

Overview of ESEA – NCLB – Title I – Improving the Academic Achievement of the Disadvantaged

Section 1001.- Statement of Purpose:
The purpose of this title is ensure that
all children have a fair, equal, and
significant opportunity to obtain a high
quality education and reach, at a
minimum, proficiency on challenging
State academic achievement
standards and State academic
assessments.

Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies (LEA) – Subpart 1 – Basic Program Requirements

1. Section 1111 – State Plans
2. Section 1112 – LEA Plans
3. Section 1113 – Eligible School Attendance Areas
4. Section 1114 – Schoolwide Programs (SWP)
5. Section 1115 – Targeted Assistance Schools (TAS)
6. Section 1116 – Academic Assessment & LEA & School Improvement
7. Section 1117 – School Support & Recognition
8. Section 1118 – Parental Involvement
9. Section 1119 – Qualifications for Teachers & Paraprofessionals
10. Section 1120 – Participation of Children Enrolled in Private Schools
11. Section 1120A – Fiscal Requirements
12. Section 1120B – Coordination Requirements

Section 1111 – State Plans - Overview

- State Education Agencies (SEA) are required to submit a plan to the U.S. Department of Education (USDE).
- Plan developed in consultation with LEAs, Teachers, Principals, Pupil Services personnel, administrators, Parents, and Other Staff as appropriate.
- Plan may be Consolidated – NYS's is consolidated.
- Plan Components: Challenging Academic Content Standards & Challenging Student Academic Achievement Standards – Applies to all children in NYS.
- Standards must be in at least Mathematics, English Language Arts (ELA), Reading, & Science.

- State Plan – Develop & Implement a Single, Statewide State accountability system to ensure LEAs, schools make adequate yearly progress (AYP).

SEAs must establish Statewide Annual Measurable Objectives. LEAs & Schools are to improve annually.

Federal law defers to State Law on Charter School requirements for these issues.

State Assessments are to be the same for all students across grade levels and subject areas (i.e. 3rd grade assessments in ELA are the same in Buffalo, NYC, Utica, or East Greenbush CSD etc.).

Language Assessments must be developed for students whose main language is not English.

Section 1111 – State Plans – cont'd:

- State Plans must contain assurances such as State School Report Cards on LEAs & Schools, provide technical assistance (TA) and support, professional Development (PD), etc.
- State Plans must describe how SEA will support the collection & dissemination to LEAs & Schools of effective parental involvement activities.
- State Plan is reviewed and revised as necessary.
- State Report Cards must contain certain information.
- Parents Right-to-Know Notification requirements on Teacher & Paraprofessional Certification and/or Qualifications.

Section 1111 – State Plans cont'd:

- Parents can request information on the level of achievement of their child(ren) on State Assessments and if their child(ren) have been taught for four or more consecutive weeks, by a teacher who is not highly qualified.

Section 1112 – LEA Plans - Overview

- LEA Plans are required.
- LEA may (and they do in NYS) submit a consolidated application.
- Plan must contain certain components. The 17 items listed in the NYS Consolidated Application Update mirror those requirements (ex. Parent Involvement, SES, etc.).
- Plan must also contain specific assurances (Listed in the beginning of the Consolidated Application Update).
- Plan must be developed in consultation with teachers, principals, administrators, other appropriate school personnel, & parents of children served by Title I, Part A.

Section 1112 – LEA Plans Cont'd:

- SEA (NYSED) approves the plan.
- LEA must notify parents of a LEP student identified for or participating in a Title I language instruction education program (very few in NYS).
- If students in such a program are not making the annual measurable achievement objective (AMAEO), parents must be notified by the LEA.

Section 1113 - Eligible School Attendance Area - Overview

- Funds can only be used in eligible school attendance areas.
- Definitions: (A) The term 'School Attendance Area' means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside, and (B) the term 'eligible school attendance area' means, in a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the LEA as a whole.

Section 1113 – Eligible School Attendance Areas – cont'd:

- Schools w/ 75% or higher low-income families must be served first in rank order, from serving the highest poverty schools first to the lowest poverty schools last.
- After all schools are served w/ 75% or higher low-income families, if funds remain, the LEA shall annually rank eligible school attendance areas from highest to lowest poverty level by either grade span, or LEA poverty percentage.
- Ages of children when determining low-income percents is 5 – 17 years.
- LEAs may use various measures to determine poverty.

Section 1113 Eligible School Attendance Areas – cont'd:

- Poverty measures may include Free & Reduced Price Lunch (FRPL) counts, census data, families receiving State assistance, students receiving medical assistance under the Medicaid program, or a composite of these measures.
- Exceptions: LEAs with less than 1000 students, or one building LEAs, or LEAs with one building per grade span, do not have to rank order their building(s) (i.e. “administrative option” in the Supplement form of the consolidated application).
- LEAs can designate, as a Title I eligible building, any school with 35% or higher poverty level.
- Grandfather Option: An LEA can serve for one additional year, a school that is no longer Title I eligible (i.e. their average poverty % fell below LEA or grade span level).

Section 1113 – Eligible School Attendance Area cont'd:

- An LEA can elect not to serve an eligible school attendance area or, eligible school that has a higher percentage of children from low-income families, *if*
 1. The school meets comparability requirements of section 1120A(c);
 2. The school is receiving supplemental funds from the State or local sources that are spent according to the requirements of section 1114(SWP) or, section 1115 (TAS); and
 3. The funds expended from other sources are equal to or exceeds the amount that would be provided under Title I.

