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CHAPTER 3
PROGRAM DESIGN

3.1.0 General Statement

In 1965, Congress enacted the Elementary and Secondary Education Act commonly known as ESEA. The largest funded 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 since been amended, the basic "declaration of policy" remains the same, as most recently stated in the Education Amendments of 1978:

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 express the intent of Congress.

- Support of Adequate Education Programs to Meet Special Educational Needs: Most financing of local educational agencies (LEAs) comes from local or state revenues. However, LEAs with high concentrations of low-income families may not be able to support adequate educational programs. Hence, financial assistance is provided by the Department of Education to states on the basis of incidence of low-income families and, in turn, to counties, and to LEAs. Applications from LEAs have to be approved by the State Educational Agencies (SEAs). LEAs may not use such title I funds for "general aid; that is, the basic educational services an LEA is required by law to provide for all children attending public schools may not be paid for by title I." (116.52) Rather, these funds must provide for adequate educational programs which meet the particular educational needs of educationally disadvantaged children from
areas with concentrations of low-income families. The words "special educational needs" in Title I ESEA should not be confused with the phrase "special education" as it is commonly used to describe the instructional programs available to handicapped students.

- **Expand and Improve**: Title I funds must be used by LEAs to expand and improve educational programs and services for students eligible to be served under Title I ESEA. While LEAs must provide all children with their basic educational program, title I funds can only be used to provide extra or supplemental services to meet the particular educational needs of educationally deprived children who are otherwise eligible. Title I ESEA funds must also be used to improve the quality of educational programs for educationally deprived children through proper planning and program design.

- **Educational Programs**: The supplemental educational programs funded under title I must be designed to meet the specific educational needs of children selected for participation in the program. The programs must be of sufficient size, scope, and quality with stated performance objectives for each project, based upon an assessment of the needs of eligible students. Supportive services which are clearly related to the educational needs of children being served and are not available from other sources may be provided using Title I funds.

- **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 reside 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 family income levels or directly related information. With a few exceptions, those eligible attendance areas or schools with the highest percentage or numbers of children from low-income families are selected for Title I ESEA projects. Individual children, within an eligible attendance area or a school, who have the greatest educational needs may participate in title I programs.

3.2.0 **Basic Concepts for Program Design**

In this chapter, a number of basic concepts related directly to program design are covered. These concepts and/or definitions are briefly highlighted below as they relate to the preceding General Statement and to detailed requirements discussed later in this chapter.

- **Specific Projects/Services for Specific Needs**: The specific projects/services provided in an LEA's Title I ESEA program must be based upon the identification of the specific needs of participating, educationally deprived children. The needs assessment process described in the previous chapter described those steps up to and including the selection of students to
participate in the Title I ESEA program. "Needs assessment" in this chapter relates to those additional diagnostic steps employing data previously used in student selection or additional information; to design specific projects or services for participants; and to establish program objectives with performance measures around which instructional and other strategies would be developed.

- **Sufficient Size:** Title I funds must be concentrated upon limited projects and services which increase the probability of student success in meeting program objectives. This "concentration requirement" is designed to ensure that the limited resources appropriated by Congress are not spread so thin as to result in little promise of success. The concentration in terms of project size is related to the targeting provisions discussed in Chapters 1 and 2, which allow LEAs to concentrate title I funds on a limited number of eligible attendance areas and eligible children.

- **Sufficient Scope:** Title I projects and services must be of sufficient scope and balance to ensure that all educational and other directly-related needs are successfully addressed.

- **Sufficient Quality:** Title I services must be of sufficient quality to increase the likelihood that significant improvement in the educational performance of participating children will occur. Specific requirements to increase this likelihood include:

1. Proposed staff experience and capabilities. Their qualifications and assignments must be consistent with project objectives.

2. Training that is directly related to the title I services which staff members will provide. A variety of school building staff and others may participate in training funded under title I.

3. Joint training of aides and professional instructional staff in title I programs which utilize instructional aides.

4. Opportunities for parents of children in programs funded by title I to participate in establishing programs and to be informed of their children's progress.

5. Coordination of title I services and projects with other educational programs and ancillary services in order to minimize duplication and to complement and reinforce the objectives of all programs.

6. The use of evaluation results for local programs in planning for and improving projects and activities funded under title I in subsequent years.

- **Planning:** Title I funds may be used for planning only if such planning is directly related to title I programs or projects or will result in a program or project to be assisted under title I and if planning funds are needed because of the innovative nature of the program or project or because
the LEA lacks the resources required to plan adequately for the program or project (116.72).

- **Evaluation Consistent with Project Objectives:** Plans for evaluating projects must be consistent with project objectives and performance criteria and must meet appropriate technical standards established by the Department of Education.

- **Individualized Educational Plans:** LEAs are encouraged to develop individualized education plans for participating students in consultation with parents.

In addition to the above concepts, which constitute the more critical elements in designing title I programs, there are a number of additional concepts included in the Education Amendments of 1978 or reflected in House and Senate reports on the amendments.

- **Teacher and School Board Participation:** Local teachers and school board members as well as parents are to be involved in planning and evaluating title I programs (Sec. 124(i)).

- **Sustaining Gains:** An LEA must give due consideration to the inclusion of program components or services designed to sustain the achievement of children beyond the school year in which the program is conducted, including such means as summer school and intermediate and secondary level services and projects (Sec. 124(k)).

- **Classroom Setting:** In reference to state and local official allegations that HEW auditors encourage "pull-out" designs, Congress intended that title I should not be construed to encourage or require any particular strategy; a policy of neutrality on "in-class" as well as "pull-out" programs was intended (Sec. 124, H.Rept. 95-1137, pp. 24-27).

- **Separation of Title I Students:** On a related issue, Congress expressed its intention that separation of compensatory education students from higher achieving students for the entire school day is not required by Title I, is not a necessary aspect of compensatory instruction, and, to the extent possible, should be avoided (H.Rept. 95-1137, p. 27).

- **Expenditures Related to Ranking of Project Areas and Schools:** Funds are to be allocated among project areas or schools for programs and projects on the basis of the number and needs of children to be served (Sec. 124(o)).

- **Secondary Level Projects/Services:** Emphasizing the intended flexibility of Title I ESEA, Congress expressed concern that the vast majority of Title I programs were at the elementary level partially due to LEA uncertainty as to the legality of secondary programs. Hence, Congress mandated
that the regulations not only reflect "neutrality" regarding grade level, but also provide legal models for secondary title I programs (H.Rept. 95-1137, p. 26).

