

From: [Jessica Mahajan](#)
To: [Caroline Walker](#)
Cc: [Michael Martirano](#)
Subject: Re: Memo regarding Richard Kohn's Title 1 Data blog post
Date: Wednesday, May 30, 2018 1:39:28 PM

Ms. Walker,

Thank you for the quick response. I appreciate you explaining Title 1 funding so thoroughly.

I know the staff at [REDACTED] works hard to maximize the Title 1 funds in all the ways you describe. I've seen all the effort put into to using the funds wisely by our school staff and the school system and am familiar with amount of work our principals, staff, and parents put in on the SIP. It was not the use of the funds that prompted my email, but concerns over inaccurate data being used to make decisions (in the case of the AAC of last summer) or being reported (in the case of Richard Kohn's analysis). What effect do these inaccuracies have on decisions made that impact our Title 1 schools? What steps are being made to prevent further data errors? What efforts are being made to be transparent when mistakes are being made? These questions are more for the Superintendent.

I would still appreciate a response from Dr. Martirano that answers my questions. I would like to see the BOE and HCPSS treat concerned citizens as community partners, but with these two incidents (and repeated ignored requests for more info or corrected data from people within my part of the county) it feels as though those of us who question inaccurate numbers are being treated as bad guys instead of a helpers. Transparency works when everyone is treated respectfully.

Thank you again for your time!

Jessica Mahajan

On May 26, 2018, at 9:52 AM, Caroline Walker <Caroline_Walker@hcpss.org> wrote:

Dear Ms. Mahajan,

I want to thank you for taking the time to reach out to express your concerns in an email to Dr. Martirano. Dr. Kohn's statement that the HCPSS misappropriated grant funds is an extremely serious statement. As the Title I Coordinator for the Howard County Public School System for the past 12 years, my team and I have worked to ensure Title I funds were directed only towards Title I schools in alignment with the law.

Dr. Kohn is a respected researcher who has based his analysis on a theory that makes a false assumption. The HCPSS receives federal grants that are not Title I. The analysis of the OCR data Mr. Kohn conducted was done under the assumption that the only federal funding that the HCPSS receives is Title I funding. What he did not consider is that the HCPSS receives other federal grants (e.g., Title II, Title III, Title IV, 21st Century Learning Communities, Special Education Passthrough Grants).

Each year, the HCPSS creates a plan for supporting students requiring additional supports using state allocated Title I funding. For the past several years, the HCPSS has used its Title I grant to

provide additional staffing, tutoring opportunities, family engagement events, and materials of instruction that add to the resources at each Title I school. Staff from the Title I office work with school administrators to develop grant fund spending that aligns with the school improvement plan (SIP) priorities.

Additionally, the HCPSS operating budget provides additional funding for Title I schools in the form of differentiated staffing and more professional learning than other elementary schools receive from the reading and mathematics support teachers.

There are safeguards in place to ensure funds are used at the appropriate schools, including frequent inclusion in Single Audits, Maryland State Department of Education Audits, and annual MSDE program reviews. These safeguards protect us from making errors in fund distribution and use.

When we noticed there were errors on the Office of Civil Rights (OCR) website, we made a plan to determine how the error happened and to reach out to the Office of Civil Rights to try to correct the errors. We do not want incorrect information shared with the community in any venue.

Thank you for advocacy for the Title I schools. I'd be glad to discuss this with you further, if desired.

Yours truly,

Caroline

Caroline Y. Walker, Ph.D.
Director of Program Innovation
Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
410-313-6614 (phone)

Begin forwarded message:

From: Jessica Mahajan <jessica.mahajan@gmail.com>
Date: May 25, 2018 at 10:10:35 PM EDT
To: <michael_martirano@hcpss.org>
Subject: Memo regarding Richard Kohn's Title 1 Data blog post

Dear Dr. Martirano,

As an HCPSS parent at a Title 1 school I am beyond troubled by your memo regarding Richard Kohn's recent blog post on Title 1 funding in Howard County.

First, how did the federal government end up with inaccurate information?
How did no one at the school system catch this mistake (especially that the

federal data shows that we have 32 Title 1 schools instead of 12) until now when it's convenient to point out that Kohn is using "incorrect data and calculations"?

Second, I'm very concerned that this is the second time in less than a year that a member of our community has had to point out to HCPSS that they are using inaccurate data specific to low income students. During the redistricting process last summer, the [REDACTED] community had to ask again and again (and then pull in members of the county council to assist us in being heard) for the FARMs data to be re-evaluated because we knew that the redistricting committee was looking at wrong data on FARMs percentages. It took repeated calls, emails, requests for information, and face-to-face meetings before Renee Kamen of the Office of School Planning acknowledged the mistakes (after repeatedly telling us we were wrong). Who is in charge of data analysis at HCPSS? Even if we don't discuss the Title 1 funding data Kohn looked at, the data errors for redistricting were going to have a drastic negative impact by increasing segregation of low income families. What other data related to low income students is being misreported or worse?

Third, the tone of your memo does not meet my expectations of what someone focused on equity should be saying. Your memo implies that Richard Kohn is playing with the inaccurate data to paint a picture of misuse of funds, when instead it is because of Kohn that HCPSS is able to correct data reporting errors. Instead of admitting that this needs to be fixed immediately, your memo puts the blame on Kohn.

I ask that you please acknowledge that many parents are concerned with the inaccurate data reported by the county in recent years. The school system has shown repeatedly in the last year alone that it only says it values equity, but isn't willing to make actual budgetary decisions to lessen the achievement gap. Many parents are concerned by drastic budget cuts that overwhelmingly impact Title 1 elementary schools more than all other schools (threats to full day pre-k, the sudden stop of the World Language program, staff reductions which have since been reinstated, funding for TSES being on the line). I'm tired of hearing "cuts had to be made" all while very little is cut from other schools and new schools are still on track to be built. Many parents are concerned by the negative correlation between increases in FARMs and PARCC scores. Many parents worry about our teachers at Title 1 schools who teach and manage so much more than just Math or Language Arts.

I ask that instead of dismissing Kohn's blog post, you tell the truth and move forward with an actionable plan for better data collection and reporting, and with an actionable plan for lessening the achievement gap.

Sincerely,

Jessica Mahajan

Parent and PTA member

[Redacted]

From: [Bess Altwerger](#)
To: [BoE Email](#)
Cc: [Michael Martirano](#); [Rafiu Ighile](#)
Subject: Re: [BoE Email] - Request for Title 1 Report
Date: Tuesday, May 29, 2018 10:01:51 AM

Colleagues,

I am seeking your approval to request a full report on our Title I funding, designations and allocations that go beyond the Board memo responding to Mr. Kohn's report. The report raises some important issues worthy of investigation and has led me to consider that at least some of us may be operating under incorrect or outdated understandings of the Federal Title I regulations.

I would also recommend that the requested Board report on HCPSS Title I programs/allocations be presented in a manner that can be shared with the public.

Please reply by indicating whether you support my request.

Thanks,

Bess

From: Richard Kohn <richardakohn@gmail.com>
Sent: Sunday, May 27, 2018 2:08 PM
To: BoE Email; councilmail@howardcountymd.gov; Superintendent; Allan Kittleman
Cc: Karen.Salmon@maryland.gov
Subject: [BoE Email] - Allocation of Title 1 Funding

This letter pertains to disclosure of possible mis-identification of Title 1 schools, and distribution of Title 1 funding. Also, please find the original blog post at:
<https://howardcounty640805081.wordpress.com>

From: [Richard Kohn](#)
To: [Kirsten Coombs](#)
Subject: Re: [BoE Email] - Allocation of Title 1 Funding
Date: Tuesday, May 29, 2018 6:22:21 AM

Looks like 1 version was automatically sent twice. Perhaps didn't go through completely first time.

Sent from my iPhone

> On May 28, 2018, at 9:49 PM, Kirsten Coombs <Kirsten_Coombs@hcpss.org> wrote:

>

> Dr. Kohn,

>

> Is this different than your email yesterday?

>

> Kirsten Coombs

> Sent from my Board iPhone

>

>> On May 28, 2018, at 8:33 PM, Richard Kohn <richardakohn@gmail.com> wrote:

>>

>> <response to Title 1 designations.pdf><Blog Post- Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools – From Data to Knowledge.pdf>

>>

>> This letter pertains to disclosure of possible mis-identification of Title 1 schools, and distribution of Title 1 funding. Also, please find the original blog post at: <https://howardcounty640805081.wordpress.com>

From: [Kirsten Coombs](mailto:kcoombs1209)
To: kcoombs1209 [REDACTED]
Subject: Fwd: [BoE Email] - Allocation of Title 1 Funding
Date: Monday, May 28, 2018 5:10:08 PM
Attachments: [response to Title 1 designations.pdf](#)
[ATT00001.htm](#)
[Blog Post- Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools – From Data to Knowledge.pdf](#)
[ATT00002.htm](#)

Kirsten Coombs
Sent from my Board iPhone

Begin forwarded message:

From: Kirsten Coombs <Kirsten_Coombs@hcpss.org>
Date: May 28, 2018 at 2:28:25 PM EDT
To: Caroline Walker <Caroline_Walker@hcpss.org>, "William J. Barnes" <William_Barnes@hcpss.org>
Subject: Fwd: [BoE Email] - Allocation of Title 1 Funding

Kirsten Coombs
Sent from my Board iPhone

Begin forwarded message:

Resent-From: <restrictedboard@hcpss.org>
From: Richard Kohn <richardakohn@gmail.com>
Date: May 27, 2018 at 2:08:12 PM EDT
To: BoE Email <boe@hcpss.org>, <councilmail@howardcountymd.gov>, Superintendent <superintendent@hcpss.org>, Allan Kittleman <AKittleman@howardcountymd.gov>
Cc: <Karen.Salmon@maryland.gov>
Subject: [BoE Email] - Allocation of Title 1 Funding

From: [Christina Delmont-Small](#)
To: [David L. Clark](#)
Subject: Fwd: [BoE Email] - Allocation of Title 1 Funding
Date: Monday, May 28, 2018 4:32:39 PM
Attachments: [response to Title 1 designations.pdf](#)
[ATT00001.htm](#)
[Blog Post- Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools – From Data to Knowledge.pdf](#)
[ATT00002.htm](#)

Christina Delmont-Small
Member
Board of Education of Howard County
667-786-3895 cell

Sent from my BOE iPhone

Begin forwarded message:

From: "Richard Kohn" <richardakohn@gmail.com>
To: "BoE Email" <boe@hcpss.org>, "councilmail@howardcountymd.gov"
<councilmail@howardcountymd.gov>, "Superintendent"
<superintendent@hcpss.org>, "Allan Kittleman"
<AKittleman@howardcountymd.gov>
Cc: "Karen.Salmon@maryland.gov" <Karen.Salmon@maryland.gov>
Subject: [BoE Email] - Allocation of Title 1 Funding

From Data to Knowledge

☰ Menu

Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

☐ R.A. Kohn ☐ Uncategorized ☐ May 24, 2018May 24, 2018 ☐ 6 Minutes

Of the Federal grant money intended to improve education among low-income students in Howard County, \$6.2 million per year was used to support schools with low concentrations of poverty and \$2.9 million was allocated to high-poverty schools.

How Federal Title 1 Funding is Allocated.

Federal funding is provided for every student in a school living near poverty. Students are eligible for Free and Reduced Meals (FARM) if their family income is less than about twice the poverty level. Therefore, some federal funding is awarded to enhance instruction for every student on FARM in a school. A higher amount of funding per FARM student is allocated to schools with a higher concentration of FARM students, such as greater than 15%, and even more if greater than 38% FARM. The allocation per FARM student increases in dollars per FARM student as the concentration of FARM students in a school increases above these different thresholds. This money is intended to help decrease the gap in school performance between low-income and higher income students. It is intended to help by providing tutoring or more intensive instruction for the at-risk population.

All of the graphs I will present were derived from data posted recently on the US Department of Education website: <https://ocrdata.ed.gov> (<https://ocrdata.ed.gov/>). Individual school data can be looked up, but in the present case, I downloaded the financial data for the entire Howard and Montgomery County districts. The website provides the Federal, State, and Local spending for each school, or the State and Local spending for each school, as reported by the school districts. I subtracted the State and local spending from the Federal, State, and local spending to determine the Federal spending. The results reported herein are only as good as the reporting by the school systems and US government, and these results need to be verified with school budgets. Data were from the most recent year available, 2015.

Figure 1 shows the federal spending per student in Montgomery County, MD. Note the federal spending increases slowly until about 50% FARM per school, after which the funding per student increases from less than \$500 per student to \$3000 per student.

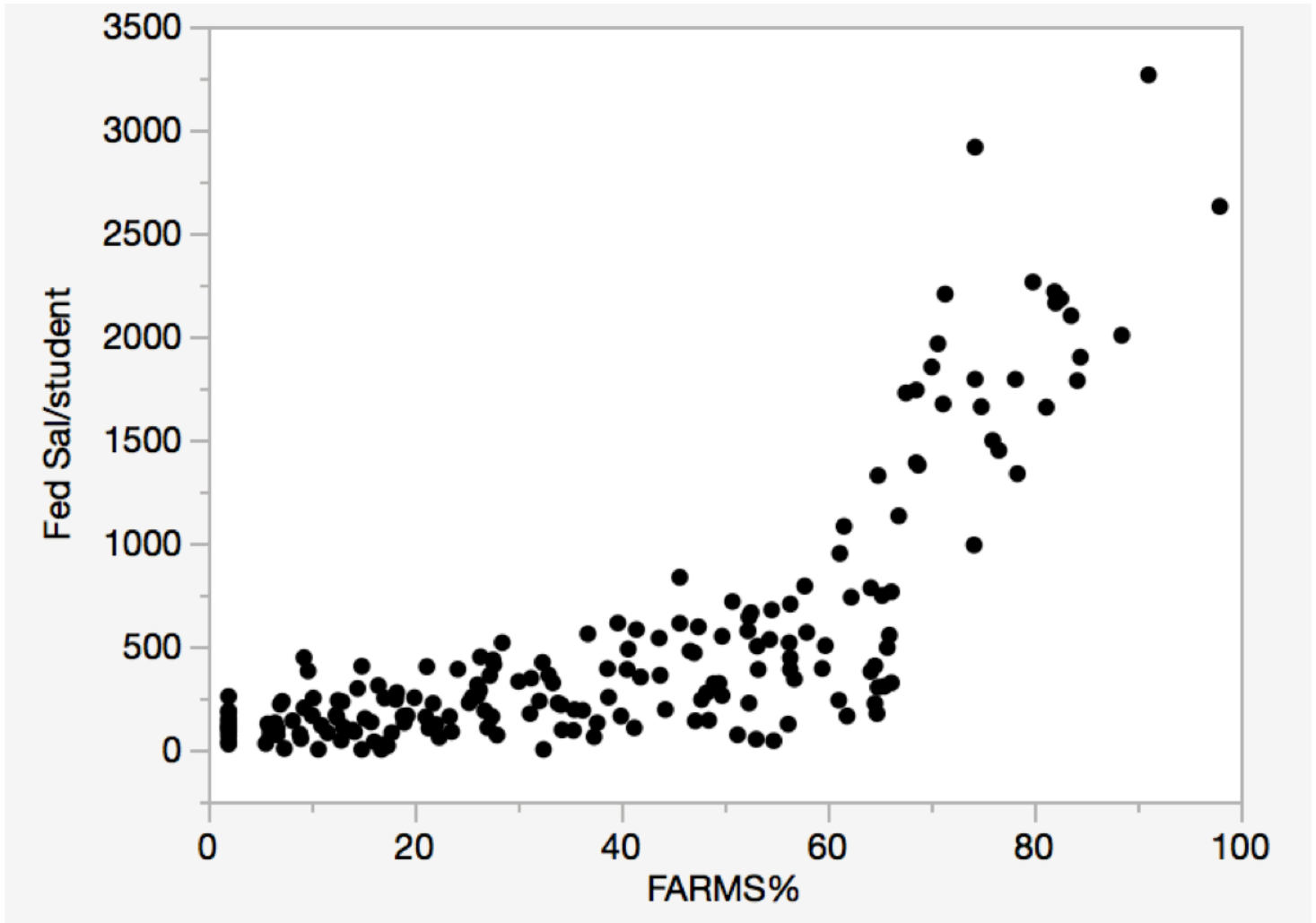


Figure 1. Federal spending on salaries per student by FARM percentage for schools in Montgomery County, MD.

Figure 2 shows the federal spending per FARM student in Montgomery County, MD. Note the federal funding is constant until a threshold at about 60% FARM, after which the funding per FARM student increases to about \$3000/ FARM student. There are some high spending amounts early on in schools with very few FARM students, possibly due to error in number of FARM students or funding, with this error comprising a large effect on a small number.