Section 1113 – Eligible School Attendance Areas cont'd:

- Private Schools that have students from an eligible attendance area or a school that has been skipped, are still entitled to Title I equitable services.
- LEAs with a poverty level less than 35% calculate their Per Pupil Amount (PPA) at 125%. If an LEA has a poverty % at 35 % or higher but selects to serve even only one school with a poverty % of less than 35%, then all Title I schools' PPA must be calculated at 125%, regardless of their poverty level.
- LEAs can reduce the PPA if the difference (i.e. the amount not paid out of Title I) is supplemented by State & local funds.

Section 1113 – Eligible School Attendance Area cont'd:

- LEAs must reserve funds for homeless children, and children in Neglected and/or Delinquent institutions.
- Financial Incentives & Rewards Reservation: An LEA may reserve up to 5% of its II-A (Teacher & Principal Training & Recruitment) funds to provide financial incentives & rewards to teachers who serve in schools eligible under section 1113 and identified for improvement, for the purpose of attracting and retaining qualified and effective teachers.

Section 1114 – Schoolwide Program (SWP) - Overview

- Use of Funds – In general, an LEA may consolidate & use Title I funds, together with other Federal, State, & local funds, in order to upgrade the entire educational program of a school that serves an eligible school attendance area in which not less than 40% of the children are from low-income families, or not less than 40% of the children enrolled in the school are from such families.
- LEAs are not required to identify particular children to participate in a SWP, or to provide services to such children that are supplementary or otherwise required by section 1120A – Fiscal Requirements.

Section 1114 – SWP cont'd:

- Supplement/Supplant Provisions still apply.
- LEAs that use funds from other sources are not exempt from requirements related to health, safety, civil rights, student & parental participation, services to private school children, maintenance of effort (MOE), comparability of services, use of Federal funds to supplement not supplant non-federal funds, or the distribution of funds to SEAs or LEAs that apply to the receipt of funds from such programs.
- A school that consolidates & uses funds from different federal programs under section 1114, shall not be required to maintain separate fiscal accounting records, by program.

Section 1114 – SWP cont'd:

- LEA must, however, maintain records, that the SWP considered as a whole, address the intent & purposes of each Federal program that was consolidated to support SWP.
- LEAs must carry out sufficient PD activities required under section 1119 – Qualifications for Teachers & Paraprofessionals.

Section 1114 – SWP cont'd:

- **Ten required components of a SWP**
 1. Comprehensive needs assessment,
 2. SWP reform strategies,
 3. Instruction by Highly Qualified staff (HQT),
 4. High quality & ongoing PD,
 5. Strategies to attract HQTs to high needs schools,
 6. Strategies to increase parental involvement,

Section 1114 – SWP cont'd:

7. Transition plans to assist preschool children from early childhood programs to the elementary school program,
8. Measures to include teachers in decisions regarding the use of academic assessments,
9. Activities to ensure academically struggling students receive effective and timely additional assistance,
10. Coordination & integration of Federal, State, and Local services & programs.

Section 1114 – SWP cont'd:

- SWP – One year planning time – LEA can give the school a waiver if after considering the recommendation of the technical assistance providers under section 1117 – School Support & Recognition, determines less time is needed to develop and implement the SWP.
- A SWP school can use funds to establish or enhance a Pre-kindergarten program.

Section 1114 – SWP cont'd:

- SWPs must be developed in consultation with parents, other community members, including teachers, principals, administrators, pupil services personnel, TA providers, school staff, and if applicable, secondary school students.
- SWP plan must be in a language that parents can understand.

Section 1115 – Targeted Assistance Schools (TAS) - Overview

- All schools not eligible to be a SWP are TAS, including schools that are eligible to be a SWP but choose not to be a SWP.
- Eligible Children: Not older than 21 who are entitled to a free public education through grade 12 & children who are not yet at a grade level for which the LEA provides a free public education (ex. Pre-K Program).
- Eligible Children from Eligible populations: Children identified by the school as failing or most at risk of failing to meet the State's Academic Learning Standards.

Section 1115 – TAS cont'd:

- Students are selected on the basis of multiple, educationally related objective criteria established by the LEA & school.
- Pre-School children are chosen solely on the basis of teacher judgment, parent input, and developmentally appropriate measures.
- Economically disadvantaged, LEP, SWD, Migrant, Homeless, and Pre-K (when applicable) students are eligible for services just as any other child is.
- Title I funds cannot supplant services to the above listed students as required by law or regulation.

Section 1115 – TAS – cont'd:

- Components of a TAS:
 1. Ensure program's resources used to help academically struggling students meet NYS Learning & Curriculum Content Standards & pass State assessments.
 2. Is incorporated into existing school planning.
 3. Must use Scientifically Based Researched (SBR) methods and instructional strategies.
 4. Primary consideration to extended learning time strategies (ex. Extended school day or year, summer program, Saturday program).
 5. Provides accelerated, high quality curriculum, including applied learning.

Section 1115 – Components of a TAS cont'd:

- Minimize the removal of students from regular classroom instruction.
- Coordinate & support regular education program & include services for Pre-K to K transition services.
- Instruction by HQT.
- PD provided to all staff that work with students receiving services.
- Strategies to increase parental involvement.
- Coordinate and integrate Federal, State, & local services & programs.

Section 1115 cont'd:

- TAS schools must review on an ongoing basis, students' progress toward meeting State, local LEA, and school academic goals.
- Staff paid out of Title I must participate in general PD and school planning activities.
- Staff may be assigned non-Title I duties as non-Title I staff, in the same proportion as other staff.
- Non-Title I students, with similar needs as Title I students can be taught simultaneously.
- TAS schools can use Title I funds for health, nutrition, & other social services, if other funds are not available. These services can be provided by a local service provider in a collaborative partnership.

