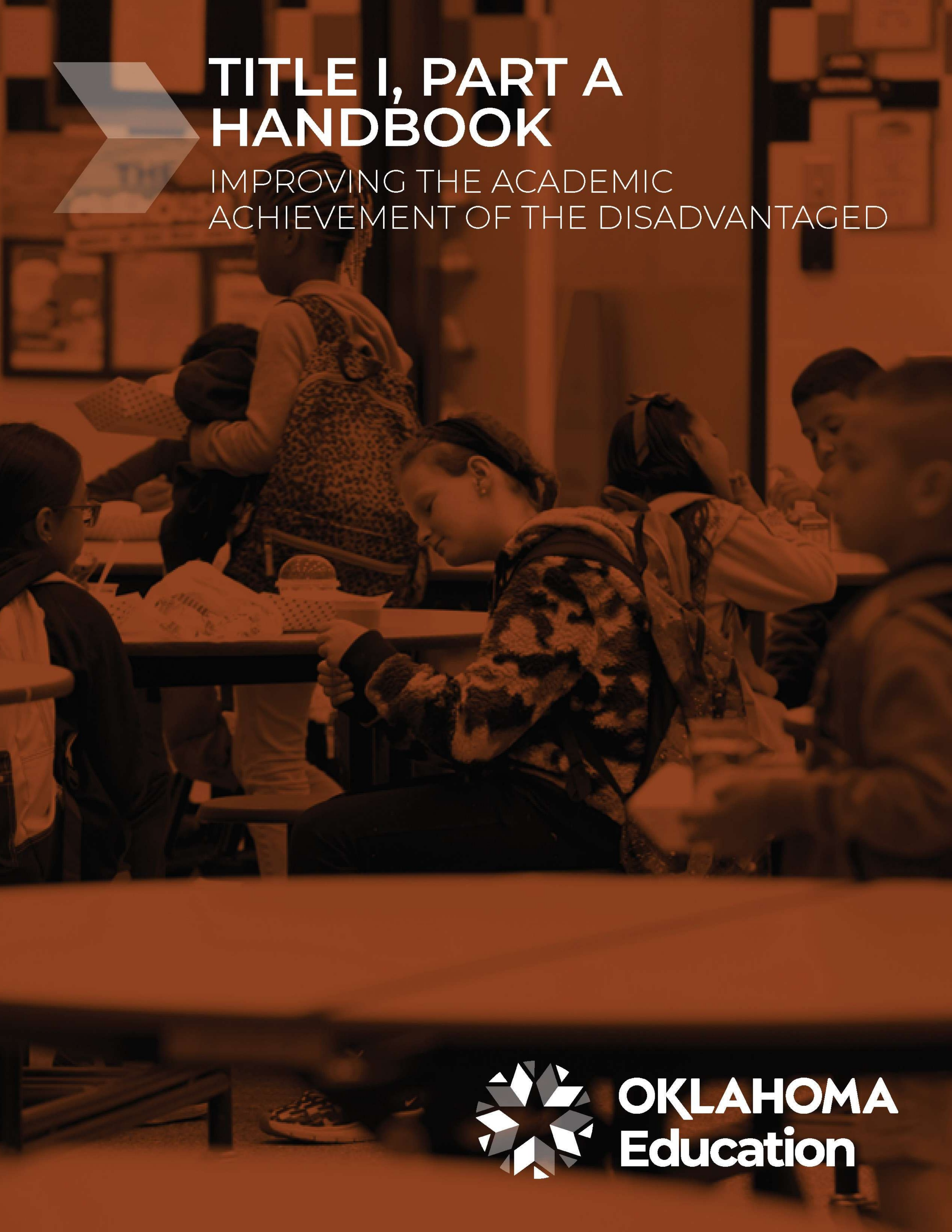

TITLE I, PART A HANDBOOK

IMPROVING THE ACADEMIC ACHIEVEMENT OF THE DISADVANTAGED

OKLAHOMA Education

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Introduction

The intent and purpose of Title I, Part A is to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close the achievement gaps. Title I, Part A (Title I) of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA) provides financial assistance to local educational agencies (LEAs) and schools with high numbers or high percentages of children from low-income families to help ensure that all children meet challenging academic standards.

Title I, Part A is one of the largest federal funding programs that a state may receive. Oklahoma is awarded around $150 million annually. Ninety-two percent of this amount is sub granted, on a formula basis, to eligible Title I LEAs, 7% is reserved to carry out school improvement requirements in ESEA Section 1003, and 1% is reserved for the state administration of the grant.

The Oklahoma State Department of Education (OSDE) is issuing this guidance to provide LEAs with information that will assist them in meeting their obligations under Title I, Part A provisions. This guidance does not create or impose new legal requirements but outlines existing state and federal regulations that increase LEAs' awareness of their obligations as subgrantees and reporting requirements.

Chapter 1: Attendance Areas and Title I, Part A Allocations

1.1 Allocations Made by SEAs to LEAs

ESEA requires United States Department of Education (USDE) to calculate Title I, Part A allocations based on four formulas: basic, concentration, targeted, and Education Finance Incentive Grant (EFIG) grants for each LEA.

An LEA allocation generally equals the sum of the allocation the LEA receives through the four formulas minus amounts reserved from LEA allocation by OSDE for activities the ESEA requires. Factors that determine an LEA allocation are formula children, LEA hold-harmless, OSDE adjustments, funding level for the fiscal year, state per-pupil expenditure, small state minimum, and state reported LEA expenditure data and state per capita income date (EFIG only). Formula children are annually updated poverty estimates by the Census Bureau and state reported counts of children in local institutions for neglected or delinquent children, publicly supported foster homes, and families receiving Temporary Assistance for Needy Families (TANF) assistance that exceeds the poverty level. The ESEA also requires OSDE to make adjustments to the allocation of traditional LEAs calculated by USDE to account for special LEAs, such as charter and virtual LEAs. Oklahoma has been granted permission to use alternative child count data instead of census data for LEAs that have a population under 20,000 and for special LEAs. After adjusting the allocation of traditional and special LEAs, the ESEA requires OSDE to apply the hold-harmless requirement to the LEA allocation for all four formulas. OSDE then calculates reservations for school improvement and state administration. After all calculations have been applied, the LEA receives the net allocation that is entered into the Grants Management System (GMS).

1.2 LEA Identification and Selection of School Attendance Areas and Schools

"A local educational agency (LEA) shall use funds received under Title I, Part A only in eligible school attendance areas. The term "eligible school attendance area" means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the LEA as a whole. The term "school attendance area" means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside." ESEA, Section 1113(a)(1)-(2)

LEAs allocate Part A funds to eligible school attendance areas based on the number of children from low-income families residing within the attendance area. A school at or above 40 percent poverty or a school that receives a waiver from the SEA may use its Part A funds, along with other federal, state, and local funds, to operate a schoolwide program to upgrade the instructional program in the whole school. Otherwise, a school operates a targeted assistance program in which the school identifies students who are failing, or most at risk of failing, to meet the state's challenging state academic achievement standards and who have the greatest need for assistance. The school then designs, in consultation with parents, staff, and the LEA, an instructional program to meet the needs of those students.

1.3 General Selection Requirements

An LEA must annually rank all of its school attendance areas (the geographical area in which the children served by that school reside) according to their percentages of poverty, using the same measure of poverty for:

- identifying eligible school attendance areas;
- determining the ranking of each area; and
- determining the allocation for each area.

The LEAs in Oklahoma may use poverty measures to include children ages 5 to 17 in poverty as defined by the Office of Child Nutrition at the OSDE, and as counted in the most recent census data approved by the United States Department of Education Secretary.

1.4 Allocations of Title I Funds to School Attendance Areas and Schools

Allocations to eligible school attendance areas to be served with Title I, Part A funds may be determined as follows:

1) **Site poverty rate is greater than or equal to the district average poverty rate.**

   "The term 'eligible school attendance areas' means school attendance areas in which the percentage of children from low-income families is at least as high as the percentage of children from low income families served by the Local Educational Agency as a whole." ESEA, Section 1113(a)(2)(B)

   "A local educational agency shall: (i) annually rank, without regard to grade spans, such agency's eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and (ii) serve such eligible school attendance areas in rank order." ESEA, Section 1113(a)(3)(A)(i)-(ii)

Exception - "An LEA may choose to lower the 75-percent poverty threshold to 50-percent for high schools." ESEA, Section 1113(a)(3)(B)

Eligible School Attendance Areas "shall not apply to a local educational agency with a total enrollment of less than 1,000 children." ESEA, Section 1113(a)(6)

Therefore, an LEA with a total enrollment of less than 1,000 children is not required to serve its schools in rank order, nor to mandatory serve those sites with poverty rates exceeding 75%.