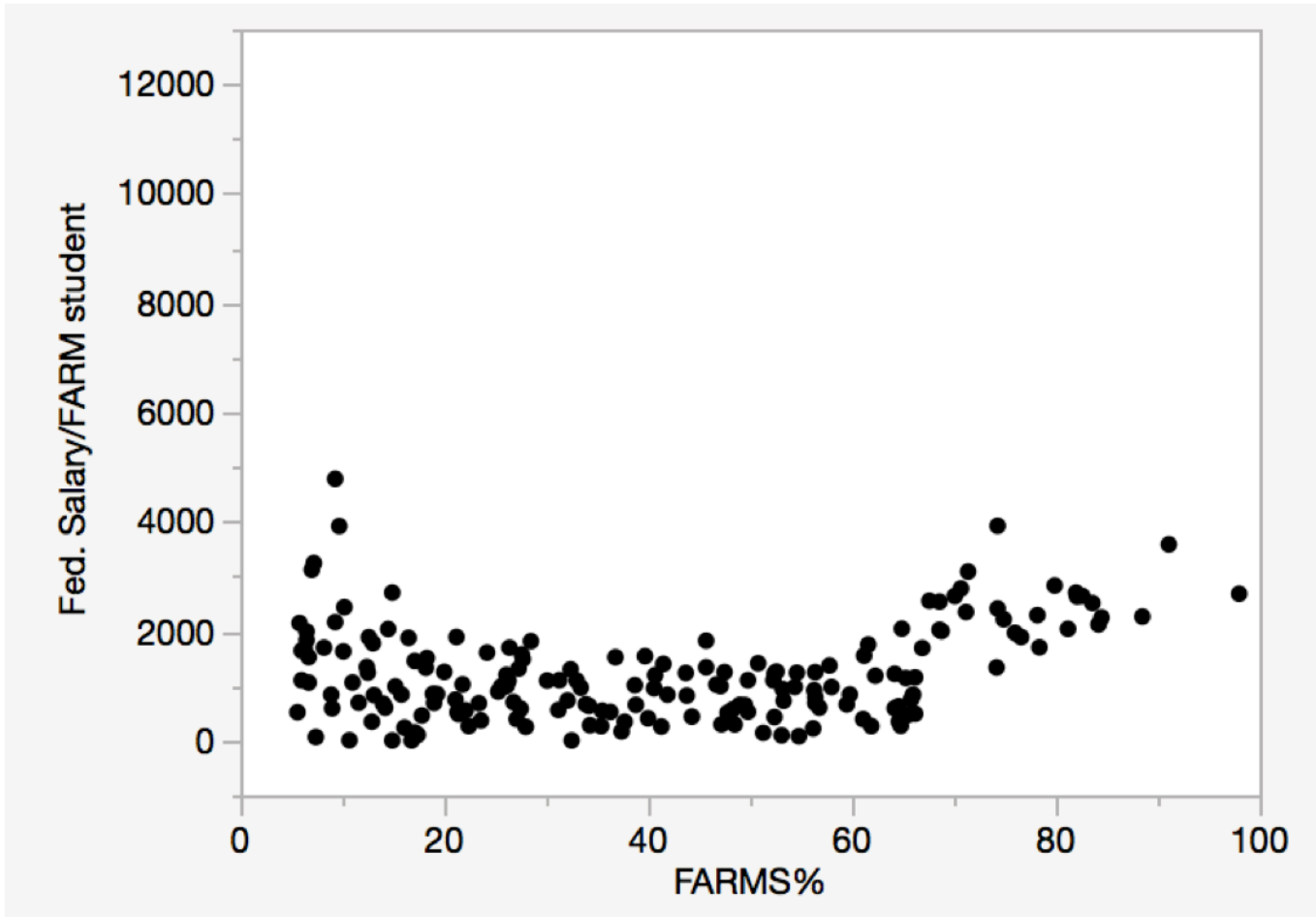


Figure 2. Federal spending on salaries per FARM student by FARM percentage for schools in Montgomery County, MD.

Howard County

In previous posts, I showed that the income performance gap in Howard County is the greatest in Maryland. It is about twice as high as the average for the State. Our high-income students do a little better than the state average, but our low-income students do worse on statewide standardized tests.

I also showed in previous posts that the performance gap is not because our low-income schools underperform. The students from wealthy neighborhoods do well in most Howard County schools even the ones with many low-income students, and the students from low-income neighborhoods do more poorly across Howard County schools.

I have also shown that Howard County is bussing students to maintain or increase segregation by race and income. The most recent redistricting debate centered around the best way to bus students to attempt to distribute students from crowded schools to schools with excess capacity, but the process was stymied because parents from “white” neighborhoods refused to be moved to “inferior” schools. Ironically, those students would have performed just as well or better in the alternative schools, and they would have been exposed to more cultural diversity and been able to attend less

crowded schools. In Howard County, many of our students ride the bus longer to an overcrowded school in order to attend segregated schools. Of course, the lower performance of lower-income students contributes to the fears that drive this segregation and concomitant racism and intolerance.

By now, one should see that Howard County needs to invest more in low-income students across all schools. The budget woes created by the County Executive's plan to divert the county budget away from education have been met with proposals from the School Superintendent to cut programs across the board, and particularly to cut programs serving low-income students such as the World Language Program. Because of the budget cuts, class size will be increased, but studies have shown that performance of low-income students will suffer more than for students in general because of these changes.

How is Howard County Using Federal Grants Allocated for Decreasing the Performance Gap?

In contrast to the graphs for Montgomery County shown above, Howard County does not appear to be using federal funding as it was intended. Similar graphs for Howard County are shown in Figures 3 and 4. There is no federal funding being spent for middle school or high school, and the federal funding for personnel per student increases slightly as the FARM % of schools increases for elementary schools. Note, the county seems to spend about \$300 per student in federal funding in schools with theoretically no FARM students. This amount increases to only about \$450 per student in high-FARM elementary schools.

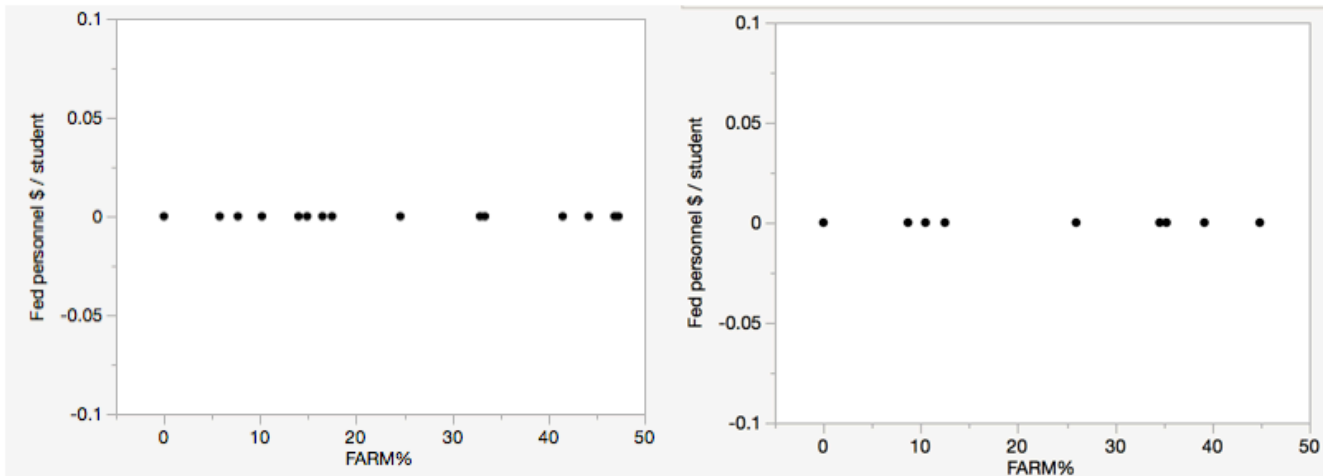
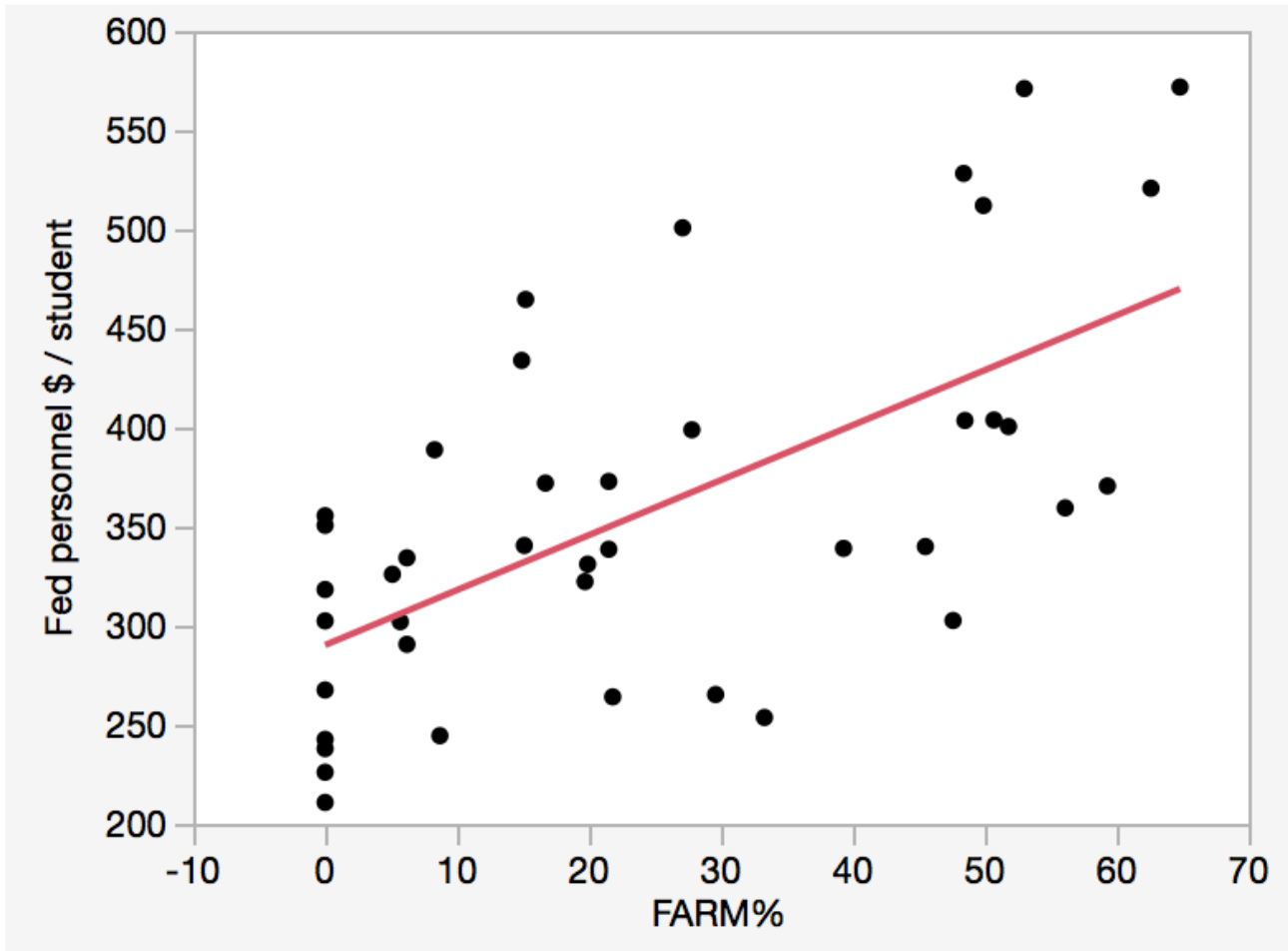


Figure 3. Federal spending on salaries vs. FARM percentage in elementary (top), middle and high schools (bottom) in Howard County, MD.

Federal funding is awarded to each school according to the Title 1 program. The amount awarded is supposed to increase per FARM student as the number of FARM students increases. One would expect the upward increase seen in Figure 2 for Montgomery County. In contrast, in Howard County, the amount spent per FARM student decreased as the FARM percentage increased as seen in Figure 4.

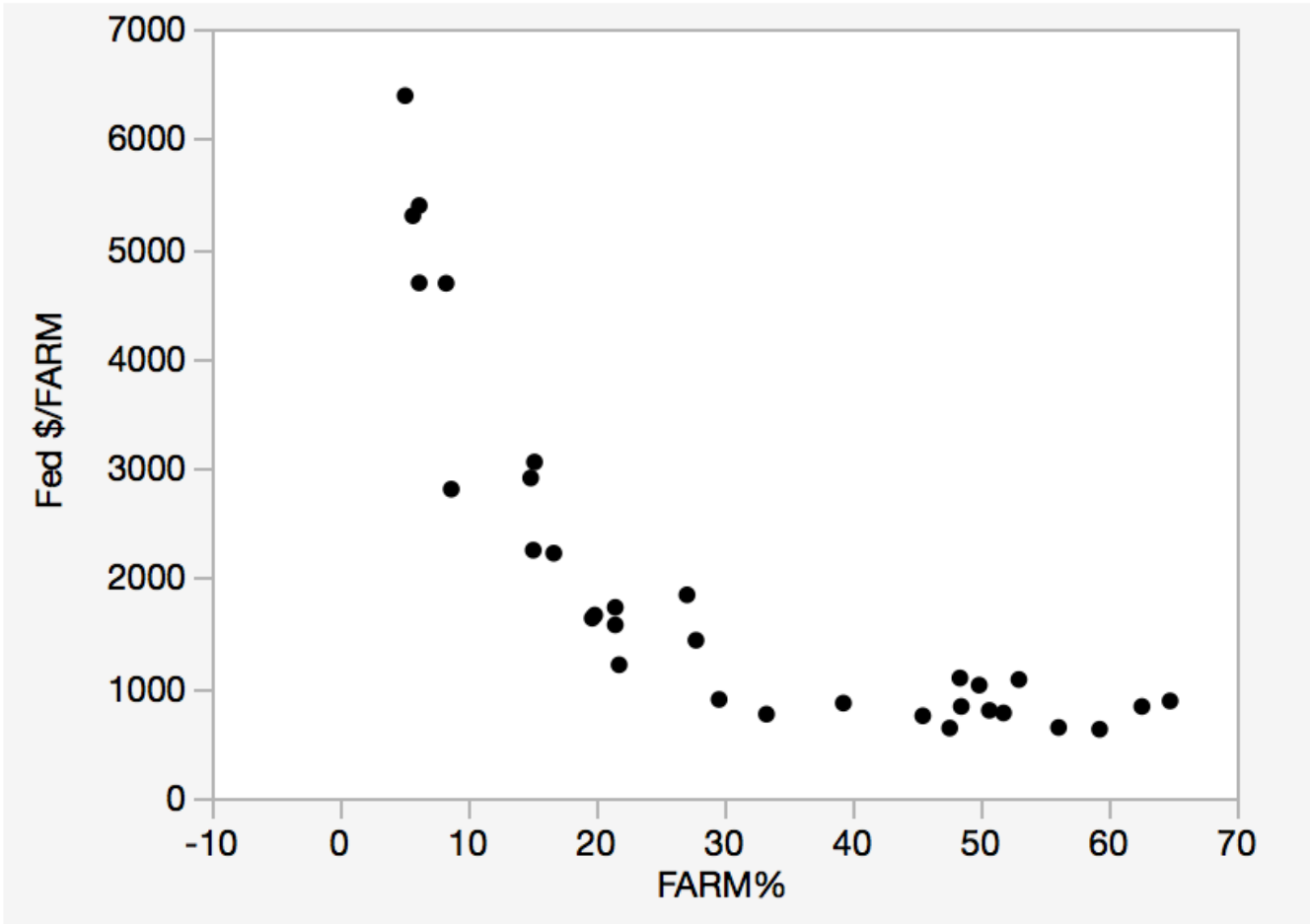
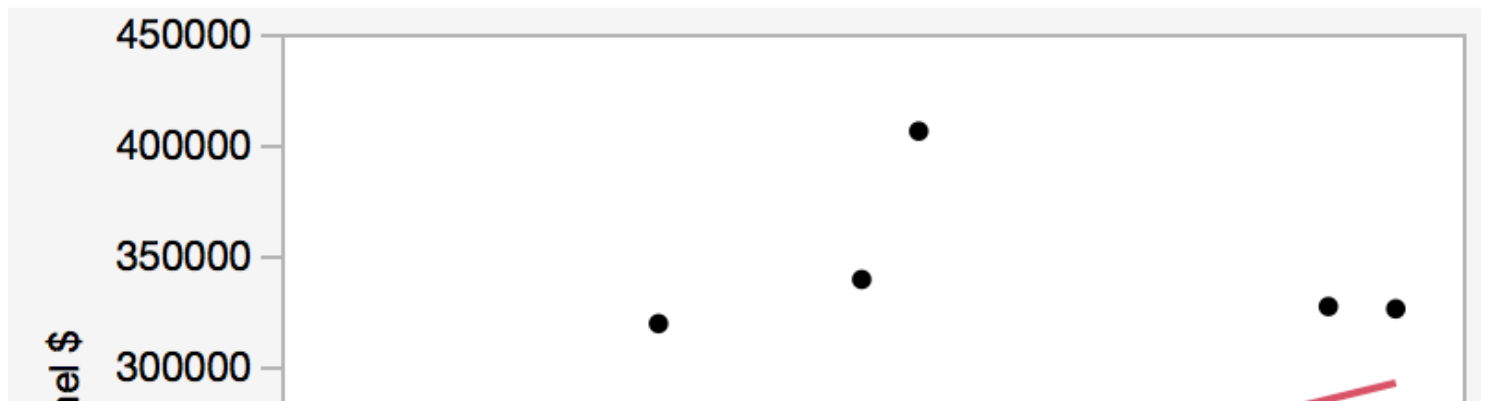


Figure 4. Federal spending on salaries per FARM student by FARM percentage for elementary schools in Howard County, MD.

The next graph shows how the money was spent in each school. On average, each elementary school gets \$183,000 + \$260 times FARM students. Most is used for teachers’ salaries, and some is used for teaching aides. Although the funding for elementary schools increases slightly when the school has more FARM students, the slope is far lower than was intended by the Federal program. Furthermore, is this funding really being used to improve the performance of low-income students? As it was distributed across schools, including schools with less than reportable percentages (<5%) FARM students, it was likely used to support salaries for students in general.



