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CHAPTER 2
SELECTING PROGRAM PARTICIPANTS

2.1.0 General Statement

In 1965, Congress enacted the Elementary and Secondary Education Act (ESEA). The largest financial component of this act was Title I, designed to provide financial assistance in order to meet the special educational needs of children who were educationally deprived and who resided in areas having high concentrations of children from low income families. While Title I ESEA has been since amended, its basic "declaration of policy" remains the same, as most recently stated in the Education Amendments of 1978 (Public Law 95-561):

In recognition of the special educational needs of children of low-income families and the impact that concentrations of low-income families have on the ability of local educational agencies to support adequate educational programs, the Congress hereby declares it to be the policy of the United States to provide financial assistance (as set forth in the following parts of this title) to local educational agencies serving areas with concentrations of children from low-income families to expand and improve their educational programs by various means (including preschool programs) which contribute particularly to meeting the special educational needs of educationally deprived children....(Sec. 101, Public Law 95-561).

Each of the key words or phrases in the declaration of policy expresses the intent of Congress. The particular area of emphasis in this chapter related to the General Statement of policy is described in the following paragraph.

Educationally Deprived Children...in Areas with Concentrations of Children from Low-Income Families: The intended beneficiaries of Title I ESEA are educationally deprived children who live in school attendance areas with high concentrations of children from low-income families. Eligible school attendance areas are identified and ranked on the basis of income level or directly-related information. With a few exceptions, those eligible school

attendance areas with the highest percentages or numbers of educationally deprived children from low-income families are selected for Title I ESEA funding. Individual children within a selected school are selected on the basis of educational need. The selection of children to participate in the title I program requires the completion of specific activities to assure compliance with the law and that the children most in need of educational help are identified and served.

2.2.0 Basic Concepts for Identifying Eligible Children and Children To Be Served

Title I ESEA legislation implies the use of different criteria for the selection of school attendance areas which will participate in the title I program and the children who will actually receive services. Chapter I discussed the methods used to determine the eligibility of attendance areas for title I and the selection from among the eligible areas of those areas which will actually participate in the Title I ESEA program. The eligibility of local educational agencies (LEAs) and school attendance areas within the LEAs is generally based on economic criteria, specifically, the numbers or percentage of children from low-income families.

This chapter examines the selection of children in the project areas (that is, eligible attendance areas which are actually selected to participate in an LEA's Title I ESEA program) to receive title I services. Just as all attendance areas within an LEA are not eligible for title I, all children within an eligible and participating attendance area are not eligible.

The original legislation for Title I ESEA, and subsequent amendments, refers to "meeting the special educational needs of educationally deprived children." Thus, to be eligible to participate in a Title I ESEA program, a child must meet two basic criteria:

1. Reside in an attendance area identified as a title I project area (116a.70(a)).
2. Be identified as educationally deprived (116a.70(b)).

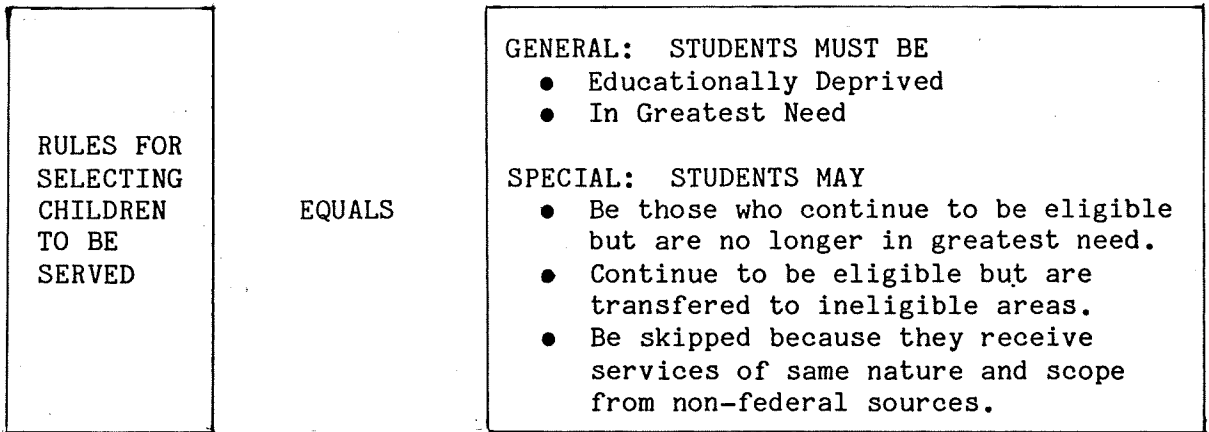
In meeting the first criterion, it is not necessary that a child actually attend the public school where title I services are offered, but the child must be a resident of the area served by that school. Title I ESEA requires that educationally deprived children from private schools who live in eligible attendance areas also receive services (116a.80). The title I program also allows for services to children who may not be attending school, including dropouts and preschool-age children.

