from the date of notice of grant award (NOGA) to the end of the grant period.

C-16 How does the district need to modify its policies or contracts for teachers and other employees who receive awards?

District employment contracts or local compensation policies must specify that qualifying employees may receive award payments to the extent authorized under the district award plan. Please consult your legal counsel with respect to this issue.

C-17 Does the district need to pay into the Teacher Retirement System (TRS) for awards to campus personnel?

Yes, districts must pay into TRS for awards to campus personnel. "Compensation paid under the awards for Student Achievement Program under Subchapter N, Chapter 21, Education Code and the Educator Excellence Awards Program under Subchapter O, Chapter 21, Education Code are eligible compensation for TRS purposes. Accordingly, compensation for service paid pursuant to award programs **initiated beginning with the 2006-2007 school year** under the authority of either Subchapter N or O of Chapter 21 of the Education Code, is eligible compensation for TRS purposes and must be reported to TRS and member contributions withheld" (TRS representative).

Please contact your local TRS point of contact or district personnel office for specific guidance.

C-18 Are districts required to pay health, social security, or other benefits on award payments (question not referring to TRS)?

Because employee benefits programs have different requirements and are administered through different agencies and organizations, there is no single answer to this question. Please consult with your legal counsel, business officer, or the appropriate agency or organization.

The benefits may be paid with D.A.T.E. funds. However, since this may reduce the award amounts to teachers and other staff the payment of benefits should be clearly explained to staff members. Districts may supplement the grant with other funds to pay for these benefits.

C-19 How does the district agree to carry on the program after funding ends?

TEA asks that the district consider financial sources that could be used to continue the program after the end of the grant period. The funding sources would have to be identified by the district. Districts may decide not to set aside funding for an awards program after the grant funds expire. Since applicants are required to contribute in-kind or cash matching funds, TEA would like districts to consider the feasibility of continuing the district award plan once funding has expired, although the continuation is not required.

C-20 If our district's estimated award amount increases, do we have to accept the entire amount?

No, the district does not have to accept additional award amounts if award amounts increase from the estimated amount given in November 2007.

C-21 Is the match in year 2 also 15 percent?

Yes, the matching requirement for year 2 will also be 15 percent.

C-22 Can districts receive another award amount update after the grant submission?

Perhaps, if applicable districts may receive one more award amount update after grant applications submission. If there is an update, the additional award amounts will be discussed with grantees during the negotiations process. Districts can choose to accept or decline the increased amounts.

C-23 Can districts use Part II funds to purchase equipment or technology hardware for classroom use?

No, equipment and technology hardware are unallowable uses of funds. A list of allowable and unallowable uses of funds is provided in Section L., Part II of the RFA. District however, may purchase software for computer use and other such hardware.

D. Monitoring and Evaluation

D-1 How *might* a district appropriately evaluate the effectiveness its D.A.T.E award program?

Following the 2008-2009 school year, a third party designated by the TEA through the RFP process will conduct a comprehensive evaluation of D.A.T.E.

A district should also evaluate their own program to determine program effectiveness. The primary goal of the D.A.T.E program is to improve student academic achievement and award those educators who are most effective in doing so. As such, when evaluating the effectiveness of D.A.T.E. award programs, the following dimensions must be addressed:

Student achievement impact: the evaluation should examine the relationship between systems changes (professional development, curricular and instructional supports, enhancements in data quality and access) and actual results in student achievement.

Teacher impact: the evaluation should examine the relationship between the award program and alterations in employee attendance, leadership, and instructional practices.

School culture impact: the evaluation should examine the impact of the award program on broader school level factors such as discipline referrals, student satisfaction, participation in extra curricular activities and school level student achievement.

Implementation fidelity: the evaluation should examine the degree to which the performance award program was implemented according to the proposed plan.

Satisfaction: the evaluation should examine the relationship between the performance award plan and the opinions and perspectives of key stakeholders such as teachers, administrators, students, association members, and community members.

D-2 If D.A.T.E. continues into subsequent years, will a district be able to alter its operational plan?

Yes, after Cycle 1 of the D.A.T.E. program (school year 2008-09) a district will need to resubmit its D.A.T.E. plan to receive subsequent funding. At this time, a district may make changes.

D-3 Can an accepted D.A.T.E program be altered during its implementation period?

Possibly, a D.A.T.E grant program may be amended anytime **before** the last 90 days of the grant period upon TEA approval. This process is not recommended. Any changes may be subject to a re-vote by the district planning committee.

D-4 How will the TEA monitor D.A.T.E project operation in local districts?

The district is required to submit progress reports as well as a final evaluation report to the TEA.

D-5 What kind of reporting requirements for D.A.T.E operation are expected of local districts?

Activity reports and the final evaluation report are expected, as follows: The first interim activity report is due on 1/31/09, the second interim report is due 5/31/09, the third interim report is due 9/30/09, and the final evaluation report is due on 3/31/10.

E. Technical Assistance

E-1 Are there technical assistance requirements for D.A.T.E. participants?

Yes, in partnership with the Texas Education Agency (TEA), the Institute for Public School Initiatives (IPSI) at the University of Texas System will provide statewide technical assistance to support the implementation of these programs. The primary goal of this technical assistance will be to provide Texas school districts and charter schools with ongoing applied guidance in developing and implementing successful, research-based educator performance pay systems and to build capacity for long term support of these programs across the state. Technical assistance providers will include various partners.

A team of 2-5 individuals from each district is expected to attend one of the eight working sessions during Fall 2007 in addition to online modules and other TETN meetings. Please visit the D.A.T.E. website for specific dates and locations at:

http://www.tea.state.tx.us/ed_init/eeg/datex/techassist.html

E-2 How can a school district communicate with and receive assistance from the TEA regarding D.A.T.E matters?

The TEA, in partnership with the University of Texas System, is providing technical assistance to assist schools and districts with the design and implementation of their district award plans. For technical assistance materials, tools, and other resources, you can visit

<http://www.utsystem.edu/ipsi/teapeformanceawards>.

If you have any questions, you can email teapeformanceawards@utsystem.edu. To speak with a technical assistance representative, you can call our technical assistance help line at 512-579-5050 Monday through Friday from 8:00am-5:00pm.

E-3 What type of D.A.T.E. technical assistance will be available in the future?

Ongoing technical assistance is provided to districts through the technical assistance website, email, and call center. Subsequent technical assistance workshops will be available in the summer and fall (dates TBD).

E-4 Are there any national resources or websites that might provide additional information and research results for school district personnel contemplating the submission of a D.A.T.E. proposal?

Yes, the US Department of Education is providing technical assistance for the Teacher Incentive Fund (TIF). Their website provides information on TIF plans, research, and other tools that can help in the design of a district's D.A.T.E. plan. For more information, visit <http://www.cccr.ed.gov>.

E-5 What will the learning modules mentioned as part of the technical assistance entail?

The scheduled Learning Modules are a set of web-based modules that can be completed by the members of your technical assistance team. Modules will ask participants questions, offers some guidance on the various issues that can arise in the creation and implementation of a district award plan, and provides resources from documents to online interviews with experts in performance pay programs.

F. Program Design/Use of Funds

F-1 How should a school district get started in designing a plan for submission to D.A.T.E.?

A district should first review their district goals and needs, and then choose the main areas that they would like to improve upon, at which point the district should develop district award plan goals. Districts will then design their D.A.T.E. plan around their goals and will consider issues such as the number and type of personnel to include in the plan, and type of support that will best help the district meet their goals. For more information, please see the step-by-step guide to designing a districts performance award program on the technical assistance website at

http://www.utsystem.edu/ipsi/teaperformanceawards/tools_and_resources/index.html

F-2 How can D.A.T.E relate to a school district's overall goals?