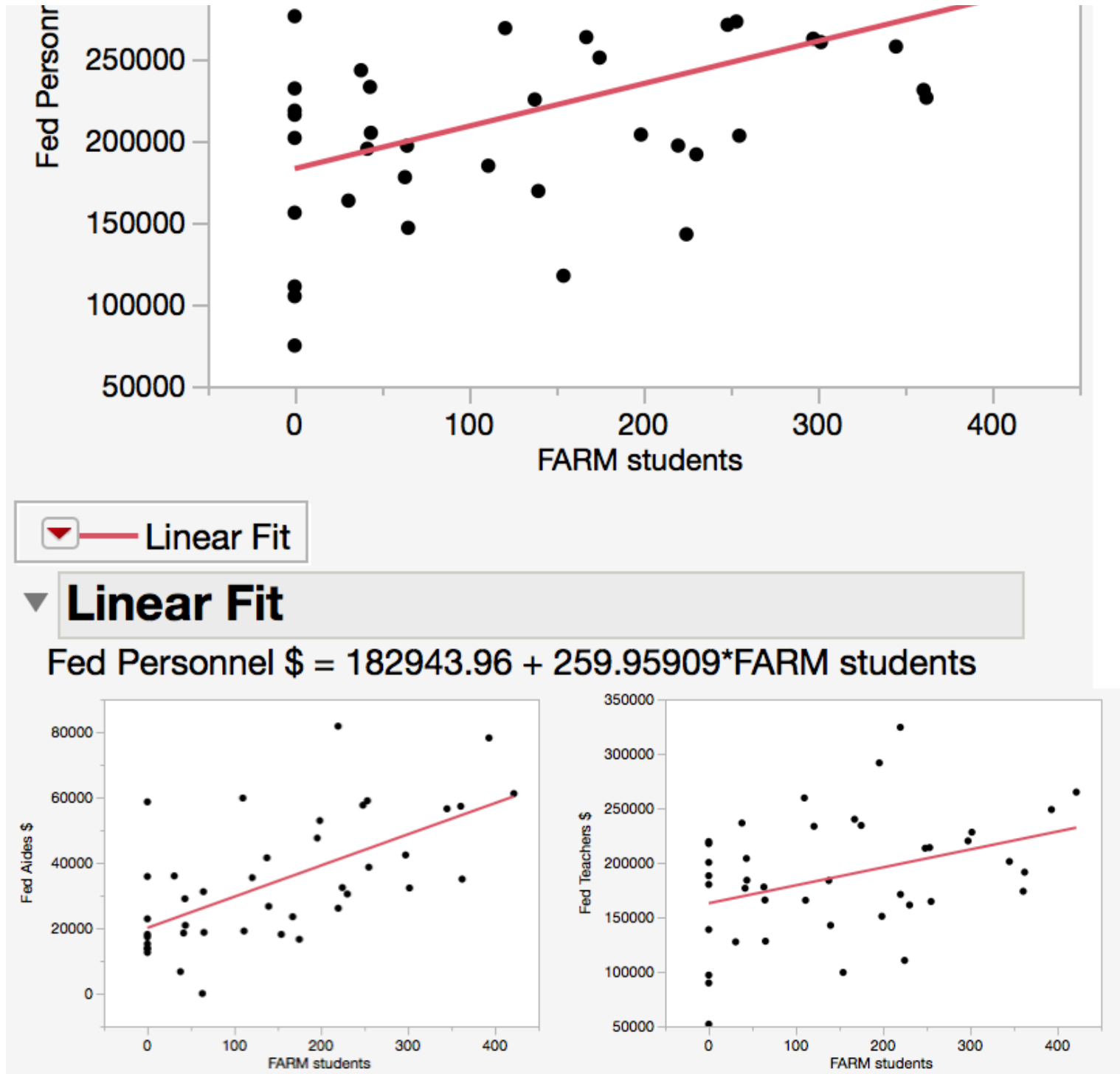


Figure 5. Federal funding per school by number of FARM students per school.

Table 1 shows how much Federal money was spent on each elementary school in Howard County. Remember, no Federal money was spent for middle schools or high schools, although money was received from the Federal government for each FARM student in those schools as well. The Federal government provides funding for schools based on the number of students in the school receiving

FARM. The Title 1 schools receive the most funding per FARM student, and certainly should receive the most funding of all schools. However, how the money appears to have been spent is another story. It looks as though the County used that money evenly across all schools.

Table 1. Federal funding for each Howard County elementary school. Shading indicates Title 1 schools which are supposed to receive most funding.

School	% FARM	Federal Support FY 2015			
		AIDES, \$	AIDES, #	Teachers	TOTAL
Atholton Elementary	15.2	\$31,160	3	\$165,817	\$196,978
Bellows Spring Elementary	14.9	\$59,788	6	\$259,502	\$319,289
Bollman Bridge Elementary	45.5	\$56,515	4	\$201,135	\$257,650
Bryant Woods Elementary	49.9	\$52,888	3	\$150,874	\$203,763
Bushy Park Elementary	0	\$18,095	1	\$200,330	\$218,425
Centennial Lane Elementary	0	\$12,560	1	\$219,423	\$231,981
Clarksville Elementary	0	\$15,194	1	\$89,685	\$104,880
Clemens Crossing Elementary	8.3	\$18,502	1	\$176,637	\$195,140
Cradlerock Elementary	50.7	\$38,643	2	\$164,446	\$203,089
Dayton Oaks	0	\$17,318	1	\$138,682	\$156,000
Deep Run Elementary	51.8	\$61,148	4	\$264,811	\$325,959
Ducketts Lane	39.3	\$32,293	2	\$228,048	\$260,341
Elkridge Elementary	27.1	\$81,767	6	\$324,315	\$406,083
Forest Ridge Elementary	29.6	\$26,088	2	\$170,985	\$197,073
Fulton Elementary	0	\$13,635	2	\$188,094	\$201,728
Gorman Crossing Elementary	19.7	\$41,513	3	\$183,720	\$225,233
Guilford Elementary	48.5	\$30,442	2	\$161,224	\$191,667
Hammond Elementary	21.8	\$26,676	2	\$142,592	\$169,268
Hollifield Station Elementary	21.5	\$23,489	2	\$239,895	\$263,383
Ilchester Elementary	0	\$35,805	2	\$180,098	\$215,904
Jeffers Hill Elementary	33.3	\$18,094	1	\$99,347	\$117,441
Laurel Woods Elementary	59.3	\$34,997	2	\$191,359	\$226,357
Lisbon Elementary	15.1	\$18,699	1	\$128,034	\$146,732
Longfellow Elementary	47.6	\$32,406	2	\$110,414	\$142,821
Manor Woods Elementary	6.2	\$20,863	1	\$183,998	\$204,860
Northfield Elementary	6.2	\$29,000	3	\$203,944	\$232,944
Phelps Luck Elementary	62.6	\$78,188	5	\$248,808	\$326,997
Pointers Run Elementary	5.1	\$6,688	1	\$236,445	\$243,132
Rockburn Elementary	16.7	\$35,444	3	\$233,454	\$268,899
Running Brook Elementary	48.4	\$57,612	4	\$213,326	\$270,938
St. Johns Lane Elementary	8.7	\$0	0	\$177,729	\$177,729
Stevens Forest Elementary	64.8	\$42,375	3	\$220,047	\$262,422
Swansfield Elementary	56.1	\$57,279	4	\$173,809	\$231,088
Talbott Springs Elementary	53	\$58,972	3	\$213,949	\$272,922
Thunder Hill Elementary	19.9	\$19,114	1	\$165,596	\$184,710

Triadelphia Ridge Elementary	0	\$13,947	1	\$96,932	\$110,879
Veterans Elementary	21.5	\$47,553	4	\$291,650	\$339,204
Waterloo Elementary	27.8	\$16,590	1	\$234,259	\$250,848
Waverly Elementary	0	\$58,620	5	\$217,581	\$276,201
West Friendship Elementary	0	\$22,850	2	\$51,872	\$74,721
Worthington Elementary	5.7	\$35,969	2	\$127,410	\$163,378
Total Title 1 schools		\$601,465	38	\$2,314,202	\$2,915,673
Total non-Title 1 schools		\$797,314	61	\$5,356,074	\$6,153,384
Total Federal Funds		\$1,398,779	99	\$7,670,276	\$9,069,057

Counter Arguments

Some will likely argue that what the County did was completely legal by some available loopholes. I don't know if that is true or not, but even if it is legal, is it wise? The income performance gap is the single most important problem facing our school district. It is affecting the education of all of our students, harming our schools' reputations, and even affecting our real estate values.

Some will say I should have used a more recent year or more years of data. These are the most recent data available. The County and the school system should make the school-by-school data available now, before approving the budget, but so far they haven't.

Some will say that it isn't fair to provide more resources to low-income students. We should continue to focus resources on the wealthy students and the wealthy school districts. Unfortunately, the County is accepting money from the Federal government to support additional instruction for low-income students, but it does not appear to be spending the money as it was intended. If you don't think this money should be allocated for this purpose, take it up with the Federal government.

Conclusions and Good News

The most serious problem with Howard County schools is the poor performance of low-income students. Now, we have a glimpse as to why. The County Council must get to the bottom of this budget before approving the next school budget. If in fact the current budget also disproportionately used Title 1 funding for teaching in low-poverty schools, this must be corrected. Redistribution of this funding might enable the County to decrease class size in low-income schools, especially for grade-level and below grade-level students. I am more than confident that the vocal affluent parents in the County will see to it that the money will be found to support their children's GT classrooms as well.

One thought on “Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools”

R.A. Kohn says:

May 25, 2018 at 4:34 pm | [Edit](#)

Letter from the HCPSS Superintendent claims the data reported on the US government website is inconsistent with the data in the HCPSS budget, but they have not reported those data.

[Reply](#)

[Blog at WordPress.com.](#)

May 27, 2018

From: Richard A. Kohn, Ph.D., email: richardakohn@gmail.com

To: Howard County Board of Education, Howard County Council

Subject: Designation of Title 1 status, and distribution of Title 1 funding

This letter is a response to the letter from Michael J. Martirano to the Members of the Board of Education on May 25, 2018, in which Mr. Martirano disclosed potential mis-identification of Title 1 schools. Mr. Martirano states: "The OCR data reports that in FY15 the HCPSS had 32 Title 1 schools instead of 12. Staff will contact OCR to try to have the data corrected."

There were 12 elementary schools, 4 middle schools, 1 high school, and Homewood Center which each had at least 40% of students on Free and Reduced Meals (FARM). The percentage of FARM students is not provided on the OCR website, and it is not clear what percentage was used to declare the school a Title 1 school, but most sources indicate that Title 1 schools have 40% FARM. Thus, there were actually 18 schools that might have been considered Title 1 schools at the time.

The Office of Civil Rights (OCR) website does in fact list 32 Title 1 schools in Howard County. See the attachment. HCPSS may have declared these schools or they may have been incorrectly entered into the database. Mr. Martirano has dutifully disclosed this fact to you, and as he says he informed OCR of the fact. It is not clear if incorrect designations of Title 1 schools could indicate misreporting elsewhere, or that incorrect designation resulted in the wrong funding level received from the program. This new information makes it even more clear that an independent audit of the HCPSS Title 1 budget must be commenced immediately. The Title 1 designation is a different issue than the one I brought forward previously in my blog post.

Please do not be distracted by some of Mr. Martirano's inappropriate comments in his letter. He claimed the blog post which I previously drew to your attention was "inaccurate", and that the CRDC dataset on which the analysis was based was inaccurate. However, he provided no examples that suggest anything was inaccurate regarding either the analysis or the data that were used for the analysis that I published. For example, the designations for Title 1 funding were not relevant to the blog post as those designations were not used. It would be quite simple for HCPSS to look for examples where a particular school did not receive the amount of federal funds published in the CRDC dataset, but he provided no examples. This leads me to conclude that either HCPSS didn't bother to check their own budget, or they did check and found there to be no discrepancies between their budget and the CRDC. In either case, HCPSS must audit the Title 1 funding, and correct the data if it is in error, or explain why the Title 1 funding has been diverted to low-FARM schools. This was the major conclusion from the blog post, and the added information from Mr. Martirano only further supports that conclusion.

Mr. Martirano stated that my conclusions were not correct, but he has offered no evidence to support his case. He assures the Board that the Title 1 Program has been audited again and again, and yet discrepancies remain unexplained. Mr. Martirano has dutifully informed you of the mistakes in the CRDC data in terms of Title 1 designation, but at the same time he is using false and misleading statements and false assurances about the original issue of distribution of federal funding to Howard County schools. These actions seem to be an attempt to sweep the issue under the rug.

The Board must demand that all of these issues be investigated, and falsely reported or falsely published information be corrected. The correct revenue and spending information for each of federal, state, and local sources for each school must be published immediately.

Sincerely,

Richard A. Kohn, Ph.D

Attached: CRDC list of Howard County Title 1 schools, letter from Michael J. Martirano

Listed as Title 1 Elementary Schools on OCR Website

School	FARM %
Bollman Bridge Elem	45.5
Bryant Woods Elem	49.9
Cradlerock Elem	50.7
Deep Run Elem	51.8
Ducketts Lane	39.3
Forest Ridge Elem	29.6
Guiford Elem	48.5
Hammond Elem	21.8
Jeffers Hill Elem	33.3
Laurel Woods Elem	59.3
Longfellow Elem	47.6
Phelps Luck Elem	62.6
Running Brook Elem	48.4
Steevents Forest Elem	64.8
Swansfiled	56.1
Talbott Srpings Elem	53.0
Thomas Viaduct Elem	
Waterloo Elem	27.8

FARM % obtained from MSDE database

Listed as Title 1 Middle Schools on OCR Website

Middle School	FARM %
Bonnie Branch Middle	24.6
Harpers Choice Middle	44.2
Lake Elkhorn Middle	46.9
Mayfield Woods Middle	33.4
Murray Hill Middle	33.4
Oakland Mills Middle	47.3
Patuxent Valley Middle	32.9
Wilde Lake Middle	41.5

Listed as Title 1 High Schools on OCR Website

High School	FARM %
Hammond High	35.5
Long Reach High	34.6
Oakland Mills High	44.9
Reservoir High	26.0
Wilde Lake High	39.2

Listed as Title 1 High Schools on OCR Website

Homewood School

Letter from Michael J. Martirano



May 25, 2018

MEMORANDUM

To: Members of the Board of Education

From: Michael J. Martirano, Ed. D.
Interim Superintendent

Subject: Appropriate Use of Title I Funds

The purpose of this memorandum is to provide context to the Board about an inaccurate blog post that insinuated there was misuse of Title I funds in the Howard County Public School System (HCPSS). The post was published on a WordPress site on May 24, 2018 by R.A. Kohn and is entitled "Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools."

The author uses data gathered from the 2015 Civil Rights Data Collection (CRDC) that can be found at <https://ocrdata.ed.gov>. The CRDC is a survey required by the U.S. Department of Education's Office for Civil Rights (OCR) since 1968. The data is self-reported by all public local education agencies every other year.

In reviewing the FY15 CRDC data to understand the author's calculations, staff discovered discrepancies between figures reported on the website and those reported in HCPSS documents. Most glaringly, the OCR data reports that in FY15 the HCPSS had 32 Title I schools instead of 12. Staff will contact OCR to try to have the data corrected.

In short, because of incorrect data and miscalculation of Title I funding, the author concluded that underperformance at the Title I schools and other schools with higher poverty was most likely due to a diversion of funds from their intended purpose. The Title I Office has been subject to Annual Reviews by the Maryland State Department of Education and federal, state, and private audits. There have never been any findings that suggest misallocation of Title I funds.

For more information regarding Title I grant funds, please contact Caroline Walker, Director Program Innovation.

Copy to: Executive Staff
Board of Education Office

From: [Caroline Walker](#)
To: [Kirsten Coombs](#)
Cc: [William J. Barnes](#)
Subject: Re: [BoE Email] - Allocation of Title 1 Funding
Date: Monday, May 28, 2018 12:24:56 PM

We will put something together. Could you share his response? Thank you, Caroline

> On May 27, 2018, at 5:46 PM, Kirsten Coombs <Kirsten_Coombs@hcpss.org> wrote:

>

> Maybe providing him the details on Title I definitions would help. FARMS does not equal Title I.

>

> Kirsten Coombs

> Sent from my Board iPhone

>

>> On May 27, 2018, at 2:17 PM, Richard Kohn <richardakohn@gmail.com> wrote:

>>

>> <response to Title 1 designations.pdf>

>> <Blog Post- Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools – From Data to Knowledge.pdf>

>>

>>

>> This letter pertains to disclosure of possible mis-identification of Title 1 schools, and distribution of Title 1 funding. Also, please find the original blog post at: <https://howardcounty640805081.wordpress.com>

From: [Christina Delmont-Small](#)
To: [David L. Clark](#)
Subject: Fwd: Memo regarding Richard Kohn's Title 1 Data blog post
Date: Saturday, May 26, 2018 12:59:49 PM

FYI

Christina Delmont-Small
Member
Board of Education of Howard County
667-786-3895 cell

Sent from my BOE iPhone

Begin forwarded message:

From: Caroline Walker <Caroline_Walker@hcpss.org>
Date: May 26, 2018 at 10:26:57 AM EDT
To: "Kathleen V. Hanks" <Kathleen_Hanks@hcpss.org>, BoE Email <boe@hcpss.org>
Cc: "William J. Barnes" <William_Barnes@hcpss.org>
Subject: FW: Memo regarding Richard Kohn's Title 1 Data blog post

I'm sharing correspondence about Title I I sent earlier in the day to a community member for your information. Please let Bill and I know if you have any other questions or we can provide any other information.

I hope you are having a nice weekend.

Sincerely, Caroline

Caroline Y. Walker, Ph.D.
Director of Program Innovation
Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
410-313-6614 (phone)

From: HCPSS <caroline_walker@hcpss.org>
Date: Saturday, May 26, 2018 9:52 AM
To: Jessica Mahajan <jessica.mahajan@gmail.com>
Cc: Michael Martirano <Michael_Martirano@hcpss.org>
Subject: Re: Memo regarding Richard Kohn's Title 1 Data blog post

Dear Ms. Mahajan,

I want to thank you for taking the time to reach out to express your concerns in an email to Dr.