Educationally deprived children are usually described as those who are not doing the academic work expected of children their age and/or grade level. Objective data, such as standardized tests administered district-wide, should be used in determining educational deprivation. In general, a child performing one or more years below grade level is considered educationally deprived; for instance, a fifth grader reading at a third grade level or a second grader who cannot do the math work expected of a kindergartner. Also, for these children the term "educationally deprived children" is not meant to include underachievers, that is, those children who are capable of doing better work but who are not working up to their potential. Students scoring above the 50th percentile on an instrument used by the LEA to identify educational deprivation could not participate in the Title I ESEA program since scoring above the 50th percentile indicates a child is above average according to the testing norms and, thus, is not educationally deprived.

2.2.1 Selection of Children To Be Served

Having determined which children are eligible to receive Title I ESEA services, the LEA must determine how many of these eligible children will actually be served. An LEA's title I funds may not be enough to provide services for all educationally deprived children in all eligible attendance areas. Thus, regulations require that LEAs choose as participants those educationally deprived children in project areas who have the "greatest need of special assistance" (116a.50(a)(1), 116a.70(c)).

In targeting Title I ESEA funds, at this point educational and not economic data are the determining factor for participation. Low income, except in special circumstances, was the major factor in the identification of eligible attendance areas; it is NOT a criterion for the selection of children to be served by an LEA's title I program. Local program planners cannot exclude educationally deprived children who are not from low-income families if the children reside in an eligible attendance area. The criterion for selection of program participants is the degree of educational deprivation. The general rule is that children living in eligible attendance areas who have the most need for special help should receive title I services; however, there are limited exceptions to this general rule which LEAs can apply under very specific conditions.



2.2.2 Identifying Specific Needs of Children To Be Served

In order to identify educationally deprived children in eligible attendance areas who have the greatest need for special assistance, LEAs must conduct an annual needs assessment (116a.100). The assessment helps not only in the identification of eligible children but also in determining the special educational needs of these children and in identifying general instructional areas and needs which the Title I ESEA program should serve.

In general the needs assessment should serve as a sound basis for local program planners to make decisions about the use of Title I ESEA funds. Initially it is useful in generating data for child targeting decisions, that

is, targeting title I services to those educationally deprived children in eligible attendance areas who are most in need of help.

The needs assessment also generates data which local program planners use to make program design decisions. Such data include identification of the types of educational needs which exist in an LEA, the grades or age levels of children in need of help, and the specific needs of educationally deprived children. These special needs will be related to instruction in the basic skills but may, in some cases, result in providing limited health, nutritional, social or other services as part of the Title I ESEA program. Chapter 3 discusses in detail the use of needs assessment data in the formulation of a program design which meets the specific educational needs of participating children.

2.3.0 General Requirements for Identifying and Selecting Children To Be Served

Title I, ESEA, Secs. 122, 123, 124

CFR 116a.60-82, 116a.100-105

H. Rept. 95-1137, pp. 22-25

There are two general requirements a child must meet to be eligible to participate in an LEA's Title I ESEA program -- residency in a title I project area and educational deprivation. In choosing from among those eligible the children who will actually receive title I services, an LEA must choose those educationally deprived children with the "greatest need of special assistance."

However, there are five exceptions to these general requirements:

1. Continuation of eligibility for educationally deprived children who are no longer in greatest need of special assistance.

This exception is intended to provide assistance to those students who, after receiving title I services, will no longer receive the services. It enables such students -- who are still educationally deprived but who are no longer among those with the "greatest need of special assistance" -- to continue to receive title I services for one year (116a.71(a)).