A district's D.A.T.E. plan should directly align with district goals and aim to improve certain elements of student achievement.

F-3 Can D.A.T.E funds be used to retain effective teachers or to attract teachers in hard to fill subjects?

Yes, Part II funds of the D.A.T.E. grant can be used for recruitment and retention incentives.

F-4 Must a D.A.T.E plan include all schools and all grade levels in a district?

No, a district can choose selected campuses and grade levels to include within their plan. Based on district goals, a district may choose to structure their D.A.T.E. plans around certain subject areas, grade levels, or schools where the district is struggling. If a district chooses to implement a selected campuses plan, more than half of the campuses selected must be target campuses. Please refer to the program requirements for target campuses criteria.

F-5 What is wrong with a district simply copying a good plan from another district and submitting that as its D.A.T.E proposal? Does the state have a "model" submission package after which a district may pattern its D.A.T.E plan?

A district should cater their D.A.T.E. plan to their specific areas of need and the established district goal; simply copying a plan from another district does not specifically target these needs. The program goals, target campuses, target teachers/grade levels, and additional activities incorporated into one district's plan will not necessary work in another district. Districts are able to adapted components of other plans that support the district's goals.

F-6 May districts withhold awards from teachers who meet performance objectives, but who leave their school at the end of the school year in order to motivate teachers to remain on the campus?

Yes, applicants who choose to do this must specify this stipulation clearly in the program narrative of their applications and ensure that this stipulation is included in the public presentation of the plan. Please consult with your local legal counsel to develop appropriate requirements.

Districts may also choose to specify separate awards for returning teachers under the optional teacher initiative and commitment criterion in Part I. This award would be provided to teachers who meet the required performance criteria in Part I and also return to the campus the following year. Teachers who meet required criteria but do not return would receive the awards for meeting those criteria, but not the retention award.

F-7 Must all core subject teachers be included in the Part I plan?

No, each district may determine which teachers may participate in their Part I plan.

F-8 Can a team (e.g., fourth-grade team of nine teachers) be evaluated by the administrator regarding student improvement, growth, and/or achievement?

Yes, this is allowable.

F-9 Because of block scheduling, certain department chairs on my campus teach two 90-minute classes, thus providing 3 hours of instruction. Does the "classroom teacher" definition include teachers who teach 3 hours but have related administrative duties?

Teachers that receive awards from Part I funds must meet the TEC definition of a classroom teacher, including teaching in an academic setting for not less than an average of four hours. Teachers who operate in a more administrative capacity and do not meet this requirement can receive awards from the campus's Part II funds.

F-10 Can you award every staff member in the school if a campus reaches recognized status?

Possibly, student performance measures must allow teachers to be evaluated at either the individual or team level. Under Part I funds campus performance ratings alone are not sufficient measures of student performance. Campus ratings may be used as one measure of student performance under Part II, but must be combined, for every teacher participating in the Part I plan, with a team or individual measure. Teams may be grade level teams, departments, interdisciplinary teams, vertical teams, or other teacher groupings that are used on your campus. If you choose to evaluate teachers in teams, you must describe the team structure in your application.

F-11 How should Part I plans balance the performance of AP and honors teachers with those teaching students with special needs?

This is up to the discretion of the district. All districts are encouraged to develop award plans that will best further the learning needs and goals of their students and show student improvement, growth, and achievement.

F-12 Can full-time administrators receive award payments?

Yes. administrators at participating campuses may receive awards with Part II funds. Districts may also choose to make available matching funds to provide awards to campus administrators. Individual awards made under Part I of the grant may only be used for classroom teachers.

Please note that decisions to include or not include certain administrators are made at the discretion of the eligible districts and should be based on student improvement, growth, and/or achievement.

F-13 Can part-time or full-time instructional aides receive award payments?

Yes. Part II funds allow awards to be given to other campus personnel who demonstrate excellence. Districts can make the decision at a local level to include the personnel they feel help with student improvement, growth, and achievement including instructional aides.

F-14 If we target schools, do the schools included in the district award plan have to stay the same for two years? Can we "retarget" according to need?

No, you can retarget – the requirements state that you would target the same type of schools but not necessarily the same schools.

F-15 Can we award teachers based on campus ratings?

Yes, districts can award teachers based on campus rating only under Part II funds.

F-16 Are we able to use grant funds to improve our data management and analysis?

Yes, districts can use Part II funds to improve their data capacity, management, and analysis.

F-17 Who is responsible for writing district award plans?

District-level planning committees are responsible for establishing district goals for district award plans. These plans should align with district strategic plans. Once district goals are determined, district-level planning committees must decide whether districts will implement a district-wide award program; a plan for select campuses, including targeted campuses; or Teacher Advancement Program (TAP).

G. Performance Measures

G-1 What measures, in addition to TAKS results, can a district use to evaluate student and school academic progress?

There are many measures that a district can use to evaluate student achievement; multiple-measures lead to more robust results. For examples, please visit the technical assistance website at <http://www.utsystem.edu/ipsi/teaperformanceawards/resources> and click on “Performance Measures.”

G-2 By what means, if any, can instructors of non-core courses (e.g., P.E. teachers, music teachers, guidance counselors, and librarians) be included and thus be considered eligible for a D.A.T.E award?

As D.A.T.E. funds are comprised of Part I and Part II funds, there are multiple ways to include instructors of non-core courses into the award plan.

Any objective and credible measure – not just TAKS – that fits the district goals and objectives can be used as a basis of awards. Examples might include: PE: Percent of students who improve their time on a timed long-distance race; music – percent of students who make all-district; guidance counselors: increase in the percent of students who take the SAT/ACT, or complete a FAFSA; librarians: X percent increase in students passing 4th grade reading TAKS.

Whichever measures are adopted, it is strongly encouraged that they meet the requirements for credibility as discussed in the workshops and included in the presentation at <http://www.utsystem.edu/ipsi/teaperformanceawards/resources> and click on “Models of Performance Award Programs”. These models provide several suggestions for including non-core instructors in both Part I and Part II funds.

G-3 What are some examples of performance measures and goals that could be incorporated into a D.A.T.E reward plan?

A district can find examples on the technical assistance website at <http://www.utsystem.edu/ipsi/teaperformanceawards/resources> and click on “Performance Measures.”

G-4 Do individual awards to teachers have to be based on their students’ TAKS performance?

No, individual awards may be based on any objective, quantifiable measure of student improvement, growth, and/or achievement. TAKS fulfills this requirement, but other assessments, such as benchmark exams, end-of-course exams, portfolio assessments, or other assessments may be used as long as they are objectively administered and produce quantifiable results. These other assessments may be used along with or in place of TAKS.

G-5 How can student achievement for teachers whose students do not take TAKS be measured?

Individual awards may be based on any objective, quantifiable measure of student improvement, growth, and/or achievement. Assessments such as benchmark exams, end-of-course exams, portfolio assessments,

or other assessments may be used as long as they are objectively administered and produce quantifiable results.

G-6 How should student achievement for fine arts and physical education classes be measured?

Individual awards may be based on any objective, quantifiable measure of student achievement. Assessments such as benchmark exams, end-of-course exams, portfolio assessments, or other assessments may be used as long as they are objectively administered and produce quantifiable results.

G-7 The Part I plan examples provided by TEA include more than one performance level for each criteria. Is it acceptable to use only one performance level?

Yes, the data sources, measures, performance levels, weights, and awards amounts provided in the TEA examples are not required.

G-8 What criteria or performance levels will NOT be accepted by TEA?

This is a non-competitive grant and thus TEA will negotiate with districts if their plans do not meet all grant requirements. Please refer to the online technical assistance documents for some examples of criteria that meet the requirements.