Unless the LEA is exempt from rank-ordering, the 75% rule must be also followed: Only after an LEA has served all of its areas with a poverty rate above 75% (including any middle schools or high schools), may the LEA serve lower-ranked areas. The LEA has the option to a) continue on with the district-wide ranking or b) rank remaining areas by grade span groupings. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

An LEA is not required to allocate the same per-child amount to each area or school. However, the LEA must allocate a higher per-child amount to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

In determining what per-pupil amount to allocate, the LEA should bear in mind the purpose of such funding: to enable children who are most at risk of not meeting the state's challenging student academic achievement standards. The per-child allocation amount must be large enough to provide a reasonable assurance that a school can operate a Title I program of sufficient size, scope and quality to achieve that purpose. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

2) Site poverty rate is at or above 35%.

ESEA, Section 1113(b)(1)(A) indicates that an LEA has the discretion to "designate as eligible any school attendance area or school in which at least 35% of the children are from low-income families."

This is known as the "35% rule", it may be applied at the LEA's discretion, and if this rule is followed, funds must be allocated in rank order. The 75% rule must also be followed.

3) Site poverty rate is below 35%.

In this case the 125% rule must be applied: The LEA must allocate to all of its participating schools (not just to those below 35% poverty) a per pupil amount that is at least 125% of the LEA's allocation per low-income child. This is calculated by dividing the Total LEA Allocation (before any funds are reserved) by the number of low-income children in the LEA as determined using the poverty measure selected by the LEA to identify eligible school attendance areas. Then, this per-child amount is multiplied by 125 percent.

1.5 LEA Discretion in Selecting Participating Areas and Schools

An LEA has the discretion not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if:

i. the school meets the comparability requirements of ESEA, Section 1118(c). (Examples of supportive documentation: 1) District has adopted an agency-wide salary schedule; 2) has equivalency among schools in teachers, administrators, and other staff; and 3) has equivalency in curriculum materials and instructional supplies);
ii. the school is receiving supplemental funds from other State and local sources that are spent according to the requirements of ESEA Section 1114 or 1115. (Examples of supportive documentation: 1) allocation notification letters from other state and local sources, grants, etc.; 2) budgets, expenditure reports, invoices, etc. that will demonstrate that these funds are allocated and expended at the respective site according to the Title I, Part A requirements.); and
iii. the funds expended from such other sources equal or exceed the amount that would be provided under this part. (Documentation provided under the 2nd requirement will suffice for this requirement as well.) ESEA, Section 1113(b)(D)

1.6 Opening New Schools: Gathering Data

When an LEA redistricts schools, the actual October Full Time Equivalency (FTE) data from the year the redistricting occurs, or adjusted October FTE data from the year prior to redistricting must be used to identify and select participating areas and schools.

LEAs must complete the Revised Low Income form located in the Consolidated Application/Title I, Part A/Program Detail/Low Income Step 1 page. The total student number must coincide with the previous October count number reported to the Office of Child Nutrition at the OSDE, but assigned to new sites, according to the redistributing LEA policy.

1.7 Community Eligibility Provision (CEP)

The Community Eligibility Provision (CEP) is a non-pricing meal service option for schools and school districts in low-income areas. CEP allows the nation’s highest poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Instead, schools that adopt CEP are reimbursed using a formula based on the percentage of students categorically eligible for free meals based on their participation in other specific means-tested programs, such as the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF). “Identified students” are students approved as eligible for free meals who are not subject to verification (i.e., in CEP schools, “directly certified” children)

Implementing community eligibility does not impact the amount of federal funding the entire school district receives, as the district-level funding is based primarily on census poverty estimates. Community eligibility does change the poverty data available to rank individual schools for Title I purposes. Since community eligibility schools no longer have access to free and reduced-priced data, using a different poverty measure may cause the distribution of Title I funds within the district to look differently than in previous years. The district may use another poverty data source for Title I purposes as long as that source is permitted by ESEA Section 1113(a)(5).

If a district has all CEP schools, the district may rank its schools by the percentage of directly certified students in each school, even though the multiplier is used to determine the USDA reimbursement amount.

If a district has a mix of CEP and non-CEP schools, the district should refer to Appendix A in the Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022.

For more information visit the Oklahoma State Department of Education's Office of Child Nutrition website and United States Department of Agriculture's website.

Chapter 2: Schoolwide Programs

2.1 Criteria to Operate a Schoolwide Program

If 40 percent or more students in a school are from low-income families, the school may implement a schoolwide program. A schoolwide program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school in order to improve the achievement of the lowest-achieving students by coordinating services funded from a variety of sources into a comprehensive framework. ESEA, Section 1114(a)(1)(A)

2.2 Schoolwide Consolidation of Funds

Consolidating funds in a schoolwide consolidated program offers significant flexibility to a school to use all of its funds to meet the specific needs of its students identified through a needs assessment and included in the schoolwide plan.

A school implementing a schoolwide program may **consolidate funds** from Title I and other federal education programs with state and local funds to use all of its funds to meet the specific needs of its students identified through a needs assessment and included in the schoolwide plan. ESEA, Section 1114(a)(1)(A)

The U.S. Department of Education Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of *any other noncompetitive formula* grant program administered by U.S. Department of Education Secretary or *any discretionary* grant program administered by the U.S. Department of Education Secretary to support schoolwide programs, if the intent and purposes of such other programs are met. ESEA, Section 1114(a)(3)(A)

The Office of Title Services (OTS) at the OSDE allows the following noncompetitive formula grant programs – as authorized by the U.S. Department of Education Secretary in the [Federal Register, Vol.69, No. 127, July 2, 2004]() – to be consolidated in project 785:

- Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies;
- Title I, Part D, Subpart 2 – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk;
- Title II, Part A – Preparing, Training, and Recruiting High Quality Teachers, Principals, and Other Leaders;
- Title III, Part A – Language Instruction for English Learners and Immigrant Students;
- Title IV, Part A – Student Support and Academic Enrichment; and
- Title V, Part B, Subpart 2 – Rural and Low-Income Schools (RLIS).

In general, a schoolwide program school may consolidate funds it receives from discretionary (competitive) grants as well as from formula grants. If a schoolwide

program school consolidates funds from discretionary grant programs, the school must still carry out the activities described in the application under which the funds were awarded. However, a schoolwide program school would not need to account separately for specific expenditures of the consolidated federal funds.
Federal Register, Vol.69, No. 127, Pg.40364

A school that consolidates federal funds in its schoolwide program is not required to meet most of the statutory and regulatory requirements of the specific federal programs included in the consolidation. However, the school must ensure that it meets the intent and purposes of the federal programs included in the consolidation so that the needs of the intended beneficiaries are met. ESEA, Section 1114(a)(3)(A); 34 C.F.R. §200.29 (a), (b), (d)

A schoolwide program school must "maintain records that demonstrate that the schoolwide program as a whole addresses the intent and purposes of each of the federal education programs whose funds were consolidated to support it." ESEA, Section 1114(a)(3)(C)

Although the following programs were allowed by the U.S. Department of Education Secretary in the Federal Register, Vol. 69, No. 127, July 2, 2004 to be consolidated in schoolwide programs, the following list of programs are either under standalone divisions at the OSDE or under Oklahoma Department of Career and Technology Education and are not be included in project 785:

- Title IV, Part B – 21st Century Community Learning Centers;
- Title VI, Part A – Indian Education;
- Title VII – Impact Aid;
- IDEA, Part B – Assistance for Education of All Children with Disabilities; and
- Carl D. Perkins Vocational and Applied Technology Act.

2.3 Schoolwide Waiver

A state may grant a waiver for a school with fewer than 40 percent of students from low-income families to implement a schoolwide program if it will best serve the needs of students in the school who are failing, or at risk of failing, to meet the challenging state academic standards. ESEA, Section 1114(a)(1)(B)

LEAs may apply to the OSDE for this waiver by completing the "Schoolwide/Targeted Assistance Intention" page in the Consolidated Application in the Grants Management System (GMS).

Chapter 3: Title I, Part A Targeted-Assistance Program

3.1 Definition of Title I, Part A Targeted Assistance Program

Schools identified by the local educational agency (LEA) to receive Title I, Part A funds that are ineligible for a schoolwide program, have not received a waiver to operate such a schoolwide program, or choose not to operate such a schoolwide program, may use Title I, Part A funds only for eligible students. ESEA, Section 1115(a)

3.2 Student Eligibility - Title I, Part A Targeted Assistance Program

Under ESEA section 1115(c)(1), a child is eligible to receive services if they are identified by the school as failing, or most at risk of failing, to meet the challenging state academic standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school.

Additionally, certain children are automatically eligible to participate in a Title I, Part A Targeted Assistance program, under ESEA section 1115(c)(2), including:

- Children who participated in Head Start, received services supported by the Comprehensive Literacy State Development Grants program under Title II, Part B, Subpart 2 of the ESEA, or attended a Title I preschool program at any time in the prior two years;
- Children who received services under Part C of Title I (migrant education) in the prior two years;
- Children experiencing homelessness; and
- Children who are in a local institution for neglected or delinquent children and youth or attending a community-day program for these children.

If a child is automatically eligible to participate in a Title I program by virtue of being in one of the categories listed above, an LEA or school need not identify the child as most at risk of failing to meet the challenging state academic standards to participate in a Title I preschool program.