2. Continuation of eligibility for educationally deprived children transferred to ineligible areas or schools in the same year.

This exception also ensures the continuity of services for individual children. It allows an LEA to continue to provide services to children who transfer -- either voluntarily or involuntarily -- to an attendance area without a title I project, provided the children had been identified as eligible for title I at the start of the school year and were selected to participate in the LEA's title I program. The eligibility of such children runs out at the end of the current school year, but may include participation in a summer program if one is offered (116a.71(b)).

3. Skipping children in greatest need of special assistance who are receiving services of the same nature and scope.

An LEA may choose to skip children who are identified as those with the greatest need of special assistance if such children are receiving -- through other programs such as Follow Through, Limited English Proficiency, state compensatory education -- services of the same type that are to be provided through Title I ESEA. However, there are a number of specific conditions, discussed in the next section, which must be met before an LEA may use this option (116a.71(c)).

4. Infrequent participation by a limited number of children who are not in greatest need of assistance or who have not been identified as educationally deprived.

Because it is sometimes impossible to exclude a small number of ineligible children from services which most of their classmates receive, this option permits LEAs, under very limited conditions, to allow such children to participate in a title I project (116a.71(d)). Chapter 2.4.4 discusses the limitations of this option.

5. Participation of all children in schools designated and approved as "school-wide" projects.

A school which serves an attendance area with 75 percent or more children who are from low-income families may be designated as a school-wide project. If approved by the appropriate School Advisory Council and the SEA, all children in that school may be served by the title I project as long as federal funds are used to supplement state and local funds in that school (116a.72-73). The specific conditions are described in detail in Chapter 2.4.4.

Having selected the children who will actually participate in its Title I ESEA program, using the exceptions above if necessary, an LEA must determine the incidence, severity, contributing factors, and relative priority of the special educational needs of these children. The LEA's title I application should include sufficient information and documentation to allow the state educational agency to determine that the following steps in a needs assessment are complete:

1. Reviewed existing data from past title I program evaluations and on pupil performance in the basic program of instruction to determine the incidence and severity of educational deprivation among all children residing in the eligible attendance areas.
2. Selected project areas and schools based upon the review of existing data; determined the age or grade levels at which the project/program will operate; and identified the types of educational needs to be addressed by the project/program.
3. Identified all educationally deprived children in the selected project areas and schools who are at the determined age or grade levels and have the types of educational needs to be addressed which makes them eligible to participate in the project/program.
4. Identified, from the pool of eligible children, those in greatest need of educational assistance based upon existing data and/or additional objective data.
5. Selected project/program participants according to specific, written criteria.
6. Used adequate diagnostic procedures to determine the specific needs of targeted children in general instructional areas and the factors contributing to their failure to perform at appropriate level.

An LEA can receive Title I ESEA funds only if it conducts an assessment of educational need each year. Illustration 2.1 indicates that the needs assessment is an essential step in the final selection of title I participants. Illustration 2.2 indicates the normal sequence which is followed in this selection process.

2.4.0 Specific Requirements for Identifying and Selecting Children To Be Served

2.4.1 Review of Existing Data to Determine Educational Deprivation

Having identified attendance areas which will participate in its Title I ESEA program, the LEA's first step in identifying and selecting the children to be served is to review existing data on the performance of children from the project areas. The data reviewed should include, at a minimum, evaluations from the LEA's basic program of instruction and evaluations of prior title I programs.

