

November 12, 2004

Raymond J. Simon  
Assistant Secretary  
Office of Elementary and Secondary Education  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

Dear Assistant Secretary Simon:

I am writing to obtain clarification on a conflict between the Title I statute and USDE non-regulatory guidance on parental involvement.

Section 1118(a)(3)(A) requires that LEAs reserve not less than one percent of their Title I Part A allocations for parental involvement. Section 1118(a)(3)(C) states that "Not less than 95 percent of the funds reserved under subparagraph (A) shall be distributed to schools served under this part." This distribution requirement seems to apply to all funds reserved under section (A), even if that amount exceeds the one percent minimum.

Question C-19 of the Parental Involvement non-regulatory guidance, dated April 23, 2004, states:

If an LEA reserves more than the required one percent of its Title I, Part A funds for parental involvement, must 95 percent of the entire amount reserved be distributed to schools served under Title I, Part A?

No. The LEA may retain for district-wide parental involvement activities the full amount of any Title I, Part A funds reserved for that purpose in excess of the required one percent. However, the requirement to allocate an equitable amount for the involvement of private school parents (as described in C-15) applies to the entire amount set-aside. [*Section 1118(a)(3)(C), ESEA.*]

The preamble to the Parental Involvement guidance *does not* contain the “safe harbor” language that is found in many other pieces of Title I guidance, which typically states “U.S. Department of Education officials, including the Inspector General, will consider recipients that follow approaches contained in this guidance to be in compliance with the applicable Federal requirements that govern this program.”

In that context, I pose the following question:

If an LEA reserves more than one percent of its Title I, Part A allocation for parental involvement and retains any amount over the one percent for district-wide parental involvement activities, will the USDE consider this approach to be in compliance with the applicable Federal requirements?

I thank you in advance for your response to this question.

Sincerely,

A handwritten signature in black ink that reads "Kristen Tash Cowan". The signature is written in a cursive style with a large initial 'K' and a long, sweeping underline.

Kristen Tash Cowan