3.3.0 General Requirements for Program Design

Title I, ESEA, Secs. 124, 129, 134

CFR 116.30-81, 116a.105, 116a.130-157

H. Rept. 95-1137, pp. 23-27, 37

The Declaration of Policy for Title I ESEA provides that title I funds are to be used for educational programs which contribute to the particular educational needs of educationally deprived children. Title I funds, therefore, must be spent for discrete and identifiable projects which provide specific services for identified children. Such projects must be specifically designed to meet five primary statutory criteria:

1. Projects must be of sufficient size so that the services the participants receive are sufficiently concentrated.

2. Title I projects must be of sufficient scope to provide a balanced variety of services so that all factors contributing to the learning problems of participating children may be successfully addressed.

3. Title I project services must be of sufficient quality to produce significant improvement in the educational performance of the participating children.

4. The plan for evaluating the projects must be consistent with the project objectives and performance criteria and meet appropriate technical standards.

5. Funds must be allocated among project areas or schools for title I projects and services based upon the number and identified needs of children to be served in those project areas or schools.
3.4.0 Specific Requirements for Program Design

3.4.1 Sufficient Size, Scope and Quality

The law states the critical standard for designing programs as follows:

Sufficient Size, Scope and Quality – A local education agency may use funds received under this Title only for programs and projects which are of sufficient size, scope and quality to give reasonable promise of substantial progress toward meeting the special educational needs of children being served ...(Sec. 124(d)).

The rationale for this requirement was clearly expressed by Congress:

The applicant must decide the objectives and sub-objectives and decide the particular activities and services to be offered ....Resource constraints necessarily limit the extent to which activities and services can be provided to the program participants, but the primary impact of resources constraints must fall on the number of participants and the number of general instructional areas must be limited so that sufficient funds are available to provide all the activities and services which will ensure each program participant a fully adequate opportunity to accomplish the established objectives ...(H. Rept. 95-1137, pp. 24-25).

Sufficient Size

The sufficient size requirement for Title I ESEA programs is two-fold. It requires a minimum expenditure of title I funds (116.53) and the concentration of children and services involved in an LEA's title I program (116.51).

A Title I ESEA program must involve the expenditure of at least $2,500 by an LEA, unless the SEA authorizes a lower amount because it would be impossible for reasons of distance or difficulty of travel for the LEA to join effectively with other school districts in providing title I services to eligible children (116.53).

LEAs unable to meet this minimum expenditure requirement should consider planning cooperative Title I ESEA programs with other LEAs. While an LEA may not join a cooperative for the purpose of assigning its allocation to another
LEA, a number of LEAs may enter a cooperative arrangement if a common comprehensive needs assessment is conducted and students are selected according to similar criteria applied equally across all participating LEAs. The results of this needs assessment and application of similar criteria may result in one LEA receiving a disproportionate amount of services compared to the amount of funds contributed to the cooperative arrangement. It is not necessary, however, that the two LEAs operating a cooperative program provide identical projects or services (USOE letter dated Aug. 9, 1979).

The concentration of title I funds and limiting the number of children and services must be based on a school district's needs assessment. It ensures that available title I funds are not spread too thinly by serving too many children; it also ensures that the LEA does not provide so many services that the exposure of project participants to any one service is too limited to be effective in achieving the project objectives. Moreover, expenditures for title I projects are not to be "imprudent, extravagant, excessive or wasteful" (116.a.56.3.ii). LEAs' proposed title I project budgets have to be approved by the SEA, which must determine whether the project is of "sufficient size."

Several title I regulations already discussed in Chapters 1 and 2 force LEAs to limit the number of children participating in the title I program. The targeting of title I project areas from among eligible attendance areas, based on the highest percentages or number of children from low-income families, limits the geographic areas to be served in an LEA's Title I ESEA program. LEAs must also select from among the educationally deprived children in title I project areas those with the "greatest need of special assistance." An LEA may also limit the number of children in its title I program by concentrating services on a particular grade span (e.g., K-3, 4-6) or by offering services in only one instructional area, such as reading, with participation limited to children with educational needs in that area. (See Chapter 2.4.1-3.)

Thus, an LEA has several choices to make in concentrating its title I funds on a limited number of children and providing a limited number of services. An LEA may limit its title I program to a small number of eligible attendance areas, thus serving more of the educationally deprived children in each area, or extend the program to more attendance areas, serving a smaller
number of children in each area; this can be done by decreasing the percentile ranking set as a cut-off point for title I eligibility. If children scoring at or below the 40th percentile are considered educationally deprived, then more children will be eligible than if the cut-off point is the 25th percentile.

An LEA may also designate a specific grade level of students as the primary recipients of title I services or choose a specific instructional area to concentrate on. Such decisions should be based on the LEA's needs assessment and analysis of the greatest educational needs within the LEA.

An SEA may set standards to determine if an LEA has sufficiently concentrated its title I funds to create a program which is of "sufficient size" to give reasonable promise of success in meeting the needs of educationally deprived children participating in the program. Title I regulations (116.122) give three specific examples of such standards:

1. Ratios of staff to pupils.
2. Number of hours per day that a child may be pulled out of class to receive title I services.
3. Number of curricular areas that may be included in a title I program.

In former USOE Program Guide #44, several general standards were described. The first standard related to annual per pupil expenditures for compensatory educational services. It stated that the amount expended for compensatory education services which supplement the child's regular school activities should be approximately one-half of the expenditure per child from state and local funds for the LEA's regular school program. The Department of Education uses this standard as a guideline, not a legal requirement, especially in light of increased per pupil costs which have risen at a greater rate than Title I ESEA appropriations. The second standard was related to the adequacy of staff and other resources devoted to title I projects and services. Specifically, it stated that the ratio of project staff to the number of children to be served should be high enough to provide concentrated, individualized services. (See Volume II for legal interpretations.)
Sufficient Scope

The sufficient scope requirement for title I programs refers to the focus of a program or projects (116.51). It implies that more than one service will be provided to title I participants, most of whom have multiple needs.

Title I ESEA is designed to concentrate on educational programs which meet the special educational needs of participating children in order to raise their educational attainment to a level appropriate for children their age. The scope of the project should include all services necessary to solve these educational needs; thus, the needs assessment required under title I involves determining whether "certain educational needs are best addressed through non-instructional support services" (116a.104(c)).

However, this does not mean that all additional services must be provided with title I funds. Title I regulations specifically state that before an LEA may use title I funds for health, nutrition or social services, it must investigate other federal and state programs which provide these services and use these other resources if possible (116.41(a)(1)).