Martirano. Dr. Kohn's statement that the HCPSS misappropriated grant funds is an extremely serious statement. As the Title I Coordinator for the Howard County Public School System for the past 12 years, my team and I have worked to ensure Title I funds were directed only towards Title I schools in alignment with the law.

Dr. Kohn is a respected researcher who has based his analysis on a theory that makes a false assumption. The HCPSS receives federal grants that are not Title I. The analysis of the OCR data Mr. Kohn conducted was done under the assumption that the only federal funding that the HCPSS receives is Title I funding. What he did not consider is that the HCPSS receives other federal grants (e.g., Title II, Title III, Title IV, 21st Century Learning Communities, Special Education Passthrough Grants).

Each year, the HCPSS creates a plan for supporting students requiring additional supports using state allocated Title I funding. For the past several years, the HCPSS has used its Title I grant to provide additional staffing, tutoring opportunities, family engagement events, and materials of instruction that add to the resources at each Title I school. Staff from the Title I office work with school administrators to develop grant fund spending that aligns with the school improvement plan (SIP) priorities.

Additionally, the HCPSS operating budget provides additional funding for Title I schools in the form of differentiated staffing and more professional learning than other elementary schools receive from the reading and mathematics support teachers.

There are safeguards in place to ensure funds are used at the appropriate schools, including frequent inclusion in Single Audits, Maryland State Department of Education Audits, and annual MSDE program reviews. These safeguards protect us from making errors in fund distribution and use.

When we noticed there were errors on the Office of Civil Rights (OCR) website, we made a plan to determine how the error happened and to reach out to the Office of Civil Rights to try to correct the errors. We do not want incorrect information shared with the community in any venue.

Thank you for advocacy for the Title I schools. I'd be glad to discuss this with you further, if desired.

Yours truly,

Caroline

Caroline Y. Walker, Ph.D.
Director of Program Innovation
Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
410-313-6614 (phone)

Begin forwarded message:

From: Jessica Mahajan <jessica.mahajan@gmail.com>

Date: May 25, 2018 at 10:10:35 PM EDT

To: <michael_martirano@hcpss.org>

Subject: Memo regarding Richard Kohn's Title 1 Data blog post

Dear Dr. Martirano,

As an HCPSS parent at a Title 1 school I am beyond troubled by your memo regarding Richard Kohn's recent blog post on Title 1 funding in Howard County.

First, how did the federal government end up with inaccurate information? How did no one at the school system catch this mistake (especially that the federal data shows that we have 32 Title 1 schools instead of 12) until now when it's convenient to point out that Kohn is using "incorrect data and calculations"?

Second, I'm very concerned that this is the second time in less than a year that a member of our community has had to point out to HCPSS that they are using inaccurate data specific to low income students. During the redistricting process last summer, the [REDACTED] community had to ask again and again (and then pull in members of the county council to assist us in being heard) for the FARMs data to be re-evaluated because we knew that the redistricting committee was looking at wrong data on FARMs percentages. It took repeated calls, emails, requests for information, and face-to-face meetings before Renee Kamen of the Office of School Planning acknowledged the mistakes (after repeatedly telling us we were wrong). Who is in charge of data analysis at HCPSS? Even if we don't discuss the Title 1 funding data Kohn looked at, the data errors for redistricting were going to have a drastic negative impact by increasing segregation of low income families. What other data related to low income students is being misreported or worse?

Third, the tone of your memo does not meet my expectations of what someone focused on equity should be saying. Your memo implies that Richard Kohn is playing with the inaccurate data to paint a picture of misuse of funds, when instead it is because of Kohn that HCPSS is able to correct data reporting errors. Instead of admitting that this needs to be fixed immediately, your memo puts the blame on Kohn.

I ask that you please acknowledge that many parents are concerned with the inaccurate data reported by the county in recent years. The school system has shown repeatedly in the last year alone that it only says it values equity, but isn't willing to make actual budgetary decisions to lessen the achievement gap. Many parents are concerned by drastic budget cuts that overwhelmingly impact Title 1 elementary schools more than all other schools (threats to full day pre-k, the suddenly stop of the World Language program, staff reductions which have since been reinstated, funding for TSES being on the line). I'm tired

of hearing “cuts had to be made” all while very little is cut from other schools and new schools are still on track to be built. Many parents are concerned by the negative correlation between increases in FARMs and PARCC scores. Many parents worry about our teachers at Title 1 schools who teach and manage so much more than just Math or Language Arts.

I ask that instead of dismissing Kohn’s blog post, you tell the truth and move forward with an actionable plan for better data collection and reporting, and with an actionable plan for lessening the achievement gap.

Sincerely,

Jessica Mahajan

Parent and PTA member

[Redacted]

From: [Jackie](#)
To: [Cynthia Vaillancourt](#)
Cc: akittleman@howardcountymd.gov; cball@howardcountymd.gov; jweinstein@howardcountymd.gov; iterrasa@howardcountymd.gov; mksiqaty@howardcountymd.gov; gfox@howardcountymd.gov; [BoE Email; Superintendent; Theo Cramer; David K. Lerner; Marcia.Sprankle@maryland.gov; Caroline Walker; young-chan.han@maryland.gov; liz.bowie@baltsun.com; Kathleen V. Hanks; Ann Wacha; Michele McGee-Guthrie; Necolle Maccherone](#)
Subject: Re: [BoE Email] - HCPSS Title I Funding diverted to wealthier schools?
Date: Saturday, May 26, 2018 9:59:55 AM

Thank you Cindy, this is exactly the kind of response I was hoping for. I do hope that HCPSS can provide substantiation for what is incorrect in Mr. Kohn's report.

Sincerely,
Jackie Cholewczynski

Sent from my iPhone

On May 25, 2018, at 9:10 PM, Cynthia Vaillancourt <Cynthia_Vaillancourt@hcpss.org> wrote:

Dear Mrs. Cholewczynski,

I am sorry you have found this response to be unsatisfying. It appears the information upon which Dr. Kohn largely based his analysis was incorrect. The Administration is working on getting the information being reported by OCR on their website corrected. Their information does not match that reported by HCPSS.

It is very sad to me any folks in our community have chosen to believe clearly erroneous information - the incorrect report that HCPSS has 32 Title 1 schools should have been a red flag to warn anyone that there was something amiss with that report.

I realize there is little I can say that you will find credible in response to the accusations included in this report. I can only continue to do everything possible to make sure the needs of the students and the community are met to the best of my ability.

There is not currently any evidence that any Title 1 funds were diverted. If the investigation or forensic accountants find any misappropriation or misapplication of funds, there will be a full and public accounting. What I can tell you is that significant funding over and above that which normally funds our elementary schools, AND the additional funding from Title 1 grants, was poured into Elementary School Model schools over the past 4 years. Although none of us are happy with the level of funding available for our most vulnerable students, I have not had any reason to believe any funds have been diverted from our Title 1 schools.

Sincerely,

Cindy Vaillancourt
speaking as an individual board member

From: jacktrav2000@yahoo.com <jacktrav2000@yahoo.com>
Sent: Friday, May 25, 2018 3:18 PM
To: akittleman@howardcountymd.gov; cball@howardcountymd.gov;
jweinstein@howardcountymd.gov; iterrasa@howardcountymd.gov;
mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; BoE Email;
Superintendent; Theo Cramer; David K. Lerner; Marcia.Sprankle@maryland.gov;
Caroline Walker; young-chan.han@maryland.gov; liz.bowie@baltsun.com; Kathleen V.
Hanks
Cc: Ann Wacha; Michele McGee-Guthrie; Necolle Maccherone
Subject: Re: RE: [BoE Email] - HCPSS Title I Funding diverted to wealthier schools?

Thank you Kathy for your response. However, it appears as though you are sending the same, canned message to others who express their concerns. This doesn't lead me to believe that anyone on the BOE have actually read the report or my email, for that matter.

Jackie Cholewczynski

On Friday, May 25, 2018, 2:59:54 PM EDT, Kathleen V. Hanks
<Kathleen_Hanks@hcpss.org> wrote:

Dear Ms. Cholewczynski:

Thank you for contacting the Board of Education. The Title I Office has been subject to Annual Reviews by the Maryland State Department of Education and federal, state, and private audits. There have never been any findings that suggest misallocation of Title I funds. Also, on December 19, 2017, the Board approved, under Bids and Contracts, a Grants Forensic Audit to ensure that all of the school system Grant Funds are appropriately allocated.

Once again, thank you for contacting the Board.

Sincerely,

Kathy Hanks

Administrator

Board of Education

Phone: 410-313-7194

Fax: 410-313-6633

Email: kathleen_hanks@hcpss.org

From: jacktrav2000@yahoo.com <jacktrav2000@yahoo.com>
Sent: Friday, May 25, 2018 2:54 PM
To: akittleman@howardcountymd.gov; cball@howardcountymd.gov;
jweinstein@howardcountymd.gov; jterrasa@howardcountymd.gov;
mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; BoE Email
<boe@hcpss.org>; Superintendent <superintendent@hcpss.org>; Theo
Cramer <Theo_Cramer@hcpss.org>; David K. Larner
<David_Larner@hcpss.org>; Marcia.Sprankle@maryland.gov; Caroline Walker
<Caroline_Walker@hcpss.org>; young-chan.han@maryland.gov;
liz.bowie@baltsun.com
Cc: Ann Wacha <annraewacha@gmail.com>; Michele McGee-Guthrie
<michelemcgeeguthrie@gmail.com>; Necolle Maccherone
<necollewalsh@hotmail.com>
Subject: [BoE Email] - HCPSS Title I Funding diverted to wealthier schools?

Hello County Council and County Executive Kittleman,

A recent research report has surfaced that you may or may not be aware of. It was authored by Richard Kohn, [REDACTED] community member and indicates that federal funding supplied to HCPSS for low income students may have been used in wealthier schools. I've included a link to his research report:

<https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>

I'm sure you can understand that as a representative of a Title I school, I'm extremely alarmed by these findings. I also want you to know that this has caused widespread concern among other Title I school parents as well as other concerned citizens in our county. This is of course on the heels of our ESM initiative being severely cut by the BOE and more specifically their removal of World Language from some of our most vulnerable, Title I schools.

I recognize that this is an election year and am aware that several members of the current board are not seeking reelection. However, this is a disturbing report that outlines and potentially affirms the fears we already had about our school, and others like ours: we are not treated fairly in HCPSS. And I recognize also that many still need to be educated on equity vs. equality, but this goes far beyond that distinction. This seems to come dangerously close to illegal and at the very least, immoral behavior if these assertions are correct.

I urge the County Council to thoroughly review this report and conduct their own investigation. I have no faith that the BOE will do anything about this; I have heard hollow words from them for years. I also know that this information is being submitted to the press so I implore you to help get to the bottom of this asap.

Thank you for your time, consideration and all you do for Howard County. These are not easy times for our community and we rely on representatives like you to advocate for all of us, especially those of us who aren't as privileged.

Sincerely,

Jackie Cholewczynski

 PTA President

From: [Michael Martirano](#)
To: [Caroline Walker](#)
Subject: Fwd: Memo regarding Richard Kohn's Title 1 Data blog post
Date: Saturday, May 26, 2018 4:55:54 AM

MJM

Dr. Michael J. Martirano
Superintendent
Howard County Public School System

“Be kind ALWAYS! Everyone is fighting a hard battle.”

Begin forwarded message:

From: Jessica Mahajan <jessica.mahajan@gmail.com>
Date: May 25, 2018 at 10:10:35 PM EDT
To: <michael_martirano@hcpss.org>
Subject: Memo regarding Richard Kohn's Title 1 Data blog post

Dear Dr. Martirano,

As an HCPSS parent at a Title 1 school I am beyond troubled by your memo regarding Richard Kohn's recent blog post on Title 1 funding in Howard County.

First, how did the federal government end up with inaccurate information? How did no one at the school system catch this mistake (especially that the federal data shows that we have 32 Title 1 schools instead of 12) until now when it's convenient to point out that Kohn is using “incorrect data and calculations”?

Second, I'm very concerned that this is the second time in less than a year that a member of our community has had to point out to HCPSS that they are using inaccurate data specific to low income students. During the redistricting process last summer, the [REDACTED] community had to ask again and again (and then pull in members of the county council to assist us in being heard) for the FARMs data to be re-evaluated because we knew that the redistricting committee was looking at wrong data on FARMs percentages. It took repeated calls, emails, requests for information, and face-to-face meetings before Renee Kamen of the Office of School Planning acknowledged the mistakes (after repeatedly telling us we were wrong). Who is in charge of data analysis at HCPSS? Even if we don't discuss the Title 1 funding data Kohn looked at, the data errors for redistricting

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Third, the tone of your memo does not meet my expectations of what someone focused on equity should be saying. Your memo implies that Richard Kohn is playing with the inaccurate data to paint a picture of misuse of funds, when instead it is because of Kohn that HCPSS is able to correct data reporting errors. Instead of admitting that this needs to be fixed immediately, your memo puts the blame on Kohn.

I ask that you please acknowledge that many parents are concerned with the inaccurate data reported by the county in recent years. The school system has shown repeatedly in the last year alone that it only says it values equity, but isn't willing to make actual budgetary decisions to lessen the achievement gap. Many parents are concerned by drastic budget cuts that overwhelmingly impact Title 1 elementary schools more than all other schools (threats to full day pre-k, the suddenly stop of the World Language program, staff reductions which have since been reinstated, funding for TSES being on the line). I'm tired of hearing "cuts had to be made" all while very little is cut from other schools and new schools are still on track to be built. Many parents are concerned by the negative correlation between increases in FARMs and PARCC scores. Many parents worry about our teachers at Title 1 schools who teach and manage so much more than just Math or Language Arts.

I ask that instead of dismissing Kohn's blog post, you tell the truth and move forward with an actionable plan for better data collection and reporting, and with an actionable plan for lessening the achievement gap.

Sincerely,
Jessica Mahajan
[REDACTED] Parent and PTA member

From: [Michael Martirano](#)
To: [Karalee Turner-Little](#); [Jahantab Siddiqui](#); [William J. Barnes](#); [Mark Blom](#); [Frank Eastham](#); [Rafiu Ighile](#); [James R. LeMon](#); [Kevin Gilbert](#); [Anissa Brown Dennis](#); [Helen Nixon](#); [Theo Cramer](#); [Marcy L. Leonard](#); [Patrick J. Saunderson](#); [Thomas McNeal](#)
Subject: Fwd: Memo regarding Richard Kohn's Title 1 Data blog post
Date: Saturday, May 26, 2018 4:55:46 AM

MJM

Dr. Michael J. Martirano
Superintendent
Howard County Public School System

“Be kind ALWAYS! Everyone is fighting a hard battle.”

Begin forwarded message:

From: Jessica Mahajan <jessica.mahajan@gmail.com>
Date: May 25, 2018 at 10:10:35 PM EDT
To: <michael_martirano@hcpss.org>
Subject: Memo regarding Richard Kohn's Title 1 Data blog post

Dear Dr. Martirano,

As an HCPSS parent at a Title 1 school I am beyond troubled by your memo regarding Richard Kohn's recent blog post on Title 1 funding in Howard County.

First, how did the federal government end up with inaccurate information? How did no one at the school system catch this mistake (especially that the federal data shows that we have 32 Title 1 schools instead of 12) until now when it's convenient to point out that Kohn is using “incorrect data and calculations”?

Second, I'm very concerned that this is the second time in less than a year that a member of our community has had to point out to HCPSS that they are using inaccurate data specific to low income students. During the redistricting process last summer, the [REDACTED] community had to ask again and again (and then pull in members of the county council to assist us in being heard) for the FARMs data to be re-evaluated because we knew that the redistricting committee was looking at wrong data on FARMs percentages. It took repeated calls, emails, requests for information, and face-to-face meetings before Renee Kamen of the Office of School Planning acknowledged the mistakes (after repeatedly telling us we were wrong). Who is in charge of data analysis at HCPSS? Even if we don't

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I ask that you please acknowledge that many parents are concerned with the inaccurate data reported by the county in recent years. The school system has shown repeatedly in the last year alone that it only says it values equity, but isn't willing to make actual budgetary decisions to lessen the achievement gap. Many parents are concerned by drastic budget cuts that overwhelmingly impact Title 1 elementary schools more than all other schools (threats to full day pre-k, the suddenly stop of the World Language program, staff reductions which have since been reinstated, funding for TSES being on the line). I'm tired of hearing "cuts had to be made" all while very little is cut from other schools and new schools are still on track to be built. Many parents are concerned by the negative correlation between increases in FARMs and PARCC scores. Many parents worry about our teachers at Title 1 schools who teach and manage so much more than just Math or Language Arts.

I ask that instead of dismissing Kohn's blog post, you tell the truth and move forward with an actionable plan for better data collection and reporting, and with an actionable plan for lessening the achievement gap.

Sincerely,
Jessica Mahajan
Parent and PTA member

From: [Superintendent](#)
To: [Karalee Turner-Little](#)
Subject: FW: [BoE Email] - Howard County Title I Funds Being Used in Wealthy Schools?
Date: Friday, May 25, 2018 3:26:00 PM

Here is another email on the same subject sent to Mr. Kittleman and County Council.

Kathy Agans
Executive Assistant
Office of the Superintendent
Howard County Public School System
Office #: 410.313.6677
Fax #: 410.313.6833
From: Ann Wacha <annraewacha@gmail.com>
Sent: Friday, May 25, 2018 2:48 PM
To: akittleman@howardcountymd.gov; cball@howardcountymd.gov;
jweinstein@howardcountymd.gov; jtterra@howardcountymd.gov;
mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; BoE Email <boe@hcpss.org>;
Superintendent <superintendent@hcpss.org>; Theo Cramer <Theo_Cramer@hcpss.org>; David K.
Larner <David_Larner@hcpss.org>; Marcia.Sprankle@maryland.gov; Caroline Walker
<Caroline_Walker@hcpss.org>; young-chan.han@maryland.gov; liz.bowie@baltsun.com
Subject: [BoE Email] - Howard County Title I Funds Being Used in Wealthy Schools?