Section 1115 – TAS cont'd:

- As a last resort funds can be used for basic medical equipment (ex. eye glasses & hearing aides).
- Funds can also be used for a program coordinator, and PD for Non-Title I staff, if the PD is geared toward serving students in academic need.
- TAS schools must expend funds for PD to ensure HQT (i.e. Section 1119 – Qualifications for Teachers & Paraprofessionals).

Section 1116 – Academic Assessment & LEA & School Improvement - Overview

- LEAS must use State academic assessments to annually review the progress of each Title I school to ensure they are making Adequate Yearly Progress (AYP).
- LEAs may use other academic assessments at its discretion.
- Other academic assessments cannot be used if it reduces the number of schools identified for improvement.
- LEAs must publicize & disseminate the results of the local annual review.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Assessment results are to be used to refine the instructional program and to review the effectiveness of the program (including parent involvement & PD).
- Results are to go to parents, teachers, principals, schools, community, & other school staff as needed.
- SEAs must make State assessment results available before the beginning of the next school year.
- LEAs are responsible for identifying schools in need of improvement, based upon AYP on State assessments.
- LEAs must review the effectiveness and activities of schools served under Title I.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- *Note: Before NYS's USDE approved Differentiated Accountability Plan (DA) – Schools In Need of Improvement – Year 1 (SINI 1), had to provide Public School Choice. Under the newly approved DA plan, all SINI 1 schools must first offer Supplemental Educational Services (SES). SINI Year 2 schools must offer parents Public School Choice or SES. Under the DA plan, SINI schools are now called Schools In Improvement, or “Improvement” schools.*
- Public School Choice: - Students in a Improvement Year 2 school can opt to transfer to a school not designated in need of improvement.
- Note: - Under the DA, Students in SINI 2 schools will no longer be able to transfer to what used to be known as Schools Requiring Academic Progress (SRAP). All SRAP schools will have the same accountability status and name as Title I schools in accountability status (i.e. Improvement 1 & 2, Corrective Action (C/A) 1 & 2, and Restructuring).

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Under the DA plan, Non-Title I schools in Improvement, C/A, or Restructuring status fall under State accountability rules (i.e. funding set-asides, and planning activities may differ or not apply at all)
- Under NYS's USDE approved DA plan, all students in a school designated for improvement (i.e. Year 2 or higher) are eligible for public school choice.
- Under SES legislation and regulation only students from low-income families can access SES.
- If a designated school chooses to allow students from high income families to access SES, the amount of funds expended for that group does not count toward the 20% School Choice/SES set-aside requirement.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Under DA plan, SES is now offered from Improvement Year 1 all the way through to the Restructuring stages. School Choice is offered from Improvement Year 2, all the way through the Restructuring stages.
- School Choice & SES are both optional. Parents may choose one or the other but not both, or none at all.
- Under DA plan, a Improvement Year 1 or 2 school is designated as “Basic, Focused, or Comprehensive”. A Improvement Year 1 or 2 school designated as “Basic” or “Focused” does not need to set-aside 10% of its allocation for PD.
- A school is identified when it does not make adequate yearly progress (AYP) for 2 consecutive years. It also takes 2 consecutive years of improvement (i.e. making AYP) to be removed from improvement status.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Once identified it only takes one year of not making AYP to move to the next level (ex. Improvement Year 1 after one year of not making AYP becomes a Improvement 2)
- Any school that makes AYP is “Frozen” at that level for 1 year. If it makes AYP the next year it is removed from accountability status. If it does not make AYP it is pushed up to the next level (ex. Improvement 2 becomes a C/A school).
- In TAS school an LEA can choose to review only the students in the school who are eligible and/or are receiving services in order to determine accountability status.
- School Choice Student Selection: Priority is given to the lowest achieving children from low-income families.
- School Choice transfer students must have access to all school programs & services, the same as any other students.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Students can stay in the highest grade of that school even if originating school comes off of improvement status. However, if originating school is removed from improvement, transportation costs can be left up to the parent(s).
- LEAs & Schools designated as in need of improvement have a right to review data & dispute results if they feel the data is incorrect.
- Thirty (30) days after the review of the data, the LEA must make public the final determination of the school's status.
- Three (3) months after being identified for improvement, the school must develop or revise an already existing school plan (Comprehensive Education Plan (CEP)) and must do so in consultation with parents, staff, the LEA, and outside experts per approval of the LEA. The CEP is for a 2 year period.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- CEP must incorporate Scientifically Based Researched (SBR) strategies, techniques, and activities to strengthen the core academic subjects, and must have the greatest likelihood that all students will benefit.
- Under the DA plan, schools designated as SINI 1 or 2 and are in “**Comprehensive**” status must expend 10% of funds available to it on PD, that will directly address the academic achievement problem that caused the school to be identified; meet Section 1119 (Qualifications for Teachers & Paraprofessionals) requirements; and is provided in a manner that affords increased opportunity for participating in that PD.
- CEP must have specific annual, measurable goals/objectives for identified students (a.k.a. Section 1111 requirements) that will ensure AYP is made.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- CEP must describe how the school will provide parents written notice, in a language they can understand, about the plan.
- CEP must specify SEA, LEA, & School responsibilities to ensure success.
- CEP must include parent involvement strategies, extended learning time strategies, and incorporate a teacher mentoring program.
- LEA approves the CEP. (*Note: LEAs are requested to include CEPs as part of their Consolidated Application Update submission packet*).
- Identified school implements the plan no later than the beginning of the next full year following identification.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- If CEP is not approved prior to the beginning of the school year, it is implemented immediately upon approval.
- LEA within 45 days of receiving the plan shall establish a peer review process to assist with a review of the school.
- LEA shall promptly review the plan & provide technical assistance (TA) as necessary. TA shall include:
 1. Analyzing assessment data,
 2. Professional Development,
 3. Analyzing & revising school budget if/as needed, and
 4. Coordinate with outside agencies & organizations to provide necessary support.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- All Schools designated as in improvement, corrective action, or restructuring, must notify parents of their accountability status, in a language parents can understand.
- School Accountability Parent Notification letter must include certain information:
 1. Explanation of what the identification means,
 2. Reasons for the identification,
 3. What LEA/School & SEA is doing to address the problem,
 4. Explanation of what parents can do & how they can become involved in order to address the academic issues that caused the School to be identified, and
 5. Depending upon level of accountability, explanation of Public School Choice and SES option.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- For Corrective Action (C/A) Schools: C/A means action consistent with State law, that substantially & directly responds to the consistent academic failure of the school, that caused the LEA to take action & any underlying staffing, curriculum, or other problems in the school, and *(Note: Under the DA plan there are Year 1 & 2 C/A schools and within each year there is a “Focused or Comprehensive” level. There is no “Basic” level under C/A or Restructuring Schools.)*
- Is designed to substantially increase the likelihood that eligible & identified students will meet or exceed the State’s proficient levels of achievement on State assessments.
- LEA oversees the C/A, provides TA, ensures continued availability of School Choice & SES.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEAs must implement one of the following Corrective Actions:
 1. Replace staff who are relevant for the failure to make AYP,
 2. Audit of Curriculum (AOC) (*Note: In NYS, SED requires all C/A schools to implement this action. NYS's formal name for the AOC is Audit of Written, Tested and Taught Curriculum.*),
 3. Decrease management authority at the school,
 4. Appoint outside expert(s) to advise the school,
 5. Extend the school year or school day, and
 6. Restructure the internal organization of the school