Support Services

In H. Rept. 95-1137, Congress expressed its major concerns about the provision of support services with title I funds:

Title I is designed to provide assistance for meeting the special educational needs of educationally deprived children. These needs will be related primarily to instruction in the basic skills, but may in some cases also be related to health, nutrition, social or other services. For instance, supportive social services could be funded which link the disadvantaged child to the education process by helping in assuring school attendance and promoting the physical and emotional health so that the child may benefit from teaching. This amendment to the statute is not intended to prohibit the use of school district funds to provide auxiliary services in the areas of health, nutrition, or social services. Rather, it is intended to insure that the coordination among various Federal and State programs in these areas is improved. Therefore, school districts that wish to
include these services as components of their Title I programs are required to request information from the State regarding what programs exist, what services they can provide, where these services are available, and the procedures and conditions for obtaining services. If information from the State indicates that the particular services needed to fulfill a school district's Title I plan are not available, or that funds are inadequate, or that other conditions to the receipt of services cannot be met by the school district, then Title I funds may be used to provide these services, or to provide certain portions of these services, subject to State and local Title I policies. (pp. 25-26)

The needs assessment of participating children may indicate that problems such as poor vision, health, lack of adequate nutrition, or clothing are affecting a child's educational performance. Such areas as behavior, motivation, and attitude are also proper concerns for a comprehensive Title I program. Support services are allowable if they are necessary and reasonable to achieve the educational objectives of the Title I project and are not available from other sources, or funds from other sources are inadequate (116.41(b)(2)), or the LEA is unable to meet the funding conditions prior to receipt of services (e.g., matching requirements). LEAs must document the process of requesting information about the availability of support services from other sources and the justification for using Title I funds to pay for such services. Suggestions and offers of assistance from other agencies should also be documented. A particular service may be provided jointly with Title I funds and funds from other sources if the LEA can clearly identify the portion paid for by Title I and if all other applicable Title I requirements are met (116.42). (See Chapter 6.4.2 on recordkeeping.)

Performance Objectives/Assessment of Student Needs

Public Law 95-561 (Sec. 124(b)) specifies the needs assessment process related to program design as follows:

A local educational agency may receive funds under this title only if it makes an assessment of educational needs each year to...identify the general instructional areas on which the program will focus; and...determine the special educational needs of participating children
with specificity sufficient to facilitate development of high-quality programs and projects.

After the student identification and selection process is completed (as described in Chapter 2), the specific needs of the students to participate in the Title I ESEA program are assessed in order to design projects and services to meet their needs. The rationale for specificity was described in H. Rept. 95-1137:

...The applicant must discover, in greater detail, the needs of the targeted children in general instructional areas and discover factors contributing to the program participants failure to perform at a level appropriate for children of their age....The purpose of this step is not just to conduct a general review or to determine who should receive services but to discover in detail which precise needs must be met. This step should also identify whether certain special needs could best be met through non-instructional support services.

...The applicant must decide the objectives and sub-objectives and decide the particular activities and services to be offered. The discovering of needs leads directly to the establishment of objectives which in turn forms the basis for the decisions respecting the instructional strategies chosen. Resource constraints necessarily limit the extent to which activities and services can be provided to the program participants, but the primary impact of resources contraints must fall on the number of participants and the number of general instructional areas selected for emphasis in previous steps. Participants and general instructional areas must be limited so that sufficient funds are available to provide all the activities and services which will ensure each program participant a fully adequate opportunity to accomplish the established objectives (pp. 23-24).

LEAs must use adequate diagnostic procedures to determine the specific educational needs of the children chosen to participate in a title I project. The LEA must then establish and state in its title I application:

1. The educational objectives of the project.

2. The relationship of these objectives to the educational needs of the children who will be selected to receive title I services.
The educational objectives must be performance objectives, that is a statement of what the project is intended to accomplish in specific measurable terms. Evaluations must assess actual student performance in relation to specific performance criteria, using objective measurements of educational achievement. (See Chapter 6.4.5, and Evaluation Policy Manual.)

A performance objective should answer the questions who, what, how much, and when -- who should accomplish something, what should be accomplished, how much should be accomplished, and when the accomplishment will be measured. As an example, consider the following performance objective:

Seventy-five percent of fifth grade, title I students testing two or more years below grade level will increase in reading achievement by 1.5 years as measured by the Iowa Test of Basic Skills administered before May 30.

The objective answers all four questions: who -- 75 percent of the fifth grade title I students testing two or more years below grade level; what -- increase reading achievement; how -- by 1.5 years, using various strategies as discussed in the program design; and when -- by May 30. This performance objective is then used in the title I evaluation process. Did 75 percent of the fifth grade title I students scoring two or more years below grade level increase their reading achievement by 1.5 years? If so, the title I project met this particular performance objective. If not, the LEA must describe why the objective was not met.

Once individual students have been selected for participation in title I programs and services, neither the law nor regulations prescribe any specific diagnostic procedures to determine the specific educational needs of the children to be served. For the most part, the determination of "adequacy" is left up to the SEA, which is responsible for approving individual LEA applications. The application must include a description of the instruments and/or procedures used for assessing the incidence and severity of the participating children's educational needs. In addition to procedures and instruments used to assess specific educational needs, other instruments or procedures may be used to identify non-educational impairments, weaknesses or
deficiencies which directly contribute to the students' educational status. Examples of non-instructional needs may relate to vision, dental, and other physical needs which could contribute to the incidence and severity of the participating child's educational needs.

While flexibility is provided for LEAs in the selection and administration of diagnostic instruments and procedures, the use of Title I funds to pay for administration of needs assessment testing is limited. Title I ESEA funds cannot be used to provide district-wide assessment of educational needs, nor can it pay for the testing of all children in an eligible Title I attendance area unless that area has been designated as a school-wide project. However, an LEA may use Title I funds to offset the cost of selecting, from among children already identified as educationally deprived in Title I project areas, those children who will actually receive Title I services (116.78). A Department of Education response to an SEA further clarifies this issue:

Once the educationally disadvantaged children have been identified by the target school, Title I funds may be used to gather additional data to diagnose their particular needs to determine the specific services to be offered and based on such data to select from those educationally disadvantaged those children who will actually receive services corresponding to their needs. (USOE letter, dated 1975).