G-9 How can a district determine in advance what is or is not a realistic performance goal or set of goals to which teachers and others should be motivated to achieve? How does one avoid being too simple or too rigorous?

It is important for a district to establish performance goals that are rigorous yet attainable. District receive a limited amount of D.A.T.E funds, and therefore if performance goals are set too low, too many teachers will meet the goal, not enough funds will be available, and student achievement growth will not be meaningfully targeted.

One way to ensure goals are rigorous but attainable is to look at school, district and state-level trend data. The data must be disaggregated by sub-groups and analysis must take into account any demographic shifts impacting the data. In order to set rigorous but attainable performance targets, one approach is to compare the most effective teachers in each school to the district and state averages. If the most effective teachers have traditionally outperformed the district and state averages by 10%, then this may be an appropriate goal to set for all teachers in the school – one that is attainable, but also meaningful.

G-10 Can a school district use its own test in a D.A.T.E plan?

Yes, a district can use benchmark exams in its D.A.T.E. plan, but must ensure that all measures used are credible, reliable, and valid.

G-11 What test can be used if a district opts for TAP?

The TAP program uses the TAKS test to calculate value-added and award amounts.

G-12 What is the difference between TAKS and valued added systems?

TAKS is a state-wide system of assessment that helps districts determine the level of student achievement in their schools. Value-added is a methodology that uses TAKS (and/or possibly other measures) to determine a measure of the educational impact of a teacher and/or school of a given set of students in a given year in a given content area. TAKS scores are measures of student attainment and do not provide any indication of student growth. Since TAKS is not vertically aligned, it is not feasible to accurately assess the growth, or value-added, across school years for a given cohort of students.

G-13 Are there any achievement or student/school progress measures that a district's D.A.T.E proposal should absolutely avoid using?

Yes, the primary goal of the D.A.T.E. program is to increase student academic performance and award those educators who are most effective in doing so. As such, a district should avoid using any measure of student or school progress that does not directly relate to the goals that the district or schools have for increasing student growth and performance. Any measure that does not satisfy the criteria for credible

measures discussed in the workshop and available at <http://www.utsystem.edu/ipsi/teaperformanceawards> should NOT be used.

Consider benchmark exams that are common in districts. Although they are objective and standardized, they are problematic since most teachers administer the exam to their own students. If a district is convinced that the benchmark exam is the student measure it wants to use, it should implement a testing system that avoids teachers administering the exam to their own students without a proctor.

H. Data Management and Analysis

H-1 How do we determine whether we have the data to support calculation of value-added measures?

District data systems come in many forms and in many packages. In order to calculate teacher specific measures of any kind, you must be able to answer the following question affirmatively: Do you know which students were with which teachers for each content area for each grade in each year? In other words, does your system support a unique teacher identifier over time?

Districts typically fall into one of the following categories:
We do not have the capability to match students to teachers.
We can match students to teachers, but not reliably.
We can match students to teachers, but it would take forever.
We can match students to teachers.

H-2 Is it permissible to budget Part II D.A.T.E funds to pay for outsourcing value added measurements?

Yes, a district can use Part II funds of their D.A.T.E. grant to pay an outside vendor for value-added calculations.

I. Value-Added

I-1 What is meant by systems of value added improvement?

The systems of value-added improvement involve data collection that divides the annual academic growth of students into two parts. Growth that can be attributed to the student based on the expected academic growth a student should make from year to year and growth that exceeds the expected academic growth and can be attributed to a teacher, school, and/or district. The latter is considered value-added. We hope to offer districts examples of systems of value-added.

I-2 Is a district required to use value-added?

No, the performance measures you use for Part I funding are entirely up to district discretion. However, value-added measures are the best available – but not perfect – performance measure for teachers and schools. For a discussion of the relative advantages and disadvantages of the options available to you, see <http://www.utsystem.edu/ipsi/teaperformanceawards>.

I-3 What if we want to do value-added, but do not have the data necessary to support it?

One way a district can build the capacity to measure value-added is to use D.A.T.E. funds to upgrade your data management system, or improve your capabilities of your current system with Part II funds to support subsequent implementation of value-added. Districts can also use D.A.T.E. funds to contract with a vendor or an ESC to calculate value-added. The TEA is currently in the process of compiling a list of approved value-added vendors and ESC's.

I-4 If we implement value-added now, do we have to use it as a basis for awards?

No, many districts have expressed an interest in using D.A.T.E. as a mechanism to implement value-added measures to be used as part of their overall effort to improve instruction and student performance. They are contemplating the delay of the decision to use value-added measures as a basis for distribution of Part I funds until after they have more experience with them.

I-5 Do we have the capacity in the district to calculate value-added measures?

Even if your district has the necessary data, most districts do not possess the capacity to calculate value-added measures which are based upon multivariate regression analysis. Many districts, however, have personnel who have experience using these techniques on their student-level records. With additional training, these districts could develop the internal capacity to conduct their own analysis.

Although not perfect, value-added systems are more fair and more valid than attainment systems. For an illustration of why this is the case, please see the presentation at <http://www.utsystem.edu/ipsi/teaperformanceawards> under “Tools and Resources.”

I-6 What is the most valid and fair measure of student academic progress, a measure of attainment or value added scores?

Value-added or growth measures are superior to attainment measures for a variety of reasons. Even if derived from highly valid assessment, attainment indicators are biased because they: Reflect prior achievement and family and student factors associated with achievement growth; reflect out-of-date productivity effects from prior grades and years (back to pre-school and early grades); are contaminated due to student mobility (and the bias differs across schools); and fail to localize school productivity to a specific grade level, but rather capture (at best) productivity effects from pre-school and onward.

Additionally, attainment measures provide institutions with the perverse incentive to “cream”, that is, to raise measured performance by educating only those students that tend to have high test scores, or those right at the borderline between attainment levels. The objective of value-added is to statistically isolate the contribution of schools to student achievement growth by controlling for prior achievement and all of the nonschool factors that contribute to growth in student achievement.

I-7 How can we communicate to teachers and others what value-added measures really mean?

Conceptually, value-added is not difficult to understand. Value-added measures growth in student achievement, rather than attainment, while taking student characteristics and past performance into account.

The calculation of value-added, however, requires some additional explanation that the workshop presentations at <http://www.utsystem.edu/ipsi/teaperformanceawards> is intended to illustrate. If you have any additional questions, please contact the technical assistance help line at 512-579-5050.

If you choose to use an external technical assistance provider for your value-added measures, the provider should have a strategy to explain their meaning, methodology, and reporting structure. Their efforts to communicate their value-added system and results should be considered a prime criterion for your internal deliberations regarding which provider you opt to use.

If you choose to calculate your own value-added measures, it is strongly recommended that you develop a robust strategy (e.g. in-service training) for teachers to explain what value-added is and how their value-added measures will be calculated and reported.

I-8 Who can we go to for assistance in calculating value-added measures?

TEA is establishing a list of external technical assistance providers that have the capacity to produce value-added measures for your district. A list of these resources is available at the TEA D.A.T.E. technical assistance website.

I-9 Can we use both teacher and school level performance measures?

Yes, many districts are employing just such a strategy. They are attempting to encourage collaboration with a school level award (e.g. all math teachers at a high school) and at the same time recognize individual teachers.

I-10 What do we do if we are small school and do not have a large number of classrooms that form the basis for a value-added based awards system?

Small schools do not have the statistical power to support teacher-level value-added measures and awards calculated the same way that medium and large districts do. In large and medium sized districts, all 5th grade reading teachers for example, are used as the sample for calculation.