Eligible children are children identified by the school as failing, or most at-risk of failing, to meet the challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school. “Multiple” means more than one, so it would not be appropriate to base eligibility on the score from a single test. The term “educationally related” means that there must be an academic component to the criteria. The term “objective” means that the criteria must not be based on teacher judgment or other subjective means.

There must be separate multiple, educationally related, objective criteria for *each* core content area (English/language arts, reading, mathematics, science or social studies) and grade level being targeted. Point values should be assigned for each criterion and for each subject area being targeted. This will result in objective rank-order lists of students by grade level/subject area to determine the priority order in which students will be served. Most often, this rank-order list is completed in a spreadsheet. The spreadsheet allows the staff to quickly sort the group of students by rank order of points to identify students who are most at-risk for failure for each targeted subject area and grade level. The selection criteria must be clearly identified in each school's targeted-assistance plan.

These standards above do not apply, however, to children from preschool through the second grade. These younger students must be chosen solely on the basis of the judgment of the teacher; interviews with parents, and other developmentally appropriate measures. Pencil-and-paper tests are considered inappropriate for identifying young children.

3.3 Staff - Title I, Part A Targeted Assistance Program

In a school operating a Title I, Part A Targeted Assistance Program, the staff paid with Title I funds should primarily be providing services to eligible students. ESEA Section 1115(d)(2) authorizes the staff in the Title I targeted assistance school who are paid with Title I funds to assume limited duties beyond classroom instruction or that do not benefit participating children that are assigned to similar personnel, provided the time Title I staff spend on such duties is the same proportion of total work time assigned to similar non-Title I staff.

Chapter 4: Charter Schools

4.1 Definition of Charter Schools

Under ESEA, Section 4310(2), the term charter school means "a public school that –

A. in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph;
B. is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;

C. operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
D. provides a program of elementary or secondary education, or both;
E. is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
F. does not charge tuition;
G. complies with the Age Discrimination Act of 1975, title VI of the Civil Rights Act of 1964, title IX of the Education Amendments of 1972, section 504 of the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1990 (42 U.S.C. 12101 et seq.), section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly referred to as the ''Family Educational Rights and Privacy Act of 1974''), and part B of the Individuals with Disabilities Education Act;
H. is a school to which parents choose to send their children, and that –
    i. admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or
    ii. in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);
I. agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;
J. meets all applicable Federal, State, and local health and safety requirements;
K. operates in accordance with State law;
L. has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and
M. may serve students in early childhood education programs or postsecondary students."

In Oklahoma, Charter schools are treated as any LEA, for the purpose of the applicable covered programs, having their own county and district number, and receiving the Title I, Part A allocation directly.

4.2 Allocation of Federal Formula Funds to Charter Schools

States and LEAs must comply with the final regulations when making allocations to any new or expanding public school that meets the definition of charter school as set forth in section 10310(1) of the ESEA (as amended by ESSA, Section 4310(2), even if the charter school does not receive funds under the Public Charter School Program (PCSP). A public school that does not meet the ESEA definition of charter school, however, is not a charter school for purposes of the ESEA (as amended by ESEA, Section 4310(2), or the final regulations, and neither the State nor the LEA is obligated to comply with the final regulations when making allocations to such school. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

During years in which an eligible charter school is neither opening for the first time nor significantly expanding its enrollment, the SEA or LEA is under no obligation to follow the final regulations when allocating funds and should provide funds to the charter school on the same basis as it provides funds to other eligible LEAs and public schools. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

Charter schools are considered special LEAs. In the case of an LEA that is not on the census list of LEAs, an SEA must determine the number of formula children and children ages 5 to 17 for each special LEA and subtract these counts from each sending LEA (i.e., the LEA in which the student who attends a special LEA resides). As census poverty data are not available for special LEAs, an SEA must derive an estimate of census poverty children for each special LEA by using an alternative poverty data source that is available for both the sending and special LEAs to determine the proportion of poverty in each LEA. In other words, an SEA does not allocate Title I funds based on such alternative poverty sources, which would create an inequitable distribution of funds, but uses these data to derive a census poverty count for a special LEA where none otherwise exist. The Office of Title Services calculates the Title I, Part A allocation for special LEAs using direct certified data that is the equated to free or reduced-price meal (FRM) data based on data provided by the LEA that indicates the students who would have qualified for the school lunch program and the sending LEAs in which they reside. This data is then equated to Census Poverty Data to derive an estimate of a census poverty count, which is then used to determine the eligibility of each LEA for Basic, Concentration, Targeted, and Education Finance Incentive Grants (EFIG) formulas of the Title I, Part A allocation.

4.3 Charter Schools Responsibilities toward SEA

Under 34 C.F.R §76.788-789, Subpart H charter schools must do the following:

1. At least 120 days before the date a charter school LEA is scheduled to open or significantly expand its enrollment, the charter school LEA or its authorized public chartering agency must provide its SEA with written notification of that date. Failure of an eligible charter school LEA or its authorized public chartering agency to provide 120-day notice to its SEA relieves the SEA of any obligation to allocate funds to the charter school within five months.

2. In order to receive funds, a charter school LEA must provide to the SEA any available data or information that the SEA may reasonably require to assist the SEA in estimating the amount of funds the charter school LEA may be eligible to receive under a covered program. Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require. An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data.

3. Except as provided in 34 C.F.R §76.791(a), or the authorizing statute or implementing regulations for the applicable covered program, a charter school LEA must establish its eligibility and comply with all applicable program requirements on the same basis as other LEAs.

4.4 SEA Responsibilities toward Charter Schools

Upon receiving a 120-day notice of the date a charter school LEA is scheduled to open or significantly expand its enrollment, an SEA must:

1. Provide the charter school LEA with timely and meaningful information about each covered program in which the charter school LEA may be eligible to participate, including notice of any upcoming competitions under the program.
2. Must allocate funds under a covered program in accordance with this subpart to any charter school LEA that:

I. opens for the first time or significantly expands its enrollment during an academic year for which the State awards funds by formula or through a competition under the program; or
II. In accordance with 34 C.F.R. §76.791(a), establishes its eligibility and complies with all applicable program requirements; and
III. Meets the requirements of 34 C.F.R. §76.788(a)

An SEA that receives less than 120-day actual notice of the date an eligible charter school LEA is scheduled to open or significantly expand its enrollment *must allocate* funds to the charter school LEA *on or before the date* the SEA allocates funds to LEAs under the applicable covered program *for the succeeding academic year*.

The SEA may provide funds to the charter school LEA from the SEA's allocation under the applicable covered program for the academic year in which the charter school LEA opened or significantly expanded its enrollment, or from the SEA's allocation under the program for the succeeding academic year.

An SEA may allocate funds to, or reserve funds for, an eligible charter school LEA based on reasonable estimates of projected enrollment at the charter school LEA. Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data. Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965, February 2022

Opening or Expansion Date of Charter School	Obligation to Allocate Federal Formula Funds
On or before November 1	SEA must allocate full proportionate amount of program funds for which the charter school is eligible within five months of the opening or expansion date.
After November 1, but before February 1	SEA must allocate the pro rata portion of proportionate amount of program funds for which the charter school is eligible, on or before the date the

	SEA allocates funds to LEAs under the program for the succeeding academic year.
After February 1	The SEA may, but is not required to, allocate the pro rata portion of the proportionate amount of program funds for which the charter school is eligible.

Chapter 5: Comparability of Services

5.1 Comparability Requirement

To ensure that funds made available under Title I, Part A are used to provide services that are in addition to the regular services normally provided by a local educational agency (LEA) for participating children, the LEA must provide services in its Title I schools with state and local funds that are at least comparable to services provided in its non-Title I schools. This requirement is critical to the success of Title I, Part A program because it ensures that the federal investment has an impact on the at-risk students the program is designed to serve - something that would not occur if federal dollars replaced state and local resources that would otherwise be made available to these at-risk students. At the school building level, comparability requires an LEA to ensure that each Title I school receives its fair share of resources from state and local funds. In other words, an LEA may not discriminate (either intentionally or unintentionally) against its Title I schools when distributing resources funded from state and local sources simply because these schools receive federal funds.

Demonstrating comparability is a prerequisite for receiving Title I funds. According to ESEA, Section 1118(c)(1)(A) and (B) an LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Title I schools that, taken as a whole, are at least comparable to the services provided in schools that are not receiving Title I funds. If the LEA serves all of its schools with Title I funds, the LEA must use state and local funds to provide services that, taken as a whole, are substantially comparable in each Title I school. Because Title I allocations are made annually, comparability is an annual requirement.

The comparability requirement does not apply to an LEA that has only one building for each grade span. For example, an LEA that has one elementary, one middle school, or one high school is exempt from demonstrating comparability. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.

5.2 Criteria for Meeting Comparability

There are a number of ways approved by USDE that can be used by LEAs to meet the comparability requirement. The Office of Title Services (OTS) at the Oklahoma State Department of Education (OSDE) has established and uses the student/teacher ratio as the preferred method of determining comparability.