ILLUSTRATION 2.1

BUILDING BLOCKS FOR SELECTION OF TITLE I PARTICIPANTS

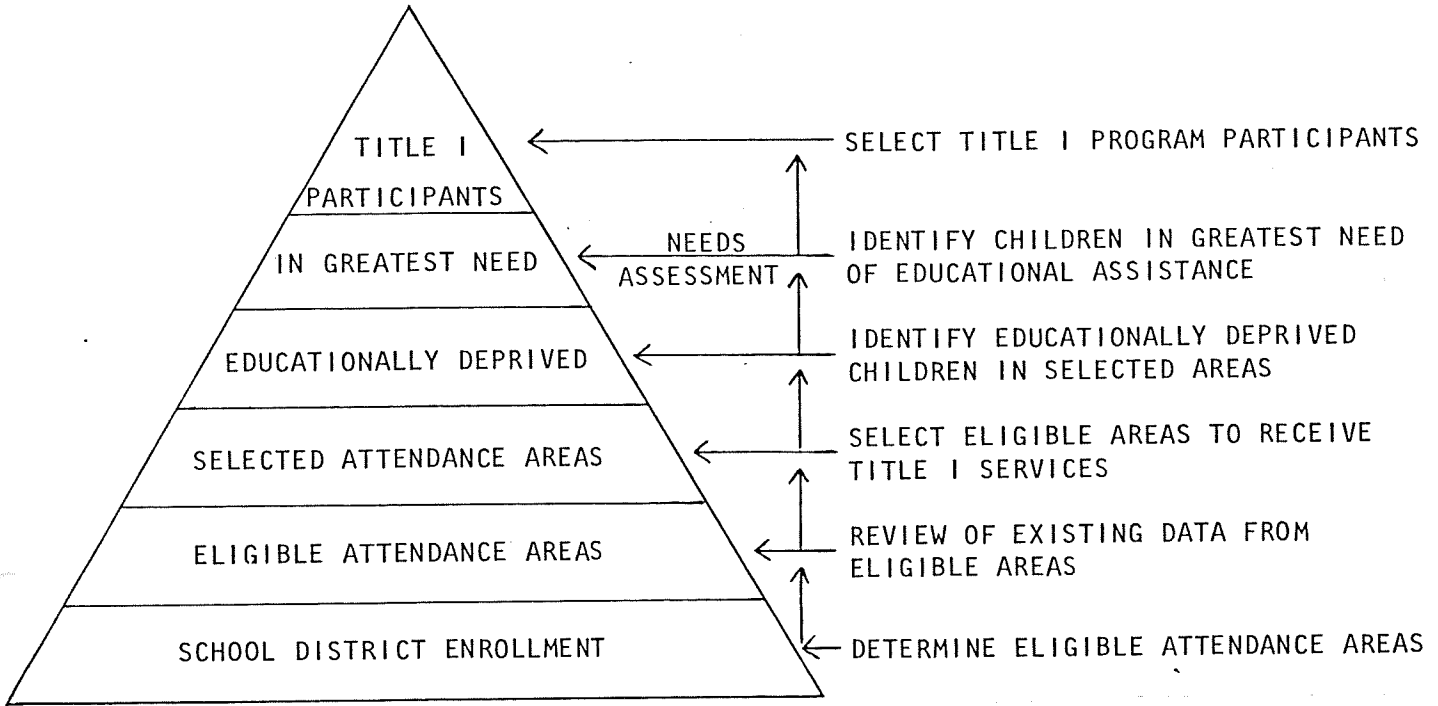
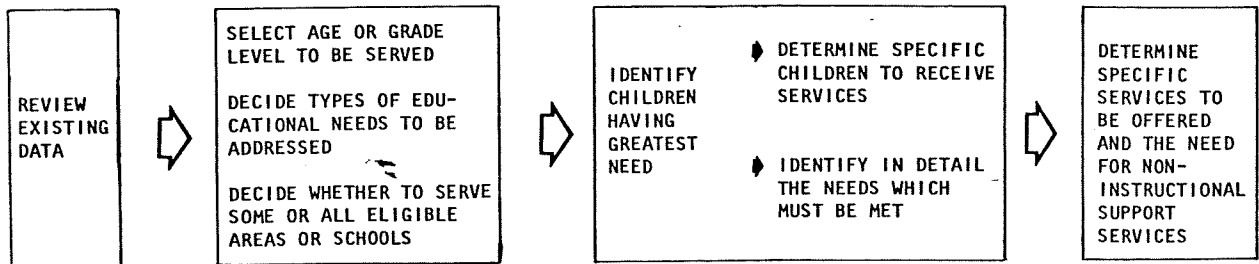


ILLUSTRATION 2.2

SEQUENCE FOR THE SELECTION OF CHILDREN TO PARTICIPATE IN TITLE I ESEA PROJECT



More specifically, the data reviewed may include district-wide achievement testing results, grade level and/or subject matter test results, individual teacher test data, findings of previous title I evaluations, and teacher judgments. The subjective nature of teacher judgments limits its usefulness; therefore, it should be used with discretion only in unique situations. State educational agencies may prohibit the use of data based on teacher judgment.