If your district has only one 5th grade reading classroom, the alternative would be to compare the value-added measure of that classroom in the current year to that of the former year. There are some extra technical steps that have to be performed in order to do this, but conceptually it is rather straightforward.

An alternative might be to join with other small districts in the area, possibly through the Education Service Center, to enlarge the comparison pool for each grade and subject. Of course, each district's results are proprietary and can not be shared with other districts without contractual permission.

I-11 What about students who are assigned to interventions in a particular content area outside of the classroom? How do you account for this in an awards system?

One approach is to use a combination of school (or department in the case of high schools) level awards with teacher level awards. The effect of outside interventions implemented by the school is shared among the math teachers and the other staff involved in the math intervention. The distribution of awards would be derived from the design of each school's intervention.

In regards to the effect on the calculation of teacher-level value added measures, the effect of the external interventions are equated across all students *if all the eligible students receive the same treatment*. What remains, therefore, is the *teacher's* value-added to each student's academic progress.

I-12 Which students should be included in the sample for analysis and which are not?

It is strongly recommended that the criteria (e.g. minimum attendance) for inclusion and exclusion of students should be an integral part of the communication and engagement strategy of the district.

I-13 What about students who happen to have had a particularly bad day on the day the test was administered? Doesn't that make the value-added measure for those students' teachers unfair?

For measures based on large numbers of students, the effect of the "bad test" day for any one student is not substantial. Furthermore, in the same sample of students, you also have students who experience "good test" days that balance out the effect of the "bad test" day students.

For measures based upon small numbers of students – say less than 10 in a teacher-level system – this a legitimate concern. For a teacher or classroom to be included in value added calculations will require at least some minimum number of students. Researchers often use 10 or more.

I-14 Do you include students in a teacher's value-added calculation who had poor attendance?

For medium and larger districts, the answer is yes since there is sufficient statistical power to account for attendance in the value-added calculation. Small districts do not have the statistical power to account for attendance. They will need to make student specific determinations regarding whether to include students in the calculation.

I-15 Do you include students who were transferred into a class one month, for example, before the assessment is administered?

No, the amount of time that a student is assigned to a classroom to be included in a value-added calculation is a decision that you as a district needs to make.

I-16 Do you include students who have experienced a tragedy in their lives?

This is unfortunately all too common of an occurrence that affects students' ability to perform in the classroom and on state assessments. For measures based upon a large number of students in medium and large districts, the effect of any one student is not substantial. Furthermore, other students in the comparison samples are likely to have experienced similar tragedies, effectively accounting for the effect of such tragedies in the calculation of value-added measures.

Small schools will need to make this decision on a student-by-student basis.

J. Stakeholder Engagement and Communication

J-1 Why is a district communication plan crucial for D.A.T.E?

Buy-in and transparency have been proven to be key to the success of performance award programs. A strong communication plan can ensure that all stakeholders involved in the program will receive adequate information on the program's structure and design. For more information on communication plans, visit the technical assistance website at <http://www.utsystem.edu/ipsi/teaperformanceawards/Resources.html> and click on "Workshop Materials" and "Stakeholder Engagement and Communication".

J-2 What are the crucial components of a D.A.T.E communication plan?

A communication plan should aim to build support among all stakeholders for the new pay structure. You should determine your target audiences and design multiple means of communication (electronic, written, and face-to-face) to engage stakeholders. The communication plan should include goals, a timetable, and a feedback mechanism to insure your communication is being received and understood.

Three of the primary goals of a communication plan include: establishing regular and timely communication between district level leaders and each participating school; raising awareness of the program among teachers, principal and community members; and using positive publicity to promote the program. In order to enhance the effectiveness of the performance award program, a communication plan should include the following components: involve teachers at the outset; engage multiple communication formats on a frequent basis; the ability to clearly communicate the goals and structure of the award plan to multiple audiences, and the development of an ongoing relationship with the local media.

For more information on stakeholder and engagement, see www.cecr.ed.gov.

J-3 Who should be on a school district D.A.T.E design team?

A variety of stakeholders who will be impacted by the performance award plan should be on a district design team. Teachers must have a significant involvement in designing the plan. Districts should include (but not be limited to) various grade-level and subject teachers, administrators, district office staff, data or research staff, grant writers, school board members, and community members. As a rule of thumb, no more than 10 members should be on a design team. For more information, please see the Stakeholder Engagement and Communication section on the technical assistance website, <http://www.utsystem.edu/ipsi/teaperformanceawards/Resources.html>.

J-4 Are there examples of school district performance reward plans that have substantial teacher support?

Yes, Denver ProComp, for example, has received tremendous support for their district-wide alternative compensation plan. The teachers unions in the district and classroom teachers were included in the design of the program from the beginning. Texas districts, such as Austin ISD, have received teacher support for their performance award programs as well. Plans that involve teachers in the design process and ensure that plans are well communicated and transparent generally foster teacher support.

J-5 What are some suggestions/examples for district support?

This is up to local control. Districts must approve district award plans, but the plans should be developed by district-level and/or decision making committee.

J-6 Please clarify the role requirement that plans be made publicly available (i.e., the “publishing” requirement).

We ask for district award plans to be presented to ensure that leaders, teachers, and the public in your district are informed and aware of your plan. The purpose of publishing the plan is to make the plan and award criteria available to campus personnel and other interested parties.

J-7 In regard to the publishing requirement, does the plan have to be published by the application due date, or can we provide information in the application about how it will be published when our application is accepted?

If the plan is not published by the start of the implementation year, please specify in your application where and when you intend to publish it.

K. Grants Administration and Management

GRANT APPLICATION PREPARATION AND SUBMISSION

K-1 Must each page of the application be numbered?

Yes, even if the numbers are handwritten at the bottom of each page. It is difficult for reviewers to note the strengths and weaknesses of an application if there are no page numbers to which they may refer. In addition, should the pages become separated for some reason, page numbers are necessary for putting the pages in proper order and sequence.

K-2 Where can a list of school districts and corresponding county-district numbers be found?

School districts, corresponding campuses, and country district numbers can be found at <http://askted.tea.state.tx.us>.

K-3 What schedules must be included in the application?

All required schedules must be included and all parts of a schedule must be completed and included. Please leave any not applicable schedules blank but include them in the grant submission.

K-4 Can anyone sign Schedule # 1 or submit an eGrant as the authorized official?

No. The authorized official is the person authorized by the local board to obligate the applicant organization in a legally binding contractual agreement. This is the person who would represent the organization in the event of any legal dispute that might arise pertaining to the grant.

1. Applications submitted by public school districts must be signed/submitted by the superintendent of the school district or his/her designee (usually an associate superintendent or similar level only in the larger school districts).
2. Applications submitted by regional Education Service Centers (ESCs) must be signed/submitted by the executive director or his/her designee.
3. Applications submitted by open enrollment charter schools must be signed/submitted by the chief operating officer of the school.
4. Campuses or campus charter schools must apply through their public school district and the application must be signed/submitted by the superintendent or his/her designee.
5. Signing "**by**" or "**for**" the authorized official is not acceptable.

K-5 What if my authorized official isn't available to sign the paper application or submit the eGrant by the deadline day? Can someone else sign it/submit it for him/her, or can it be signed/submitted later?

No. Applicants are advised to plan ahead and ensure that an authorized official will be present to either sign the paper application or submit the eGrant.

K-6 On schedule 4B, Part 4a-4d and Part 5, a fifth column, labeled "Includes Benefits," prompts grantees to write either "yes" or "no" What does checking "yes" or "no" really signify?