Examples/Illustrations

Examples of the procedures used in this process of needs assessment and setting of performance objectives follow:

- **Relationship of Needs Assessment to Preschool Children Participation in Title I:** In 1978, an SEA inquired about the legality of an LEA providing Title I services to very young children under Title I ESEA. Some of the children were as young as 18 months of age. The SEA questioned the legality of the program on the basis that the children could not be identified on the basis of their educational performance, nor could they be evaluated on the basis of educational performance. The USOE response was as follows:
In your letter you indicate that the criteria for the selection of these very young children are that they reside in target areas and have siblings receiving title I services in the public schools. Residence in the target area would be required in any event but the fact that a child has a sibling receiving title I services is not in itself an acceptable measure of educational performance. Consequently, we must now advise state and local educational agencies that the children to be selected for such programs must be selected on a basis of direct measure of educational performance. (USOE letter dated August 11, 1978).

- Relationship of Needs Assessment to Setting Title I Program Objectives:

In 1979, an LEA sought guidance on the use of Title I ESEA to fund field trips which included a limited number of non-title I children. The USOE reply was as follows:

In brief, the problem...in the use of title I funds for field trips is not the presence of a few non-title I children. The problem is the possible lack of relevance of the field trip to meeting the educational needs of title I children and advancing the objectives of a title I program.

In order for these activities to be supported with title I funds, they must be justified as an appropriate means of achieving specific title I project objectives which, of course, have been developed to meet the special educational needs of children being served under the program. In addition, the presence of other children must not detract from the advancement of these objectives. (USOE letter dated June 18, 1979).

Sustaining Gains/Secondary Program

In developing programs to be assisted under Title I ESEA, an LEA must give due consideration to the inclusion of components designed to sustain the achievements of children beyond the school year in which the program is conducted. These components may include summer programs and projects and services conducted at intermediate and secondary levels in LEAs which have traditionally operated title I programs at the elementary level.

Although the intent of Congress for this amendment is not stated specifically in accompanying committee reports, a number of studies which were
cited suggested the need for title I program components to sustain the achievement of children previously made. One component which was suggested was secondary programs:

For example, NIE found that fewer than 1 percent of public high school students (grade 9-12) in K-12 districts receive compensatory education services compared to 20 percent of public elementary school students (grades K-8). Many districts give priority to elementary school children because they believe these children can receive the greatest benefit from special services. However, districts are also reluctant to conduct high school programs because they are uncertain about the type of programs which would be legal.

The committee wishes to reemphasize that Title I is not solely a program for elementary school children. It is expected that the Commissioner will clearly indicate in regulations that the federal government is neutral with respect to the focus of Title I programs. This neutrality will best be indicated by the inclusion of legal models in OE regulations indicating that proper resolution of legal issues that might arise when Title I funds are used either in the elementary or secondary schools (H. Rept. 95-1137, p.26).

Examples/Illustrative Models

Examples of possible Title I ESEA programs at the secondary level follow:

- **Model A Description:** Title I as a Supplemental Program in Secondary Schools: The general situation is as follows:

  - Four teachers of subject area paid by state and local funds
  - One teacher of same subject area teaching title I eligible students paid by state and local funds
  - One title I teacher of same subject area teaching eligible title I students paid by title I funds

If a secondary school has several sections of classes in a specific subject area (Reading, English, Math, Language Arts), eligible title I students may be assigned for the full school term to a title I funded class in the
subject area and may receive required or elective credit toward graduation providing:

1. The school also has a similar class of equal or greater enrollment for eligible Title I students taught by a teacher paid from state and local funds. Local funding of such a class must be equal to or greater than that for the Title I ESEA class.

2. Participants in this class are educationally deprived children as defined under Title I ESEA.

3. The program is based on performance objectives related to educational achievement, provides supplementary services to meet educational needs of eligible children, and is evaluated in a manner consistent with performance objectives.

4. The LEA is separately accountable to the SEA for Title I funds used for the program and must document that portion of the program paid for by state and local funds.

The USOE response was:

When a group of high school students receives all of their instruction in a particular subject area in a Title I class, the school district must provide at least the amount of non-Federal funds that would be required to employ the number of staff persons that the district would employ for that number of children if they were not in a Title I project. The district may meet this requirement by designing the required number of Title I staff persons to be employed with non-Federal funds. The first model appears to meet the requirements of this rule. (USOE letter dated May 25, 1979).

- Model B Description: Title I as a Supplemental Program in Secondary Schools: A school district's policy and procedure for identifying and selecting students for the Title I program is as follows:

1. A standardized test is used as the selection test. CTBS is used for pre/post testing.

2. Students in the lower 30th percentile are eligible to be placed on the respective school building list.

3. For selection, a recommendation from the teacher is required, based on the objective test data.

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4. Preference is given to those students in and below the 20th percentile.

5. Others up to the 30th percentile are added if space is available.

There are two reading teachers plus a title I teacher. Teacher:pupil ratio is 1:28 per class period in regular classes. Students below the 20th percentile, as stated above, are scheduled in the title I class for the semester or year; the title I teacher:pupil ratio is approximately 1:7 per class period. Pupils between the 20th and 30th percentile remain with the regular reading teacher who gives additional assistance to those students identified as eligible to receive title I funds. If the above hypothetical case would be in compliance with federal regulations, what source data would be necessary to document the supplemental aspects of title I program?

The USOE response was as follows:

In the second example, the title I teacher would be serving an average of seven children per class period or from 35 to 42 children per day. This is about 25 percent of the load of a regular classroom teacher. If, however, the two 'residing teachers' are teaching only children at the 30th percentile and below, they are in effect teaching title I children. On that basis the second model is also acceptable. (USOE letter dated May 15, 1979).

- Related Information: A major issue in designing intermediate and senior level title I programs relates to the "supplement, not supplant" provision of the law and regulations. For a detailed discussion of this issue and additional examples of legal models, see Chapter 5.4.3 on High School Programs and Volume II.
Sufficient Quality

Specific quality standards are not stated in the law or regulations for title I. In the Program Directive "Basic Skills Standards" (L 212-5, March 3, 1980), a number of standards for effective basic skills programs, developed by several national associations, were suggested for use by LEAs. In addition, there are several program requirements which are directly related to quality: staffing and training of staff, aides, and other participants; coordination of title I projects and services with other district programs and services provided by other agencies; use of evaluation and research data in designing title I programs; and use of individualized education plans. Each of these program requirements is discussed in the following sections.

Staffing/Training

While there are no numerical standards for staff qualification or training stated in the title I requirements, there are several related provisions or regulations which affect staffing decisions. These requirements are:

1. The proposed staff and their qualifications are consistent with project objectives and services which will be provided.

2. In addition to title I staff members and parent advisory council members, specialists and classroom teachers working with title I children and the school principal may participate in training programs funded under title I (116.75(a)(1)(2)).

