



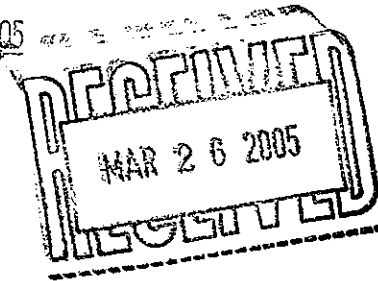
UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

THE ASSISTANT SECRETARY

FILE

MAR 21 2005



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

Dear Ms. Tosh Cowan:

Thank you for your recent inquiry regarding eligibility for preschool programs operated by a local educational agency (LEA) and funded through Title I, Part A of the Elementary and Secondary Education Act, as amended (Title I). As you stated, eligibility for school-based Title I preschool programs is clarified in the March 2004, non-regulatory guidance entitled *Serving Preschool Children Under Title I*. Eligibility for Title I preschool programs operated by an LEA is not.

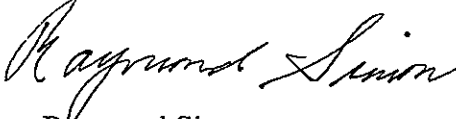
Under Section 1112(b)(1)(K) of Title I, an LEA may reserve an amount from the LEA's total allocation to operate a Title I preschool program for eligible children in the district as a whole or for a portion of the district. Students who attend these programs are not required to live in an "eligible school attendance area." To be eligible to attend a Title I preschool program operated by the LEA, preschool-age children — like school-age children — must be failing or most at risk of failing to meet the State's challenging student academic achievement standards as determined by multiple, educationally related, objective criteria established by the LEA. With respect to preschool children, this determination must be made on the basis of criteria such as teacher judgment, interviews with parents, and developmentally appropriate measures of child development.

The use of family income to determine eligibility for Title I preschool programs operated by the LEA is allowable, especially for the purposes of prioritizing when there are not sufficient Title I resources to serve all preschool age children with other educational needs, but children should not be identified for Title I preschool solely on the basis of family income.

In addition, children who participated in a Head Start, Even Start, Early Reading First, or Title I preschool program at any time during the two preceding years, homeless children, and children in institutions for neglected or delinquent children are automatically eligible for Title I preschool and to continue into Title I school programs.

I hope this information is helpful. Please feel free to contact Ms. Patricia McKee, group leader of the Early Childhood and Reading Group in the Office of Elementary and Secondary Education should additional questions or concerns regarding this matter arise.

Sincerely,

A handwritten signature in cursive script that reads "Raymond Simon". The signature is written in dark ink and is positioned above the printed name.

Raymond Simon