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Corrective action can be delayed one year if school makes AYP or due to extenuating circumstances.
- Corrective action Parent notification letter must include the Corrective action(s) the LEA is taking with the school.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Restructuring Schools:
- LEA ensures continuation of School Choice & SES, and
- Prepares a plan to restructure the school no later than the beginning of the school year following identification.
- Restructuring Options:
 1. Reopen as a public charter school,
 2. Replace all or most of the school staff, including the principal who are relevant to the failure of the school to not make AYP,
 3. Enter into a contract with a private entity to operate the school (must have a demonstrated record of effectiveness),
 4. Turn over operation of the school to the SEA, and
 5. Major restructuring of the school's governance arrangement.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEA notification letter must include any restructuring actions taken by the LEA.
- Twenty percent set-aside required for combination of School Choice & SES or 20% if only one option available. If both options available-5% for school choice & 5% for SES with remaining 10% divided up as needed.
- *Note: For 2009-2010 application cycle, school choice & SES set-aside must be shown in the Supplement Form & FS-10 Budget Narrative (if 20% set-aside is coming from a source other than Title I) and in the FS-10, if the 20% set-aside is coming out of Title I, Part A funds.*
- LEA can establish a cooperative agreement with other LEAs for public school choice transfer.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SEA is responsible for providing TA to schools in improvement, corrective action, or restructuring.
- SEA must take corrective action against an LEA if it determines it failed to carry out its responsibilities.
- SEA provides the LEA with schools' State assessment results (before the beginning of the next school year).
- SEA must bring to the Secretary of Education (USDE) any significant factors that caused the LEA or schools to be identified for improvement, C/A, or restructuring.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Districts In Need of Improvement (DINI):
- SEAs review progress (i.e. AYP) of each LEA.
- Note: LEAs for data analysis purposes is treated as one school. An LEA could have individual schools with enrollment so small for a student subgroup that the school could not be identified for improvement for that group, but the same population taken across several schools, could be statistically significant to identify the LEA as in improvement in that same student subgroup population.
- SEA is to determine if the LEA is carrying out its responsibilities in ensuring students meet or exceed State academic standards & pass State assessments.
- SEAs publicize & disseminate LEA results to the LEA & school community.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Just as Schools identified for improvement, LEAs must make (2) consecutive years of AYP to be removed from DINI status.
- SEA must provide LEAs with an opportunity to review & object to data that identified the LEA as being in need of improvement.
- SEA must make a final determination of LEA status no later than 30 days after the LEA has had a chance to review the data.
- SEA is responsible to notify parents of LEA status. Parent notification must include if the LEA is identified, reasons for the identification, & how parents can participate in upgrading the quality of the LEA.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEA, within (3) months of identification, must come up with a plan.
- LEA plan must be developed in consultation with parents, school staff, and others as appropriate.
- LEA plan must include SBR strategies, identify actions with greatest likelihood to improve student achievement, address PD needs of instructional staff, and set aside 10% of their Title I allocation for PD.
- The 10% PD DINI set-aside is above the 5% High Quality Teacher (HQT) PD set-aside requirement.
- The 10% school building PD set-aside can be included as part of the DINI PD 10% set-aside.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEA plan must include specific measurable achievement goals & targets for each identified student group.
- Address fundamental teaching & learning needs of the schools & problems of low-achieving students, and why LEA plan did not increase student achievement.
- Plan must also incorporate, as appropriate, extended learning time strategies. Specify LEA & SEA responsibilities as well as the TA to be provided.
- Plan must include strategies to promote effective parental involvement.
- LEA must implement the plan no later than the beginning of the next school year after the year of identification.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SEA Responsibilities to DINIs:
 1. Provide TA to develop plan, if requested,
 2. Work with schools needing improvement,
 3. Implement C/A, consistent with State law, for DINIs,
 4. C/A must substantially & directly respond to the academic failure that caused the LEA to be identified,
 5. C/A is designed to meet the goals of the students served,
 6. Take C/A against an LEA by end of 2nd full year after identification, and
 7. Provide DINI with TA while implementing the C/A.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SEA has (7) C/A options – SEA must implement one of them. They are:
 1. Deferring funds or reducing administrative funds,
 2. Institute & implement a new curriculum,
 3. Replacing LEA personnel who are relevant to the failure to make AYP,
 4. Removing particular schools from LEA control & arranging alternative governance,
 5. Appoint, through the SEA, an educational agency, a receiver trustee to administer LEA affairs (in place of the superintendent or Board of Education (BOE)),
 6. Abolishing or restructuring the LEA, and
 7. Allow students to transfer to another LEA's schools (transportation cost borne by the DINI).