5.3 Developing Procedures for Comparability Compliance

An LEA must develop procedures for complying with the comparability requirements. ESEA, Section 1118(c)(3)(A)(B) These procedures should be in writing and should, at a minimum, include the LEA's timeline for demonstrating comparability, identification of the office responsible for making comparability calculations, the measure and process used to determine whether schools are comparable, and how and when the LEA makes adjustments in schools that are not comparable. ESEA, Section 1118 (c)(1)(C) allows an LEA to determine comparability of each of its Title I schools on a grade-span by grade-span basis. The LEA may exclude schools that have fewer than 100 students.

5.4 Instructional Staff Members to Be Included in Comparability Calculation

When an LEA measures compliance by comparing student/staff ratios, the LEA should consistently include the same categories of staff members in the ratios for both Title I and non-Title I schools. Instructional staff may include teachers and other personnel assigned to schools who provide direct instructional services, including music, art, and physical education teachers; guidance counselors; speech therapists; and media specialists as well as other personnel who provide services that support instruction, such as school social workers and psychologists.

In calculating comparability, an LEA may include only staff paid with state and local funds. This would exclude staff paid with private or federal funds. Other staff that would be excluded are principals, assistant principals, custodians, cafeteria personnel, school nurses, security personnel, pre-kindergarten teachers, pre-kindergarten paraprofessionals, secretaries, and non-instructional paraprofessionals.

The activities authorized by the ESEA include activities that are authorized by Title VIII of the ESEA, the Impact Aid Program. Because Impact Aid is considered general aid to recipient LEAs, Impact Aid funds may be used for any educational activity consistent with local and state requirements. As such, Impact Aid funds are effectively deemed state and local funds for which no accountability to the federal government is required, and staff members that are paid with Impact Aid funds is included in comparability determinations.

5.5 Examples of Ways to Meet the Comparability Requirement

5.5.1 Example 1 - Non-Title I and Title I Schools Are Compared

In the following example, an LEA provides Title I services to 4 of its 6 elementary sites. To demonstrate comparability, the LEA would have to indicate that the student/ FTE instructional staff ratio in each Title I school does not exceed the maximum student/ FTE instructional staff ratio of 16.95 in Non-Title I Schools. In this example, each of the Title I schools meets the comparability requirement because the student/ FTE Instructional Staff ratio is less than 16.95, the average of student/FTE instructional staff ratio for all non-Title I schools.

Elementary					
Non-Title I Schools					
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/FTE Instructional Staff Ratio
115	A Elementary	EC-05	562	35.52	15.82
125	B Elementary	EC-05	509	34.00	14.97
Grade Span Average					15.41
110% of Student/Instructional Staff Ratio Maximum					16.95

Elementary						
Title I Schools						
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio	Status
105	C Elementary	EC-05	522	38.60	13.52	Passed

120	D Elementary	EC-05	420	30.02	13.99	Passed
130	E Elementary	EC-05	508	38.93	13.05	Passed
135	F Elementary	EC-05	454	31.49	14.42	Passed

If a Title I school exceeds the 110 percent maximum student/instructional staff ratio, the LEA must make adjustments in staff, in order to bring the Title I school into compliance.

5.5.2 Example 2 - All Elementary Schools in the LEA are Title I and Are Compared

In the following example, the LEA provides Title I services to all 3 of its elementary sites. To demonstrate comparability, the LEA would have to indicate that the student/ FTE instructional staff ratio in each Title I school does not exceed the maximum student/ FTE instructional staff ratio 17.05 in Title I Schools in the elementary category. In this example, each of the Title I schools meets the comparability requirement because the student/ FTE Instructional Staff ratio is less than 17.05, the maximum average of student/FTE instructional staff ratio for all elementary Title I schools.

Elementary					
Title I Schools					
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio
210	A Elementary	KG-05	438	29.58	14.81
212	B Elementary	KG-05	534	32.78	16.29
225	C Elementary	KG-05	526	34.28	15.34
Grade Span Average					15.50
110% of Student/Instructional Staff Ratio Maximum					17.05

Elementary						
Title I Schools						
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio	Status
210	A Elementary	KG-05	438	29.58	14.81	Passed
212	B Elementary	KG-05	534	32.78	16.29	Passed
225	C Elementary	KG-05	526	34.28	15.34	Passed

If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.

5.5.3 Example 3 - Small Non-Title I and Small Title I Schools Are Compared

In the following example, an LEA provides Title I services to 5 of its 6 high schools sites. To demonstrate comparability, the LEA would have to indicate that the student/FTE instructional staff ratio in each Title I school does not exceed the maximum student/FTE instructional staff ratio of 16.40 in Non-Title I Schools. In this example, each of the Title I schools meets the comparability requirement because the student/FTE instructional staff ratio is less than 16.40, the maximum of student/FTE instructional staff ratio for Title I schools.

High School - Small					
Non-Title I Schools					
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio
706	A High School	09-12	550	36.88	14.91
Grade Span Average					14.91

110% of Student/Instructional Staff Ratio Maximum	16.40

High School - Small						
Title I Schools						
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio	Status
707	B High School	09-12	388	27.80	13.96	Passed
726	C High School	09-12	441	29.03	15.19	Passed
750	D High School	09-12	326	25.40	12.83	Passed
760	E High School	09-12	142	14.90	9.53	Passed
780	F High School	09-12	317	25.00	12.68	Passed

If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.

5.5.4 Example 4 - Large Non-Title I and Large Title I Schools Are Compared

In the following example, an LEA provides Title I services to 4 of its 5 middle schools sites. The LEA demonstrates comparability by annually comparing student ratios for each of its Title I schools to the maximum student/FTE ratios for its non-Title I schools. In this example, each of the Title I schools is comparable because the student/FTE ratio does not exceed 13.70 (the ratio for all non-Title I schools).

Middle School - Large					
Non-Title I Schools					
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE

					Instructional Staff Ratio
505	A Middle School	06-08	853	68.50	12.45
Grade Span Average					12.45
110% of Student/Instructional Staff Ratio Maximum					13.70

Middle School - Large						
Title I Schools						
Site Number	Site Name	Grade Span	Student Enrollment	FTE Instructional Staff	Student/ FTE Instructional Staff Ratio	Status
510	B Middle School	06-08	546	47.50	11.49	Passed
515	C Middle School	06-08	512	50.50	10.14	Passed
520	D Middle School	06-08	547	45.50	12.02	Passed
525	E Middle School	06-08	587	51.50	11.40	Passed

If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.

5.6 Maintenance of Effort (MOE)

The ESEA addresses the LEA's responsibility to maintain local funding. If an LEA fails to maintain fiscal effort, the SEA may be required to reduce LEA's current year allocation. Calculations to determine MOE are done at the state level in compliance with federal requirements. The Office of Financial Accounting at the OSDE publishes the formula in the Oklahoma Cost Accounting System (OCAS) manual.

A LEA may receive funds under a covered program for any fiscal year only if the SEA finds that either the combined fiscal effort per student, or the aggregate expenditures of state and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year. ESEA, Section 1118(a) and 8521(a)

If an LEA fails to maintain effort by falling below 90 percent in either the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the LEA), the SEA must reduce the LEA's allocation under Title I, Part A; Title I, Part D; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B; Title V, Part B; and Title VI, Part A, Subpart 1, Indian Education in the exact proportion by which the LEA failed to maintain effort, **if** the LEA fails to maintain effort in a given fiscal year and also failed to maintain effort for one or more of the five immediately preceding fiscal years. ESEA, Section 8521(b)

USDE may waive the maintenance of effort requirement for an LEA if it determines that a waiver would be equitable due to:

1) exceptional or uncontrollable circumstances;

2) a precipitous decline in the financial resources of the LEA; or

3) a change to the organizational structure of the LEA.

If the LEA's failure to meet MOE was due to one of the above exceptions, the LEA can request and be granted a one-year MOE waiver from the USDE. The LEA must address the letter of request to the USDE Education Secretary, along with documentation to support the reason for failure to meet MOE and send it to the Office of Title Services (OTS). The letter and supporting documentation will be sent to USDE. For additional information regarding the MOE appeal process, contact the Office of Title Services (OTS).

5.7 Crossing Fiscal Years

"The general fund of any school district is hereby defined as a current expense fund and shall consist of all revenue or monies that can legally be expended within a certain specified fiscal year." 70 O.S. §1-117

The same state law applies to the use of federal funds. Current fiscal year funds shall be obligated for current fiscal year goods and services, with the exception of bona fide needs. The bona fide needs rule is a rule of appropriation law, and it mandates that a fiscal year appropriation be obligated only to meet a legitimate - or bona fide - need arising in, or in some cases arising prior to but continuing to exist in, the fiscal year for which the appropriation was made. Bona fide expenditures are limited, such as registration and airfare reservations. It restricts the current fiscal year's appropriated funds from being used to fund the following fiscal year's requirements.