Good afternoon to you all,

Many Howard County citizens are urging our BOE, County Council and the MSDE to look into the data analysis laid out in the following blog post by county resident Richard Kohn: "**Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools**" --
<https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>

I've had the privilege of listening to many of you in-person and would hope you have the interests of our most neediest and at-risk students at heart. Greater explanation of the figures and disbursements are desired at your earliest conveniences. As a parent with [REDACTED] in a Title I school ([REDACTED]), with almost [REDACTED] FARMS, I would like to believe we are being prioritized with the federal funds to which we are entitled.

Thank you for your time.

Sincerely,

Ann Wacha
[REDACTED]
annraewacha@gmail.com
[REDACTED]

From: [Kathleen V. Hanks](mailto:Kathleen.V.Hanks)
To: jacktrav2000@yahoo.com; akittleman@howardcountymd.gov; cball@howardcountymd.gov; jweinstein@howardcountymd.gov; jterrasa@howardcountymd.gov; mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; BoE Email; Superintendent; [Theo Cramer](mailto:Theo.Cramer); [David K. Larner](mailto:David.K.Larner); Marcia.Sprankle@maryland.gov; [Caroline Walker](mailto:Caroline.Walker); young-chan.han@maryland.gov; liz.bowie@baltsun.com
Cc: [Ann Wacha](mailto:Ann.Wacha); [Michele McGee-Guthrie](mailto:Michele.McGee-Guthrie); [Necolle Maccherone](mailto:Necolle.Maccherone)
Subject: RE: [BoE Email] - HCPSS Title I Funding diverted to wealthier schools?
Date: Friday, May 25, 2018 2:59:54 PM

Dear Ms. Cholewczynski:

Thank you for contacting the Board of Education. The Title I Office has been subject to Annual Reviews by the Maryland State Department of Education and federal, state, and private audits. There have never been any findings that suggest misallocation of Title I funds. Also, on December 19, 2017, the Board approved, under Bids and Contracts, a Grants Forensic Audit to ensure that all of the school system Grant Funds are appropriately allocated.

Once again, thank you for contacting the Board.

Sincerely,

Kathy Hanks
Administrator
Board of Education
Phone: 410-313-7194
Fax: 410-313-6633
Email: kathleen_hanks@hcpss.org

From: jacktrav2000@yahoo.com <jacktrav2000@yahoo.com>
Sent: Friday, May 25, 2018 2:54 PM
To: akittleman@howardcountymd.gov; cball@howardcountymd.gov; jweinstein@howardcountymd.gov; jterrasa@howardcountymd.gov; mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; BoE Email <boe@hcpss.org>; Superintendent <superintendent@hcpss.org>; [Theo Cramer](mailto:Theo.Cramer) <Theo_Cramer@hcpss.org>; [David K. Larner](mailto:David.K.Larner) <David_Larner@hcpss.org>; Marcia.Sprankle@maryland.gov; [Caroline Walker](mailto:Caroline.Walker) <Caroline_Walker@hcpss.org>; young-chan.han@maryland.gov; liz.bowie@baltsun.com
Cc: [Ann Wacha](mailto:Ann.Wacha) <annraewacha@gmail.com>; [Michele McGee-Guthrie](mailto:Michele.McGee-Guthrie) <michelemcgeeguthrie@gmail.com>; [Necolle Maccherone](mailto:Necolle.Maccherone) <necollewalsh@hotmail.com>
Subject: [BoE Email] - HCPSS Title I Funding diverted to wealthier schools?

Hello County Council and County Executive Kittleman,

A recent research report has surfaced that you may or may not be aware of. It was authored by Richard Kohn, Oakland Mills community member and indicates that federal funding supplied to HCPSS for low income students may have been used in wealthier schools. I've included a link to his research report:

<https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>

I'm sure you can understand that as a representative of a Title I school, I'm extremely alarmed by these findings. I also want you to know that this has caused widespread concern among other Title I school parents as well as other concerned citizens in our county. This is of course on the heels of our ESM initiative being severely cut by the BOE and more specifically their removal of World Language from some of our most vulnerable, Title I schools.

I recognize that this is an election year and am aware that several members of the current board are not seeking reelection. However, this is a disturbing report that outlines and potentially affirms the fears we already had about our school, and others like ours: we are not treated fairly in HCPSS. And I recognize also that many still need to be educated on equity vs. equality, but this goes far beyond that distinction. This seems to come dangerously close to illegal and at the very least, immoral behavior if these assertions are correct.

I urge the County Council to thoroughly review this report and conduct their own investigation. I have no faith that the BOE will do anything about this; I have heard hollow words from them for years. I also know that this information is being submitted to the press so I implore you to help get to the bottom of this asap.

Thank you for your time, consideration and all you do for Howard County. These are not easy times for our community and we rely on representatives like you to advocate for all of us, especially those of us who aren't as privileged.

Sincerely,

Jackie Cholewczynski
[REDACTED] PTA President

From: [Kathleen V. Hanks](mailto:Kathleen.V.Hanks@hcps.org)
To: [Ann Wacha](mailto:Ann.Wacha@hcps.org); akittleman@howardcountymd.gov; cball@howardcountymd.gov; jweinstein@howardcountymd.gov; jterrasa@howardcountymd.gov; mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; [BoE Email](mailto:BoE.Email@hcps.org); [Superintendent](mailto:Superintendent@hcps.org); [Theo Cramer](mailto:Theo.Cramer@hcps.org); [David K. Larner](mailto:David.K.Larner@hcps.org); Marcia.Sprankle@maryland.gov; [Caroline Walker](mailto:Caroline.Walker@hcps.org); young-chan.han@maryland.gov; liz.bowie@baltsun.com
Subject: RE: [BoE Email] - Howard County Title I Funds Being Used in Wealthy Schools?
Date: Friday, May 25, 2018 2:50:30 PM

Dear Ms. Wacha:

Thank you for contacting the Board of Education. The Title I Office has been subject to Annual Reviews by the Maryland State Department of Education and federal, state, and private audits. There have never been any findings that suggest misallocation of Title I funds. Also, on December 19, 2017, the Board approved, under Bids and Contracts, a Grants Forensic Audit to ensure that all of the school system Grant Funds are appropriately allocated.

Once again, thank you for contacting the Board.

Sincerely,

Kathy Hanks
Administrator
Board of Education
Phone: 410-313-7194
Fax: 410-313-6633
Email: kathleen_hanks@hcpss.org

From: Ann Wacha <annraewacha@gmail.com>
Sent: Friday, May 25, 2018 2:48 PM
To: akittleman@howardcountymd.gov; cball@howardcountymd.gov; jweinstein@howardcountymd.gov; jterrasa@howardcountymd.gov; mksigaty@howardcountymd.gov; gfox@howardcountymd.gov; [BoE Email <boe@hcpss.org>](mailto:BoE.Email@hcps.org); [Superintendent <superintendent@hcpss.org>](mailto:Superintendent@hcps.org); [Theo Cramer <Theo_Cramer@hcpss.org>](mailto:Theo.Cramer@hcps.org); [David K. Larner <David_Larner@hcpss.org>](mailto:David.K.Larner@hcps.org); Marcia.Sprankle@maryland.gov; [Caroline Walker <Caroline_Walker@hcpss.org>](mailto:Caroline.Walker@hcps.org); young-chan.han@maryland.gov; liz.bowie@baltsun.com
Subject: [BoE Email] - Howard County Title I Funds Being Used in Wealthy Schools?

Good afternoon to you all,

Many Howard County citizens are urging our BOE, County Council and the MSDE to look into the data analysis laid out in the following blog post by county resident Richard Kohn: "**Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools**" -- <https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>

I've had the privilege of listening to many of you in-person and would hope you have the interests of our most neediest and at-risk students at heart. Greater explanation of the figures

and disbursements are desired at your earliest conveniences. As a parent with 3 children in a Title I school (Phelps Luck E.S.), with almost 70% FARMS, I would like to believe we are being prioritized with the federal funds to which we are entitled.

Thank you for your time.

Sincerely,

Ann Wacha

[REDACTED]

annraewacha@gmail.com

[REDACTED]

From: [Kathleen V. Hanks](#)
To: [Richard Kohn](#); councilmail@howardcountymd.gov; [BoE Email](#); [Student Board Member](#)
Subject: RE: [BoE Email] - Funding for Howard County schools
Date: Friday, May 25, 2018 12:21:39 PM

Dear Mr. Kohn:

Thank you for contacting the Board of Education. The Title I Office has been subject to Annual Reviews by the Maryland State Department of Education and federal, state, and private audits. There have never been any findings that suggest misallocation of Title I funds. Also, on December 19, 2017, the Board approved, under Bids and Contracts, a Grants Forensic Audit to ensure that all of the school system Grant Funds are appropriately allocated.

Once again, thank you for contacting the Board.

Sincerely,

Kathy Hanks
Administrator
Board of Education
Phone: 410-313-7194
Fax: 410-313-6633
Email: kathleen_hanks@hcpss.org

From: Richard Kohn <richardakohn@gmail.com>
Sent: Friday, May 25, 2018 9:40 AM
To: councilmail@howardcountymd.gov; [BoE Email <boe@hcpss.org>](mailto:boe@hcpss.org); [Student Board Member <Student_Member@hcpss.org>](mailto:Student_Board_Member@hcpss.org)
Subject: [BoE Email] - Funding for Howard County schools

Please see this website for posts about Howard County Public Schools.

<https://howardcounty640805081.wordpress.com>

The last post was:
[Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools](#)

Please consider an audit of how funding is being distributed to Howard County schools.

From: [Mavis Ellis](#)
To: [mavisellis](#) [REDACTED]
Subject: Fwd: [BoE Email] - Funding for Howard County schools
Date: Friday, May 25, 2018 12:19:49 PM

Sent from my iPad

Begin forwarded message:

Resent-From: <restrictedboard@hcpss.org>
From: Richard Kohn <richardakohn@gmail.com>
Date: May 25, 2018 at 9:39:34 AM EDT
To: <councilmail@howardcountymd.gov>, BoE Email <boe@hcpss.org>, <Student_Member@hcpss.org>
Subject: [BoE Email] - Funding for Howard County schools

Please see this website for posts about Howard County Public Schools.

<https://howardcounty640805081.wordpress.com>

The last post was:

Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

Please consider an audit of how funding is being distributed to Howard County schools.

From: [Karalee Turner-Little](#)
To: [BoE Email](#)
Cc: [Michael Martirano](#); [Kathleen V. Hanks](#); [Kathy Agans](#)
Subject: R. Kohn's blog
Date: Friday, May 25, 2018 12:08:05 PM

Board members,

A memo is forthcoming addressing the information Richard Kohn wrote in a recent blog.
Stay tuned.

K

From: Richard Kohn <richardakohn@gmail.com>
Sent: Friday, May 25, 2018 9:40 AM
To: councilmail@howardcountymd.gov; BoE Email <boe@hcpss.org>; Student Board Member <Student_Member@hcpss.org>
Subject: [BoE Email] - Funding for Howard County schools

Please see this website for posts about Howard County Public Schools.

<https://howardcounty640805081.wordpress.com>

The last post was:

Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

Please consider an audit of how funding is being distributed to Howard County schools.

Karalee Turner-Little
Assistant Superintendent for Administrative Affairs
Howard County Public School System
410-313-8951
karalee_turnerlittle@hcpss.org

From: [Christina Delmont-Small](#)
To: [David L. Clark](#)
Subject: Fwd: [BoE Email] - Funding for Howard County schools
Date: Friday, May 25, 2018 11:03:14 AM

Begin forwarded message:

From: Richard Kohn <richardakohn@gmail.com>
Subject: [BoE Email] - Funding for Howard County schools
Date: May 25, 2018 at 9:39:34 AM EDT
To: <councilmail@howardcountymd.gov>, BoE Email <boe@hcpss.org>, <Student_Member@hcpss.org>
Resent-From: <restrictedboard@hcpss.org>

Please see this website for posts about Howard County Public Schools.

<https://howardcounty640805081.wordpress.com>

The last post was:

Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

Please consider an audit of how funding is being distributed to Howard County schools.

From: [Ananta Hejeebu](#)
To: [Karalee Turner-Little](#); [Michael Martirano](#)
Subject: FW: [BoE Email] - Funding for Howard County schools
Date: Friday, May 25, 2018 9:55:32 AM

KTL, this is what Cindy mentioned to you yesterday.

From: Richard Kohn <richardakohn@gmail.com>
Sent: Friday, May 25, 2018 9:40 AM
To: councilmail@howardcountymd.gov; BoE Email <boe@hcpss.org>; Student Board Member <Student_Member@hcpss.org>
Subject: [BoE Email] - Funding for Howard County schools

Please see this website for posts about Howard County Public Schools.

<https://howardcounty640805081.wordpress.com>

The last post was:

Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

Please consider an audit of how funding is being distributed to Howard County schools.

From: [David L. Clark](#)
To: [Christina Delmont-Small](#)
Subject: RE: Title I Funding
Date: Thursday, May 24, 2018 3:23:23 PM
Attachments: [TitleIPartAESSAFiscalHandbook.pdf](#)
[image001.png](#)

You may want to look at pages 4-5 in the attachment.

David L. Clark
Internal Auditor
HCPSS
David_Clark@HCPSS.org
410-313-1562 (Office)
[REDACTED] (Cell)

From: Christina Delmont-Small
Sent: Thursday, May 24, 2018 9:59 AM
To: David L. Clark <David_Clark@hcpss.org>
Subject: Fwd: Title I Funding

Begin forwarded message:

From: Vicky Cutroneo <[svc67@\[REDACTED\]](mailto:svc67@[REDACTED])>
Subject: Fwd: Title I Funding
Date: May 24, 2018 at 8:29:58 AM EDT
To: Christina Delmont-Small <Christina_Delmont-Small@hcpss.org>

Vicky

Begin forwarded message:

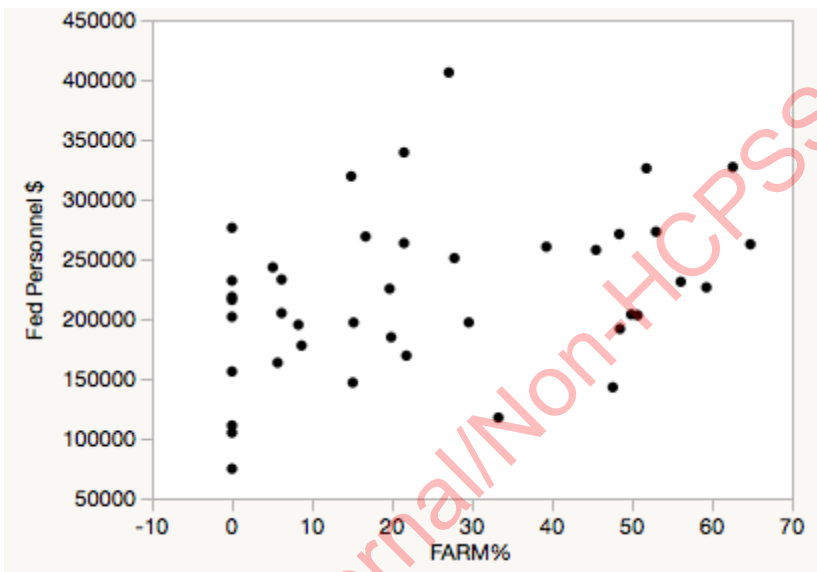
From: Richard Kohn <richardakohn@gmail.com>
Date: May 24, 2018 at 7:17:23 AM EDT
To: Vicky Cutroneo <[svc67@\[REDACTED\]](mailto:svc67@[REDACTED])>
Subject: Fwd: Title I Funding

Begin forwarded message:

From: Richard Kohn <richardakohn@gmail.com>
Subject: Re: Title I Funding

Date: May 23, 2018 at 4:21:19 PM EDT
To: "Terrasa, Jen" <jtterrasa@howardcountymd.gov>

The reported federal funding is being used in schools that have very few low-income students, so what she said does not explain where that federal funding is coming from. Are there other federal grants, especially are there grants specifically for high-income schools? From what I have seen, I didn't see that it was legal to take Title 1 money destined for a high school or middle school and re-allocate it for an elementary school. Also, I'm not sure it is true that they can legally "use those funds for any school that is above the countywide average poverty level, as determined by the percentage of students who have applied for Free And Reduced-price Meal services (FARMs)." I think they just made that up, but what they are doing is even worse. I see various lay articles online that suggest, the funding must be used for FARM students in the school where it is allocated, and can only be used for any student in schools with at least 38% or 40% FARM (not most HoCo schools). Is it legal to take the funding for a school that is 60% FARM and re-allocate it to a school that is 30% FARM (or it appears to be re-allocated to schools that are < 5% FARM). The amount distributed is supposed to be reflected in the amount they get. There are really two issues I have. 1) Is it ethical or wise to distribute the Title 1 money across many elementary schools and not provide more funding to schools with more Title 1 students, and 2) is it legal. I would argue against the first, and I don't know about the second. So in short, what is stated partially explains what is being done (e.g. not funding high schools or middle schools, but not the fact that some schools are getting a lot of federal funding without having many FARM students.



Rick

On May 23, 2018, at 3:18 PM, Terrasa, Jen
<jterrasa@howardcountymd.gov> wrote:

Hi Rick,

I am forwarding you the response we received from our auditor team in response to their request with the grant manager. I realize this is not a detailed response, but perhaps you can share whether this addresses any concerns and which ones are still unanswered?