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEA has a right to request a hearing with the SEA on any C/A to be taken by the SEA.
- SEA must notify parents of any DINI C/A taken.
- SEA C/A can be delayed one year due to LEA making AYP or extenuating circumstances.
- LEA must make AYP for (2) consecutive years to be removed from accountability status.
- NCLB – Title I, Part A Section 1116 C/As do not override rights afforded LEAs & schools under Federal, State, or local laws, collective bargaining agreements, and/or memorandums of understanding (MOU).
- If a DINI has Improvement-C/A-Restructuring schools, they must continue to offer school choice & SES as appropriate.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- Public School Choice Parent Notification Letters Require Certain Information be Included.
 1. Identification of School required to offer school choice .
 2. Where (including charter schools) students can transfer to.
 3. Reason for identification.
 4. Include information on the academic achievement of the schools that the parent may select.
 5. What parents can do to improve school's academic program.
- Additional information may also be included such as timelines for applying, contact information, and limitations (ex. Space availability).

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SES Parent Notification Letters must Include:
 1. Notification of the availability of SES, in a language parents can clearly understand.
 2. Brief description of available services.
 3. List of approved area SES providers, qualifications & demonstrated effectiveness of each SES provider.
 4. If requested, LEA & School must assist parents in choosing an SES provider.
 5. Explain what the procedures are when SES demand exceeds availability.
 6. Application instructions, with deadline for applying, contact person information.
 7. Any additional information that will help the parent in choosing and applying for SES.

Section 1116 – Assessment & LEA/School Improvement cont'd:

- LEA/School must apply fair & equitable procedures for serving students if demand exceeds available spaces, and must not disclose the identity of a student receiving SES without the expressed written permission of parent(s).
- LEA & SES vendor enter into an agreement (i.e. contract).
- Agreement must include (7) required components:
 1. Specific achievement goals,
 2. How student progress will be measured,
 3. Timetable for improving achievement,
 4. How parents & teachers will be informed of progress,
 5. Provide for termination of the agreement if the provider is unable to meet goals & timetables,
 6. SES vendor payment provisions, and
 7. Non-disclosure of student identity w/o written permission of the student's parent(s)/guardian(s).

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SEA SES Responsibilities:
- SEAs must promote maximum participation of providers
- SES vendor application process that applies objective & consistent selection criteria
- Criteria must be based on an SES vendor's demonstrated record of effectiveness
- Maintain an updated list of SES vendors
- Develop, implement, & publicly report on standards & techniques for monitoring the quality and effectiveness of SES
- Annual notice to potential providers of the SEA SES application process

Section 1116 – Assessment & LEA/School Improvement cont'd:

- SES Provider Application Approval Criteria:
 1. SES venders agree to provide parents & teachers student progress reports,
 2. Their instruction & curriculum is aligned with State curriculum and learning standards,
 3. Must meet all applicable federal, State, & local health, safety, and civil rights laws, and
 4. All instruction and content is secular, neutral, and nonideological,
- The Federally calculated PPA is determined by the amount of the agency's allocation under Subpart 2, divided by the number of children from families below the poverty level counted under Section 1124(c)(1)(A); or the actual costs of the SES to be received by the student.
- SES is provided by the LEA until the end of the school year in which SES was first received.

Section 1117 – School Support and Recognition

- SEAs shall establish a system of support. Support must be sustained & intensive for LEAs and Schools receiving Title I funding.
- The purpose is to increase the opportunity for all students to meet State academic content standards & student academic achievement standards.
- Priority is given to LEAs and schools subject to C/A & to provide support & assistance to LEAs & schools identified as in need of improvement.
- Also support, as needed, for non-identified LEAs & schools funded with Title I funds.

Section 1117 – School Support and Recognition cont'd:

- Statewide system of comprehensive Regional Technical Assistance Centers (In NYS they are called Regional School Support Centers (RSSC)).
- RSSC must have school support teams that work with identified & eligible LEAs & Schools.
- RSSCs take direction from SEA.
- RSSC designate & use distinguished teachers & principals chosen from schools served under section 1117.
- RSSC – School Support Team (SST) Composition:
- Composed of persons knowledgeable about SBR practices on teaching & learning, SWP, school reform, & improving educational opportunities for low achieving students.
- Includes HQTs, principals, pupil services personnel, parents, reps from Institutions of Higher Education, and reps from outside consultant groups.