3. All training must be directly related to title I services which the personnel will provide during the year in which training was received or the next school year (CFR 116.75(b)(1)).
In addition, the law states:

A local educational agency may receive funds under this title for programs and projects involving education aides, including volunteers, only if it has in effect well-developed plans providing for coordinated programs of training in which education aides, including volunteers, and the professional staff whom they are assisting will participate together (Sec. 124(1)).

In meeting these requirements, the LEA must include the following data in its title I application:

1. The number and types of staff to be employed in the title I program.
2. The time periods and instructional settings for title I services.
3. The number of children to be served and a general description of their educational needs.
4. The training to be provided for title I staff members.

The SEA must determine if the staffing of the title I program is consistent with and likely to meet the educational objectives of the program.

Examples/Illustrations

Examples of the types of training which can be funded with Title I ESEA funds:

- Training for regular and title I teachers of title I students who transfer in mid-year to a nonparticipating title I school. (See the second exception for eligibility of children in Chapter 2.4.4.)

- Training of non-title I staff specialists who will be in contact with children participating in title I programs, including counselors, health aides, and therapists, among others.

- Joint instructional methodology training for regular and title I staff to ensure coordinated and complementary instruction for title I students.
• Joint instruction between title I teachers and teachers in other state or federal programs (e.g., special education, bilingual education, etc.) as long as title I funds are used to supplement, not supplant, training previously planned or otherwise required. (See the supplementing/supplanting discussion in Chapter 5.4.3.)

• Training related to the psychology of student behavior and motivation.

There are also several expenditures permitted under Title I ESEA which, although not directly related to training expenses, facilitate the training of those associated with the title I program. Such expenditures include:

• Reimbursement for an aide while a title I teacher is in in-service

• Cost of babysitter for Advisory Council members.

• Transportation costs, at approved rates, for a teacher who attends a PAC training session as an elected PAC member.

• Rental costs of a training facility and special purpose equipment when included in LEA application approved by SEA and not generally available within/to the LEA.

• Contracted services provided by vendor of materials, audio-visual equipment, etc., when such costs are clearly identified in the LEA application.

**Bonus Pay**

An LEA may use title I funds to pay bonuses to teachers in a limited number of schools serving project areas with exceptionally high concentrations of children from low-income families. Bonuses must be reasonable in amount but must be deemed to be sufficient to attract or retain qualified teachers in title I projects (116.76).

In its project application, the LEA must demonstrate that its regular salary schedule has not attracted or has not retained sufficient numbers of teachers of high caliber in the attendance area in which the teacher bonus provision is to be made applicable. It must also demonstrate how the LEA plans to recruit, hire, provide in-service training to, and evaluate all teachers who
will receive bonuses, and how such teachers will serve as an integral part of the Title I ESEA program. To continue payment of teacher bonuses beyond a two-year period, the LEA must demonstrate that bonus payments have in fact been effective in attracting and retaining teachers of high caliber and that teachers receiving bonuses have significantly contributed to improving the performance of educationally-deprived children. For this purpose, the SEA must assume a special responsibility for monitoring and evaluating teacher bonus components of programs in light of specific measurable goals and must collect and maintain data on the extent of the use and the effectiveness of such teacher bonus components of title I programs.

Limited Use of Title I Staff in Non-Instructional Duties

The law allows personnel whose salary is paid by title I to perform certain "...limited, rotating, supervisory duties not related to classroom instruction, the benefits of which are not limited to participating children under this Title. Such duties may include only those to which similarly situated personnel are paid, and may not exceed the same proportion of total time as similarly situated personnel at the same school site, or 10 per centum of the total time, whichever is less" (Sec. 134).

The intent of this provision is clearly stated in H. Rept. 95-1137:

The Committee found that the existing prohibition against title I staff assuming non-instructional duties in some cases creates ill will among teachers in the same school.

The Committee has, therefore, included an amendment permitting personnel paid entirely by title I funds to be assigned to non-instructional duties as long as the time consumed in performing such duties was approximately the same proportion of time as that spent by non-title I personnel, but in no case could such time exceed 10 percent of such person's total time.

In general, this exemption is intended to apply to such tasks as hall duty, lunch room supervision and playground monitoring, and other similar tasks that are necessary to the orderly conduct of the school day, and are usually shared among the staff members of a school. The specific duties will vary somewhat among schools and districts.
However, in no case should this exemption include substitute teaching of a non-title I class, or result in title I staff performing, for pay, any duties that non-title I staff must perform without pay (p. 37).

In those cases where some "similarly situated" personnel whose salaries are paid by state and local funds perform noninstructional duties, the proportion of title I personnel performing noninstructional duties may not exceed the proportion of state and locally funded personnel performing such duties. This proportion shall be based upon the number of full-time equivalent staff.

The term "similarly situated personnel" includes those persons at the same school or location performing the same duties as those performed by title I paid personnel but who are paid out of state and local funds instead of title I funds. For example, a certified teacher paid out of title I funds is similarly situated to a certified teacher paid out of state and local funds. The term "similarly situated personnel" does not include title I paid teacher aides if the LEA has no teachers' aides at that school site paid with state and local funds.

Coordination/Complement Programs

In developing its application, an LEA must demonstrate that it "has taken into consideration benefits and services" which are or may be available through other public and private agencies, organizations, or individuals in order to avoid duplication of effort and to ensure that all programs and projects complement each other 116.42(a)). It must demonstrate that it has considered suggestions and offers of assistance made by other agencies which may aid in carrying out or making the title I program more effective (116.40(b)). The intent of Congress here is very clear: "...The Committee uncovered instances where title I funds were not only poorly coordinated with other federal, state, and local services, but also supported services which were available from other community agencies...." (H. Rept. 95-1137, p. 75).
Children in a title I program may receive services from a number of local state, federal, and private agencies. In designing a title I program the LEA must meet several coordination requirements:

1. The title I program is complementary to, but coordinated with, the regular school program. Title I funds may not be used to provide general aid at the district, school or classroom level (116.52).

2. The LEA must consider resources and sources available from other sources and suggestions and offers of assistance from other agencies in developing its application (116.40).

3. If the LEA uses multiple funding sources, including title I, for a single project, it must maintain separate accounts for each funding source for each project. (See Chapter 6.4.2.)

4. If there are state or local compensatory education funds available to the LEA which are designated and available for a particular service, those funds must be used, not title I funds. (See Chapter 5.4.3.)

**Alternative Methods/Options**

To ensure that the title I program complements and is coordinated with the regular school program, at least three alternatives exist:

1. The LEA may continue its regular educational program and add title I services aimed at the needs of educationally deprived children which are not addressed, or are inadequately addressed, in the regular program.