Thank you,

Colette Gelwicks

District Aide

District 3, Councilwoman Jen Terrasa

Howard County Council

3430 Court House Drive, Ellicott City, MD

21043

cgelwicks@howardcountymd.gov

Phone: (410) 313-3108 Fax: (410) 313-3297

Like Councilwoman Terrasa's page on [Facebook](#) and follow her on [Twitter](#)!

From: Caroline Walker
[mailto:Caroline.Walker@hcpss.org]
Sent: Wednesday, May 23, 2018 2:35 PM
To: Geerman, Lisa
<lgeerman@howardcountymd.gov>
Subject: Re: Title I Funding

Dear Ms.
Geerman,

Title I provides federal funds to schools with higher percentages of students who receive free and reduced-price meals. The Howard County Public School System (HCPSS) receives a county allocation and is able to use those funds for any school that is above the countywide average poverty level, as determined by the percentage of students who

have applied for Free And Reduced-price Meal services (FARMs). The HCPSS chooses to fund by grade span and fund only elementary schools. Based on the total amount of funds, the HCPSS has determined twelve schools are the maximum number of schools that the funds can have impact in. These twelve schools are Bollman Bridge, Bryant Woods, Cradlerock, Deep Run, Guilford, Laurel Woods, Longfellow, Phelps Luck, Running Brook, Stevens Forest, Swansfield, and Talbott Springs elementary schools. For the past several

years, the HCPSS has used its Title I grant to provide additional staffing, tutoring opportunities, family engagement events, and materials of instruction.

Funds are distributed to the schools based on the number of students receiving FARMs at those schools, with schools with larger numbers of students receiving free and reduced-price meals receiving greater funding. Staff from the Title I office work with school administrators to develop grant fund spending that aligns with the school improvement

plan (SIP)
priorities.

Let me know if
you have any
other questions
about Title I.

Caroline

Caroline Y. Walker, Ph.D.
Director of Program Innovation
Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
410-313-6614 (phone)

From: "Geerman, Lisa"
<lgeerman@howardcountymd.gov>
Date: Monday, May 21, 2018 5:09 PM
To: HCPSS <caroline_walker@hcpss.org>
Subject: Title I Funding

Dr. Walker,

A Councilmember would like additional information on Title I funds. According to the FY 2019 Board of Education's Requested Operating Budget, page 515, you are the Grant Manager for these Federal funds. Please provide details about how the funds are distributed to the schools. If you have any questions regarding this request, please contact me.

Thank you.

Lisa Geerman
Legislative Audit Manager
Howard County Auditor's Office
410-313-3061

Title I, Part A & ESSA: A Fiscal Handbook

2017–18 SCHOOL YEAR

PREPARED BY THE TITLE I, PART A/LAP OFFICE AT OSPI

DECEMBER 2017

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A. Introduction to Title I, Part A & ESSA: A Fiscal Handbook

This handbook provides general guidance from OSPI on how local educational agencies (LEAs) may spend Title I, Part A funds under the Every Student Succeeds Act (ESSA). This handbook is being disseminated to LEA Title I, Part A Directors and Business Managers and the Office of the Washington State Auditor (SAO). It should be considered official guidance from OSPI in effect for the 2017–18 school year. It should be read in tandem with other guidance documents from OSPI on the Title I, Part A program and federal funds. When appropriate, those guidance documents are referenced and linked.

Title I, Part A is the U.S. Department of Education’s (ED) largest K–12 grant program. It provides supplemental funding to help low-income schools improve the academic achievement of educationally disadvantaged students. ED awards Title I, Part A funds to state educational agencies (SEAs), which then subgrant funds to LEAs. LEAs retain some money to carry out certain activities, and then must allocate the rest to eligible schools.

ESSA is the most recent version of the Elementary and Secondary Education Act (ESEA), which was signed into law on December 10, 2015. The version of ESEA prior to ESSA was most recently known as the No Child Left Behind Act (NCLB). ESSA went into effect on July 1, 2017. For more information about ESSA, and the transition from NCLB, please see [OSPI’s ESSA district resources page](#).

It is important to note that this handbook only provides an overview of each of the Title I, Part A spending rules and options; it does not discuss all details of compliance requirements that apply. For more on that, please see the OSPI’s [LAP/Title I, Part A Handbook](#) and [OSPI’s Title I, Part A website](#).

This handbook:

- Provides an overview of the Title I, Part A program
- Summarizes general federal education spending provisions that apply to Title I, Part A
- Addresses the use of Title I, Part A funds by LEAs
- Summarizes targeted assistance, schoolwide, and district initiatives
- Addresses the use of Title I, Part A funds by schools operating “schoolwide programs”
- Addresses the use of Title I, Part A funds by schools operating “targeted assistance programs”
- Provides guidance on consolidated Title I, Part A funds with other funds in a schoolwide.
- Addresses key fiscal tests LEAs must meet as a condition of receiving Title I, Part A funds: maintenance of effort, comparability, and Title I, Part A unique supplement-not-supplant provision.
- Addresses conditions LEAs agree to when taking Title I, Part A funds.
- Appendix A is a cross reference to Title I, Part A and other programs.
- Appendix B a letter from ED clarifying when Title I, Part A can provide extended learning time to Title I, Part A and Non-Title I Part A schools.

If your LEA has questions regarding scenarios specific to your program, please reach out to the OSPI Title I, Part A office at 360-725-6100.

B. How Title I, Part A Funds May Be Used

The 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 educational achievement gaps.”¹ To achieve that, states must develop accountability systems to identify and support schools with academically struggling students, and LEAs and schools must use their Title I, Part A funds to improve student outcomes, including academic achievement.

Title I, Part A funds can support a wide range of activities to help Title I, Part A students meet state academic standards. This includes, but is not limited to:

- Providing eligible students with a well-rounded education, which ESSA defines as “[C]ourses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the SEA or LEA, with the purpose of providing all students access to an enriched curriculum and educational experience.”²
- Instructional supports,
- Non-instructional supports such as behavior and mentoring supports, and social and emotional learning, and
- Improving school quality.

Historically, many LEAs and schools have used Title I, Part A funds narrowly for discrete instructional supports primarily focused on reading and math. (This happened because the NCLB law’s complexity led to narrower interpretations about the use Title I, Part A funds. It was only later, under the AARA guidance, that ED issued more flexible interpretations of Title I, Part A).

The language of ESSA is clearer than NCLB. Title I, Part A may be used flexibly to meet a broad range of student needs, which can *include* reading and math instructional supports, but *may also address other identified student needs*.

The chart on the next page highlights common ways Title I, Part A spending has been used in a more limited way compared to what is allowed under ESSA. Understanding and addressing these limitations is important for ensuring ESSA’s Title I, Part A funds are used to their full potential.

¹ ESSA, Section 1001.

² Please see ESSA, Section 8101(52) defining a “well-rounded education”.

Common Title I, Part A Limitations Not Required by ESSA (or NCLB) ³	
Common Limitation Not Required by Federal Law	Actual Legal Authority
Limiting Title I, Part A spending to reading/language arts and math	<i>Title I, Part A may be used broadly under ESSA for a broad range of subjects (see definition of well-rounded education on prior page).</i> <i>(Under NCLB, it could have been used for subjects like science, social studies, art, and others, though that was not common.)⁴</i>
Limiting Title I, Part A spending only to instruction or materials	<i>ESSA permits Title I, Part A to be used for non-instructional supports, including school climate, attendance improvement, and school counselors.⁵</i> <i>(Guidance under NCLB also provided flexibility that Title I, Part A could be used for non-instructional supports such as school climate, increasing attendance, school counselors, improving health (in some circumstances), etc.⁶</i>
Limiting Title I, Part A spending to remedial programs	<i>ESSA is now more explicit that Title I, Part A may be used for advanced learning opportunities for struggling students.⁷</i> <i>(While NCLB did not impose such a restriction, many schools shifted focus there when the NCLB accountability systems were implemented. ED guidance permitted spending on advanced learning opportunities for struggling students.⁸)</i>
Limiting Title I, Part A spending to specific students in a schoolwide program school	<i>ESSA permits Title I, Part A schoolwide spending on broad improvement strategies based on the school's needs.⁹</i> <i>(NCLB also permitted Title I, Part A spending to upgrade the entire educational program of a schoolwide school.¹⁰)</i>

³ This table is based on CCSSO's *Maximizing ESSA Formula Funds for Students: State Readiness Self-Assessment*: <https://ccsso.org/sites/default/files/2017-10/MaximizingESSAFormulaFundsforStudentsApril2016.pdf>. Please note that the citations in this chart are to the NCLB law (not ESSA) and relevant NCLB guidance in order to highlight misunderstandings under NCLB.

⁴ See NCLB, Sections 1111 and following, imposing no academic subject matter restrictions on Title I, Part A funding. See also the U.S. Department of Education's (ED) guidance, *Using Title I, Part A ARRA Funds for Grants to Local Educational Agencies to Strengthen Education, Drive Reform, and Improve Results for Students* (September 2009) available at <https://www2.ed.gov/policy/gen/leg/recovery/guidance/titlei-reform.pdf>, particularly Sections C and G. This guidance is referred to as "ED 2009 Title I Reform Guidance" for the rest of this document. Two notes about this guidance: (1) while the guidance was developed to provide information about the additional Title I, Part A money appropriated under the American Recovery and Reinvestment Act (ARRA), the guidance is applicable Title I, Part A funds generally (see page 15), and (2) the guidance was released under NCLB. ED may issue updated Title I, Part A spending guidance under ESSA.

⁵ See, for example, ESSA, Section 1114(b)(7)(A)(iii)(I)&(III), ESSA, Section 1115(b)(2)(B)(ii), and ESSA, Section 1115(e)(2).

⁶ See *ED 2009 Title I Reform Guidance*, particularly Sections C, E, and G.

⁷ See *ED 2009 Title I Reform Guidance*, Section C.

⁸ See, for example, ESSA, Section 1114(b)(7)(A) (II), ESSA, Section 1114(e), and ESSA, Section 1115(f).

⁹ ESSA, Section 1114(a)(1)(A). Also, see ED guidance issued under ESSA, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

¹⁰ See NCLB, Section 1114. Also see ED guidance issued under NCLB, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015) available at <http://www.ed.gov/policy/elsec/guid/eseatitleiswpguidance.pdf> and *Designing Schoolwide Programs* (2006) available at <http://www.ed.gov/policy/elsec/guid/designingswpguid.doc>.

c. Is this allowable? General Federal Spending Provisions that Apply to Title I, Part A

There are general federal spending provisions that apply to federal education funds, including Title I, Part A.

1. All costs charged to ED grants must be **necessary, reasonable and allocable** and consider the amount of money being spent and the needs of the program.¹¹ This requirement comes from a set of federal regulations known as the Uniform Grant Guidance (UGG), which applies to all federal grants including ED grants.¹²

Please see OSPI's memo on key changes from UGG: [Memorandum No. 007-15](#)

The UGG affects ED grant spending in a number of ways. It:

- Lists costs that may never be paid for with federal funds.¹³ For example, federal funds can never pay for alcohol¹⁴ and typically cannot pay for lobbying.¹⁵ See the Section B for a list of items than can never be paid with federal funds.
 - Lists general criteria all costs supported with federal funds must satisfy.¹⁶ For example, federal funds can only pay for costs that are allocable to the relevant grant.¹⁷
 - Sets additional requirements for certain costs supported with federal funds.¹⁸ For example, LEAs that use federal funds for employee salaries and benefits must keep records documenting how much time the employees spent on grant activities.¹⁹
 - Sets rules for how LEAs procure goods and services with federal funds,²⁰ how they track items paid for with federal funds,²¹ and the kinds of records they must keep about their grant spending.²²
2. All employees charged to federal grants must document the time they spend working on the grant's objectives to demonstrate that the amounts charged to federal programs are true and accurate (commonly referred to as Time and Effort).

¹¹ 2 CFR 200.403(a).

¹² The Uniform Grant Guidance (UGG) is contained in Part 200 of Title 2 of the Code of Federal Regulations available at http://www.ecfr.gov/cgi-bin/text-idx?SID=f3948247e9ceb83b01019746db896096&tpl=/ecfrbrowse/Title02/2cfr200_main_02.tpl. Federal guidance and other resources about the UGG are available at <http://www2.ed.gov/policy/fund/guid/uniform-guidance/index.html>.

¹³ See 2 CFR Part 200, Subpart E.

¹⁴ 2 CFR § 200.423.

¹⁵ 2 CFR § 200.450.

¹⁶ See 2 CFR § 200.403.

¹⁷ 2 CFR § 200.403(a).

¹⁸ See 2 CFR §§ 200.420-200.475.

¹⁹ 2 CFR § 200.430.

²⁰ 2 CFR §§ 200.317-200.326.

²¹ 2 CFR §§ 200.313-200.314.

²² See, for example, 2 CFR § 200.318(h)(i) for procurement records or 2 CFR § 200.302(b)(3) for financial records.

Please see OSPI's Bulletin on Guidelines for Charging Employee Compensation to Federal Grants and the relevant attachments. [B048-17](#)

- [Attach 1](#)–Semi-Annual Certification–Single Cost Objective
- [Attach 2](#)–Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
- [Attach 3](#)–Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the “Fixed Schedule” system)
- [Attach 4](#)–Employee Certification and Schedule–Employee with Fixed Schedule (if using the “Fixed Schedule” system)

3. Activities supported by ED funds must be **consistent with the LEA's Title I, Part A annual application for funds approved by the OSPI.**²³ For Title, Part A, this is the Title I, Part A Annual Plan that is submitted in iGrants Form Package (FP) 201. Refer to your LEA's approved FP 201 or to OSPI's [LAP/Title I, Part A Handbook](#) for 2017-18 for general information.
4. Some parts of ESSA require LEAs to spend on activities that are supported by evidence, are demonstrated to be effective, or that are consistent with a formal needs assessment. Even where this is not required, ED grant spending has the most impact when LEAs spend federal funds on effective activities designed to meet program goals. To do this, LEAs are encouraged to:
 - Carefully consider the needs of students, educators, and other relevant stakeholders,
 - Determine which activities are most likely to effectively address those needs, and
 - Prioritize those activities when deciding what costs to support with ESSA funds (unless those activities are being paid for by other funding sources).

²³ 34 CFR § 76.700.

D. Costs that are never allowable under Title I, Part A

Gifts & Incentives Are Not Allowable in Washington State. Do not use state or federal funds to pay for gifts/incentives related to Title I, Part A programs or activities. This is a provision of the Washington State Constitution (Article 8, Sections 5 and 7). This includes gifts or items that appear to be gifts. This includes souvenirs, memorabilia, or other promotional gifts, such as T-shirts, caps, tote bags, key chains. *Gifts for Title I, Part A program participants can be provided if donated by individuals/private funds.*

The following costs may not be charged to U.S. Department of Education Grants²⁴:

- Advertising and public relations costs such as promotional items and memorabilia, including models, gifts and souvenirs (with limited exceptions)
- Advisory councils unless permitted by the grant or federal awarding agency
- Alcoholic beverages
- Bad debts
- Contributions and donations
- Entertainment, including amusement, diversion, and social activities and any associated costs, except where specific costs that might otherwise be considered entertainment have a programmatic purpose and are authorized either in the approved grant or by the federal awarding agency
- Fines, penalties, damages and other settlements (with limited exceptions)
- Fund raising and investment management costs (with limited exceptions)
- General costs of government (such as the salaries and other expenses of a school board, or the costs of the school district's chief executive (superintendent))
- Goods or services for personal use
- Lobbying
- Organizing activities, such as incorporation fees, brokers' fees, fees to promoters, organizers or management consultants, attorneys, accountants, or investment counselors, in connection with establishment or reorganization of an organization, except with prior approval of the federal awarding agency
- Selling and marketing
- Student activity costs (such as costs incurred for intramural activities, student publications, student clubs, and other student activities) unless specifically allowed under the grant (such as to remove barriers for homeless students-See section F-Required Set-Asides).

²⁴ CFR 200

E. Considerations When Determining if a Cost is Allowable under Title I, Part A

When considering whether the Title I, Part A funds may be used at the LEA or building level, business managers and Title I, Part A directors and staff should ask themselves the following set of questions to determine if an expenditure is allowable.

- How is the expenditure reasonable, necessary and allocable to carry out the intent and purpose of the Title I, Part A program?
- What need does the expenditure address? How does it connect to relevant Title I, Part A plans (LEA annual plan- FP 201, schoolwide plan, targeted assistance plan)? The purchaser should be able to clearly explain how the expenditure aligns to the LEA or building's Title I, Part A plans.

For example:

- If it is a district initiative expenditure, the expenditure must be aligned to what has been approved in the Title I, Part A Annual Plan (FP 201). The auditors regularly review the Title I, Part A annual plan (FP 201) and review whether LEA expenditures align with it.
 - If it is a schoolwide expenditure, it needs to be aligned to the schoolwide plan's needs assessment. The auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.
 - If it is a targeted assistance expenditure, it needs to be aligned in the targeted assistance comprehensive assessment.
- How will the expenditure be evaluated to measure a positive impact on student achievement?

F. Required Set-Asides-Title I, Part A Funds at the LEA Level

Before allocating Title I, Part A funds to schools, LEAs **must** reserve, or set-aside, Title I, Part A funds for the following **required activities**:

Equitable services for eligible private school students. LEAs must reserve a proportional amount based on the number of eligible private school students in the LEA.²⁵ ESSA requires an LEA to determine the amount of funds available for providing equitable services under Title I, Part A *prior* to any expenditures or transfers of funds.²⁶ This includes all reservations previously taken “off the top” of an LEA’s Title I, Part A allocation, including reservations for administration, parental involvement, and district-wide initiatives.²⁷

Requirement - Private Schools Inside and Outside LEA Boundaries

Private school students residing within LEA boundaries generate funding for the LEA. This is true regardless of whether the private school is located inside or outside the LEA. In other words, that student is your responsibility. It is an option, based on private school consultation, and conversations with other LEAs to set up an inter-local agreement with another LEA for them to delivery services to the eligible student(s).