5.8 Purchase Orders and Paid in Advance Services

Oklahoma is a state that reimburses LEAs for federal expenditures. To qualify for reimbursement, all federal purchases must abide by 70 O.S. §5-135(E) which stipulates that a purchase order (P.O) must be issued prior to any purchase, and full payment cannot be made in advance for services not rendered.

5.9 Time Distribution Records (TDR)

Employees that are paid with federal funds from single or multiple funding sources are required to document their time and effort by maintaining time distribution records (also known as time and effort records) at the time that services are performed. Salaries for such employees will be paid monthly according to the time distribution among specific activities/funding sources, regardless of Title I Targeted Assistance or Schoolwide program status.

I. Total compensation must be reasonable for the services rendered and conforms to the established written policy of the non-Federal entity consistently applied to both Federal and non-Federal activities; 2 C.F.R. §200.430(a)(1)
II. Personnel expenses must be based on records that accurately reflect the work performed and be supported with verifiable documentation. 2 C.F.R. §200.430
III. Standards for Documentation of Personnel Expenses:
    i. Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
    ii. Be incorporated into the official records of the non-Federal entity;
    iii. Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities;

iv. Include both federally funded and all other activities paid by the LEA on an integrated basis but may also comprise of supplemental records as defined in the LEA's written policy.
v. Comply with the established accounting policies and practices of the LEA.
vi. Support the distribution of all salary/wages among specific activities or cost objectives regardless of work in any combination of Federal/non-Federal award or direct/indirect cost activity.
vii. Recognize that while budget estimates may be used for accounting purposes, they do not qualify as support for reimbursements of federal funds.
viii. Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards. 2 C.F.R. § 200.430(i)(1)

Types of Time Distribution Records

All LEAs receiving federal funds under any federal program are responsible for ensuring that all personnel maintain accurate time distribution records.

Cost objective means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. 48 C.F.R. 9905-502-30(a)(2)

Semi-Annual Certification

- Completed for employees who work solely on a single Federal award or cost objective.
- Certifies that the employee worked solely on that program for the period covered by the certification.
- Meets the standards for documentation outlined in 2 C.F.R. Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency
- Will be prepared at least **semi-annually (once per semester)**

Personnel Activity Report (PAR)

- Completed for employees who work on multiple activities or cost objectives such as:
    - more than one Federal award;

    - a Federal award and a non-Federal award;
    - an indirect cost activity and a direct cost activity;
    - two or more indirect activities which are allocated using different allocation bases; or
    - an unallowable activity and a direct or indirect cost activity. 2 C.F.R. Part 200.430(i)(1)(vii)

- Personnel Activity Reports:
    - meet the standards for documentation outlined in 2 C.F.R. Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency;
    - must reflect an after-the-fact distribution of the actual activity of each employee;
    - must account for the total activity for which each employee is compensated;
    - must be prepared **at least monthly** and must coincide with one or more pay periods; and
    - must be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.

Budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to federal awards but may be used for interim accounting purposes.

Title I, Part A Targeted Assistance Programs – Personnel and staff paid with Title I, Part A funds in a targeted assistance program must spend the same proportion of total work time on limited duties assigned to similar non-Title I personnel as the proportion that non-Title I staff spend on such duties.

5.10 Supplement, not Supplant (SNS) Requirement

An LEA demonstrates compliance with the Title I, Part A supplement, not supplant requirement by using a methodology to allocate state and local funds to each Title I school that ensures that each school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds. ESEA, Section 1118(b)(2)

5.11 Methodology - Cannot Be Prescribed

Nothing in ESEA shall be construed to authorize or permit the USDE or the SEA to prescribe the specific methodology an LEA uses to allocate state and local funds to each school receiving assistance under Title I, Part A. ESEA, Section 1118(b)(4)

5.12 Methodology - Title I Neutral

No local educational agency shall be required to:

A. identify that an individual cost or service supported under this part is supplemental; or
B. provide services under this part through a particular instructional method or in a particular instructional setting in order to demonstrate such agency's compliance with paragraph (1). ESEA, Section 1118(b)(3)(A)-(B)

Supplanting is no longer determined based on the individual cost or service paid with Title I, Part A funds. Rather, it is determined by the allocation of state and local resources to a school and whether such resources are allocated without regard to a school's Title I status.

An LEA's methodology must be "Title I neutral" in that it allocates state and local funds to schools without regard for Title I status. This demonstrates that an LEA did not reduce the state and local funds made available to a Title I school because such school is also receiving Title I, Part A funds. Non-Regulatory Guidance, Supplement Not Supplant Under Title I, Part A of the Elementary and Secondary Education Act of 1965, June 2019

The OSDE follows ESEA Section 1118 and allows LEAs to demonstrate compliance with the Title I, Part A supplement, not supplant requirement by uploading methodology documentation in the Consolidated Application to demonstrate how state and local funds are allocated to each school, including Title I schools.

5.13 Indirect Cost

Indirect costs are charted to offset the LEA's overhead cost. The restricted rate and unrestricted rate percentages are calculated in accordance with instructions issued by the Oklahoma State Department of Education in the Oklahoma Cost Accounting System (OCAS) Manual and conform with the criteria in the Uniform Guidance 2 C.F.R. §200.414. Indirect costs cannot exceed allowable maximum per claim for reimbursement and can only be claimed based on the direct costs for each reporting period.

5.14 Consolidated Administrative Costs (CAC)

An LEA may consolidate not more than the percentage established in each of the ESEA program for local administration purposes. An LEA that consolidates administrative funds may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in ESEA

Chapter 6: Supplies and Equipment

6.1 Supplies and Equipment Definitions

LEAs are required to create written procedures to maintain effective control over, and accountability for, all funds, property, and other assets purchased with federal funds. 2 C.F.R. §200.302

Equipment is tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the LEA for financial statement purposes or $10,000. 2 C.F.R §200.313

Supplies are all tangible personal property items other than those described as equipment in 2 C.F.R §200.313. A computing device is a supply if the acquisition cost is less than the lesser of the capitalization level established by the LEA for financial statement purposes or $10,000, regardless of the length of its useful life. 2 C.F.R. §200.314

6.2 Use of Equipment

Equipment must be used by the LEA in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the federal award. When the equipment is no longer needed for the original program or project, the item may be used in other activities supported by the federal awarding agency, in the following order of priority:

1. Activities under a federal award from the federal awarding agency which funded the original program or project; then
2. Activities under federal awards from other federal awarding agencies. This includes consolidated equipment for information technology systems.

During the time that equipment is used on the project or program for which it was acquired, the LEA must also make equipment available for use on other projects or programs currently or previously supported by the federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by federal awarding agency that financed the equipment and second preference must be given to programs or projects under federal awards from other federal awarding agencies. Use for non-federally funded programs or projects is also permissible. User fees should be considered if appropriate.

6.3 Management of Equipment

Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a federal award, until disposition takes place will, as a minimum, meet the following requirements:

1. Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property. 2 C.F.R. §200.313(d)
2. A **physical inventory** of the property must be taken, and the results reconciled with the property records at least once every two years.
3. A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
4. Adequate maintenance procedures must be developed to keep the property in good condition.
5. If the non-federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

6.4 Disposition of Equipment

When original or replacement equipment acquired under a federal award is no longer needed for the original project or program or for other activities currently or previously supported by a federal awarding agency the LEA may dispose of the equipment in accordance with 2 C.F.R. §200.313(e). The LEA must consider the following -

1. Items of equipment with a current per unit fair market value of $10,000 or less may be retained, sold or otherwise disposed of with no further obligation to the federal awarding agency.
2. Except as provided in 2 C.F.R. §200.312 federally owned and exempt property, paragraph (b), or if the federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of $10,000 may be retained by the LEA or sold. The federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the federal awarding agency's percentage of participation in the cost of the original purchase. If the equipment is sold, the federal awarding agency may permit the non-federal entity to deduct and retain from the federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.
3. The LEA may transfer title to the property to the federal government or to an eligible third party provided that, in such cases, the LEA must be entitled to compensation for its attributable percentage of the current fair market value of the property.

Chapter 7: Equitable Share under Title I, Part A

7.1 Equitable Share Requirement

Educational services and other benefits for nonpublic school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in Title I, Part A services, and shall be provided in a timely manner. ESEA, Section 8501(a)(3)(A)

If there are children from low-income families who reside in a participating Title I public school attendance area and are enrolled in a nonpublic elementary schools and secondary schools, then these children generate Title I, Part A funds. The public LEA shall engage in timely and meaningful consultation with appropriate nonpublic school officials, to serve eligible low-achieving nonpublic school children who reside in a participating Title I public school attendance area.

Title I, Part A funds are determined by where the student resides, not where the nonpublic school is located. This means that a public LEA might have to consult with a nonpublic school that is outside the public LEA boundaries.

