



3105 South Street, NW  
Washington, DC 20007  
phone 202.965.3652  
fax 202.965.8913  
email bruman@bruman.com  
www.bruman.com

November 9, 2005

VIA FACSIMILE AND FIRST CLASS MAIL

Henry Johnson  
Assistant Secretary  
Office of Elementary and Secondary Education  
400 Maryland Avenue, S.W.  
Washington, D.C. 20202

Dear Assistant Secretary Johnson:

I am writing to obtain clarification on a question concerning setting aside and tracking Title I, Part A funds for qualifications for teachers and paraprofessionals in a single-school LEA operating a schoolwide program.

As you are aware, schoolwide program schools may consolidate their Title I, Part A allocation with other federal, state, and local funds to improve the entire educational program of the school. Schoolwide program schools are not required to separately track their Title I, Part A funds to specific activities. Instead, schools "must meet the intents and purposes of that program to ensure the needs of beneficiaries of that program are addressed." See 34 C.F.R. § 200.29(b)(1)(ii).

In a letter dated July 30, 2004, the U.S. Department of Education provided for considerable flexibility regarding how schoolwide program schools should track the ten percent professional development set-aside for schools in school improvement and the school's share of the one percent parental involvement set-aside required in Title I, Part A. According to the letter, a schoolwide program school in school improvement "must be able to demonstrate that it has spent an amount equal to 10 percent of its Title I allocation on professional development." Similarly, "[A] schoolwide program school must demonstrate that it has provided parental involvement activities consistent with section 1118," and must "document that these activities consumed, at a minimum, an amount equal to the amount of Title I parent involvement funds (if any) the school received from the LEA." Provided that an amount "equal to" the school's allocation is expended at the school level in a schoolwide program school on professional development and parental involvement activities, neither amount is required to be drawn directly from Title I funds. See attached letter.

In addition to the school level set-asides, each local educational agency (LEA) that receives funds under Title I, Part A must use "not less than 5 percent of the funds. . . for professional development activities to ensure that teachers who are not highly qualified become

November 9, 2005

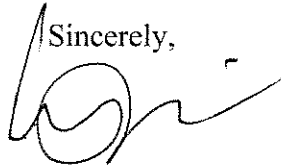
Page 2 of 2

highly qualified not later than the end of the 2005-2006 school year.” See 20 U.S.C. § 6319. The regulations expand this requirement by providing that LEAs use funds under Title I, Part A for professional development activities to ensure that teachers are highly qualified and paraprofessionals are qualified. See 34 C.F.R. § 200.60(a)(1). The LEA, however, may spend less than five percent of the Title I, Part A allocation if a lesser amount is needed. See 34 C.F.R. § 200.60(a)(2).

In light of this authority, we ask the following question:

An LEA must use at least five percent of its Title I, Part A allocation for professional development activities to assure that its teachers are highly qualified and paraprofessionals are qualified by the end of the 2005-2006 school year. A single-school LEA is both the LEA and the school. Accordingly, there is little practical difference between spending the set-aside at the LEA or school level. May a single-school LEA operating a schoolwide program school satisfy the qualifications for teachers and paraprofessionals set-aside requirement by spending an amount equal to five percent of its Title I, Part A allocation (unless a lesser amount is needed) without tracking those expenditures to the Title I, Part A funds? The professional development activities will, of course, meet the intents and purposes of the qualified teacher and paraprofessionals requirements in its schoolwide program.

I greatly appreciate your attention to this question. Thank you in advance for your prompt assistance.

Sincerely,  


Leigh M. Manasevit

Enc. (1)



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

JUL 30 2004

Leigh M. Manasevit  
Brustein & Manasevit  
Attorneys at Law  
3 105 South Street, NW  
Washington, DC 20007

Dear Mr. Manasevit:

This is in response to your letter requesting clarification on setting aside and tracking Title I, Part A funds for school improvement and parental involvement activities in schoolwide program schools.

*Question 1. In general, a school identified for school improvement must develop or revise a school plan—see § 1116(b)(3). The plan must include an assurance the school will spend at least 10% of its Title I, Part A allocation on professional development. If a schoolwide program school is identified for school improvement, must it develop a school plan? Must the school set aside and separately track 10% of its Title I, Part A allocation for professional development?*

Response: A schoolwide program school must develop a schoolwide program plan whether or not it is in need of improvement. A schoolwide program school in need of improvement must modify its schoolwide plan to address the issues that put it in improvement.—i. e., implement the 1116(b)(3) plan requirements. The school must be able to demonstrate that it has spent an amount equal to 10% of its Title I allocation on professional development. This amount does not have to be taken from Title I funds, however, in keeping with the authority to combine funds.

*Question 2. An LEA must reserve at least 1% of its Title I, Part A allocation for parental involvement. At least 95% of the reservation must be distributed to schools served under Part A. Schools are required to spend these reserved funds on parental involvement activities—see § 1118(a)(3). Must a schoolwide program school separately track these Title I, Part A funds to parental involvement activities? Must the school provide the specific parental involvement activities specified in the statute and regulations, or may it meet the intent and purposes of the parental involvement requirements?*

Response: A schoolwide program school must demonstrate that it has provided parental involvement activities consistent with section 1118. It must also document that these activities consumed, at a minimum, an amount equal to the amount of Title I parent involvement funds (if any) the school received from the LEA (presuming that most LEAs divide 95% of the 1% equally among all Title I schools). The parent involvement activities do not need to be provided with Title I funds, consistent with the authority to

400 MARYLAND AVE., S.W. WASHINGTON, D.C. 20202

[www.ed.gov](http://www.ed.gov)

*Our mission is to ensure equal access to education and to promote educational excellence throughout the Nation.*

combine funds in schoolwide programs. However, a schoolwide program school must meet these requirements (not simply intent and purposes) because they apply to Title I schools.

I hope that these responses provide sufficient clarification of the issues presented. Feel free to contact me should you require further assistance.

Sincerely,

A handwritten signature in black ink that reads "Raymond Simon". The signature is written in a cursive style with a large, prominent initial "R".

Raymond Simon