Please review OSPI’s [LAP/Title I, Part A Handbook](#) and [OSPI ESSA Private School’s page](#) for additional information on calculating and expending the set-aside.

Equal vs Equitable

There is a common misconception around equitable services to private school students. The misconception is that services must be equal. An LEA may think that because they are choosing to serve grades K-5 in reading (for example), that participating private schools are required to do the same.

The law uses the word ‘equal’ to refer to the amount of funds required to be set aside for services to private school students.

*“Expenditures for equitable services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families to attend private schools”.*²⁸

Services to private school students do not need to be equal to (the same as) those services provided to public school students. If the needs of the students enrolled in private schools are different (i.e. delivery method, subject area, etc.) than those of the public school students, then the LEA is required to provide different

²⁵ ESSA, Section 1117(a)(4). ED, *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)* (2016) available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>.

²⁶ ESSA, Section 1117(a)(4).

²⁷ See U.S. Department of Education, *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), Q&A O-1, available at <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>. This guidance will be referred to as “ED 2016 Fiscal Changes Guidance” for the rest of this document.

²⁸ ESEA section 1117(a)(4)(A)(i).

benefits.²⁹ Services that best meet the needs of private school students should be discussed during the consultation process and documented in the record of agreed upon services.

Services for homeless children. This set-aside may pay for the cost of homeless liaison and transportation, and other activities required under the McKinney Vento Homeless Education Act. Students are eligible whether or not they attend, Title I, Part A schools. *LEAs must reserve “such funds as are necessary,” based on an assessment of homeless children’s needs; ESSA does not specify an amount.*³⁰

Each LEA is required to complete [Homeless Student Needs Assessment](#) to determine the Title I, Part A set-aside amount for homeless children and youth.

Note: The Homeless Needs Assessment will also be collected as a part of the Title I, Part A Application (FP 201) and is explained in OSPI’s [LAP/Title I, Part A Handbook](#). The following resources provide ideas for ways you can support your homeless students:

- [Dear Colleague Letter](#)
- [NCHE Homelessness and Title I, Part A Brief](#)

Services for neglected children. An LEA is required to reserve funds necessary to provide services to children in:

- local institutions for neglected children
- local institutions for delinquent children, and;
- community day programs for neglected or delinquent

*LEAs must reserve “such funds as are necessary;” ESSA does not specify an amount.*³¹ For more information, visit [OSPI’s Institutional Education website](#) and review OSPI’s [LAP/Title I, Part A Handbook](#).

Parent and Family Engagement (PFE). At least 1% must be set-aside if the LEA district has an allocation of \$500,000 or more.³² Calculate the PFE set-aside by taking 1% of your total allocation. Of that 1%, no less than 90% must go to Title I, Part A buildings. The remaining 10% (or less) may remain at the LEA level. For more information and resources, please visit [OSPI’s Parent & Family Engagement web page](#) and review OSPI’s [LAP/Title I, Part A Handbook](#).

Parent & Family Engagement: Examples of Allowable Title, Part A Costs

The following is a list of typical activities that LEAs and schools charge to Title I, Part A for Parent/Family Engagement Activities. Keep in mind this is a list of examples. Others may be permitted. See Section E for guiding questions to ask.

- Consumables such as paper, glue, and scissors for make and take projects at home that promote academic learning.
- Instructional kits, workbooks, reading materials.
- Books for loan programs or check out system.

²⁹ Title I Services to Eligible Private School Children, Non-Regulatory guidance, October 17, 2003

³⁰ ESSA, Section 1113(c)(3)(C).

³¹ ESSA, Section 1113(c)(3).

³² ESSA, Section 1116(a)(3)(A). ESSA clarifies LEAs can reserve more than one percent at their discretion.

- Transportation and child care costs for Title I, Part A parent engagement
- Meals/refreshments. To encourage attendance when parent and family engagement meetings and trainings conflict with family meals or schedules. You can provide refreshments but only if you can prove that these refreshments increase participation.
Note: Do not pay for snacks or refreshments at any staff meetings with Title I, Part A funds.
- Registration and travel costs for parent representatives/committee members to attend in-state workshops and conferences that support parent education and engagement. The expectation is that parent participants will share new knowledge with other parents.
- Translation and interpretation services translation and interpretation resources to make it possible for parents to attend meetings and training sessions.
- *Note: LEAs and schools must fulfill state and federal civil right laws before using Title I, Part A funds. Click here for [Equity and Civil Right office](#)–translation and interpretation resources.*
- Facility rental and usage–Unavoidable costs related to the facility in which you conduct parent and family engagement activities. For example, holding meetings at different times of the day or at a center location where parents feel familiar with the community. Remember this should be reasonable and necessary.

g. Optional Set-Asides-Title I, Part A Funds at the LEA Level

LEAs may also set-aside funds for the following **optional activities**:

Administering the Title I, Part A program. *LEAs may reserve a reasonable and necessary amount.*³³

Early Learning. Use this set-aside for district-wide early learning activities.³⁴ Whether in the entire LEA or just a portion of the LEA, there are a number of early learning activities that can be funded with Title I, Part A dollars.

- Refer to the OSPI guide Funding Early Learning Activities in [Washington State with Title I, Part A \(Birth–Age 5\)](#). It explains options for the early learning set-aside and the staffing and educational requirements that apply if using Title I, Part A funds for early learning.

Foster Care. Use this set-aside to support foster care students, who are categorically eligible for Title I, Part A under ESSA.³⁵ For more information on Title I, Part A and Foster Care, review the [OSPI Foster Care Frequently Asked Questions](#). There are specific sections on Title I, Part A and Foster Care.

School Improvement. Washington State is in a year of transition from its NCLB accountability system to its ESSA accountability system.

A. Professional Development. Previously, under NCLB, LEAs and schools in a step of improvement were required to set aside 10% of their Title I, Part A allocation for PD. This is no longer required under ESSA, however LEAs may choose to set-aside PD funds for the 2017-18 year as it is a transition year from NCLB to ESSA. This is

³³ 34 CFR Part 200, Reservation of funds by an LEA.

³⁴ ESSA, Section 1113(c)(5).

³⁵ U.S. Department of Education and U.S. Department of Health and Human Services, *Ensuring Educational Stability for Children in Foster Care* (2016), Q&A 30, available at <http://www2.ed.gov/policy/elsec/leg/essa/edhhsfostercarenonregulatorguide.pdf>.

the final year non-Title I, Part A schools can be supported. Please see [Professional Development Set-Aside for 2017-18](#) for further guidance.

B. Priority/Focus. Additionally, LEAs with identified Priority or Focus schools may (but are not required to) set aside up to 20% of their Title I, Part A funds for Priority and Focus Title I, Part A school buildings to implement strategies that improve student outcomes.

LEA-managed initiatives in Title I, Part A schools. This may provide extended learning time for struggling students at Title I, Part A and non-Title I, Part A schools under limited conditions. *See next page.*³⁶

IMPORTANT NOTE: *While there is no specific cap on the amount of money an LEA can reserve for LEA-managed initiatives, the bulk of Title I, Part A funds generally should be allocated to schools because Title I, Part A is designed to be a school-based program.*

Deeper Look at Title I, Part A Set-Asides for LEA Managed Initiatives

LEAs may set-aside Title I, Part A funds to implement LEA-managed Title I, Part A initiatives. These are managed at the central level (rather than the school level), and designed to improve the achievement of Title I, Part A students. LEA-managed initiatives are sometimes called “districtwide” initiatives because they benefit all, or a group, of Title I, Part A schools. Generally these initiatives are not districtwide in an LEA with both Title I, Part A and non-Title I, Part A schools. An LEA cannot, for example, use Title I, Part A funds to benefit non-Title I, Part A students, except for a district-wide targeted extended learning time exception explained in the last bullet.

Guidance from ED permits LEAs to use Title I, Part A funds for the following types of district-managed initiatives for all, or a subset of, an LEA’s Title I, Part A schools. The examples illustrate *possible* uses of Title I, Part A funds for a LEA-managed Title I, Part A initiative. Other uses of funds that are consistent with Title I, Part A rules are also permissible.³⁷

- Contracting with an outside provider with expertise in school improvement to support low-achieving Title I, Part A schools,³⁸
- Summer school courses, or after-school tutoring, to prepare low-achieving students to participate successfully in advanced coursework,³⁹
- Supplemental instructional materials to improve the academic achievement of low-achieving students, including students with disabilities and English language learners,⁴⁰
- Hiring an outside expert to work with the staff of low-achieving Title I, Part A schools to build their capacity to analyze student data and identify promising interventions,⁴¹

³⁶ 34 CFR § Part 200, Reservation of funds by an LEA.

³⁷ ED 2009 Title I Reform Guidance, Q&A B-8.

³⁸ ED 2009 Title I Reform Guidance, Q&A B-8.

³⁹ ED 2009 Title I Reform Guidance, Q&A C-1.

⁴⁰ ED 2009 Title I Reform Guidance, Q&A C-8.

⁴¹ ED 2009 Title I Reform Guidance, Q&A D-1.

- Paying for extended time for educators in Title I, Part A schools to review data for at-risk students and identify interventions to better meet the needs of those students,⁴² and
- Extending learning time (ELT) in Title I, Part A schools (before- and after-school programs, Saturday school and summer school, summer activities, offering early start to the school year for students needing transition support, extending the school year, extended learning opportunities during the school day).⁴³
- There is a narrow exception allowing Title I, Part A funds to support ELT for students not attending a Title I, Part A school (i.e. a LAP school) in a district-wide targeted assistance program. In 2016, ED wrote, “An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title schools may be able to do so, consistent with 34 C.F.R. § 200.79.”⁴⁴ **Consider this a district-wide targeted program and code students accordingly.**

⁴² ED 2009 Title I Reform Guidance, Q&A D-4.

⁴³ ED 2009 Title I Reform Guidance, Q&A G-5.

⁴⁴ See Appendix A in this Guide. Letter from Ann Whalen to Chief State School Officers dated Feb 26, 2016.

H. Title I, Part A: Ranking and Allocation

Title I, Part A requires LEAs to **concentrate the funds** in schools with the highest percentages of poverty and to provide **sufficient funds** to make a difference in the academic performance of these students.

In order to determine which schools will receive Title I, Part A funds, each LEA with **1,000 or more** enrolled students must put its schools in **rank order** from highest to lowest concentrations of poverty. For these LEA, any building **must** be served if poverty is **greater** than 75%. See ESEA Section 1113.

Skipping a School from Ranking and Allocation. OSPI will allow a LEA to “skip” a school in the Ranking and Allocation process if it is actually a “program” and not a brick and mortar school. However, if an LEA accepts the LAP High Poverty School allocation for a “program” school, it cannot treat that school as a “program” when doing ranking and allocation for Title I, Part A. OSPI previously allowed an LEA to “skip” a school if there was LAP funds in the school. This will not be allowed due to HB 2242 (passed 2017).

For detailed instructions and options for Ranking and Allocating, please see OSPI’s [LAP/Title I, Part A Handbook](#) and FP 201.

I. Targeted Assistance Program and Use of Title I, Part A Funds

A **targeted assistance program** is available to any Title I, Part A school that does not operate a schoolwide program.⁴⁵

- Schools operating a targeted assistance program must use Title I, Part A funds to help educationally-disadvantaged students meet state standards, and⁴⁶
- Students are eligible for Title I, Part A if they:
 - (1) Are failing, or at risk of failing, to meet state standards,
 - (2) participated in certain federally-funded preschool programs,
 - (3) Received services under the Migrant Education Program,
 - (4) Are in a local institution for neglected or delinquent children or are attending a community day program, or
 - (5) are homeless or in foster care.⁴⁷

Any Title I, Part A School that does not operate a schoolwide program must operate a targeted assistance program. In a targeted assistance school, the school uses Title I, Part A funds to provide additional supports to specifically identified students struggling to meet state standards. See OSPI's [Title I, Part A Targeted Assistance webpage](#) or OSPI's [LAP/Title I, Part A Handbook](#) for more information on designing and operating your Targeted Assistance Program.

Spending Options in a Targeted Assistance Program

Targeted assistance schools must use Title I, Part A funds to help identified students meet state standards, which can include programs, activities, and academic courses necessary to provide a well-rounded education.⁴⁸

Targeted assistance schools may use Title I, Part A funds to serve their eligible students by:

- Expanding learning time for eligible students, including before- and afterschool programs, and summer programs and opportunities,
- Providing early intervening services to eligible students, including services coordinated with similar activities and services carried out under IDEA,
- Providing eligible students with extra supports aligned to the school's regular education program, which may include services to assist preschool children in the transition from early childhood education programs to elementary school programs,
- Providing professional development to teachers, principals, other school leaders, paraprofessionals, and, if appropriate, specialized instructional support personnel, and other school personnel who work with eligible students, and
- Implementing strategies to increase the involvement of parents of eligible students.⁴⁹

Targeted assistance schools can also use Title I, Part A funds to provide eligible students with health, nutrition, and other social services⁵⁰ that are not otherwise available to them if:

⁴⁵ ESSA, Section 1115.

⁴⁶ ESSA, Section 1115(b)(2)(A).

⁴⁷ ESSA, Section 1115(c).

⁴⁸ ESSA, Section 1115(b)(2)(A).

⁴⁹ ESSA, Section 1115(b)(2).

⁵⁰ Examples of such services include basic medical equipment such as eyeglasses and hearing aids, compensation of a coordinator, family support and engagement services, integrated student supports, and professional development

- The school has engaged in a comprehensive needs assessment and established a collaborative partnership with local service providers, if appropriate; and
- Funds are not reasonably available from other public or private sources.⁵¹

A secondary school operating a targeted assistance program may use Title I, Part A funds to provide dual or concurrent enrollment program services to eligible children.⁵²

Targeted assistance schools must:

- Help provide an accelerated, high-quality curriculum,
- Minimize the removal of children from the regular classroom during regular school hours for instruction provided by Title I, Part A, and
- Review the progress of eligible students on an ongoing basis and revise the targeted assistance program, if necessary, to provide students additional assistance to meet state standards.⁵³

Coordinating Targeted Assistance Programs with Other Programs and Supports

Because targeted assistance programs can only serve specifically identified students, schools sometimes “wall-off” their Title I, Part A programs to prove that only eligible students participated. This is not required by the Title I, Part A law or federal rules. In fact, Title I, Part A encourages schools to coordinate Title I, Part A services with other programs, including the regular education program.

For example, the targeted assistance section of the law says:

*Nothing in this section shall be construed to prohibit a school from serving students under this section simultaneously with students with similar educational needs, in the same educational settings where appropriate.*⁵⁴

The law also encourages targeted assistance schools to coordinate and integrate federal, state, and local services and programs, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and comprehensive support and improvement activities or targeted support and improvement activities.⁵⁵

This coordination extends beyond student services and includes Title I, Part A staff as well. For example, to promote the integration of Title I, Part A staff into the regular school program and overall school planning and improvement efforts, such staff can:

- Participate in general professional development and school planning activities, and
- Assume limited duties that are assigned to similar personnel, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.⁵⁶

necessary to assist teachers, specialized instructional support personnel, other staff, and parents in identifying and meeting the comprehensive needs of eligible children. ESSA, Section 1115(e)(2)(B).

⁵¹ ESSA, Section 1115(e)(2).

⁵² ESSA, Section 1115(f).

⁵³ ESSA, Section 1115(b)(2)(G).

⁵⁴ ESSA, Section 1115(e)(1).

⁵⁵ ESSA, Section 1115(b)(2)(F).

⁵⁶ ESSA, Section 1115(d).

Staffing Requirements in Targeted Assistance Programs

There are specific Title I, Part A staffing requirements for paraeducators and teachers.

Paraeducators and substitute paraeducators assigned to a Title I, Part A targeted assistance programs must continue to meet federal standards used under NCLB as explained in the [Title I, Part A Guide to Paraeducator Requirements](#).

Teachers assigned to Title I, Part A targeted assistance programs must meet applicable state certification and licensure requirements. A teacher assigned to Title I, Part A targeted assistance may be out-of-field or out-of-endorsement as long as they hold an eligible certificate type and the school board approved the placement (per WAC 181-82-110 or WAC 392-172A-02090). School board approval must be in place prior to the date the teacher was assigned to Title I, Part A targeted assistance program.

J. Title I, Part A Schoolwide Program: Requirements and Use of Funds

The **schoolwide program** offers high poverty schools the flexibility to implement comprehensive school improvement strategies, and not be limited only to narrow services for specific, identified students.

A schoolwide program is available to any school with at least forty percent poverty. Under ESSA it is also an option for schools below forty percent poverty if granted a waiver by OSPI. The waiver application process for the 2017–18 is addressed in Bulletin [B058-16](#).⁵⁷

- Buildings operating a schoolwide program can use Title I, Part A funds to upgrade their entire educational program,⁵⁸
- All students are considered “Title I, Part A students,”⁵⁹ and
- Schoolwide buildings must develop a plan describing the services they will provide based on a comprehensive needs assessment of the school’s needs.⁶⁰

Schoolwide Plan: Four Components under ESSA

The schoolwide plan is a strategic tool to identify the school’s needs and explains which improvement strategies it will use to address those needs.⁶¹ Schoolwide buildings must conduct a comprehensive needs assessment that takes into account the academic achievement of all students, particularly the needs of those of students struggling to meet state academic standards, and any other factors as determined by the LEA.⁶² The schoolwide plan must address the identified needs.⁶³

All schoolwide buildings will need to update schoolwide plans to meet ESSA requirements during the 2017–18 school year.⁶⁴ There are four components of the Title I, Part A schoolwide plan under ESSA.