7.2 Determining the Equitable Share

ESEA, Section 1117(a)(4) stipulates the proportional share of funds shall be determined based on the total amount of funds received by the LEA, prior to any allowable expenditures or transfers. That means that an LEA must apply the proportion used to calculate the proportional share to its entire Title I allocation (including any Title II, Part A or Title IV, Part A funds that an LEA transfers into Title I, Part A) before it reserves any funds for other purposes, including all reservations the ESEA requires or authorizes an LEA to take off the top of its Title I, Part A allocation, such as reservations for administration, parent and family engagement, children in institutions for neglected or delinquent children, homeless children and youth, and district-wide initiatives.

The LEA shall provide services to the eligible nonpublic school children, such as special educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits allowable under Title I, Part A that address their needs, as well as to their teachers and parents. ESEA, Section 1117(a)(2) stipulates that such educational services or other benefits, including materials and equipment, shall be secular, neutral and non-ideological.

7.3 Obligating the Equitable Share Funds

Funds allocated to a LEA for educational services and other benefits to eligible nonpublic school children shall be obligated in the fiscal year for which the funds are received by the agency. ESEA, Section 1117(a)(4)(B) and 8501(a)(4)(B)

7.4. Carryover of the Equitable Share Funds

Any unexpended Title I, Part A equitable share funds will carry over to the nonpublic school pool of funds for the following fiscal year, unless there are extenuated circumstance for a particular nonpublic school. In this case, that specific nonpublic school will be allowed to carryover the unexpended funds for its needs in the following fiscal year. Non-Regulatory Guidance, Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance, May 2023

The fifteen percent carryover limitation in ESEA Section 1127(a) is calculated based on an LEA's total Title I allocation, including the portion allocated for equitable services. However, because an LEA generally must carry over any equitable services funds not obligated in accordance with ESEA Section 1117(a)(4)(B), if an LEA exceeds the carryover limitation, and an SEA reduces the LEA's allocation as a result, such reduction may not come from the portion of carryover funds used to provide equitable services. An exception would be if one or more nonpublic schools declines all or a portion of services, and there are no other participating nonpublic schools. In this case, the SEA would consider the funds generated for the declined services when making a reduction to an LEA's allocation. Non-Regulatory Guidance, Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance, May 2023

7.5 Administrative Costs Reservation from the Proportionate Share

"Separately from the funds needed to administer the Title I program for students in public schools, an LEA may reserve an amount that is reasonable and necessary to administer equitable services from the proportionate share of Title I funds available. The LEA should discuss administrative costs for implementing equitable services during consultation with appropriate nonpublic school officials." Non-Regulatory Guidance, Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), As amended by the Every Student Succeeds Act (ESSA), November 2016

7.6 Parent Involvement Activities

An LEA "shall ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 1116, to carry out parent involvement activities for parents of children enrolled in nonpublic schools that participate in federal programs." ESEA, Section 1117(a)(1)(B)

7.7 Options Available for Providing Equitable Services

Consistent with ESEA Section 1117(b)(1)(J), following consultation with, and the agreement of, nonpublic school officials, an LEA may choose one or more of the following options for providing equitable services to eligible private school children with Title I, Part A funds:

1. School-by-School: Provide equitable services to eligible children in each nonpublic school with the Title I funds generated by the children from low-income families who reside in participating Title I public school attendance areas and attend that private school.

2. Pooling within an LEA: Provide equitable services to eligible children attending a nonpublic school that is part of a group of nonpublic schools (such as a group of schools under the authority of a single organization) by pooling the Title I funds generated by children from low-income families who reside in participating Title I public school attendance areas and attend a nonpublic school in the group. The LEA, in consultation with appropriate nonpublic school officials, must establish criteria to determine the eligible nonpublic school students in greatest educational need to receive services. The services provided to eligible children attending a particular nonpublic school do not depend on the amount of funds generated by children from low-income families in that school; rather, the services are based on educational need. If the nonpublic school officials representing different groups of nonpublic schools' request pooling, the LEA may establish a separate pool for each requesting group.

3. Pooling across LEAs**:** Because eligibility for Title I services is based on a child's residence and not where the child attends school, it is common that multiple LEAs have a responsibility to provide services to eligible children who attend the same nonpublic school, making provision of those services through pooling across LEAs potentially more educationally effective and efficient than by each individual LEA providing services to eligible students in the same nonpublic school. Thus, multiple LEAs may pool the Title I funds generated by their nonpublic school children from low-income families who reside in a participating Title I public school attendance area to serve eligible low-achieving nonpublic school children who reside in those LEAs. In other words, low-achieving nonpublic school children in greatest need who reside in a participating Title I public school attendance area in any of the applicable LEAs may be served with the pooled funds. The LEAs, in consultation with appropriate nonpublic school officials, must establish criteria to determine the eligible nonpublic school students in greatest educational need to receive services.

7.8 Services Available for Private School Participants

Services to improve the academic achievement for participating nonpublic school children may include, but are not limited to, the following:

- Instructional services provided by public school employees or third-party contractors;
- Expanded learning time, including before-and after-school programs;
- One-on-one tutoring;
- Summer school programs;
- Family literacy programs;

- Counseling programs;
- Mentoring programs;
- Computer-assisted instruction;
- Home tutoring;
- Instruction using take-home computers; and
- Any combination of the above.

Chapter 8: Parent Involvement

8.1 Parent Involvement Set-Aside

Each LEA shall reserve at least one percent of its Title I, Part A allocation (including any funds that are transferred in) for the fiscal year for which the determination is made, to assist schools to carry out the activities for parent involvement, except when such allocation is less than $500,000 the 1% is not mandatory. An LEA may reserve more than one percent of its allocation to assist schools to carry out parent involvement activities. Only 10% of the mandatory 1% may be kept at the district level, but LEAs may use one of the "other" set-aside fields on Low Income Step 4 in the Grants Management System (GMS), if the LEA would like to set aside additional parent involvement funds. The LEA must give priority to high-need schools when distributing funds. ESEA, Section 1116(a)(3)(A) and ESEA, Section 1116(a)(3)(C)

LEA's set-aside for nonpublic parent and family engagement activities will be calculated by multiplying the 1% amount for public parent and family engagement activities by the proportionate share percentage for nonpublic students. This amount will then be subtracted from the nonpublic proportionate amount, and it will be retained by the LEA to be expended for parent and family engagement activities, on behalf of nonpublic schools, at the district level.

8.2 Informational Parent/Guardian Meetings

In addition to the consultation necessary to determine the use of Title I, Part A funds, each school served under Title I, Part A must convene an annual meeting, at a time convenient for parents to inform them of their school's participation in Title I, Part A programs, and to explain the Title I, Part A requirements and the right of parents to be involved in those programs. In order to keep parents informed, schools must invite to this meeting all parents of children participating in Title I, Part A programs and encourage them to attend. Schools must offer a flexible number of additional parental involvement meetings, such as in the morning or evening so that as many parents as possible are able to attend.” ESEA, Section 1116(c)(1)-(2)

To demonstration compliance with ESEA Section 1116, each LEA in Oklahoma must provide agendas, minutes and sign-in sheets as a part of the grant performance review performed by the Office of Title Services at OSDE.

8.3 Parents Right to Know Notification

At the beginning of each school year, LEAs shall provide to each parent of a student who attends a school receiving Title I, Part A funds the “Parents-Right-to-Know” notification, to include:

- their right to request and receive (in a timely manner) information regarding the professional qualifications of the student’s classroom teachers and paraprofessionals. ESEA, Section 1112(e)(1)(A)
- their child being assigned, or taught for 4 or more consecutive weeks by, a teacher who does not meet applicable state certification or licensure requirements at the grade level and subject area in which the teacher has been assigned. ESEA, Section 1112(e)(1)(B)(ii) This includes long-term substitute and adjunct teachers listed as the teacher of record.

8.4 Four-Week Parent/Guardian Notification

ESEA §1112(e)(1)(B)(ii) requires districts or schools to notify parents or guardians of a child that has been taught for four consecutive weeks by a teacher who has not met state certification and licensing requirements for the grade level and subject areas in which the teacher has been assigned. In Oklahoma, if a teacher holds a standard teaching certificate, alternative teaching certificate, or an emergency certificate in the grade level and subject areas taught then the district or school is not required to notify the parents or guardians.

Substitute Teachers

Oklahoma Statute 70 O.S. § 6-105 (B) stipulates that “no substitute teacher shall be employed for a total period of time in excess of one hundred thirty-five (135) school days during a school year; or one hundred forty-five (145) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. Each school district shall adopt a policy which sets forth the maximum number of days a substitute teacher may be employed for the same assignment if the substitute teacher does not hold a valid certificate."

