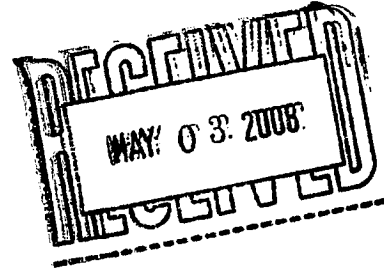




UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

MAY - 1 2008



Mr. Leigh Manasevit
Attorney at Law
Brustein and Manasevit
3105 South Street, NW
Washington, DC 20007

Dear Mr. Manasevit:

In a letter dated December 12, 2007, you posed several questions regarding specific scenarios related to section 1003 of the Elementary and Secondary Education Act (ESEA). The following explanation addresses each of the scenarios:

Must a school be receiving Title I, Part A funds in order to be eligible to receive section 1003 funds.

Yes, in order for a school to receive section 1003 funds, the school must be receiving Title I, Part A funds.

If a state chooses to apply sanctions under section 1116 of the ESEA to a non-Title I School would that school be eligible to receive section 1003 funds?

No. Because section 1116 requires States to identify for improvement only schools "served under this part" that fail to make AYP for the requisite number of years, and because section 1003 funds must be used to assist schools in improvement, a school that is not receiving Title I, Part A funds is not eligible to receive section 1003 funds.

What if a school identified for improvement, corrective action or restructuring previously received section 1003 funds but loses its eligibility for Title I, Part A under section 1113 of the ESEA, would such a school continue to be eligible to receive section 1003 funds?

Would the answer depend on whether the state continued to treat such a school as identified as a school identified for improvement, corrective action or restructuring?

No, a school that loses eligibility for Title I, Part A is no longer a school "served under this part" and is not eligible to receive section 1003 funds.

I hope you find this explanation helpful. If you would like further assistance, please contact Gary Rutkin at (202) 260-4412.

Sincerely,

Zollie Stevenson, Jr., Ph.D.

Director

Student Achievement and School Accountability Programs