2. The LEA may modify its regular program to provide a better base for the addition of supplementary compensatory education services including those provided under title I.

3. The LEA may design a totally new, comprehensive educational program for educationally deprived children, with state and local funds paying for that portion of the program which replaces the regular school program and title I funds for the costs in excess of the normal level of State and local expenditures.
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Examples/Illustrations

Following are some examples which illustrate the coordination of Title I ESEA with other programs.

- **Coordination between Title I and Follow Through:** In 1978 an SEA sought clarification about the use of title I funds in Follow Through projects and of a suggested level of title I funding for those projects. The official USOE response to the inquiry was as follows:

Neither the title I regulations nor the Follow Through regulations require a specific amount of title I funds to be included in Follow Through projects. Whenever title I funds are used in connection with the Follow Through project, they must be justified on the basis that the Follow Through project will provide identified title I children with a program in which they will have an opportunity to reach title I objectives in terms of educational achievement.

If the state educational agency approves, an LEA may see a Follow Through project as an alternative for some of its title I children. The title I objectives for those children, however, should be clearly defined and an evaluation program should be designed to assess their progress.

The Follow Through expenditures to be charged to title I must be for services that are described in the title I application and approved only on the basis that those services would be approved if they were requested for a regular title I project. A request for title I funds to be made available for a Follow Through project cannot be approved unless the specific services are described in the application and your agency finds that they meet title I criteria. (USOE letter dated October 24, 1978.)

- **Coordination between Title I ESEA and Special Education:** In 1978, an SEA required clarification on a number of questions relating to the provision of title I services to handicapped students living in a title I attendance area. The relevant questions and portions of relevant responses are noted below:
1. "Under what specific conditions can handicapped students from Title I attendance areas receive Title I services?"

Response: Program planners should ensure that Title I projects which include eligible handicapped children are initially funded from state and local funds (including special education funds) to the extent that these funds are "designated and available" for a particular service....Another provision that must be taken into account in planning programs or projects for eligible handicapped children stipulates that: 'Title I funds shall not be used to provide services which the applicant agency is required to provide by State law or pursuant to a formal determination under Title VI of the Civil Rights Act, Title IX of the Education Amendments of 1972 (Public Law 92-318), or Section 504 of the Vocational Rehabilitation Act of 1973, as amended, or pursuant to a final order of a court.'....

These provisions presume that where applicant agencies are required by Statute or court order to provide certain services, such services would be provided in the absence of Title I.

Program planners must also ensure that State and local funds are provided on an equitable basis in Title I and non-Title I attendance areas...and that no decrease in the amount of these funds results because of the availability of Title I funds. Title I funds may then be used to supplement (and not supplant) State and local funds in order to provide services to meet the special educational needs of educationally deprived children....

2. "Under what conditions and to what degree can Title I be used to provide funds to 'mainstreamed' students?"

Response: If 'mainstreamed' handicapped children who live in Title I attendance areas have educational needs which are similar to those of eligible children who are not handicapped, they may receive Title I services -- under the same criteria by which Title I services are provided to those children. (See also the response to question 1.)

3. "What specific guidelines are available from OE that would illuminate these relationships between Title I and Special Education?"

Response: In addition to the statutory and regulatory provisions and prohibitions mentioned in response to question 1, all other Title I program requirements apply to projects designed to meet the special educational needs of youngsters who are handicapped.

4. "Can full Title I services be provided to a handicapped child during the time that his Individualized Education Plan is being prepared, reviewed and agreed upon even if no Special Education services are being provided during that time?"

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Response: If "full-time Title I services" means any part of a basic minimum educational program, the answer is encompassed in the supplanting provision. Title I funds may not be used to provide educational services that State and local educational agencies must provide. Please see response 1-5. (USOE letter dated March 30, 1978)

Title I regulations include a number of examples of situations in which handicapped students who are otherwise eligible may participate in Title I ESEA programs without violating one or more "tests" for supplanting (Chapter 5.4.3).

- **General Test:** Title I funds may be used to provide assistance and materials needed to ensure handicapped children an equal opportunity to participate in and benefit from title I services. For example, the LEA may use title I funds to provide to a visually-impaired participant large-print books used in a title I reading class. However, title I assistance must be in addition to the assistance the LEA would otherwise be required to provide to accommodate the participation of handicapped children in non-title I activities. For example, if the LEA is required to provide a deaf child with a sign language interpreter throughout the school day to assist that child, title I funds cannot be used to pay for the services of that interpreter during the child's participation in a remedial class funded under title I.

- **Required by Law Test:** In order to provide Title I ESEA services to eligible handicapped students, who are required by other laws (P.L. 94-142) to receive additional services, the LEA must demonstrate that:

1. Its title I project is designed to address special needs resulting from educational deprivation, rather than from a child's handi-capping condition.

2. Its overall title I project objectives do not distinguish between handicapped and non-handicapped participants.

3. Children are selected for participation through the use of uniform criteria.
4. Those handicapped children participating in title I programs can reasonably be expected to make substantial progress toward accomplishing project objectives without substantially modifying the level or intensity of instruction.

5. Title I services are provided in a common educational setting that includes significant numbers of non-handicapped children, as well as handicapped children, if any.

For example, an LEA may design a title I project to teach remedial math skills to children in grades 4 through 6 in order to increase their performance by two grade levels. The LEA uses, as a criterion for selection, children's performance on a math achievement test. Of the 100 children selected to participate, 10 are emotionally disturbed and 5 are educable mentally retarded. The LEA determines that, in order to effectively meet project goals, the emotionally disturbed children, who could not tolerate instruction in a classroom with non-handicapped children at the usual 15-to-1 pupil-teacher ratio, must receive instruction in a different location or at a different time. While the LEA has provided an adequate justification for the instruction of the emotionally disturbed children in a separate educational setting, a question might be raised as to whether the several children labeled as educable mentally retarded, having mental ages and performance levels of six-year-olds or first graders, should participate. These educable mentally retarded children would most likely need instruction at a very basic level and with a 3:1 pupil:teacher ratio in order to make progress toward meeting project goals. For these children to benefit from the Title I ESEA program, the general program design, level and intensity of instruction would have to be substantially changed.

Additional examples are provided in Chapter 5.