Section 1117 – School Support and Recognition cont'd:

- SST also composed of individuals or groups as the SEA & LEA, in consultation, may decide.
- RSSC – SST review & analyze all facets of a school's operation.
- SSTs collaborate with parents, school staff, & LEA in the design, implementation, and monitoring of a plan to increase student performance & enable LEA/School to make AYP.
- SST is to at least, semi-annually, evaluate the effectiveness of school personnel, including identifying outstanding principals & teachers.
- SST makes additional recommendations as the identified LEA/School implements their plan, to the SEA, LEA, and school.

Section 1117 – School Support and Recognition cont'd:

- After one year from the beginning of school activities, in consultation with the LEA, recommend continued SST support & assistance to the LEA/School, or recommend that the LEA or SEA, as appropriate, take alternative actions.
- State Recognition – Academic Achievement Awards Program
- Each SEA receiving a grant under NCLB shall establish a program for making academic awards to recognize schools that significantly closed the achievement gap between groups of students, and exceed their AYP for (2) or more consecutive years.
- SEA shall designate distinguished schools that have made the greatest academic gains.
- SEA may also recognize & provide financial awards to teachers teaching in an identified school that consistently makes significant gains in academic achievement in the areas the teacher provides instruction.

Section 1118 – Parental Involvement

- LEAs that receive Title I funding must implement programs, activities, & procedures for the involvement of parents, in programs assisted under Section 1118. These programs, activities, & procedures shall be planned in consultation with parents of participating children.
- LEA Parent Involvement Plan (PIP) required.
- LEA PIP is developed in consultation with parents, and is distributed to parents.

Section 1118 – Parental involvement cont'd:

- Components of an LEA PIP:
- At a minimum, the LEA level policy must describe how the LEA will carry out the following:
- Involve parents in the joint development of the Title I Plan;
- Provide the coordination, technical assistance, and support necessary to assist participating schools in planning, implementing effective parent involvement activities to improve student academic achievement and school performance;
- Build the schools' and parents' capacity for strong parental involvement;
- Coordinate and integrate Title I parental involvement strategies with those of other programs, i.e., Headstart, Reading First, Even Start and other programs;

Section 1118 – Parental involvement cont'd:

- Conduct, with the involvement of parents, an annual evaluation of the content and effectiveness of the parental involvement policy in improving the academic quality of the Title I schools, including identifying barriers to greater participation by parents in activities authorized by Title I and use the findings of the evaluation to design strategies for more effective parental involvement and, to revise, if necessary, the parental involvement policies at the LEA and school level;
- Involve parents in the activities of the Title I schools.

Section 1118 – Parental involvement cont'd:

- Additional LEA PIP Components:
- Under Building Capacity for Involvement – To ensure effective involvement of parents and to support a partnership among the school involved, parents, and the community to improve student academic achievement, each school and LEA shall:
- Provide assistance to parents of children served by the school or LEA, in understanding such topics as the State's academic content standards and State student academic achievement standards, State and local academic assessments, the requirements of this part, and how to monitor a child's progress and work with educators to improve the achievement of their children;
- Provide materials and training to help parents to work with their children to improve their children's achievement, such as literacy training and using technology, as appropriate, to foster parental involvement;

Section 1118 – Parental involvement cont'd:

- Educate teachers, pupil services personnel, principals, and other staff, with the assistance of parents, in the value and utility of contribution of parents, and in how to reach out to, communicate with, and work with parents as equal partners, implement and coordinate parent programs, and build ties between parents and the school;
- Coordinate and integrate to the extent feasible and appropriate, parent involvement programs and activities with Head Start, Reading First, Early Reading First, Even Start, the Home Instruction Programs for Preschool Youngsters, the Parent as Teachers Program, and public preschool and other programs, and conduct other activities, such as parent resource centers, that encourage and support parents in more fully participating in the education of their children;
- Ensure that information related to school and parent programs, meetings, and other activities is sent to the parents of participating children in a format and, to the extent practicable, in a language the parents can understand.

Section 1118 – Parental Involvement cont'd:

- LEAs are to annually evaluate the content & effectiveness of the PIP, and evaluated with involvement of parents.
- The findings of the LEA PIP evaluation are used to design strategies for more effective parent involvement & to revise the PIP if necessary.
- Schools receiving Title I funding are to involve parents of participating children in the activities of the schools.
- If LEA allocation is \$500,000.00 or more, 1% is set-aside for parent involvement activities. Parents of children receiving services must be consulted on how funds will be allotted.
- Ninety-five (95%), of the 1% set-aside must be distributed to identified schools.

Section 1118 – Parental Involvement cont'd:

- Title I Schools must develop a written Title I school Parent involvement policy. *(Note: The School-Parent Compact is not the school PIP)*
- School PIP must be distributed to parents, & periodically (not necessarily annually) reviewed and revised if necessary. The School PIP must also be made available to the local community.
- If the school already has a PIP, it can be amended to include Title I requirements. If parents do not like the PIP they can make comments to the LEA when the LEA submits the plan to the SEA.
- *Note: If Title I schools adopt the LEA PIP, they must document in writing that they have done so.*

Section 1118 – Parental Involvement cont'd:

- School PIP Involvement:
- Each school will convene an annual meeting for parents of participating children, to inform them of their school's participation in the Title I program, information about and requirements of the Title I program, and the right of parents to be involved in their child's education.
- Schools should offer a flexible number of meetings, at various times. Title I funds can be used for transportation, child care, home visits, and food.
- Schools must involve parents in the review of the school PIP and if applicable, the school's SWP.
- Parents are to be informed of the curriculum used in the school, forms of academic assessment, and State & local proficiency levels students are expected to meet.

