

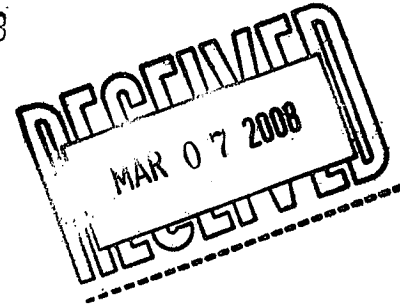


UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

MAR 5 2008



Ms. Kristen Tosh Cowan
Brustein and Manasevit, Attorneys at Law
3105 South Street, NW
Washington, DC 20007

Dear Ms. Cowan:

This is in response to your e-mail communication requesting guidance on an issue related to Title I, Part A schoolwide programs. In a follow-up e-mail communication to the Student Achievement and School Accountability Programs office, you further clarified that the issue concerned a local educational agency (LEA) charging tuition for children attending a schoolwide school who participate in a preschool program operated at that school. Specifically, a school wants to operate a preschool program as part of its schoolwide program but does not have enough funds to operate a preschool program for all of its children. You wanted to know whether it is permissible for an LEA to charge parents of children participating in such a program tuition for preschool services on a sliding scale based on income so that poorer families would pay less for those services and wealthier families would pay more.

In the context of this situation, we believe that the school would first need to determine which of the children who might participate in the preschool program are most in need of services based on appropriate criteria. Once the school has identified which preschool children are most in need of services, it would use Title I funds to fully support services to those children and not charge their parents tuition. The LEA could then charge tuition to the parents of the remaining "non-Title I" preschool children if they wish to participate in the Title I funded program. The LEA could choose to charge tuition to these non-Title I children on a sliding scale based on income. The important consideration is that services to Title I eligible children (i.e., those identified as most in need of services) must be paid for with Title I funds, and the parents of those children may not be charged tuition. The LEA, however, may charge tuition to the parents of the other children who would not be considered Title I eligible children if they wish to participate in the program.

Please let me know if you have additional questions.

Sincerely,

Kerri L. Briggs, Ph.D.

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