In past award programs, teachers, campus faculty, and staff eligible to receive incentive awards were unclear on whether the amount of money listed in the grant application:

1. was subject to benefits and taxes (e.g., Teacher Retirement System of Texas (TRS), Federal Insurance Contributions Act (FICA), etc.);
2. was the actual amount to be received;
3. when paid out, would be reduced due to reductions for TRS and FICA (e.g., Social Security and Medicare).

Therefore, this column clarifies the actual dollar amount dispersed to teachers, campus faculty, and staff that qualify for awards.

Completing the Grant Schedule:
See examples on the next page.

Example 1

Applicants that write “yes” are indicating that the amount of award listed *has* taken into account any required benefits and taxes, and is the actual “take home” amount the staff member can expect if their target is met. Benefits and taxes have been accounted for, although listed separately elsewhere in the grant application. **The staff person should not expect a lower amount.**

Award Amount	Includes Benefits
<p style="text-align: center;">\$1,000</p> <p><i>Note:</i> Actual amount to eligible staff person. Benefits and taxes have been accounted for, although listed separately elsewhere in the grant application. The staff person should not expect a lower amount.</p>	<p style="text-align: center;">Yes</p>

Example 2

Applicants that write “no” are indicating that the amount of award listed has not taken into account any required benefits and taxes. Therefore, the amount listed *is not* the actual amount to be received by the teacher or campus staff person, since benefits and taxes have not yet been deducted. **The staff person can expect a lower amount.**

Award Amount	Includes Benefits
<p style="text-align: center;">\$1,000</p> <p><i>Note:</i> Not actual amount to eligible staff person since benefits and taxes have not been deducted. The staff person can expect a lower amount.</p>	<p style="text-align: center;">No</p>

Consultation with local TRS points of contact and/or district personnel office for specific guidance is recommended, especially **if the district chooses not to pay these contributions with their local, state, federal, and other appropriate sources of funding, then these contributions must be charged to the grant itself.**

AMENDMENTS

K-7 When is an amendment effective?

An amendment is effective on the date it is received in TEA in **substantially approvable form**. An amendment is in substantially approvable form if it contains the signature of the authorized official on Schedule #1 of the paper application and if it contains all of the properly completed schedules affected by the amendment.

K-8 An amendment has been submitted, but it hasn't been approved yet. Can purchase orders be processed or funds encumbered?

No. An amendment must be approved by TEA **prior** to any activities such as issuing purchase orders, encumbering and/or expending funds, receiving goods, or rendering services which are affected by the amendment. Once approved, however, the amendment will be effective on the date it was received in TEA in substantially approvable form.

K-9 Can an amendment be submitted and approved before the NOGA is received?

No, if districts need to make changes to their application prior to the NOGA they can do so during their negotiations.

K-10 When is an amendment not required?

Refer to the specific instructions for the Purpose of Amendment schedule to determine when an amendment is not required. Do NOT submit an amendment if it is not required based on the conditions specified in the instructions. If uncertain about the amendment requirements, contact the TEA funding division prior to submitting an amendment. The TEA reserves the right to return unnecessary amendments without reviewing and approving them.

K-11 When is prior written approval through an amendment required from TEA?

Grantees should refer to the instructions to the Purpose of Amendment Schedule to determine when an amendment is required. Currently, the amendment instructions/requirements are in transition, so the recommendation is to follow the instructions for that particular RFA/SAS.

K-12. When should amendments for program changes be submitted; is there a deadline?

If there is a change in scope to the program approved and submitted to the TEA, program amendment requests are allowable. **The deadline for these amendments is January 15, 2009.**

Program amendment changes could include, but are not limited to, changes to contingency plans to clarify amounts and methodologies used to redistribute remaining, un-awarded funds, changes to teachers and campus staff included in the plan, and changes to program activities identified under Part II funds, etc. Additionally, these changes should not alter the purpose of the campus plan and should go through the required local approval processes (e.g., campus planning committee, campus, district decision-making committee, and, if applicable, the local school board) prior to submission to the TEA. **For further instructions, please refer to the Request for Application and** review schedule 3A located on pages four and five of the D.A.T.E. application. These pages list specific information regarding amendment requirements.

K-13. Are amendments required if my district has not received its Notice of Grant Award (NOGA)?

No. Changes to the grant application can be made during the negotiations period without an amendment. *Please note: All changes must go through local approval processes as required by grant guidelines.*

K-14. What is the negotiations period?

This is the time period in which grant applications are negotiated by Texas Education Agency grant specialists. Applications are reviewed for both fiscal and program guideline compliance. During this period the grant specialists contact the grant's primary point of contact to ask questions regarding the application, and make changes as necessary for program and fiscal compliance. Corrections and changes may be made to the application without an amendment during this period.

K-15. My district has completed the negotiations process, but upon review, further corrections are necessary. What do I do?

Once negotiations are complete, the grantees must wait until the Notice of Grant Award is issued and received. Further changes require a formal amendment.

K-16. Which Request for Application schedules are required for amendments and must accompany the requested changes?

Amendment request submissions must include schedules 1A-3A (signature pages and purpose of amendment pages: D.A.T.E pages 1-5). Include in the amendment the supporting budget schedules (i.e., Schedules #5B-5H), as well as any narrative schedules affected by the amendment.

For further instructions, please refer to the Request for Application at:

<http://maverick.tea.state.tx.us:8080/Guidelines/non-eGrants%20Documents/592-09/Application.doc> for further instructions.

K-17. Is there a final date to submit amendments? If so, when is it?

Yes. The final day to submit programmatic amendments for D.A.T.E. is January 15, 2009. Budget amendments must be submitted 90 days prior to the end of the grant period.

K-18. Is there a difference between programmatic amendments and budget amendments?

Yes. Programmatic amendments are changes such as: increasing or decreasing the number of staff positions, changes in performance measure criteria (e.g. changes to student achievement rate measures, changes to objectives, etc).

Budget amendments are changes which affect the way in which grant funds are utilized, such as: increasing or decreasing the amount approved in any class/object, reducing funds allotted for training costs to increase award amounts for Part II, or implementing the contingency plan that requires moving funds for professional development, etc

SUPPLEMENT NOT SUPPLANT

K-19 What is the definition of supplement? Supplant?

Supplement means to add to; to enhance; to expand; to increase; to extend; to create something new. **Supplant** means to take the place of; to replace by something else.

Example of statutory language: A state or local educational agency may use funds only so as to supplement the funds that would, in the absence of such federal funds, be made available from non-federal sources, and in no case may funds be used so as to supplant funds from non-federal sources.

K-20 What does supplement, not supplant mean?

Federal funds may be used only to supplement or augment the educational programs generally offered with state and local funds.

- Federal funds may be used only to provide supplemental services that would not have been provided had the federal funds not been available.
- State or local funds which previously funded activities may not be diverted to another purpose simply because federal funds are now available to fund those activities.
- In other words, the use of federal funds may not result in a decrease in state or local funds for a particular activity, which, in the absence of the federal funds, would have been available to conduct the activity.
- Federal funds must supplement or augment that which must be provided by state law or SBOE rule, or any activities which have been adopted as policy by a local school board of education to fund from non-federal sources.
- If federal funds are used to enhance or expand a state mandate, SBOE rule, or local board policy, the federal supplementary activities must be separately identified and clearly

distinguishable from the activities identified as necessary for implementing a state mandate, SBOE rule, or local board policy as outlined in the implementation plan.

K-21 Do recipients of federal funds have to maintain documentation that demonstrates the supplementary nature of the funds and activities?

Yes. In most cases, both the funding and the activities must be supplemental. The exception is Title I school wide projects where only the level of funding must be supplemental. If supplement and not supplant cannot be properly documented, the maximum penalty would be the return of 100% of the grant dollars to TEA, depending upon the activities and expenditures associated with the supplant.