Section 1118 – Parental Involvement cont'd:

- If requested by parents, opportunities to meet regularly to be involved in decisions relating to the education of their children.
- School-Parent Compact:
- School and parents will jointly develop a compact that outlines how parents, the entire school staff, and students will share responsibility for improved academic achievement and the means by which the school and parents will build and develop a partnership to help children achieve the State's high standards.
- School-Parent Compact Components:
- Description of school's, parent's, and student's responsibilities to ensure academic success.

Section 1118 – Parental Involvement cont'd:

- School-Parent Compact Components cont'd:
- Stress the importance of communication between teachers & parents on an ongoing basis, though, at a minimum:
 1. At least an annual parent/teacher conference to discuss how the Compact relates to the student's achievement;
 2. Frequent reports to parents on their child's progress; and
 3. Reasonable access to staff & opportunities to volunteer & participate in their child's class, & observe classroom activities.

Section 1118 – Parental Involvement cont'd:

- LEA/Schools shall provide full opportunities for involvement of parents whose children are LEP, SWD, Homeless, & Migrant. Information is given to parents in a language they can understand.
- SEAs can establish a Parental Information & Resource Center.
- SEAs are required to review LEA Parent involvement policies to determine if they meet the requirements of Section 1118.

Section 1119 – Qualifications for Teachers and Paraprofessionals

- All LEAs receiving NCLB-Title I, Part A funding had to ensure that all core academic subject teachers were highly qualified (HQT) by the end of the school year 2005-2006. This requirement was extended for one year to the end of 2006-2007.
- In NYS core academic subjects are teachers of English, Reading, Language Arts, Science, History, Geography, Economics, Civics & Government, Foreign Languages, and the Arts.
- In NYS the Arts include visual arts, dance, music, theater – including public speaking and drama.

Section 1119 – Qualifications for Teachers & Paraprofessionals cont'd:

- Paraprofessionals hired after January 8, 2002 must be “Qualified” when hired. Individuals hired on or before January 8, 2002 were to be “Qualified” by January 8, 2006.
- SEAs receiving Title I funds, as part of their State Plan required in section 1111, shall develop a plan to ensure that all teachers teaching in core academic subjects within the State, are highly qualified by the end of 2005-2006 (extended to 2006-2007 as noted previously).
- LEAs are required to have a HQT plan to ensure all core academic subject teachers are HQT.
- SEAs shall require LEAs to publicly report, each year, their progress toward the 100% HQT goal.

Section 1119 – Qualifications for Teachers & Paraprofessionals cont'd:

- SEAs report annually to USDE the State's success/progress toward meeting the 100% HQT goal.
- USDE - Secretary of Education shall annually, publicly report on each SEA's progress toward the 100% HQT goal.
- New Paraprofessionals shall have a high school diploma, completed at least (2) years of study at an institution of higher learning, obtained an associates degree (or higher) or, met a rigorous standard of quality and can demonstrate, through a formal State or local academic assessment, knowledge of, and the ability to assist in instructing, reading, writing, and math, or knowledge of, and the ability to assist in instructing reading readiness, writing readiness, and math readiness, as appropriate.

Section 1119 – Qualifications for Teachers & Paraprofessionals cont'd:

- Qualification Exceptions for Paraprofessionals – Translators and/or solely conducting Parental Involvement activities.
- Duties of Paraprofessionals are very specific, such as, one-on-one tutoring, classroom management, computer assisted instruction (CAI), parent involvement activities, library or media support, translator, and instructional services.
- Paraprofessionals must work under the direct supervision of a HQT teacher.
- Paraprofessionals can assume limited Non-Title I duties as long as the amount of time spent on such duties is in the same proportion as similar Non-Title I personnel at the same school.

Section 1119 – Qualifications for Teachers & Paraprofessionals cont'd:

- LEAs verify compliance with Section 1119 requirements by requiring a principal in a Title I school (TAS & SWP) to attest, annually, in writing, as to whether such school is in compliance with Section 1119 requirements.
- Copies of the Principal Attestation Statements are maintained at the school and the LEA and are available to the public upon request.
- Funds provided for under Section 1119 requirements may be combined with funds provided under Title II, Part A, Other Acts, and other sources.
- *Note: LEAs that do not meet the 100% HQT goal, must expend not less than 5% of the Title I, Part A funds, to ensure all core academic subject teachers are HQT, and all paraprofessionals are qualified. These funds can only come from their Title I, Part A allocation.*

Section 1120 – Participation of Children Enrolled In Private Schools

- LEAs after timely & meaningful consultation with appropriate private school officials, provide eligible children, on an equitable basis, special educational services or other benefits under Section 1120; that address their needs, and shall ensure that teachers & families of the children participate, on an equitable basis, in services & activities developed pursuant to parent involvement and professional development.
- Services, materials, & activities must be secular, neutral, and nonideological.
- Services can be provided directly or through contracts with public & private agencies, organizations, & institutions.

Section 1120 – Participation of Children Enrolled In Private Schools Cont'd:

- Expenditures for private school children educational services shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools, which the LEA may determine every year or every (2) years.
- Consultation with private school officials must be made on such issues as how children's needs will be identified, what services will be offered, how, where, & by whom the services will be provided, how academic services will be assessed, & how the results of the assessment will be used to improve services.

