

Title II, Part A - Teacher and Principal Training and Recruiting Fund

Questions and Answers Regarding Implementation of CS/SB 1108 **Answers may vary for other federal programs under the Senate Bill 1108 legislation**

1. What section of Florida Statutes (F.S.) addresses the distribution of federal funds to charter schools?

Section 1002.33, F.S., Charter schools.

“(17) FUNDING.—Students enrolled in a charter school, regardless of the sponsorship, shall be funded as if they are in a basic program or a special program, the same as students enrolled in other public schools in the school district. Funding for a charter lab school shall be as provided in s. 1002.32.

(c) If the district school board is providing programs or services to students funded by federal funds, any eligible students enrolled in charter schools in the school district shall be provided federal funds for the same level of service provided students in the schools operated by the district school board. Pursuant to provisions of 20 U.S.C. 8061 s. 10306, all charter schools shall receive all federal funding for which the school is otherwise eligible, including Title I funding, not later than 5 months after the charter school first opens and within 5 months after any subsequent expansion of enrollment. Unless otherwise mutually agreed to by the charter school and its sponsor, and consistent with state and federal rules and regulations governing the use and disbursement of federal funds, the sponsor shall reimburse the charter school on a monthly basis for all invoices submitted by the charter school for federal funds available to the sponsor for the benefit of the charter school, the charter school’s students, and the charter school’s students as public school students in the school district. Such federal funds include, but are not limited to, Title I, Title II, and Individuals with Disabilities Education 128 Act (IDEA) funds. To receive timely reimbursement for an invoice, the charter school must submit the invoice to the sponsor at least 30 days before the monthly date of reimbursement set by the sponsor. In order to be reimbursed, any expenditure made by the charter school must comply with all applicable state rules and federal regulations, including, but not limited to, the applicable federal Office of Management and Budget Circulars, the federal Education Department General Administrative Regulations, and program-specific statutes, rules, and regulations. Such funds may not be made available to the charter school until a plan is submitted to the sponsor for approval of the use of the funds in accordance with applicable federal requirements. The sponsor has 30 days to review and approve any plan submitted pursuant to this paragraph.”

2. What is the timeframe for implementing Senate Bill 1108 (CS/SB 1108) as it relates to the Title II, Part A - Teacher and Principal Training and Recruiting Fund (Title II-A)?

Senate Bill 1108 became law July 1, 2013. Implementation begins July 1, 2013.

3. When should the district begin to accept charter school plans, 2013-14 or 2014-15?

We recommend that district and charter school personnel establish open lines of communication regarding the implementation of a reimbursement plan through the Title II-A program for the current school year and discuss timelines for 2014-15.

4. May the district set a timeline for acceptance of a charter school reimbursement plan?

Yes. We recommend that the district set reasonable timelines for acceptance and reviews of reimbursement plans from charter schools taking into consideration new charter schools

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that are opening for the first time. Pursuant to the law, districts have 30 days to review and approve the plan(s) once submitted by the charter school(s).

- 5. If an LEA has already begun implementing Title II-A professional development activities and charter school(s) personnel have been participating, may the LEA deduct the charges if the charter school(s) chooses to submit a reimbursement plan for the 2013-14 school year?**

We recommend that the district and charter school personnel establish open lines of communication regarding the implementation of reimbursement plans through the Title II-A program; the plan or lack thereof, is to be mutually agreed upon by both the district and the charter school.

- 6. Is the district responsible for making contact with the charter school(s) to initiate the reimbursement plan(s)?**

While the statute does not assign responsibility for initial contact, we recommend that the district set up a process to annually notify charter schools of their ability to receive Title II-A fund reimbursements, with instructions for submitting a plan.

- 7. Is a charter school required to submit a reimbursement plan for reimbursement of Title II-A funds to receive services under the Title II-A programs?**

No. A charter school has the choice to submit a reimbursement plan for Title II-A services or to continue to participate in Title II-A funded activities that are offered by the district.

- 8. May a charter school continue to receive services like all public schools if the charter school chooses not to submit a reimbursement plan?**

Yes. It is up to the charter school to decide if it wants to participate in local activities funded by the Title II-A program or develop a reimbursement plan.

- 9. If the charter school decides to write a reimbursement plan and receive reimbursements from the Title II-A program allocation from the district, would the charter school continue to be allowed to participate in district Title II-A funded services?**

We recommend that the district and the charter school mutually decide which type arrangement is best for services provided by the district under the Title II-A program funds, be it a reimbursement plan, district participation or other means that best meets the needs of the teachers and appropriate personnel in the charter school.

- 10. Is it reasonable to request written affirmation from the charter school that wishes to continue to participate in district Title II-A activities and not submit a reimbursement plan?**

Yes. It is reasonable to request written affirmation from the charter school of this choice.

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11. Who determines the reimbursement allocation for the charter school plan?

The reimbursement allocation is determined at the district level.

12. Are there specific components a district must use in the formula to determine the reimbursement allocation?

No.

13. How are the reimbursement allocations determined for charter schools?

The district may determine how the formula is derived. Because the funds issued to the state are calculated using the census data and based on student counts, ages five to 17, through the formula required in the legislation, it is recommended that the district use student counts to determine the reimbursement allocations.

14. May the district use teacher counts to determine the reimbursement allocations for charter schools?

The reimbursement allocations may include a component of teacher data; however, not all teachers qualify for services under the Title II-A program. Due to this fact, the district must be prudent to only include core subject area teachers should the district use teacher counts as part of the formula.