Additional guidance in the use of teacher judgment is contained in correspondence from the Office of Evaluation and Dissemination, Office of Education, DHEW, March 1980 to a Title I Director as follows:

The Title I regulations (Secs. 116a.21(a) and (d)) require that an objective procedure be used to select students to participate in the program. Such a procedure may involve the use of an objective test, a diagnostic test, a rating scale of teacher judgment, or a combination of these, provided that the selection instrument (or procedure) yields student rankings that are valid and reliable indicators of the students' ranking within the school district.

If a teacher rating scale is to be used, then it is important that steps be taken to ensure that the selection process is as objective as possible. For such a scale (or any other measure) to yield reliable data, the teacher must be trained in the proper use of the instrument. Other ways of enhancing the reliability of rating scales include careful behavioral definition of the rating categories, and the use of more than one rater. If an objective process is followed, and the resulting student rankings are reliable and valid, then the student selection procedure is acceptable.

In addition to reviewing academic data, program planners should also review health, social, and attendance records to find evidence of factors which may contribute to children's educational deprivation.

In reviewing existing data, an LEA must be sure that it is considering all children who might be eligible to receive Title I ESEA services. Although the number of children from low-income families counted to determine a county or LEA's title I grant included only those children aged 5 to 17, under Title I

ESEA regulations the term "children" means persons not above age 21 who are entitled to a free public education or those who are of preschool age (116.5). Therefore, an LEA's assessment of the needs of children in its district should include data on preschool children, children of school age not enrolled in school (dropouts), children in local institutions for the neglected or delinquent, children enrolled in private schools who live in eligible attendance areas as well as the children enrolled in the public schools which have been selected as title I project areas. (See Chapter 9.4.5.)

Illustration 2.3 suggests a way of organizing existing data to determine educational deficiency. It simplifies the process of identifying where the greatest needs exist, both in terms of grade levels and instructional areas.

2.4.2 Selecting Children To Be Served

Program planners must utilize the information obtained from the review of existing data to make three decisions which are critical in the process of selecting title I participants. These decisions can be made in any order but must focus upon the following areas:

1. Which age or grade levels are to be served?
2. What types of educational needs are to be addressed?
3. Should the program serve some or all of the eligible areas or schools?

Selecting Age or Grade Levels To Be Served

This decision requires the LEA to select either particular age groups or grade levels from which educationally deprived children will be selected as participants in the LEA's Title I ESEA program. It requires the LEA to set priorities for the use of title I funds. An LEA's decision may be limited by state-wide title I requirements which specify that title I services should be

ILLUSTRATION 2.3

MODEL PROCEDURE FOR ORGANIZING EXISTING DATA TO
DETERMINE EDUCATIONAL DEPRIVATION

ELIGIBLE ATTENDANCE AREA	GRADE LEVEL	INSTRUCTIONAL AREAS	TEST SCORE AVERAGES FOR GRADE/LEVEL	OTHER AVAILABLE DATE	RANKING OF DEFICIENCY BY	
					GRADE LEVEL	INST. AREA

concentrated at certain grade spans or in certain instructional areas; SEAs have the option of setting such priorities. In selecting ages or grade levels to be served, the LEA must give consideration to such categories as preschool children and dropouts. Congress (H. Rept. 95-1137) stipulated that title I regulations should not specify preferred grade levels allowing LEAs to consider preschool, elementary and/or secondary students for inclusion in the title I program.

Determining Types of Educational Need

This decision requires the LEA to determine which educational deficiencies will be addressed by the Title I ESEA program. While the academic areas of reading and/or mathematics are usually identified as the educational deficiencies upon which the program should focus its major efforts, other support service areas have also been deemed appropriate for title I; these support areas include writing and oral communication instruction, health needs, and behavioral and attitudes improvements.

First priority should be given to the LEA's most widespread and serious problem, as discovered in the review of existing data which is part of the needs assessment process. However, if a problem is broad in nature, such as reading, a school district may have to further limit its priorities; for instance, an LEA may focus its title I program on helping children in grades 1 through 4 with reading problems.