- **Coordination between Title I ESEA and State and Local Compensatory Education Programs:** In 1979, an SEA requested a formal review and endorsement of its proposed use of title I funds in relation to the state's competency testing program. A summary description of the proposed state program and the USOE response follows:
Description of State Program:

Title I application procedures require school districts to develop a comprehensive remedial instructional plan which coordinates local, state and title I funds in delivering services to educationally deprived students in reading, writing and mathematics. The local comprehensive plans correspond to the statewide testing program which: a) ensures early identification of students in need of remediation; b) mandates remediation for students who fall below the statewide reference point; c) requires notification to parents regarding the test score and the nature of the remedial program; and d) provides continued monitoring of student achievement from early elementary grades to graduation.

The statewide competency program provides key checkpoints to ensure the continued provision of remedial services to eligible students. You will note by the enclosures that educationally deprived students must receive an equitable share of remedial services provided through local funds before additional services are provided through state and title I supplementary funds. Department title I monitors and local officials have been advised that: a) title I funds must supplement locally funded remedial programs; and b) all requirements regarding comparability and maintenance of effort must be followed.

USOE response:

According to your letter of June 20 and the guidelines you enclosed, local educational agencies (LEAs) will be required to use your agency's minimum competency tests to select children who are to receive special remedial services. Each LEA would also be required to use local funds to provide some remedial services for all of the children in the district whose scores fall below the "statewide reference" point. The LEA would then be permitted to use state and title I funds (title I funds only in eligible areas) to provide additional remedial services for those children.

The policies as stated in your letter for the use of title I funds appear to be consistent with the title I statute and regulations. The major title I requirement your agency must observe regarding the use of local, state and title I funds for remedial services is the requirement in Section 126(d)(2) "...that educationally deprived children, in the aggregate, in eligible school attendance areas or attending eligible schools receive at least the same level of such special State and local funds that would have been made available to such children in the absence of funds under this title." Sec. 126(d)(3) requires that the level of state and local funds for children in areas that are eligible for projects be determined on the basis of objective criteria and that those criteria be applied without regard to the availability of title I funds.
Your agency may have its own rules about how your funds supplement local funds. Title I, however, requires equity in the allocation of special state and local funds - "in the aggregate" - between the areas that are eligible and those that are ineligible for title I projects. For example, if 60 percent of the children who qualify for remedial services are in title I areas, then at least 60 percent of the local funds that are used for those services must be used to provide such services in those areas. Title I funds may then be used to supplement those funds. Since this determination is made on an "aggregate" basis, an LEA is free to determine how much local funds are to be used in each eligible area. (USOE letter dated August 7, 1979.)

The Title I ESEA regulations (116a.142) delineate the conditions for coordination and use of Title I ESEA funds where compensatory education services are required by state or local law. An LEA may not use title I funds to provide compensatory education services required under state or local law. However, the LEA may use title I funds to supplement its expenditures for compensatory education or other required services if the LEA can demonstrate that -- without the use of title I funds -- it is fully meeting its obligations under state and local law.

For example, an LEA may design a title I project to provide intensive reading instruction to children who have failed to pass a state minimum competency test. State law requires that special compensatory instruction be provided to those children as part of a program meeting the definition of "special program" (116a.118(b)). However, the law does not specify the level or intensity of instruction. The SEA, on the advice of the State Attorney General, certifies that LEAs within the state may satisfy the requirements of state law by providing children with a one-semester course in remedial English if that course meets at least three times per week and has a pupil-teacher ratio comparable to the LEA's normal pupil-teacher ratio. The LEA certifies that this type of special course is being provided for eligible children.

The LEA may therefore use title I funds to provide educationally deprived children in title I eligible areas with additional class periods of remedial reading or to provide these children instruction using a reduced pupil-teacher ratio.
Coordination Between Title I Programs and Programs for Children with Limited English Proficiency: Title I regulations (116a.130) provide some conditions and circumstances in which children with limited English proficiency may participate in Title I programs. As a general rule, Title I funds may be used, as necessary, to provide assistance and materials needed to ensure participants with limited proficiency in the English language an equal opportunity to participate in and benefit from Title I services.

For example, an LEA may use Title I funds to provide children with limited English proficiency with a bilingual teacher or bilingual instructional materials for purposes of participation in the Title I project. However, an LEA may not use Title I funds to provide services that the LEA is required to make available under Title VI of the Civil Rights Act of 1964 and regulations or court orders implementing that law.

In order to ensure that the participation of children with limited English proficiency in the Title I program does not violate the "supplanting" provision here, the LEA must demonstrate that its program design characteristics include the following:

1. Its Title I project is designed to address special needs resulting from educational deprivation, not needs relating solely to a child's having a particular primary or home language.

2. Overall project objectives do not distinguish between participants whose primary or home language is other than English and participants whose primary or home language is English.

3. Participants are selected through the use of uniform criteria.

4. Title I services are provided in a common educational setting that includes significant numbers of children whose primary or home language is English, as well as children, if any, whose primary or home language is other than English.

5. Title I services are provided at levels or intensities which take into account the needs and abilities of individual participants but
that do not distinguish generally between children whose primary or home language is other than English and children whose primary or home language is English.

To illustrate, an LEA may design a project to increase by two grade levels the reading proficiency of children in grades 3 and 4 who score below the 25th percentile on reading achievement tests. It selects 200 participants, 120 of whom have Spanish as their primary or home language and who have varying degrees of proficiency in English and 80 of whom have English as their primary or home language. The proportion within the participant group of children with a Spanish-language background is comparable to the proportion of similar children in the district's title I eligible attendance areas.

The LEA may provide instruction in a common educational setting that includes children of both language backgrounds and uses a bilingual education teacher. All of the children receive individualized attention, as needed, to assist them to benefit from the instruction.

The LEA has designed its project, set common objectives, selected participants, and provided services in a common educational setting using children with Spanish and English language backgrounds.

Additional requirements to demonstrate compliance here are described in Chapter 5 and in the title I regulations (116a.141).

Use of Evaluation Information and Research Data in Designing Programs

Title I ESEA states that LEAs must develop and use effective procedures for acquiring and disseminating significant information derived from educational research, demonstration, and similar projects, and adopt promising educational practices. This helps ensure the quality of the title I program. Numerous studies have identified techniques which have resulted in successful projects under certain conditions. Congress intended that LEAs establish procedures for gathering, reviewing, and disseminating relevant information to be considered for adoption in the program design process.
The quality of a title I program can be affected by the awareness of teachers, aides and other staff persons of past successes and failures of the title I projects in which they are involved. The LEA's past title I evaluations should be one of the sources reviewed. The acquisition and dissemination of such materials and data research findings are legitimate expenditures of title I funds. Dissemination may be accomplished through various means such as staff training, consultation, workshops and seminars, written reports, or subscriptions to relevant state or national network publications.