K-22. How can grantee officials know if they are supplanting?

Ask yourself this question: If I didn't have federal funds available to conduct this activity/service, would I still conduct it with state or local funds anyway?

If the answer to the question is "yes", you are supplanting because it is no longer a supplementary activity. You must be able to demonstrate that you could not conduct the activity if it weren't for the federal funds.

The test to determine whether supplanting has occurred is whether the programs supported with federal funds would, in the absence of these federal funds, have been supported with state or local funds.

K-23. Does supplement-not-supplant ever apply to state-funded grant programs?

Yes, supplement-not-supplant often applies to state-funded grant programs. If this requirement applies, it will be specified in the applicable RFA or SAS. The requirements will be applied in the same manner as for federal grants. The grant funds must supplement other state, federal, or local funds.

OBLIGATIONS/ENCUMBRANCES

K-24. What is an obligation?

Obligation means the amounts of orders placed, contracts or subgrants awarded, goods and services received, and similar transactions during a given period that will require payment by the grantee during the same or a future period. In other words, an *obligation* is a purchase order, a signed contract or other agreement, a purchased airplane ticket, the purchase of supplies or materials, etc., or other "commitments" to expend the funds. Grant funds may not be obligated prior to the starting date of the grant or after the ending date of the grant.

K-25. When does an obligation occur?

Grant funds may not be obligated prior to the starting date of the grant or after the ending date of the grant. An obligation occurs when:

- Services by an employee – when the services are performed
- Services by a contractor – the date of a binding written commitment to obtain services
- Utility services – when the services are received
- Travel – when the travel is actually taken (for example, mileage claimed, lodging, and meal expenses while on travel)
- Rental of property – when the property is used
- Real or personal property (including purchase of supplies and equipment) – the date of a binding written commitment to acquire the property, such as a purchase order

K-26. We have a discretionary grant in which grant funds were encumbered/ obligated before the end of the grant period, but the goods were not received until after the end of the grant period. When the final expenditure report was submitted, however, TEA would not pay for these goods. Why not?

For discretionary grants, all encumbrances have to occur on or between the beginning and ending dates of the grant. Likewise, all goods must be received and all services must be rendered within the beginning and ending dates of the grant. All expenditures must be subsequently liquidated (recorded as an expenditure or accounts payable) by the time the final expenditure report is submitted to TEA so that the expenditures and accounts payable can be included in the final expenditure report. A good or service can only be put into the accounts payable once the goods or services have been received. Goods or services received after the grant ends will have to be paid from other grant or local funds. [General Provisions and Assurances, Schedule 6A, Section K.]

K-27. We have a discretionary grant. We ordered materials or equipment before the ending date of the grant. But the vendor didn't ship the materials or equipment on time, so we did not receive them until after the grant ended. Can we pay for them from the grant?

No. The materials or equipment must be received prior to the ending date of the grant.

K-28 We want to contract with a consultant to perform services related to the grant. Can the contract extend past the ending date of the grant period?

TEA cannot reimburse the grantee for consultant services performed before or after the ending date of a grant. Therefore, TEA highly recommends that such a contract not extend past the ending date of the current grant period. The contract creates a binding written legal agreement between the grantee and the consultant. Should you not receive grant funds for some reason beyond the current grant period, the grantee is still contractually obligated to receive services from and to pay the consultant. This means the grantee will be paying for consultant services from some other allowable funding source if the grantee for some reason does not receive grant funding in the subsequent year.

In addition to possibly resulting in financial difficulties for the grantee in paying the consultant, it may also appear to be a supplant rather than a supplemental expenditure because the grantee is making a

commitment beyond the current grant period, which implies other sources of funds will exist after the grant period to pay the consultant. A supplant condition would require the repayment to TEA of all costs paid to the consultant.

In addition, you may wish to terminate the contract with a particular consultant at the end of the grant period, but would be unable to do so easily if the contract extends past the current grant period.

For these reasons, TEA recommends that any contract with a consultant/contractor not extend past the current grant period.

K-29. Can we sign a contract with a consultant/contractor prior to the start date of the grant and pay for the services from the grant, even though the services will not be performed until after the grant starts?

No. The signed contract constitutes a binding obligation/encumbrance, and cannot be committed prior to the start date of the grant. Signing the contract prior to the start date of the grant will cause an audit exception for the grantee.

ALLOWABLE/UNALLOWABLE COSTS

K-30. What does "reasonable and necessary" costs mean?

"Reasonable costs" means costs that are consistent with prudent business practice and are comparable to current market value. "Necessary costs" are those costs that are *essential* to accomplishing the objectives of the project. Project costs must be reasonable in relation to expected outcomes, i.e., the amount requested might realistically be expected to have an impact on the stated needs, and the expected outcomes are sufficient to justify the amounts requested.

K-31. To be allowable, do costs have to meet specific criteria?

Yes. To be allowable, costs must:

- Be reasonable for the performance of the grant and be allocable under the applicable cost principles
- Conform to limitations or exclusions set forth in applicable cost principles or the grant agreement as to types or amount of costs
- Be consistent with policies and procedures that apply uniformly to federally funded activities and activities funded from other sources
- Be accorded consistent treatment among all grant programs, regardless of funding source
- Be determined in accordance with generally accepted accounting principles (GAAP)
- If federal, not be included as cost or used to meet cost-sharing or matching requirements of any other federally-funded program in the current or a prior period
- For discretionary grants, not be used for lease-purchases (i.e., debt service)

K-32. How is the reasonableness of a cost determined?

Consider whether:

- The cost is of a type generally recognized as ordinary and necessary for operation of the organization or grant performance
- The grantee acted in accordance with any restrictions or requirements imposed for generally accepted sound business practices, arms length bargaining, federal/state laws and regulations, and grant award terms and conditions
- Market prices for goods and services are comparable
- Individuals acted with prudence in the circumstances of responsibility to the organization, its members, employees, clients, the public, and federal government
- There are no significant deviations from established practices of the organization which may unjustifiably increase grant costs

K-33. Are fringe benefits allowable under payroll costs?

Yes. Fringe benefits are allowable for personnel paid from the grant. Payroll costs include gross salaries, wages and benefits such as teacher retirement, unemployment insurance, etc.

K-34. Can we sign a contract with a consultant/contractor prior to the start date of the grant and pay for the services from the grant, even though the services will not be performed until after the grant starts?

No, not under any circumstances. It is allowable, however, to pay for *mandatory retirement or pension plans* when the retirement or pension plan is mandatory (i.e., not optional) for all employees and when specified in organization policy that all employees are required to participate in the plan.

K-35. When can a school pay for extra duty pay costs?

A school may pay employees extra duty pay to attend meetings/conferences/ workshops during non-contract hours (after-hours, holidays, and weekends). Extra duty pay may not be paid during regular working hours of a contract day. Employees must document the extra hours worked and payment must be made based on actual extra hours worked. Alternatively, where provided in district policy, if an additional assignment, such as managing a grant, is given to an employee, where the employee will manage the grant during non-contracted hours, the district may supplement the pay of the employee on a semester or annual basis, as appropriate, depending upon the length of the project. All extra-duty pay must be reasonable compensation for the actual work performed during extra hours. If extra-duty pay is based on hours worked, the pay must be based on the hourly rate for the employee.

K-36 Can grantees pay "consultant fees" to employees of the district or charter agency?

No. Professional and consultant fees are allowable only *for services performed by persons who are not officers or employees of the organization*. If employees of the school/charter agency provide services directly related to the grant, the employees' salaries/wages must be included on the Payroll Schedule.

K-37 If an assistant principal position was added specifically to coordinate or manage the grant program on the affected campus, could that individual's salary be paid with grant funds?