Program planners may use existing data or develop and use other objective criteria which take local values and educational theory into account in making this decision.

Deciding To Serve All or Some Eligible Areas

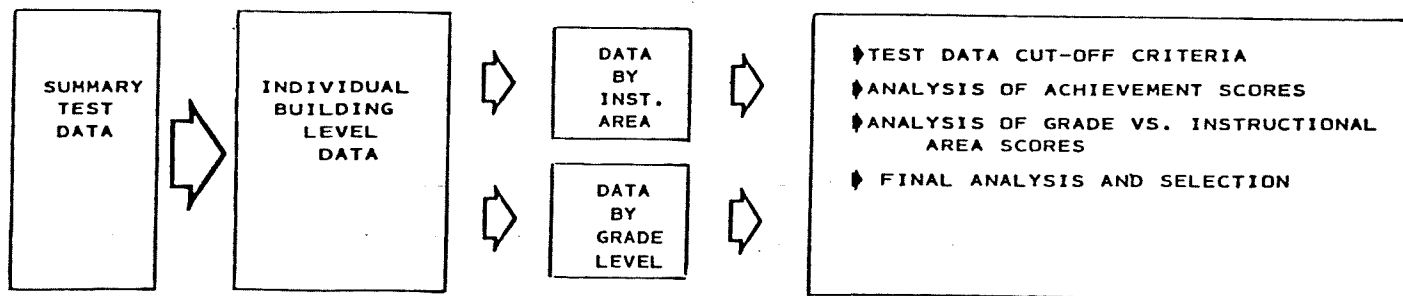
This decision requires an LEA to determine whether it should serve a greater proportion of educationally deprived children in a limited number of higher-ranked eligible areas or a smaller proportion of educationally deprived children in a greater number of eligible areas. Title I requires that a

project be concentrated on a sufficiently limited number of services and a sufficiently limited number of children to show reasonable promise of meeting the educational objectives of the project (116.51(c)). The result of this decision is the final selection of children who will participate in the title I program. (See Chapter 3.4.1 on "sufficient size".)

Illustration 2.4 diagrams the steps used in selecting title I participants. The beginning point is still the review of existing data -- district-wide achievement test scores from the previous year, analysis of most recent title I data, and review of other data which provide evidence of the degree and type of educational deprivation in project areas. The illustration, with the substitution of individual or classroom scores, may also be used to focus upon particular groups of children who should be considered for participation in title I.

ILLUSTRATION 2.4

STEPS IN SELECTING TITLE I ESEA PARTICIPANTS



The following examples demonstrate the use of these steps in selecting title I participants.

Example 1

In this example make the following assumptions: a) that the LEA decides to target upon children in grades K through 6 scoring below the 50th percentile; b) that of the eligible areas -- A, B, and C -- area A has the highest incidence of low-income children; and c) that 300 children in each area scored below the 50th percentile. Also, assume that the SEA requires a minimum expenditure of \$500 in title I funds per pupil to satisfy the sufficient size, scope, and quality requirement, and the LEA's title I allocation is \$15,000. In order to comply with the general rules for targeting areas and schools and designating children to be served, only children in school A scoring below the 50th percentile will receive assistance under title I (300 children x \$500 = \$15,000). School attendance areas B and C are considered eligible but unserved areas. The LEA may change its decision relative to the cut-off point at any time.

Example 2

Assume all the same facts set out in Example I above except that the LEA selects the 25th percentile as the cut-off point for participation in title I programs and that there are 100 children scoring below the 25th percentile in areas A, B, and C, in order to comply with the general rules for targeting project areas and schools and designating children to be served. The LEA, having selected the 25th percentile as the cut-off for title I participation, cannot, as in Example 1, serve the children in area A who scored between the 25th and 50th percentile. Unlike Example 1, areas B and C are now served.

2.4.3 Identifying Children Having the Greatest Need

An LEA's title I grant is not likely to be enough to provide services for all educationally deprived children in all eligible attendance areas, even

after the LEA has set grade span and/or instructional area priorities for the concentration of funds. Therefore, the LEA must identify, from among educationally deprived children in the eligible attendance areas selected as project areas, those children who are most in need of help.