15. What are the core subject areas?

The core subject areas are defined in Title IX-General Provisions, Part A-Definitions, Section 9101. These include English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.

16. Are the reimbursement allocations just like the private school service allocations?

No. While the district is allowed to take certain costs off the top prior to determining the Title II-A service allocations for participating private schools, this is not the case for a charter school(s) reimbursement plan.

17. Are there appropriate services that may be taken off the top of the district allocation prior to determining the reimbursement allocation to a charter school(s)?

Yes. The administration for implementing the Title II-A programs may be taken off the top. However, this does not include the administration of services provided such as professional development staff funded by Title II-A to implement program activities. Specifically, this is the administration of the project itself and any support staff that is needed for maintaining documentation records in administering the programs funded in the district annual application.

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18. What sequence should districts use in determining the reimbursement allocation for charter schools?

The reimbursement allocation to charter schools should be determined after the administration for the project has been considered (reasonable and necessary) and taken off the top of the total amount of Title II-A funds issued to the district. At this point, the formula may be determined for individual charter school reimbursement allocations.

19. Does administration include indirect costs?

Yes. Indirect costs are considered administration costs.

20. When are the private school service allocations determined?

Because the law allows districts to take allowable expenditures off the top prior to determining the Title II-A service allocation for private schools, the private school service allocations are determined after both the allowable expenses and the charter school reimbursements are taken.

21. What should be included in a charter school reimbursement plan?

Similar to the district application, the plan must include a needs assessment based on documented data, proposed professional development activities and the proposed budget.

The needs assessment should demonstrate the need for allowable professional development under the Title II-A program. Just as districts must comply with the federal regulations, the submitted planned activities and expenditures from the charter school would also comply with federal and state regulations and applicable Office of Management and Budget Circulars.

22. Must the charter school reimbursement plan meet the intent of the district's requirement to develop strategies and activities to assist teachers who are not highly qualified and/or infield according to State Board of Education (SBE) Rule 6A-1.0503, Florida Administrative Code (FAC) requirements or are not effective based on the district's Performance Evaluation System required under Section 1012.34 F.S., teaching a core course(s) for which the teacher is not highly qualified and/or teaching infield, and how the district will continue to maintain highly qualified and/or infield teachers?

Yes.

23. What activities are not allowed to be paid from the Title II-A funds?

Charter schools may use Title II-A funds for any expenses that are allowable under Title II-A. If the charter school proposes unallowable activities in the plan submitted to the district, the district should notify the school that the proposed activities are unallowable and request a revised plan.

If the teachers in the charter school are legally required to attend certain professional development and it would presumably provide those services regardless of whether federal

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funds are available, then these activities would likely be considered unallowable under the supplement not supplant requirement.

The law requires that all uses of Title II-A funds supplement non-federal funds that would otherwise be used for activities, and hence, the professional development provided with federal funds needs to be in addition to, and not in place of, what the charter school would otherwise provide.

The district and charter school(s) should work together to ensure the proper use of Title II-A funds.

24. Can Title II funds pay for charter school board members to participate in governance training?

No. The Title II-A federal legislation says: "Providing professional development activities that improve the knowledge of teachers and principals and, in appropriate cases, paraprofessionals, concerning one or more of the core academic subjects that the teachers teach; ...Carrying out professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders" (Section 2123(3)&(6)).

25. Will the state develop a template reimbursement plan for use by the charter school?

No.

26. In Section 1002.33 F.S., who is the "sponsor"?

The sponsor is defined as the "district."

27. When is the reimbursement plan for the Title II-A professional development due to the sponsor?

The district should establish a reasonable timeline for submission.

28. How long does the sponsor have to review and approve the reimbursement plans?

Section 1002.33 (17)(c), F.S., states that the sponsor has 30 days to review and approve any plan submitted.

29. What if the charter school reimbursement plan submitted to the district is not in line with the Title II-A allowable activities?

If the charter school proposes unallowable activities in the plan submitted to the district, the district should notify the school that the proposed activities are unallowable and request a revised plan. It is recommended that the district establish procedures to ensure that reviews are conducted in a timely manner including time for any necessary edits or revisions.

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30. Who is responsible for monitoring the reimbursement plan for a charter school?

The district is responsible for monitoring the reimbursement plan(s) which includes the activities implemented based on the charter school Title II-A reimbursement plan.

31. Will the state monitor the implementation of these activities?

Yes. The state is required to monitor district implementation of the Title II-A programs.

32. Pursuant to Section 1012.98(3)(b), F.S., are charter schools required to have a professional development plan (“Each school district shall develop a professional development system as specified in subsection (3). The system shall be developed in consultation with teachers, teacher-educators of community colleges and state universities, business and community representatives, and local education foundations, consortia, and professional organizations. The professional development system must: (1) Be approved by the department. All substantial revisions to the system shall be submitted to the department for review for continued approval...”)?

No. However, districts should consider the needs of charter schools in the development of their professional development plans.

33. Are charter schools required to have an evaluation plan that meets the requirements of Section 1012.34, F.S., i.e., be based on Florida Educator Accomplished Practices (FEAPs) and student learning growth?

Yes.

34. Are charter school personnel subject to the requirements in Section 1012.98 (10), F.S. (“For teachers, managers, and administrative personnel who have been evaluated as less than satisfactory, a district school board shall require participation in specific professional development programs as part of the improvement prescription.”)?

No.

35. May a charter organization represent a group of charter schools and submit one reimbursement plan?

No. Reimbursement plans must be submitted by individual charter schools.