In most instances, no. The title "assistant principal" implies the individual will be performing other duties that an assistant principal might typically perform. If the position was indeed added to specifically coordinate or manage a grant program, then, to avoid an audit exception or misperception, the TEA recommends that the title of the person more appropriately reflect the duties of the position, such as "grant coordinator". To be able to pay the salary from the grant, the position must be properly budgeted and approved in the grant application, and the duties must coincide with that of a grant coordinator, and not of an assistant principal.

If the position was added to perform the duties of an assistant principal as well as grant duties, see the answer to section K, question 41.

RETAINING GRANT RECORDS

K-38. How long should a grantee retain supporting documentation for an awarded grant?

Financial records, supporting documents, statistical records, program records, and all other records pertinent to an award must be retained for a period of five years from the ending date of the grant.

K-39. What kind of fiscal/accounting records should be maintained?

All fiscal/accounting records should be maintained and should include at a minimum a general ledger of all expenditures, time and effort records for employees, charges made to payroll as documented in a payroll ledger, purchase orders, invoices, receipts, travel vouchers showing actual travel expenditures

reimbursed to employees, expense vouchers showing actual other expenses reimbursed to employees, cancelled checks, bank statements, and any other documentation that supports the financial transaction.

K-40. What kind of program records should be maintained?

Program records would be any documentation which provides evidence that program activities as described in the application and in the applicable authorizing program statute actually occurred. Program records might include: class rosters, attendance rosters, sign-in sheets, teachers' lesson plans, student test scores, agendas of meetings and training events, copies of materials, handouts, supplementary instructional materials, minutes from meetings, etc.

NONCOMPLIANCE

K-41. When is a grantee in noncompliance?

A grantee is in noncompliance when it is found to not be meeting one or more conditions, requirements, provisions, or assurances of the grant program.

K-42. What specifically might cause a grantee to be in noncompliance?

A grantee may be found to be in noncompliance for the following reasons, not limited to but including:

- Delinquent progress/activity reports
- Delinquent final evaluation report
- Delinquent expenditure reports
- Refund due to TEA
- Failure to maintain a proper accounting/financial management system or to account for funds in accordance with a proper system
- Failure to properly implement the grant program according to the approved application and/or timeline
- Failure to comply with the grant program requirements
- Failure to comply with any applicable statutes, regulations, rules, or guidelines

K-43. A grantee is found to be in noncompliance. What sanctions are available to the state to remedy the situation?

- Payment can temporarily be withheld
- All or part of costs for the service or item can be disallowed
- The current award can be wholly or partly suspended or terminated
- Further awards can be withheld
- Other legally available remedies can be pursued

Federally funded grants will be provided an opportunity to request hearing if one of these sanctions is implemented. State funded grants will be provided an opportunity to request an informal review if one of these sanctions is implemented.

K-44. Will final payments be withheld if the final evaluation report is not provided?

Yes. Final payment will usually be withheld pending receipt of the report. The grantee is in noncompliance with grant requirements until such time as the final evaluation report is submitted to TEA. Eligibility of the grantee to receive future grants, including continuation grants, from TEA may be impacted by such noncompliance.

DOCUMENTATION FOR CHARGES TO PAYROLL

K-45. We have added one or more positions to the payroll that are not budgeted in our grant application. Are we required to amend the grant to add these positions prior to paying them from the grant?

Yes. All positions in the application require specific approval prior to incurring any charges to the grant. An amendment is effective on the day it is received in TEA. Therefore, prior to adding a position to the grant payroll, you must obtain approval from TEA through a proper amendment. Charges to the grant for these additional positions can be made only after receiving approval from TEA.

K-46. What must be included in "time and effort" reports?

Time and effort reports must be completed "after-the-fact," must be prepared contemporaneously (as you work), and must include each of the three following elements:

- Grant program name/funding source
- The activity worked on
- The amount of time spent on the activity

K-47. Does TEA provide a sample "time and effort" report format?

No. This is a local decision. The time and effort should conform to the format established by the grantee organization. The same or similar form should be used consistently among all personnel/divisions reporting time and effort.

L. Contingency Planning

L-1 For purposes of the District Awards for Teacher Excellence(D.A.T.E), what is a contingency plan?

The grant allocation for the D.A.T.E is designed to be awarded in two parts. Part I funds represent a minimum of 60 percent of the total district award. These funds are used to award classroom teachers based on student improvement, growth, and/or achievement. Part II funds represent a maximum of 40 percent of the total district award. These funds can be used for stipends and awards to classroom teachers, campus faculty, and staff and/or on any of the allowable activities (See B-17).

Both Part I and II funds should be expended according to these grant requirements. Specifically, Part I funds require monetary award amounts to be distributed to classroom teachers that meet required program criteria. If the total award amount budgeted and/or reserved for Part I awards to eligible classroom teachers is not distributed to *all* teachers (i.e. there are unawarded funds because some teachers did not meet their targets), a contingency plan to re-distribute *all* remaining funds should be executed. Districts must indicate the strategy, policy, and/or plan outlining how remaining Part I funds will be distributed in the **Part I Contingency Plan Schedule 4B, Part 8**.

Districts that choose to include additional incentives under Part II to classroom teachers and incentives to campus faculty and staff will also have to determine if unawarded Part II funds will be distributed to additional classroom teachers, and/or campus faculty and staff that meet established performance targets. If the total award amount budgeted and/or reserved for Part II awards to campus personnel is not distributed to *all* personnel identified as eligible because some staff members did not meet their targets, a contingency plan to re-distribute *all* remaining funds should be executed. Districts must indicate the strategy, policy, and/or plan outlining how remaining Part II funds will be distributed in the **Part II Contingency Plan Schedule 4B, Part 9**. Part II contingency plans can include fund re-distribution to staff members that met their targets under Part I and/or Part II of the district award plan or for other allowable Part II activities.

L-2 Is the contingency plan required by statute, administrative rule, and/or guidance from the TEA?

Programmatic requirements state that districts must develop contingency plans for any un-awarded Part I and/or II funds not earned by qualifying campus teachers, faculty, and staff.

L-3 Is the district-level decision-making committee required to vote to approve the contingency plans?

Yes. Since contingency plans are a part of the district award plan, the district-level decision-making committee should vote to approve the contingency plans as a part of the plan.

L-3 Are local school boards required to approve contingency plans?

Yes, since the local school board approves the district award plan, the local school board should vote to approve the contingency plans as a part of the plan.

L-4 Who is responsible for understanding the mechanics/content of the district developed contingency plan(s)?

The district is responsible for understanding the mechanics/content of the district developed contingency plan(s). Additionally, all campus faculty and staff, district-level decision-making committees, and the local school board should be aware of any plans to redistribute un-awarded funds.

L-5 Who is responsible for authoring contingency plans?

The district-level planning committee is responsible for contingency plan development.

L-6 Are there minimum components to a quality contingency plan?

Quality contingency plans:

- 1) identify the individuals eligible to receive redistributed funds;
- 2) list the amount of funds, per individual, to be redistributed;
- 3) identify the criteria necessary for individuals to qualify to receive redistributed funds;
- 4) document any excluded individuals from receipt of redistributed funds;
- 5) provide the date funds can be expected to be redistributed; and
- 6) include language to “cap” the amount of funds to be redistributed to individuals, if applicable.

L-7 Can districts choose to exclude contingency plans from their application?

No. Contingency plans are required in the application submission process.

L-8 What considerations should be recognized when writing equitable and quality contingency plans?

Contingency plans should align to the originally intended outcome of the grant. In other words, classroom teachers, faculty and staff, and/or specific content areas, etc. should not be valued differently when a contingency plan is executed.

