



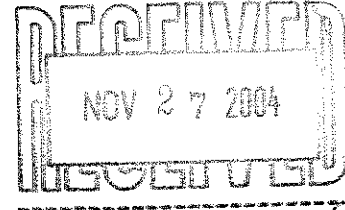
UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

NOV 19 2004

Kristen Tosh Cowan, Esquire
Brustein & Manasevit
Attorneys at Law
3105 South Street, NW
Washington, DC 20007



Dear Ms. Cowan:


This is in response to your letter of November 12 requesting clarification regarding section 1118(a)(3)(C) of Title I of the Elementary and Secondary Education Act, as amended by the No Child Left Behind Act of 2001 (NCLB), and our parental involvement guidance: *Title I, Part A Non-Regulatory Guidance*, dated April 23, 2004 (the guidance).

As you know, Section 1118(a)(3)(A) of Title I requires a local educational agency (LEA) to reserve no less than one percent of its Title I, Part A allocation to carry out parent involvement activities. This requirement ensures that an LEA spends at least the specified minimum amount to promote the involvement of parents of students in Title I schools. NCLB added the requirement in section 1118(a)(3)(C) requiring an LEA to distribute not less than 95 percent of these funds to Title I schools. It is our understanding that this provision was added to ensure that school staff and, most significantly, parents have more opportunity to provide input on how parent involvement funds are spent. On the other hand, we know that many LEAs reserve more than the required one percent to fund parental involvement activities at the district level such as parent resource centers and parent coordinators. LEAs expressed considerable concern to us that they could not fund these types of very beneficial, but costly, district-wide activities if they are required to distribute to Title I schools 95 percent of all the Title I funds they reserve for parent involvement. Moreover, they noted that section 1118(a)(3)(C) creates a disincentive for an LEA to reserve more than one percent if the LEA is unable to use almost any of those funds for district-wide parent involvement activities.

We believe the guidance balances the competing concerns of section 1118(a)(3). It ensures that an LEA meets the letter and intent of the law: Title I schools receive 95 percent of the one percent an LEA is required to reserve for parent involvement, and LEAs are encouraged to reserve more than the minimum to support district-wide parent activities. An LEA, of course, can distribute to its Title I schools 95 percent or more of whatever amount it reserved.

If we can be of further assistance, please do not hesitate to contact Jackie Jackson, Director of the Office of Student Achievement and School Accountability, at 202- 260-0826.

Sincerely,

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

Raymond Simon