However, if a substitute teacher is assigned to teach for four or more consecutive weeks in a subject area, he/she does not hold a valid teaching certificate at the grade level(s) and subject area(s) the assignment is, then parents/guardians must be notified. ESEA, Section 1112(e)(1)(B)

Adjunct Teachers

The State of Oklahoma has approved individuals to serve as adjunct teachers. 70 O.S. §6-122.3 (G) Under the ESEA the district or the school is required to notify parents or guardians of a child that has been taught for four consecutive weeks by a teacher who has not met state certification and licensing requirements for the grade level and subject areas in which the teacher has been assigned. ESEA §1112(e)(1)(B)(ii)

Charter School Teachers

In the Oklahoma Charter School Act, §42.18-5 a charter school shall be exempt from all statutes and rules relating to schools, boards of education, and school districts. A charter school is not required to employ an individual who holds a valid Oklahoma teaching certificate as defined in 70 O.S. §1-116. Tribally operated charter schools and other charter schools may choose to operate their own certification process unique to the qualifications appropriate for a teacher at their school; provided, except as provided in 70 O.S. §5-142(E), all individuals must satisfactorily undergo and clear a national criminal history record check prior to employment in a public school (charter or non-charter). Under the ESEA the district or the school is required to notify parents or guardians of a child that has been taught for four consecutive weeks by a teacher who has not met state certification and licensing requirements for the grade level and subject areas in which the teacher has been assigned. ESEA §1112(e)(1)(B)(ii)

8.5 Notice to Parents of English Learners (ELs)

An LEA using Title I, Part A funds or Title III, Part A funds to provide a Language Instruction Educational Program (LIEP) must inform parents of an English learner, no later than 30 days after the beginning of the school year of: 1) the reasons for the child's identification as an English learner; 2) the child's level of English proficiency, how such level was assessed, and the status of the child's academic achievement; 3) the instructional methods used in the program; 4) how the program will meet the educational strengths and needs of their child; 5) how such program will help their child learn English and meet the academic achievement standards for grade promotion and graduation; 6) the specific exit requirements for the program; (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and 7) information pertaining to parental rights. ESEA, Section 1112(e)(3)(A)

Parents of English learners have the right to decline the enrolment of their child in an LIEP program. The LEA must provide parents of EL students with written guidance, in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand, detailing the right that parents have to immediately remove their child from such program upon their request, the options that parents have to select another program or method of instruction, if available; and provide assistance to the parents in the selection of such programs and methods of instruction.

In Oklahoma, the OSDE has provided the English Language Academic Plan (ELAP) as a tool to be used by LEAs to meet the requirements under ESEA, Section 1112(e)(3)(A).

Chapter 9: Professional Development

9.1 Professional Development Allowability

All professional development activities funded with Title I, Part A funds must be sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused. ESEA, Section 8101(42)(B)

All professional development opportunities identified as a need by an LEA and/or school site must meet at least one of the activities listed in ESEA, Section 8101(44).

1. improve and increase teacher knowledge of the academic subjects taught, understanding of how students learn; and the ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis
2. are an integral part of broad schoolwide and district-wide educational improvement plans
3. allow personalized plans for each educator to address the educator’s specific needs identified in observation or other feedback
4. improve classroom management skills
5. support the recruitment, hiring, and training of effective teachers, including teachers who became certified through state and local alternative routes to certification

6. advance teacher understanding of effective instructional strategies that are evidence-based and strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers
7. are aligned with, and directly related to, academic goals of the school or local educational agency
8. are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under ESEA
9. are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments
10. to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach
11. as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development
12. are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations
13. include instruction in the use of data and assessments to inform and instruct classroom practice
14. include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families
15. involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions
16. create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers
17. provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom

18. where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness

9.2 Personnel Eligible for Professional Development

Eligible personnel for professional development include teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and as applicable, early childhood educators. Other school leader is further defined as a principal, assistant principal or other individual who is (A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; **and** (B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building. ESEA Section 8101(44)(A), ESEA Section 8101(42)

9.3 Conferences

A conference is defined as a meeting, retreat, seminar, symposium, workshop or event whose primary purpose is the dissemination of technical information beyond the LEA and is necessary and reasonable for successful grant performance. LEAs must exercise discretion and judgment in ensuring that conference costs are appropriate, necessary and managed in a manner that minimizes costs. Conferences are allowable for eligible personnel as long as the opportunity is both deemed allowable and allocable – benefiting the program. 2 C.F.R. §200.432

9.4 Travel Related to Professional Development

Each LEA is required to have written travel procedures that meet the requirements found in 2 C.F.R. §200.475. Travel costs are the expenses for transportation, lodging, subsistence, and related items incurred by employees who are in travel status on official business of the LEA. Such costs may be charged on an actual cost basis, on a per diem or mileage basis in lieu of actual costs incurred, or on a combination of the two, provided the method used is applied to an entire trip and not to selected days of the trip, and results in charges consistent with those normally allowed in similar circumstances in the LEA's non-federally funded activities. The LEA should identify how travel is requested, reviewed, and approved.

Chapter 10: Use of Funds

Allowable Cost

An allowable cost must meet the following criteria -

1. Be necessary and reasonable for the performance of the grant,
    a. A cost is "necessary" if it meets an important program objective. The cost must address an identified need.
    b. A cost is considered "reasonable" if, in its nature and amount, it does not exceed that which would be incurred by a prudent person.
2. Conform to any limitations or exclusions,
3. Be consistent with policies and procedures,
4. Be accorded consistent treatment,
5. Be determined in accordance with generally accepted accounting principles,
6. Not be included as a cost or used to meet cost sharing or matching requirements,
7. Be adequately documented, and
8. Costs must be incurred during the approved budget period. 2 C.F.R. §200.403

Allocable Cost
A cost is allocable to a particular federal award if the goods or services involved are assignable to that federal award in accordance with relative benefits received. 2 C.F.R. §200.405(a)

1. To what extent are the expenditures charged to a particular grant program benefiting the program?

Needs Assessment
When determining activities, the LEA must take into consideration the need and goal of the activity. The LEA must consider data measured through the implementation of the activity, the performance measure, and the expected outcome. ESEA requires the use of funds to be driven by data, to ensure the subrecipient is utilizing the funds in a way that will benefit the needs of the students. ESEA 1114(b)(6), ESEA Section 4106(d)

Supplement, Not Supplant
In general, ESEA funds must be used to supplement state and local funds available. Each ESEA program has specific supplement, not supplant requirements that need to be followed. ESEA Section 1118(b)(1), 34 C.F.R. §200.29(b)(2)(viii), 34 C.F.R. §200.25(d)

Evidence Based Interventions
Evidence-based interventions are practices or programs that have evidence to show they are effective at producing results and improving outcomes when implemented. ESEA Section 8101(21)

Administrative Costs

For the purpose of administering Title I, Part A program, LEAs may use these funds for administrative costs, which will be those incurred by the LEAs to carry out the administration, evaluation and technical assistance associated with this grant. Administrative costs will be coded under function code 2330, and may encompass Title I administrative personnel's salaries (Title I director/coordinator, Title I secretary/claims clerk), Title I administrators' travel expenses to Title I related conferences, subscription to federal publications, etc.

Oklahoma Statute 70 O.S. 18-1 allows administrative costs to be charged by LEAs in the amount of 5, 7 or 8% of their state allocation, and it is calculated based on the LEA's student Average Daily Attendance (ADA) as follows:

ADA less than 500 students	8%
ADA between 500-1500 students	7%
ADA greater than 1500 students	5%

The OSDE allows the same percentages to be applicable to the Title I, Part A allocation for administrative cost calculation purposes.

Paraprofessionals

It is allowable to pay paraprofessional salaries from Title I, Part A funds.

The paraprofessional rule OAC 210:20-9-102 has been amended to clarify the requirements that apply to paraprofessionals in two federally defined roles, Title I schools and special education services, and it stipulates that:

"Under Oklahoma law, a public school paraprofessional is an employee of a school district whose position is instructional in nature, or who delivers other direct services to students and/or their parents, and for which a certified teacher or other professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance. Individuals must meet requirements established by federal and state law to be authorized to serve as public school paraprofessionals." OAC 210:20-9-102; 70 O.S. § 6-127A

The required qualifications (Tier 1) for a general education paraprofessional are: 1) Has completed at least two (2) years of study at an institution of higher education, defined as completion of at least forty-eight (48) credit hours of college coursework; or 2) Has obtained an associate's degree or higher; or 3) Has either passed the Oklahoma General Education Test (OGET), obtained a National Career Readiness Certificate through successful completion of the ACT, WorkKeys assessment, or passed the ParaPathways Assessment offered through the Educational Testing Service.

The required qualifications (Tier 2) for a special education paraprofessional are: meet one of the Tier 1 qualifications and 1) Has completed the Oklahoma Special Education Paraprofessional Training available at Career Technology centers, equivalent training provided by the State Department of Education through an in-person or online program, or other state-approved training provided by a school district. and 2) Has completed training in cardiovascular pulmonary resuscitation (CPR) and First Aid.

The Office of Title Services (OTS) that ALL paraprofessionals who work in a school that receives Title I, Part A funds (Targeted Assistance and Schoolwide), in general education or special education settings have proper qualifications. It is not mandatory to obtain a credential/certificate from OSDE but meeting one of the approved qualifications is mandatory in a school receiving Title I, Part A funds.