**Individualized Education Plans**

Wherever feasible, LEAs are encouraged to develop for each educationally deprived child participating in title I an individualized education plan (Sec. 129, 116.55). This plan should be agreed upon jointly by the local educational agency, the teacher, a parent or guardian of the child, and, when appropriate, the child. It should also be maintained and periodically evaluated. The individualized education plan should not be confused with the Individualized Education Program (IEP), which is mandated under Public Law 94-142, for use with handicapped students.

3.4.2 **Allocation of Funds to Project Areas and Schools**

LEAs must adopt a method for systematically distributing title I funds among project areas or project schools for programs and projects on the basis of the number and needs of children to be served. The purpose of this requirement is to ensure that title I funds are not distributed among areas in an arbitrary manner.

**Alternative Methods/Options**

One example of an acceptable method for systematically distributing title I funds among project areas and schools is for an LEA to allocate a basic
amount of title I funds per program participant, with additional amounts allotted for participants requiring more supportive services than other program participants. A second approach assumes that an LEA has developed several program design options which cost different amounts per pupil; each principal of a project school may choose among the program design options. Here, title I funds or services could be distributed by project areas or project schools based on the option chosen by the principal. An unacceptable method is to distribute title I funds based on the incidence of children from low-income families in project areas or schools, because the determining factor for selection of children to participate in the program is educational deprivation, not economic status.

3.4.3 Participants in Program Planning, Development and Evaluation

The Title I ESEA legislation requires an LEA to give its parent advisory councils "responsibility for advising it in the planning for, and the implementation and evaluation of" its title I programs and projects. Furthermore, the regulations require LEAs to include sufficient information in their application to enable the SEA to make, among other things, a determination about the involvement of parents in the needs assessment and program design decisions. (See Chapter 4.8.0.)

Specifically, parents of children participating in title I programs must be permitted to participate in the establishment of programs and to make recommendations about the instructional goals of the program and the progress of their children in such program. They must be afforded opportunities to assist their children in achieving such goals. Parents must be informed of the instructional goals of programs in which their children participate and of the progress their children are making in meeting these goals. (See Chapter 4.13.0.)

Teachers in schools participating in title I programs and school boards or comparable authorities responsible to the public with jurisdiction over the schools must also be involved in planning and evaluation of the Title I ESEA program (116.30). Copies of recent title I program evaluations must be made available to participating teachers and board members. In planning its title I
program, an LEA must also consult private school officials and other persons who are informed about the educational needs of private school children residing in the LEA's project areas (116a.83). Up to one percent of the LEA's title I allocation or $2,000 may be used to fund title I planning activities (116.72(b)).

3.4.4 General Aid Prohibition

Title I funds cannot be used for general aid to school districts (116.52). To ensure compliance with this prohibition, the SEA in reviewing a title I application must assure that:

1. The proposed title I expenditures for the project, as set forth in the budget, are used solely to meet the special educational needs needs of educationally deprived children.

2. The project has not been designed to meet, nor will it have the effect of meeting, the general needs of schools or the student body at large in a school or of a specified grade in a school.

3. Services or resources provided under title I will be offered only to those children who have been selected to participate in the program.

Exceptions/Conditions

There are some exceptions, discussed in Chapters 1 and 2, which allow non-title I students to receive some title I services. In those title I schools which have 75 percent or more title I students and are designated and approved as "school wide projects", non-title I students may participate in title I projects and services. (See Chapters 1.4.2-3 and 2.4.3-4.) Title I funds must not supplant local or state funds, however.

If title I services are to be provided in a regular classroom or in a setting where children other than title I participants are present, these services must be directed to the title I children from the title I project areas and the effectiveness of the project should not be impaired by the presence of other children (116.71(d)).

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3.4.5 Construction and Equipment

Title I ESEA funds may be used for the acquisition of equipment and, where necessary, the construction of school facilities ONLY if the equipment and facilities are designed for title I purposes exclusively and are used primarily for title I services. Because of the potential danger that construction and equipment paid for with title I funds may be used to benefit generally all children and the school or school district as a whole, title I has specific restrictions on the use of title I funds for these purposes (116.79):

1. Funds may be used for construction only if it is demonstrated as being essential to the success of a title I program or project.

2. Any construction undertaken with title I funds may not maintain the racial, cultural, or linguistic isolation of children and must be accessible to and usable by handicapped persons.

3. In its title I application, the LEA must describe its need for such construction or equipment and how the facilities built or equipment purchased with title I funds will be used.

4. A public agency must retain control over all equipment purchased with title I funds. Thus, while title I services must be provided to children residing in eligible attendance areas who attend private schools, the local school districts must retain control of all equipment when used in the private school.

5. Title I property may be used incidentally for non-title I purposes only on public premises and only if that use does not interfere with the title I program. Daily, regular use of title I equipment for non-title I purposes is not an incidental use.

Title I grantees are required to maintain property records indicating the location, use, and condition of all property acquired with title I funds. LEAs must also undertake a physical inventory every two years to verify the existence, the current utilization, and the continued need for all property.

Title I ESEA regulations define equipment as machinery, utilities and building equipment and any necessary enclosure or structure to house them and all other items necessary for the functioning of a particular facility.
providing educational services, including items like instructional equipment and necessary furniture, printed, published and audiovisual materials, and books, periodicals, documents and other related materials. (See Chapter 6.4.5.)

3.5.0 Summary of Program Design Requirements

Title I ESEA provides money to LEAs to meet the "special educational needs" of educationally deprived children in areas with a high concentration of children from low-income families. Each word of the phrase "special educational needs" is important. "Special" indicates title I funds cannot be used to provide regular school services to eligible children; thus, there is a provision prohibiting the use of title I funds as general aid to an LEA. The word "educational" emphasizes Congress' intent to make title I an instructional program; this does not mean that a Title I ESEA program cannot include nonacademic services, but such services must be directly related to an educational need.

The most specific program requirements concern the size, scope and quality of Title I ESEA programs. The size requirements include a minimum expenditure of $2,500 for a title I project and the concentration of title I funds on a limited number of children, providing a limited number of services.

The sufficient quality requirements for title I programs include provisions for staffing and training, the coordination of title I services with other programs, the use of evaluation and research data in designing the program, and the use of individualized education plans.

The sufficient scope requirement relates to the provision of nonacademic support services if needed and planning for programs which sustain the gains made in earlier Title I ESEA programs, utilizing such methods as summer projects and title I projects at the intermediate and secondary levels.

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Other program requirements specifically dealt with in Title I ESEA legislation and regulations are related to the use of title I funds for construction and equipment and specific provisions for those who should be involved in the planning process.