L-9 How explicit should the contingency plan be?

Contingency plans should clearly specify the amount of funds to be redistributed and to which individuals funds will be distributed. When identifying the individuals eligible to receive redistributed funds, the plan should articulate the criteria individuals must meet in order to receive more funds.

For example, if a Part I contingency plan redistributes remaining funds only to teachers that met their criteria and return to the school the following year, then teachers who met their criteria and leave the school the next year would qualify for Part I incentive awards, but would not be eligible for redistributed funds.

L-10 Is it acceptable to redistribute unawarded funds using either all flat or all tiered payment structures instead of a combination of both structures?

Yes.

ELIGIBILITY

L-11 Who is eligible to receive redistributed Part I funds?

Classroom teachers who met their criteria under Part I are the **only** campus staff persons eligible to receive redistributed Part I funds.

L-12 Who is eligible to receive redistributed Part II funds?

Classroom teachers who met their criteria under Part I and/or Part II and staff persons who met their criteria under Part II. Part II contingency funds can also be used for any of the allowable activities under Part II.

L-13 Can groups or teams of teachers receive redistributed contingency plan funds?

Yes, groups or teams of teachers may receive redistributed funds; however, only those teachers that met their criteria can receive redistributed contingency plan funds.

L-14 If the district award plan allocated 100 percent of the grant's allocation for awards to classroom teachers under Part I, does the Part II contingency plan requirement no longer apply?

Districts that use 100 percent of the grant's allocation for incentives to teachers must develop a Part I contingency plan to redistribute any un-awarded funds. This Part I contingency plan could specify that a percentage of remaining funds (equal to or less than 40 percent of the total grant allocation) must be used for identified allowable Part II activities. The decision to allocate grant funds for Part II activities, as written in the Part I contingency plan, would not require a Part II contingency plan.

L-15 Can districts choose to award redistributed contingency plan funds to teachers new to the school or that retire?

As long as teachers meet the definition of a classroom teacher and are able to meet the required criteria either under Part I or Part II, they may be included in the contingency plan for redistributed funds. This decision is left to the discretion of the district planning committee.

Teachers who retire at the end of the school year are eligible to receive awards. Teachers who retired before the school year began are not eligible to receive awards. Teachers who retire mid-year are eligible to receive awards if they meet their criteria.

Applicants opting to do this must state this activity clearly in the program narrative of their applications.

Please note: Decisions to include or exclude teachers are made at the discretion of the participating district.

L-16 If teachers transfer from campuses included in the D.A.T.E. plan to campuses not included in the plan, can they receive redistributed contingency plan funds?

Maybe. Districts, at their discretion, may provide awards to teachers who voluntarily transferred from eligible to ineligible campuses, including redistributed contingency plan funds. However, teachers must meet the Part I and/or II criteria to qualify for these funds.

Applicants opting to do this must state this activity clearly in the program narrative of their applications.

Please note: Decisions to include or exclude certain teachers are made at the discretion of the eligible district.

L-17 Can full-time campus administrators receive redistributed contingency plan funds?

Administrators at participating campuses may receive redistributed Part II funds so long as they meet their Part II criteria. Districts may also choose to make available matching funds to provide awards to campus administrators.

Please note that decisions to include or not include certain administrators are made at the discretion of the district. Superintendents are not eligible to receive incentive amounts.

L-18 Can classroom teachers and campus faculty and staff be excluded from receiving redistributed contingency plan funds?

Yes, districts at their discretion may choose to exclude campus faculty and staff from receiving redistributed contingency plan funds; however, this decision must be included and approved in the plan. And, since the contingency plan should be designed to expend all remaining funds, campuses should recognize that the decision to exclude staff will increase the amount of remaining funds left for redistribution to those identified as eligible.

L-19 Can district administrators make changes to contingency plans?

Yes, but only if any changes to a contingency plan go through all required approval processes (district-level committee, superintendent, and the local school board).

L-20 In order to motivate teachers to remain on the campus, may the district withhold contingency plan awards from teachers who meet performance objectives, but leave their assigned school at the end of the school year?

Yes, this is allowable however, applicants who choose to do this must specify this stipulation clearly in the contingency plan and ensure that this stipulation is included in the public presentation of the plan. Please consult with your local legal counsel to develop appropriate requirements.

FISCAL

L-21 How much of the remaining Part I program funds should be redistributed?

All, or 100 percent, of any remaining un-awarded Part I funds should be redistributed to eligible classroom teachers.

Note: a minimum of 60 percent of the total grant award must be used for Part I awards.

L-22 How much of the remaining program funds under Part II should be redistributed?

All, or 100 percent, of any remaining un-awarded Part II funds should be redistributed to eligible classroom teachers, staff members, and can be used for other allowable Part II activities.

Note: a maximum of 40 percent of the total grant award can be used for Part II awards and activities.

L-23 Can a “cap,” or limit, on the amount of re-distributed funds to teachers be applied in the contingency plan?

Yes, districts can choose to institute “caps” and limit the amount of funds redistributed to teachers and staff. Caps can be limited to either the total amount received by the individual (award plus the amount redistributed) or to the amount redistributed. For example, a campus may choose to limit the total award amount (incentive payment plus the amount redistributed) paid to teachers to \$8,000. Or, the campus might just limit the redistributed amount so that it does not exceed \$6,000 (plus any amount received under Part I or Part II for meeting criteria).

L-24 Does the five percent allowable deduction for administrative costs affect the contingency plan?

No. The allowable five percent administrative costs must be charged from Part II funds. Part II contingency plans should exclude these costs in the formula for redistributed Part II funds.

L-25 When should districts plan to distribute contingency plan funds to teachers and other campus personnel?

Districts should expect to pay out awards under Part I and Part II (if applicable) between May 15 and October 15 following the year in which the district plan was executed. Therefore, any redistributed funds should coincide with this timeline.

L-26 Do districts need to pay into the Teacher Retirement System (TRS) for re-distributed contingency plan funds to teachers and campus personnel?

TRS must be deducted/charged to incentive payments since, “Compensation paid under the Awards for Student Achievement Program under Subchapter N, Chapter 21, Education Code and the Educator Excellence Awards Program under Subchapter O, Chapter 21, Education Code are eligible compensation for TRS purposes. Accordingly, compensation for service paid pursuant to award programs initiated beginning with the 2006-2007 school year under the authority of either Subchapter N or O of Chapter 21 of the Education Code is eligible compensation for TRS purposes and must be reported to TRS and member contributions withheld (TRS).”

Although TRS must be deducted/charged to incentive payments, districts are not required to pay each teacher’s individual contributions into TRS for incentive awards provided under this program with their local, state, federal, and other sources of funds. However, TRS must be paid; therefore, **if the district chooses not to pay these contributions—including for redistributed funds—with their local, state, federal, and other appropriate sources of funding, then these contributions must be charged to the grant itself.** Consultation with local TRS points of contact and/or district personnel office for specific guidance is recommended.

L-27 When is the earliest Part I funds contingency plan funds can be distributed teachers?

Since incentives are be paid out based on performance for a specific school year, grantees should pay out Part I funds between May 15 and October 15 following the year in which the campus plan was executed. Therefore, any redistributed funds should coincide with this timeline.

L-28 When is the earliest Part II funds contingency plan funds can be distributed teachers?

Since Part II incentives are be paid out based on performance for a specific school year, grantees should pay out Part II funds between May 15 and October 15 following the year in which the district plan was executed. Therefore, any redistributed funds should coincide with this timeline.

L-29 How should districts handle legal suits and/or complaints resulting from contingency plans?

Districts are encouraged to consult with their legal counsel during all aspects of plan development and implementation, including contingency plans.