To do this, an LEA must first identify all children within the project area, including those attending private schools, who are educationally deprived and who have the types of educational needs the title I program is designed to address. Using existing data or, if necessary, additional objective data, the LEA then determines from this group of children those most in need of special assistance. Title I funds may be used to gather additional objective data or to analyze existing data for use in the title I program. With the exception of diagnostic testing, this is the only time in the planning stage that title I funds may be used to obtain additional data.

Those children with the greatest needs, with a few exceptions as discussed in Chapter 2.4.4, must be the first selected to participate in the title I program. The LEA must include in its title I application the criteria it will use to select those children, and the criteria must be used in the actual selection process.

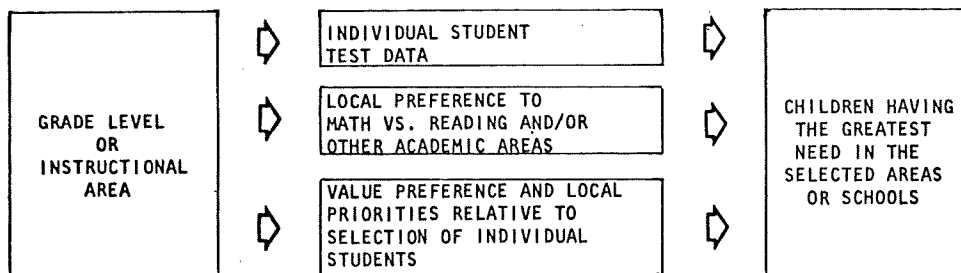
Identifying those children with the greatest needs requires only comparison with the basic target group. Thus, if an LEA concentrates its funds at grades 1 to 3, there is no need to compare the educational needs of an eligible second or third grader with those of a sixth or tenth grader.

In many states the SEA requires the use of particular types of test instruments in identifying participating students. The use of objective tests, such as norm referenced standardized tests, criterion referenced tests, or locally developed tests, is extremely important in selecting title I participants.

Local procedures used to select title I participants vary but generally follow the process in Illustration 2.5.

ILLUSTRATION 2.5

PROCEDURES FOR IDENTIFICATION OF CHILDREN WITH GREATEST NEEDS



2.4.4 Exceptions

There are five exceptions to the normal procedures for selecting title I participants. Briefly described in section 2.3.0, these exceptions are:

1. Continuation of eligibility for educationally deprived children who are no longer in greatest need of special assistance.
2. Continuation of eligibility for educationally deprived children transferred to ineligible areas or schools in the same year.
3. Skipping children in greatest need of special assistance who are receiving services of the same nature and scope.
4. Infrequent participation by a limited number of children who are not in greatest need of assistance or who have not been identified as educationally deprived.
5. Participation of all children in schools designated and approved as "school-wide" projects.

The first two exceptions provide for the gradual withdrawal of title I services from children who were eligible for such services recently. In the first instance, a child may continue to participate in the title I program for an additional year, provided he is still identified as educationally deprived. In the second instance, eligibility to receive title I services continues only until the end of the current school year; in subsequent years the child is eligible to receive services only if the attendance area in which he now attends school is a title I project area.

The third exception closely parallels the services of the same nature and scope option in designating eligible attendance areas. (See Chapter 1.3.0 and 1.4.3.) Title I regulations describe services of the same nature and scope as those that would be at a level at least equal to the level of services otherwise provided by title I funds (as measured on a per pupil basis by an objective measure such as per pupil expenditure) (116a.71(c)(2)) and that meet title I requirements for size, scope and quality (116.51). Thus, children receiving the same type of services as those planned for in the title I program through some other program need not be included in the title I program; the LEA may select other educationally deprived children in the project area to receive the title I services.