Section 1120 – Participation of Children Enrolled In Private Schools Cont'd:

- The size & scope of equitable services to be provided, method or sources of data to determine low-income status, how & when the agency will make decisions about delivery of services must also be discussed.
- Written explanation by the LEA if it disagrees with private school officials on the provision of services through a contract.
- Consultation should continue throughout the implementation & assessment of services provided under Section 1120.
- LEA retains control of and the responsibility for the use of Title I funds for services to children enrolled in private schools.

Section 1120 – Participation of Children Enrolled In Private Schools Cont'd:

- Services for children enrolled in a private school are the same as services for students in a public school. That is, services are based on academic need, not low-income status.
- LEAs are required to maintain written affirmation, signed by private school officials that the consultation has occurred. Written consultation documents provided by the LEA to the SEA (i.e. Private School Participation Form from the Consolidated Application Update).
- Private school officials may complain to the SEA if they believe LEA did not engage in consultation that was meaningful & timely, or did not give due consideration to the views of the private school officials.

Section 1120 – Participation of Children Enrolled In Private Schools Cont'd:

- Private school officials forward complaint to SEA and LEAs are required to forward appropriate documentation to the SEA.
- LEAs calculate private school allocation by the number of children, ages 5-17, who are from low-income families and attend private schools.
- Low-income data can be derived from – same measure used to count public school children (i.e. Free & Reduced Priced Lunch (FRPL)), survey results, which allow for extrapolation, if complete, actual data is not available, applying the low-income % of children in a participating public school attendance area to the number of private school children who reside in that attendance area, and an equated measure of income with measure of low-income used to count public school children.

Section 1120 – Participation of Children Enrolled In Private Schools Cont'd:

- Disputes related to low-income data for private school children are subject to Section 9503 of the ESEA.
- Public agency control of funds & title to materials, equipment, and property purchased with such funds – the public agency (i.e. LEA) shall administer such funds, materials, equipment and property.
- Employees cannot be employees of the private school. The person hired to provide services, or contracted must be under the control & supervision of the LEA. LEAs with private schools can enter in to 3rd party contracts. LEAs are still responsible for purchased materials and ensuring the overall quality of the Title I services & program(s).

Section 1120A – Fiscal Requirements

- MAINTENANCE OF EFFORT (MOE): A LEA may receive funds only if the SEA finds that the LEA has maintained the LEA's fiscal effort.
- Federal Educational funds (from any federal source) can only be used to supplement (not supplant) the funds, that absence such Federal funds, be made available from Non-Federal sources for the education of pupils in Title I programs.

Section 1120A – Fiscal Requirements cont'd:

- LEAs & Schools are not required to provide services under this part through a particular instructional method or instructional setting in order to come in to compliance.
- **COMPARABILITY OF SERVICES** – LEAs cannot receive NCLB funding, unless, other schools receiving funding are receiving State & local funds and services that, taken as a whole, are at least comparable to service in schools not receiving funds.
- If LEA is able to serve all schools under NCLB (ex. all school have 35% poverty or higher) they must still ensure that each school receives substantially comparable services from State & local funds.

Section 1120A – Fiscal Requirements cont'd:

- LEA must submit written assurances to the SEA that –
 1. The LEA has established a agency-wide salary schedule,
 2. A policy to ensure equivalence among schools in teachers, administrators, & other staff, and
 3. A policy to ensure equivalence among schools in the provision of curriculum materials & instructional supplies.
- LEA when determining expenditures per pupil from State & local funds shall not include staff salary differentials for years of employment.

Section 1120A – Fiscal Requirements cont'd:

- An LEA does not have to consider unpredictable changes in student enrollment or personnel assignments that occur after the beginning of the school year when determining comparability of services.
- PROCEDURES AND RECORDS –
- LEAs are required to develop procedures to ensure compliance with Section 1120A requirements, and, must maintain records that are updated biannually to show the LEAs compliance with section 1120A requirements.
- Requirements of this section do not apply to LEAs with only one building per grade span.
- For the purposes of determining compliance with Section 1120A, an LEA may exclude Language education programs, and excess costs of providing services to SWDs.

Section 1120A – Fiscal Requirements cont'd:

- For the purposes of complying with comparability of services and supplement vs. supplant requirements, an LEA or an SEA may exclude supplemental State or local funds expended for school attendance areas, or, school programs that meet the intent and purposes of NCLB, Title I, Part A programs and services.

Section 1120B – Coordination Requirements

- Each LEA receiving NCLB funds are to coordinate activities with Head Start Agencies, and if feasible, other early childhood entities carrying out early childhood development programs such as the Early Reading First program.

Section 1120B – Coordination Requirements cont'd:

- **EXAMPLES OF COORDINATED ACTIVITIES:**
- Transition programs for children from Pre-K programs going to an LEA elementary school - including developing & implementing a systemic procedure for receiving records of the transferring children.
- Establish communication protocols with early childhood development agencies to facilitate coordination of programs.
- Conduct meetings with parents, kindergarten or elementary teachers & early childhood development teachers to discuss the developmental and other needs of individual children.
- Organize & participate in joint transition related PD for public school & early childhood staff.
- Linking educational services of the LEA with services provided by the early childhood agencies/entities.

For Additional Information or Clarification on NCLB-Title I, Part A issues and/or concerns call:

- 1-(518)-473-0295
- Or visit our web site at:
 - <http://www.emsc.nysed.gov/nclb/>