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June 7, 2011

Patricia A. McKee  
Acting Director, Student Achievement and School Accountability Office  
US Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202

RE: Request for Guidance: Private preschool eligibility

Dear Director McKee:

I am writing to seek clarification on whether local educational agencies (LEAs) may use funds generated for “equitable services” for children attending private school preschools.

In the USDE’s guidance entitled *Serving Preschool Children Under Title I* (March 4, 2004), ED indicates that children attending a private preschool are generally not eligible for Title I services: (italics supplied):

H-5. Are children in private preschools eligible for equitable Title I services?

Not generally. Section 1120 of Title I requires an LEA to provide equitable services to eligible children who are enrolled in private elementary schools and secondary schools. As a result, unless State law considers preschools to be part of elementary education, children in private preschools are not enrolled in an elementary school and thus are not eligible to receive Title I services.

However, more recent guidance implies that they are indeed eligible. The guidance issued April 2009 (revised November 2009) entitled *Title I, Part A Funds Made Available Under the American Recovery and Reinvestment Act of 2009*. Q&A G-10 says, in pertinent part, that LEAs might choose to use an increase in available equitable service funds for, among other things, “Providing Title I services to four-year-old children who are enrolled in a preschool program offered by the private school.” This example does not make reference to whether state law includes preschool in its definition of “elementary” education.

Can you please clarify whether educationally at-risk students who attend a private preschool program are eligible for equitable services from the LEA?

I appreciate your guidance on this issue.

Best regards,

A handwritten signature in black ink, appearing to read "Kristen Tosh Cowan". The signature is written in a cursive style with a large, sweeping flourish at the end.

Kristen Tosh Cowan