The fourth exception is a recognition of the impracticality of excluding children who have not been selected to participate in the title I program from some title I projects. The regulations (116a.71(d)) set forth six criteria which must be met before this exception is allowed. The criteria are:

1. The title I service is designed to meet the special educational needs of educationally deprived children in the project area who have been identified as being most in need of help and is focused on these children.
2. It is impractical to exclude the children who have not been selected to participate in the LEA's title I program from the particular title I service at the time the service is provided.
3. The children who have not been selected are in the same grade or age level as those participating in the program.
4. The inclusion of these children will not decrease the effectiveness or quality of the title I service received by participating children, will not increase the cost of providing the service, and will not result in the exclusion of any children selected for the title I program.
5. The LEA must include in its title I application the estimated number of such children who will receive title I services, the reasons why inclusion of these children will not decrease the quality of title I services, and reasons why their inclusion will not increase the cost of providing the service.
6. The number of children in each project area who were not selected for the title I program using normal procedures but who will receive title I services may not equal more than five percent of the total number of children receiving title I services in that area.

The fifth exception is more expansive than the fourth but requires additional eligibility criteria and various steps in the approval process. A school serving an eligible attendance area with 75% or more of its children from low-income families may be designated to operate a school-wide project to upgrade its entire educational program serving all students if it can meet the following requirements (116a.72-74):

1. The project plan must be approved by both the School Advisory Council and the SEA.

2. The project plan must provide for a comprehensive needs assessment of all students and the instructional plan should be designed to meet the special educational needs of all students.
3. Parents, teachers, aides, administrators, and any secondary students who will participate in carrying out the project activities should be involved in development of the plan; provision must also be included in the plan for these individuals to consult among themselves on the educational progress of all students.
4. Both teachers and aides must receive appropriate training to enable them to effectively carry out the plan.
5. The project plan includes evaluation procedures which will allow parents, teachers, aides, administrators, and secondary students to participate and provides opportunities for improving the plan based upon evaluation results.

In addition, an LEA which selects a school-wide project must meet several funds allocation requirements (116a.74):

1. The amounts of title I funds provided for educationally deprived students in the school-wide project must be equal to those title I funds provided in other title I schools.
2. Special supplementary state and local funds at least equal to the amount of title I funds must be provided for those children who are not educationally deprived.
3. State and local funds, excluding state compensatory funds, in the school-wide project must be maintained at a level at least equal to the amount spent per child during the previous year.

An LEA which has received approval to operate one or more school-wide projects is relieved of any commingling of funds requirements; also it need not identify the eligible participants, and does not have to demonstrate that the services being provided are supplementary to the regular program offerings.

2.4.5 Determining the Particular Educational Needs of Participating Children

Having identified the general educational needs of the LEA and the children most in need of help in those instructional areas and/or grade spans

given priority for the title I program, the LEA must concentrate on identifying the specific needs of children who will participate in the program, including factors which may have influenced their degree of educational deprivation.

Thus, within the general instructional area of reading, program planners may identify vocabulary or phonics as the areas of greatest need in this more detailed needs assessment. In examining factors which may cause educational deprivation, the planners may discover non-instructional needs which should be met; at this point, the planners should identify community activities, services and strategies which will maximize the possibility that the child's educational needs will be met. (See Chapter 3.4.1 on support services.)

Since title I resources are limited, efforts must be concentrated on the most important services. The empirical evidence gathered and analyzed in the needs assessment must be the basis for identifying important areas. Instructional needs must be ranked according to their incidence and severity. Non-instructional needs must be ranked according to the importance of their relationship to high priority instructional needs. (See Chapter 3.4.1.)

2.5.0 Summary of Methods Used for Identifying and Selecting Children To Be Served

The first two eligibility requirements for children participating in a title I program are residency in a title I project area and educational deprivation. From among those educationally deprived children in its project areas, an LEA must select as participants those children with the greatest need for special assistance. This final decision may be limited by an LEA's program priorities in terms of grades and/or ages to be served, instructional areas to be concentrated on, and the amount of the title I grant. Not all educationally deprived children in all eligible attendance areas are likely to receive title I services.

Children who do not satisfy the basic eligibility requirements may still receive title I services under any of the four exceptions discussed in this

chapter. However, the exceptions are subject to limited time periods or very specific conditions which must be met.

In selecting participants for its Title I ESEA program, an LEA bases many of its decisions on data gathered as part of the needs assessment. The assessment involves the examination of existing objective data or the gathering of new data to be used in identifying those children who are educationally deprived, that is, children whose educational attainment is below the level that is appropriate for their age; in identifying instructional areas and/or grade levels where children need help; and in further specifying the particular educational problems of children actually selected to participate in the title I program.