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To: District Superintendents
Superintendents of Public Schools
District Title I Coordinators

From: Roberto Reyes

Date: August 21, 2012

Subject: Compliance with Title I, Part A Funding Legislation

In response to findings identified by the United States Department of Education, this memo highlights selected actions required by LEAs under Title 1, Part A of the Elementary and Secondary Education Act (ESEA). LEAs must review the following guidance to ensure compliance with funding legislation.

- **Allocation Procedures Within District**

Section 200.65 of the Title 1 regulations requires LEAs to calculate from funds reserved for professional development and parent involvement, the amount of funds available for those activities for families of private school children based on the **proportion** of private school children from low-income families residing in participating public school attendance areas.

- **Consultation Regarding the Evaluation of Title 1 Programs for Private School Students**

Section 1120(b)(1)(D) of the ESEA and section 200.63(b)(5) of the **Title 1 regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for participating private school students** on issues such as how the LEA will assess academically the services to participating private school students and how the LEA will use the results of that assessment to improve Title 1 services. LEAs must conduct and document an annual evaluation of the effectiveness of the Title 1 programs for participating private school students.

- **LEAs Maintain Control of Title 1 Programs for Participating Private School Students**

Section 1120(d) of the ESEA requires that the LEA maintain control of the Title 1 funds, materials, equipment, and property. Section 1120(b)(1)(B) of the ESEA requires that an LEA consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school children. **After consulting with participating private school officials, LEAs are responsible for designing the Title I program, including how students will be selected for services, what services will be provided, and how the services will be evaluated.**

- **LEAs Exercise Proper Oversight When Reimbursing Third-Party Providers for Services to Private School Children**

Section 9306(a)(5) of the ESEA requires an LEA submitting a consolidated application to use fiscal control and fund accounting procedures that will ensure proper disbursement of, and accounting for, Federal funds paid to the LEA.

Section 443 of the General Education Provisions Act (GEPA) requires each recipient of Federal funds, such as an LEA, to keep records that fully disclose the amount and disposition of the funds, the total costs of the activity for which funds are used as well as other records as will facilitate an effective financial or programmatic audit.

Providers must list on their invoices expenditures by categories: instructional activities (paid with funds generated by private school children from low-income families), parental involvement activities (paid from funds reserved for parental involvement), professional development activities (paid from funds reserved for professional development) and administrative costs (paid with funds from the section 200.77(f) reservation). Within each category, the contractors must provide detail sufficient to enable the LEA to determine that the requested invoices are in accordance with Title 1 requirements and GEPA.

- **Title I Funds ONLY Benefit Title 1 Private School Participants, Their Classroom Teachers, and Their Families, and DO NOT Benefit the General Needs of a Private School**

Section 200.66(b)(1) of the Title 1 regulations requires LEAs to use Title 1 funds only to meet the special educational needs of participating private school children.

Section 200.66(b)(2) of the Title 1 regulations prohibit LEAs from using Title 1 funds for the needs of the private school or the general needs of children in the private school.

LEAs must comply with the requirement that any Title 1 funded activity must be for the SOLE benefit of Title 1 private school participants, their classroom teachers, and families.

Should you have any questions regarding the above, please contact the Title 1 Office at (518) 473-0295.