Chapter 11: FAQs

Monitoring

1. **Question:** How does the Oklahoma State Department of Education (OSDE) monitor the LEA's Title I, Part A program?
Answer: The Office of Title Services (OTS) at the OSDE has a consolidated monitoring process that encompasses reviewing most of the grants funded under the Elementary and Secondary Education Act (ESEA). The process is referred to as the ESEA Grant Performance Review and is completed at least once every five years for each LEA that receives ESEA grant funds. Each year the OTS reviews a consolidated budget application submitted by each LEA. OTS staff also review each claim for reimbursement of federal funds. For additional information regarding the process refer to the ESEA Grant Performance Review - Office of Title Services (OTS) webpage.

Comparability

1. **Question:** When should comparability be determined?
Answer: The comparability process must enable an LEA to identify, and correct during the current school year, instances in which it has non-comparable schools. An early determination of comparability would allow an LEA to make adjustments with the least amount of disruption. The SEA may establish deadlines for comparability determinations and for implementing any required corrective actions.

2. **Question:** If an LEA is using the student/teacher ratio method to demonstrate Comparability, should all figures used (enrollment and instructional staff FTE) reflect data from the same day in the school year?
Answer: Yes. An LEA should be consistent with regard to what day of the year the data collected reflect.

3. **Question:** In addition to grade span groupings, does the LEA have the option to divide grade spans into a large school group and a small school group?
Answer: Yes, but there should be a significant difference in the enrollments of schools within the grade span. For example, a significant difference would exist if the largest school in a grade span has an enrollment that is two times the enrollment of the smallest school in the grade span.

4. **Question:** Are there any circumstances in which the comparability requirement might not apply?
Answer: Yes. The comparability requirement does not apply to an LEA that has only one building for each grade span. ESEA, Section 1118(c)(4) A variation of this situation would be where an LEA has only two schools, one of which is a large school and the other is a small school. In this case, the comparability requirement would not apply because the LEA would compare the small school to itself and the large school to itself. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.

Records Management

5. How long does an SEA need to keep financial records, supporting documents, statistical records, and all other records pertinent to a federal award?
Answer: According to 2 C.F.R. §200.334 the LEA must retain all applicable records for a period of three years from the date of submission of the final expenditure report or, for federal awards that are renewed quarterly or annually from the date of submission of the quarterly or annual financial report. The Oklahoma State Department of Education (OSDE) Office of Title Services (OTS) recommends keeping records for a minimum of five years.

Nonpublic School Students

6. **Question:** May an LEA use more than one method of collecting poverty data on nonpublic school students?

Answer: Yes. Although the preferred measure for obtaining poverty data on children in private schools is the same measure the LEA uses for public school children (e.g., school lunch data such as direct certification data), these data may not be available for each private school (e.g., if a private school does not participate in the school lunch program). Thus, it may be necessary for an LEA, after consultation with appropriate private school officials, to use more than one method of collecting data on children living in poverty among private schools or within a single school. However, the LEA must ensure that there are no duplicate counts and that the methods used have comparable income levels.

7. **Question:** If a private school is a Community Eligibility Provision (CEP) school, does every child in the private school automatically generate Title I funds for equitable services?
Answer: No. Title I funds are generated to provide equitable services to eligible private school students on the basis of private school students from low-income families who reside in participating Title I public school attendance areas and not on the basis of all students in a private school. Accordingly, even if a private school is a CEP school and all students in the school are from low-income families, only those students who reside in a participating Title I public school attendance area would generate funds for Title I equitable services.

8. **Question:** May an LEA reserve funds off the top of its Title I allocation before it determines the proportional share for equitable services?
Answer: No. ESEA requires an LEA to determine the proportional share of Title I funds available for providing equitable services prior to any expenditures or transfers of funds. ESEA, Section 1117(a)(4)(A)(ii)

9. **Question:** What does it mean for an LEA to determine the proportional share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds?
Answer: An LEA must apply the proportion used to calculate the proportional share to its entire Title I allocation (including any Title II, Part A or Title IV, Part A funds that an LEA transfers into Title I, Part A) before it reserves any funds for other purposes, including all reservations the ESEA requires or authorizes an LEA to take off the top of its Title I allocation, such as reservations for administration, parent and family engagement, children in institutions for neglected or delinquent children, homeless children and youth, and district-wide initiatives.

10. **Question:** How does the 15 percent carryover limitation in ESEA Section 1127(a) apply to equitable services carryover?
Answer: The 15 percent carryover limitation in ESEA Section 1127(a) is calculated based on an LEA's total Title I allocation, including the portion allocated for equitable services. However, because an LEA generally must carry over any equitable services funds not obligated in accordance with ESEA Section 1117(a)(4)(B), if an LEA exceeds the carryover limitation, and an SEA reduces the LEA's allocation as a result, such reduction may not come from the portion of carryover funds used to provide equitable services. An exception would be if one or more private schools declines all or a portion of services, and there are no other participating private schools. In this case, the SEA would consider the funds generated for the declined services when making a reduction to an LEA's allocation.

11. **Question:** May an LEA implement a schoolwide program in a private school?
Answer: No. The provision of equitable services may not benefit a private school or the general needs of children in the private school and must be provided by employees of an LEA or through a contract by an LEA with an individual, association, agency, or organization that is independent of a private school. ESEA, Section 1117(d); 34 C.F.R. §200.66(b)(2). Therefore, an LEA could not realistically operate a schoolwide program, which is designed to upgrade the entire educational program in a school, in a private school.

12. **Question:** Must a paraprofessional employed by an LEA provide equitable services work under the direct supervision of a public school teacher?
Answer: Paraprofessionals who work in public or nonpublic schools must meet the same requirement under ESEA, and work under a certified teacher.

13. **Question:** May private school officials arrange for Title I services and activities for staff who provide instruction to Title I participants and submit an invoice to the LEA for reimbursement?
Answer: No. Private school officials are not authorized to obligate or receive Title I funds.

Tuition Reimbursement

14. **Question:** May Title I, Part A funds be used to pay for college tuition reimbursement for teachers?
Answer: The intent and purpose of Title I, Part A is to "directly support low income students, who are failing or most at risk of failing, to meet State's challenging academic achievement standards." College classes represent teacher advancement,

and they will improve teacher quality, an activity supported from Title II, Part A funds. See more about tuition reimbursement under the OSDE -Title II, Part A Handbook.

Educator Equity

15. **Question:** Is an LEA required to address educator equity under ESEA?
Answer: Yes, ESEA section 1112(b)(2) requires each LEA receiving a Title I, Part A subgrant to identify and address any disparities that result in low-income students and minority students being taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers. LEAs will address educator equity as a part of the Comprehensive District Academic Plan (CDAP) submitted as a part of the Consolidated Application in the Grants Management System (GMS). In LEAs with only a single school site or in LEAs with a single school site per grade span, the section on educator equity may describe professional development and/or mentorship programs for inexperienced or ineffective teachers.

Preschool Programs

16. **Question:** May Title I funds be used to operate a preschool program?
Answer: Yes, any LEA or school that receives Title I funds (i.e., a Title I LEA or Title I school, respectively) may use Title I funds to operate, in whole or in part, a preschool program consistent with Title I requirements. For additional information refer to the Non-Regulatory Guidance, Serving Preschool Children Through Title I, Part A of the Elementary and Secondary Education Act of 1965 dated February 2024.

17. **Question:** Is an LEA required to consult with Head Start agencies?
Answer: Each LEA receiving Title I funds, regardless of whether it operates a Title I preschool program, must carry out the following coordination activities with Head Start agencies and, if feasible, other early learning programs that serve children who will attend the schools of the LEA: • Developing and implementing a systematic procedure for receiving records of preschool children, with their family's consent; • Establishing communication between school staff and their early learning program counterparts; • Conducting meetings involving parents, kindergarten or elementary school teachers, and Head Start teachers, or, if appropriate, teachers from other early learning programs to discuss the developmental and other needs of individual children; • Organizing and participating in joint transition-related training of school staff and Head Start staff, and, where appropriate, other early learning program staff; and

- Linking the educational services provided by the LEA with those provided by Head Start programs. (ESEA section 1119(b)).

For additional information on these requirements, refer to Non-Regulatory Guidance, Serving Preschool Children Through Title I, Part A of the Elementary and Secondary Education Act of 1965 dated February 2024.

Resources

- Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA)
- Non-Regulatory Guidance, Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965 February 2022
- Non-Regulatory Guidance, Supplement Not Supplant Under Title I, Part A of the Elementary and Secondary Education Act of 1965 June 2019
- Non-Regulatory Guidance, Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance May 2023
- Non-Regulatory Guidance, Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), As amended by the Every Student Succeeds Act (ESSA) November 2016
- Non-Regulatory Guidance, Serving Preschool Children Through Title I, Part A of the Elementary and Secondary Education Act of 1965 February 2024
- Title 2 Code of Federal Regulation (CFR) Part 200
- Oklahoma Statute, Title 70
- Federal Register, Vol.69, No. 127, July 2, 2004
- Oklahoma Administrative Code (OAC) Title 210 – State Department of Education
- Oklahoma Cost Accounting System Manual