

November 10, 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 the use of Title I funds to operate a preschool program.

Under Improving America's Schools Act guidance issued in 1996, districts were permitted to conduct preschool programs under one of three models:

1. A participating school may use its Part A funds to operate a preschool program.
2. An LEA may reserve an amount from the LEA's total allocation to operate a Part A preschool program *for eligible children in the district as a whole* or for a portion of the district. (emphasis added)
3. An LEA may reserve an amount from the LEA's total allocation and distribute those funds to specific Title I schools to operate Part A preschool programs.

Our question concerns who is eligible to participate in these preschool programs, particularly under Option #2 above, hereinafter termed a "district-wide" program. With respect to defining "eligible children," the 1996 guidance made no reference to where such children resided; the only discussion of eligibility indicated that preschoolers had to be selected to participate based on their risk of failing to meet state standards, in accordance with section 1115.

In discussions with senior Education Department staff administering Title I under the Improving America's Schools Act, it was orally communicated that Option #2 would permit a district-wide program where eligibility for enrollment was not linked to residence in a Title I-eligible elementary or secondary school attendance area. Instead, the *entire district* would be deemed an eligible attendance area for the purposes of the preschool program. The only restriction was that children had to be selected based on their risk of failing to meet the state standards.

The new preschool guidance issued in March 2004 makes some changes, including dropping Option #3 and introducing the new term, “district-operated preschool program,” but fails to clarify student eligibility under a district-wide program as described in Option #2. It is not clear whether the oral guidance on student eligibility from ED officials under the 1996 guidance is still valid under the 2004 guidance.

In this context, we ask the following:

1. Who is eligible to participate in a Title I “district-wide” preschool program? Is the criterion solely those at risk of failing to meet state standards, or are students also required to live in an “eligible school attendance area”?
2. If a preschool child must reside in an “eligible school attendance area,” how is the term “eligible school attendance area” defined? May an LEA define a preschool attendance area that embraces the entire district, as was implicitly permitted under the 1996 guidance?

I thank you in advance for your response to these questions.

Sincerely,

A handwritten signature in black ink that reads "Kristen Tosh Cowan". The signature is written in a cursive style with a large initial 'K'.

Kristen Tosh Cowan