

Teacher and School Leader Incentive (TSL) program April 27, 2020 Webinar Questions¹

Clarity around Qualified Opportunity Zones (QOZ) and Competitive Preference Priority (CPP) 1

1. **Q:** What does “overlapping” mean?

A: The language in CPP 1 in the TSL Fiscal Year (FY) 2020 Notice Inviting Applications (NIA) states that the “applicant must demonstrate that *the area in which the applicant proposes to provide services overlaps*” with an QOZ (emphasis added). So, this means that a local educational agency (LEA) may demonstrate this by identifying a TSL project school that is located in or that serves students in an area that “overlaps” with a QOZ.

2. **Q:** Can more than one QOZ be targeted?

A: Yes. The CPP on QOZs does not specify how many QOZs applicants should target. Peer reviewers will assess how the applicant describes its proposed project and providing services in a QOZ when determining how many points the application receives for the CPP (up to 10 points). Applicants are encouraged to provide detailed information in their applications about the extent of their involvement or overlap in a QOZ when responding to this priority to aid the peer reviewers in their assessment.

3. **Q:** Do all schools have to be in the QOZ in order to get full CPP points?

A: Not necessarily. As noted above, the non-Federal peer reviewers, not the Department, will make a determination as to the extent to which a proposed project meets CPP 1, up to 10 additional points.

4. **Q:** Does the school need to be in the QOZ or can it exist outside the QOZ but serve students who live within it?

A: The school may exist outside the QOZ but serve students who live within it. Applicants are encouraged to provide detailed information in their applications about the extent of their involvement or overlap in an QOZ when responding to this priority to aid the peer reviewers in their assessment.

¹ The purpose of this guidance is to provide information about the Teacher and School Leader Incentive (TSL) Program. This guidance addresses applicant or grantee implementation of various provisions in sections 2211 – 2213 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), and other requirements governing the fiscal year (FY) 2020 TSL program competition announced in the Federal Register on April 3, 2020 (85 FR 18928, *available at* <https://www.federalregister.gov/d/2020-07026>). This guidance does not impose any requirements beyond those included in the language of sections 2211 – 2213 of the TSL Program in the ESEA, as amended by the ESSA, and in applicable provisions established in rules for this competition. The Department will provide additional or updated program guidance, as necessary, on its TSL web site, <https://oese.ed.gov/offices/office-of-discretionary-grants-support-services/effective-educator-development-programs/teacher-and-school-leader-incentive-program/applicant-info-eligibility/>. If you have further questions that are not answered here or are interested in commenting on this guidance, please email TSL@ed.gov.

Student Academic Achievement Measures

5. **Q:** Must evaluations include the State test, or can they be other LEA-designed assessments?

A: There is no requirement in the NIA or TSL program statute that requires the use of a State assessment when measuring student academic achievement.

A Performance-Based Compensation System (PBCS) in the proposed project must “differentiate[] levels of compensation based in part on measurable increases in student academic achievement” (see the definition of PBCS in ESEA section 2211(4)). Applicants are encouraged to provide research to support that whatever method they are proposing to assess students can show measurable increases in student academic achievement.

Performance Compensation

6. **Q:** Can compensation be awarded to a group such as a grade-level team, or based on school-level gains vs. individuals?

A: There is no requirement in the NIA or TSL program statute that compensation be awarded based on individual determinations. Any system, particularly if awarding uniform compensation to a group, such as a grade-level team, must still be a “fair, rigorous, valid, reliable, and objective process to evaluate teacher, principal, or other school leader performance” (see Application Requirement (iv) in the NIA).

Eligibility

7. **Q:** Can an Institution of Higher Education (IHE) be fiscal agent on the grant even though IHEs are not eligible to apply?

A: Generally, an IHE may not be the fiscal agent on a TSL grant because it is not an eligible entity. However, if a *State-funded* IHE is designated the “other State agency designated by the chief executive of a State to participate” under the eligibility requirements of the TSL program, that IHE may be the fiscal agent. For more information about how to designate a State-funded IHE as the “other state agency,” please see question A-9 in the FY 2020 TSL FAQs.

High-Need Schools documentation

8. **Q:** How does an applicant provide adequate documentation that the schools it is serving are considered High-Need Schools, as required by Absolute Priority 1 and Application Requirement (ii) in the NIA?

A: There is no requirement in the NIA on how an applicant must document in the application that schools in the proposed project meet the NIA definition of “High-Need School.” Applicants have flexibility in demonstrating how the proposed project meets the requirements of Absolute Priority 1 and Application Requirement (ii).

If the Department is unable to determine that the proposed project does not concentrate its activities in High-Need Schools, as defined in the NIA, the Department may determine that the application is incomplete. Applicants may provide a chart or table listing the name of the school and the most recently available Free- or Reduced-Price Lunch (FRPL) data in order to

demonstrate that schools in their proposed project meet the NIA definition of High-Need School.

Indirect Costs

9. **Q:** It was mentioned that you could use a temporary indirect cost rate of 10%. Is the *de minimis* rate under the Uniform Guidance allowed indefinitely if you have never had an indirect agreement?

A: Applicants that lack an approved indirect cost rate (ICR) agreement with their cognizant agency for indirect costs may indicate their intent to use the Department’s “temporary” indirect cost rate described at [34 CFR § 75.560\(c\)](#). This rate allows newly-awarded grantees lacking an approved ICR agreement to charge indirect costs at a rate of ten percent of budgeted direct salaries and wages. Such grantees must, within 90 days of the date the Department issues the Grant Award Notification (GAN), submit an ICR proposal to their cognizant agency for indirect costs in order to obtain a current ICR agreement—or risk losing the ability to charge indirect costs to their grant.

Because TSL has a supplement not supplant requirement (see ESEA section 2212(g)), grantees are required to obtain and use a restricted ICR. The Uniform Guidance’s *de minimis* indirect cost rate is unable to be charged for restricted rate programs like TSL.

SAM Registration

10. **Q:** Do grantees need to have an active System for Award Management (SAM) registration in order to apply for a TSL grant through grants.gov?

A: Grants.gov has relaxed the requirement for applicants to have an active registration in the System for Award Management (SAM) in order to apply for funding during the COVID-19 pandemic. An applicant that does not have an active SAM registration can still register with grants.gov, but must contact the Grants.gov Support Desk, toll-free, at 1-800-518-4726, in order to take advantage of this flexibility.