- Needs Assessment
- School Reform Strategies
- Activities to Ensure Mastery
- Coordination and Integration of Funds.

See OSPI’s [Title I, Part A Schoolwide webpage](#) for more information on designing and operating your Schoolwide Program. OSPI created a plan template that aligns the four components with reform strategies to help improve student outcomes.

Developing a Schoolwide Plan

The schoolwide plan must be developed:

- During a one year period, for schools not already operating schoolwide programs, unless the LEA determines, in consultation with the school, that less time is needed to develop and implement the schoolwide program.⁶⁵

⁵⁷ ESSA, Section 1114(a)(1).

⁵⁸ ESSA, Section 1114(a)(1)(A).

⁵⁹ ESSA, Section 1114(a)(2).

⁶⁰ ESSA, Section 1114(b).

⁶¹ ESSA, Section 1114(b)(7)(B). See also *ED 2016 Schoolwide Guidance*, pp. 9-10, for more information about consolidation.

⁶² ESSA, Section 1114(b)(6).

⁶³ ESSA, Section 1114(b).

⁶⁴ ESSA, Section 1114(b)(1).

⁶⁵ ESSA, Section 1114(b)(1)

- Key stakeholders must be involved,⁶⁶ and
- In coordination and integration with other federal, state, and local services, resources, and programs, if appropriate, such as programs supported under ESSA, violence prevention programs, nutrition programs, housing programs, Head Start programs, adult education programs, career and technical education programs, and schools implementing comprehensive support and improvement activities or targeted support and improvement activities.⁶⁷

Length of a Schoolwide Plan & Parental and Public Access

The schoolwide plan remains in effect for the duration of the school’s participation in Title I, Part A except that schools must regularly monitor and revise their plan and implementation as necessary based on student needs to ensure that all students are provided opportunities to meet state standards.⁶⁸

The schoolwide plan must be available to the LEA, parents, and the public, and the information contained in the plan should be understandable to the extent practical.⁶⁹

Schoolwide Plan and Use of Title I, Part A Funds.

The schoolwide plan provides the foundation for how a school can use Title I, Part A funds. The schoolwide building’s spending must align to its Title I, Part A plan. The school plans first, and then spends Title I, Part A funds to support the strategies identified in its plan. The auditors will be looking at your schoolwide plan, particularly the needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.

Spending Options in a Schoolwide Program

In a schoolwide program all students and staff may participate in Title I, Part A-funded activities, and the school may use Title I, Part A to support any reasonable activity designed to improve the school’s educational program so long as it is consistent with the school’s needs assessment and plan and documented in the plan.

Depending on its needs, a schoolwide program school could use Title I, Part A to support:

- High-quality preschool and services to facilitate the transition from early learning to elementary education programs.
- Recruitment and retention of effective educators, particularly in high-need subjects.
- Instructional coaches to provide high-quality, school-based professional development.
- Increased learning time.
- Evidence-based strategies to accelerate the acquisition of content knowledge for English learners.
- Activities designed to increase access and prepare students for success in high-quality advanced coursework to earn postsecondary credit while in high school (e.g., Advanced Placement, International Baccalaureate, early college high schools, and dual or concurrent enrollment programs).
- Career and technical education programs to prepare students for postsecondary education and the workforce.

⁶⁶ ESSA, Section 1114(b)(2) ESSA specifies parents and other members of the community and individuals who will carry out such plan, including teachers, principals, other school leaders, paraprofessionals, administrators, the LEA, tribes and tribal organizations (to the extent feasible), and, if appropriate, specialized instructional support personnel, technical assistance providers, school staff, if the plan relates to a secondary school, students, and other individuals determined by the school.

⁶⁷ ESSA, Section 1114(b)(5)

⁶⁸ ESSA, Section 1114(b)(3)

⁶⁹ ESSA, Section 1114(b)(4)

- Counseling, school-based mental health programs, behavior services, mentoring services, and other strategies to improve students' nonacademic skills.
- School climate interventions (e.g., anti-bullying strategies, positive behavior interventions and supports).
- Equipment, materials, and training needed to compile and analyze student achievement data to monitor progress, alert the school to struggling students, and drive decision making.
- Response-to-intervention strategies intended to allow for early identification of students with learning or behavioral needs and to provide a tiered response based on those needs.
- Activities that have been shown to be effective at increasing family and community engagement in the school, including family literacy programs.
- Devices and software for students to access digital learning materials and collaborate with peers, and related training for educators (including accessible devices and software needed by students with disabilities).
- Two-generation approaches that consider the needs of both vulnerable children and parents, together, in the design and delivery of services and programs to support improved economic, educational, health, safety, and other outcomes that address the issues of intergenerational poverty.⁷⁰

For more information about using Title I, Part A funds in a schoolwide setting under ESSA, please see ED's guidance *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* at <https://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>.

Staffing Requirements in Schoolwide Programs

There are specific Title I, Part A staffing requirements for paraeducators and teachers.

All Paraeducators and substitute paraeducators assigned to Title I, Part A schoolwide buildings must continue to meet federal standards used under NCLB as explained in the [Title I, Part A Guide to Paraeducator Requirements](#)

Teachers assigned to Title I, Part A schoolwide buildings must meet applicable state certification and licensure requirements. A teacher assigned to a Title I, Part A schoolwide building may be out-of-field or out-of-endorsement as long as they hold an eligible certificate type and the school board approved the placement (per WAC 181-82-110 or WAC 392-172A-02090). School board approval must be in place prior to the date the teacher was assigned to a Title I, Part A schoolwide program.

⁷⁰ U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program*, pp. 4-5 (2016), available at <http://www2.ed.gov/policy/elsec/leg/essa/essaswpguidance9192016.pdf>. This guidance will be referred to as "ED 2016 Schoolwide Guidance" for the rest of this document.

K. Consolidating Funds in Title I, Part A Schoolwide

Once this document is finalized, the guidance provided in this section will supersede Bulletin B-054-12-Combining Funds in a Schoolwide, issued 9.19.2012.

Consolidating Funds in a Title I, Part A Schoolwide Program

A school operating a schoolwide program may consolidate federal, state, and local education funds to better address the needs of students in the school.⁷¹ If a schoolwide school consolidates Title I, Part A with other funds, the Title I, Part A schoolwide plan must list the specific federal, state, and local resources that will be consolidated in the schoolwide program.⁷² This Section outlines which federal, state, and local funds may be consolidated into a schoolwide and the specific requirements that apply.

It is important to note that Title I, Part A funds can be used to support comprehensive initiatives in a schoolwide school *even if Title I, Part A funds are not consolidated with other program funds.*⁷³

A school that chooses to consolidate funds within its Title I, Part A schoolwide program is not exempt from the following federal requirements⁷⁴:

- Health, safety, civil rights, and gender equity.
- Student and parental participation and involvement.
- Services to private school children.
- Maintenance of effort.
- Comparability of services.
- Uses of federal funds to supplement and not supplant.

1. Federal Funds Allowed for Consolidation

In general, ED guidance allows for a schoolwide building to consolidate federal funds it receives from discretionary (competitive) and formula grants, except where ED has expressed limitations. A schoolwide program that includes other federal education programs does not have to conform to the specific statutory or regulatory requirements for each separate program so long as the intent and purposes of those programs are met in the schoolwide plan.⁷⁵

Note: The authority to use funds under other programs in schoolwide program schools does not apply to funds that are allocated by formula to non-schoolwide buildings in a district. This is not an authority to redistribute funds among buildings. Any redistribution of funds would have to be consistent with the authorizing statute.

2. Federal Funds with Limits or Conditions for Consolidation

ED has placed limitations, or conditions, on consolidating the following federal funds:

⁷¹ ESEA section 1114(a)(1), (3)

⁷² ESEA section 1114(a)(1)

⁷³ See *ED 2016 Schoolwide Guidance*, p.9, stating:

NOTE: A schoolwide program school has flexibility in its use of Title I funds even absent consolidation. The uses of Title I funds described throughout this document are available to a schoolwide program school that does not consolidate its Title I or other Federal funds. Consolidation, however, affords even greater flexibility.

⁷⁴ Federal Register, Vol. 69, No. 127, 7/2/2004.

⁷⁵ Federal Register, Vol. 69, No. 127, 7/2/2004.

- **Individuals with Disabilities Education Act (IDEA), Part B** (formula or discretionary grant programs under IDEA and funds provided for eligible children with disabilities under Section 8003(d) of the ESEA) may be included in a schoolwide; the amount of federal special education funds consolidated cannot exceed the per-child allocation for each of the children with disabilities participating in the schoolwide program. See OSPI Bulletin No. [018-15](#) Use of Funds: Individuals with Disabilities Education Act (IDEA 2004), Part B.
- **Title I, Part C**—Education of Migratory Children (funds provided under ESEA, Title I, Part C to state agencies for services to migratory children). Title I, Part C, Migrant Education funds may be combined in a schoolwide program only after the LEA consults with parents and documents that it has met all identified student needs that result from a migratory lifestyle. In addition, any inclusion of Title I, Part C funding is contingent upon approval by the Office of Superintendent of Public Instruction’s (OSPI’s) Migrant Education office.
- **Title VI, Part A**—Indian, Native Hawaiian, and Alaska Native (funds provided under ESEA, Title VI, Part A to local school districts for Indian Education services). Title VI, Part A, Indian Education funds may be combined in a schoolwide program as long as they are used to assist Indian students in meeting state academic standards and are approved by an appropriately constituted committee.
- **Perkins Vocational and Technical Education.** Perkins funds may be consolidated as long as the school is providing services from state and local funds that are at least comparable to the services being provided in other secondary schools or sites within the district that are not being served with Perkins funds.⁷⁶

3. Federal Funds Excluded from Consolidation

The following federal funds are excluded from consolidation:

- Federal programs that are not awarded by ED, such as the **National School Lunch Program** and **Head Start**.
- Funds provided under the **School Facilities Infrastructure Improvement Act** to ensure the health and safety of students through the repair, renovation, alteration, and construction of school facilities.
- Programs under the **Adult Education Act of ESEA, Title IX, Part A, Subpart 3 (Adult Indians)**⁷⁷ unless adult literacy services are integrated within a schoolwide program plan. Adult education funds could be included, for example, if they provide adult literacy as part of a family literacy activity under a schoolwide program plan.
- The ED funds awarded to **institutions of higher education**, unless those funds support elementary or secondary schools (e.g., the School, College, and University Partnerships Program).

4. State Funds Allowed for Consolidation

The following state funds are the only funds that may be consolidated in a schoolwide program:

- State basic education allocations
- Levy Equalization (local effort assistance)
- Learning Assistance Program* as long as it can be shown students served with LAP funds meet program eligibility criteria. LAP program reporting requirements still apply.

5. State Funds Excluded From Consolidation

All other state funds not listed above are excluded from consolidation, either because of program consideration or because they are entitlement funding, and must therefore follow the eligible students. OSPI is frequently asked about the following funds, which are not allowed:

⁷⁶ Let’s Talk Title I: Everything You Need to Know and Do as an Administrator. LRP Publications

⁷⁷ This reference needs to be updated.

- Transitional Bilingual Instructional Program funds
- State Special Education Funds
- state Highly Capable Funds
- Early Childhood Education and Assistance Program (ECEAP) funds.

6. Local Funds & Consolidation

Local levy revenue may be consolidated in schoolwide programs.

For a template on schoolwide consolidation, go to OSPI's Title I, Part A schoolwide [website](#). See an example on the following page.

Sample Plan Illustrating How to Consolidate Funds in Schoolwide Plan

These are the programs commonly consolidated in a Schoolwide Plan.

This is not the only set of program funds that may be consolidated.

Program	Amount Available	The Intents and Purposes of the Program will be Met
Basic Education	\$1,719,026	To provide all students with instruction aligned to grade level specific state standards including differentiation and enrichment services as needed. Basic education funds are combined to support the activities listed above. Examples include: classroom teachers, textbooks, supplemental materials, supplies, equipment, technology, staff development, and substitutes.
Title I, Part A	\$269,477	To provide all children significant opportunity to receive a fair, equitable, and high quality well-rounded education, and to close educational achievement gaps.
Title II, Part A	\$33,118	Preparing, training, and recruiting effective teachers, principals, or other school leaders.
Title III, Part A	\$17,855	To ensure that limited English proficient (LEP) students, including immigrant children and youth, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Funds are used to implement language instruction education programs designed to help LEP students achieve these standards.
Learning Assistance Program (LAP)	\$100,000	Consolidate state Learning Assistance Program (LAP) revenue as long as it can be shown students served with LAP funds meet program eligibility criteria. LAP program reporting requirements still apply. Funds are used to support allowable LAP activities. See the Menu of Best Practice for ELA , Math , and Behavior for additional ideas. This can include transition to HS and graduation assistance.
Local funds	\$40,000	Local levy revenue may be combined in schoolwide programs.
Total	\$2,179,476	

Budgeting and Accounting for Funds Consolidated in a Schoolwide Program.

Good communication between business managers, Title I, Part A directors, and schoolwide building principals and staff is important in the application, budgeting, reporting, and accounting process for a schoolwide program in general, and even more so if funds are consolidated.

For allowable charges to Title I, Part A schoolwide, please review Sections C, D, E, and J carefully, in addition to this Section K, if consolidating funds. The auditors will be looking at your schoolwide plan, particularly the comprehensive needs assessment, to ensure costs charged to Title I, Part A align to the plan. If they do not, they run the risk of being disallowed.

For consolidation, the Title I, Part A schoolwide plan must list the specific federal, state, and local funds that will be consolidated in the schoolwide program.⁷⁸ A schoolwide building is not required to maintain separate fiscal accounting records, by program, that identify the specific activities supported by those particular funds.⁷⁹ For federal funds, ED requires that records must be maintained that demonstrate the schoolwide program address the intent and purposes of each federal program whose funds were consolidated into the schoolwide plan.⁸⁰

Although combined funds lose their identity when combined in a schoolwide program, expenditures and revenues must address the population of students for whom the funds were provided. For F-195 budgeting, S-275 personnel reporting, F-196 annual financial reporting purposes, and the Schedule of Expenditures of Federal Awards (SEFA), districts must distribute schoolwide program costs to the individual programs that are included in the schoolwide program.

The district may use a subsidiary account or coding in accounting for schoolwide building revenues and expenditures for internal tracking. Such accounts or coding may be by program, subprogram, location, or combination using user-defined fields. District-level budgeting and financial reporting to OSPI will not change.

The district may use any reasonable method to demonstrate how the funds in a schoolwide program have been expended. OSPI has provided an example using Distribution of Expenditures Based on Revenues.

⁷⁸ ESEA section 1114(a)(1)

⁷⁹ Federal Register, Vol. 69, No. 127, 7/2/2004.

⁸⁰ Federal Register, Vol. 69, No. 127, 7/2/2004.

Example: Distribution of Expenditures Based on Revenues

A building has a schoolwide program with a total of \$1,000,000 in consolidated revenues:

Revenues Consolidated in the Schoolwide School	Amount	Percent
Basic Education Allocation	\$500,000	50%
Title I, Part A—Improving the Academic Achievement of the Disadvantaged	\$250,000	25%
Title II, Part A—Highly Qualified Teachers and Principals	\$100,000	10%
IDEA, Part B—Special Education	\$50,000	5%
Carl D. Perkins Career and Technical Education Improvement Act	\$100,000	10%
Total	\$1,000,000	100%

Under this option, the district may allocate all of the building’s schoolwide program expenditures proportionally (using percentages) that match the building’s budgeted schoolwide revenues. Expenditures are allowable without regard to individual program allowability as long as they are documented as part of the schoolwide plan.

S-275 Personnel Reporting

Staff employed in schoolwide programs are reported with assignments in the various programs included in the schoolwide program. A separate program assignment code does not exist for schoolwide programs. The assignments may be made by assigning individual staff among programs or by split-coding staff to achieve the necessary distribution. The S-275 report should reflect an estimate of staff as of October 1, which will allow the district to distribute schoolwide costs in appropriate proportion based on the consolidated revenue sources.

L. LEA Maintenance of Effort

LEAs receiving Title I, Part A funds must comply with annual Maintenance of Effort (MOE) requirement.⁸¹ In short, MOE requires districts to maintain a consistent floor of state and local funding for free public education from year-to-year.

MOE stipulates that an LEA may receive funds under a covered program for any fiscal year **only** if OSPI finds that either the combined fiscal effort per student or the aggregate expenditures of the LEA and the state with respect to the provision of free public education by the district for the preceding fiscal year was not less than 90 percent of the combined fiscal or aggregate expenditures for the second preceding year.

ESSA states that funding will be reduced if (1) an LEA fails to meet the 90 percent threshold and (2) the LEA has also failed to meet the 90 percent threshold in any one of the immediately preceding five years.

OSPI's School Apportionment and Financial Services (SAFS) office calculates MOE annually using accounting records. OSPI is required to reduce the amount of Title I, Part A allocations in exact the proportion by which a LEA fails to maintain effort by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the district).

After MOE is calculated, LEAs are able to apply to ED for a waiver if there are special extenuating circumstances, such as a natural disaster or a precipitous decline in the financial resources of the LEA.

<u>Federal Fiscal Year</u>	<u>First preceding year – Nonfederal expenditures</u>	<u>Second preceding year – Nonfederal expenditures</u>	<u>90% Expenditure level to meet Maintenance of Effort</u>	<u>Reduction in LEA's Title I, Part A allocation</u>
FY 2015 (2015-16)	\$500,000 (FY 2014)	\$600,000 (FY 2013)	\$540,000 (2 nd year*90%)	(40,000/540,000) = 7.4% reduction – if LEA also failed MOE in one of the prior 5 years
FY 2016 (2016-17)	\$490,000 (FY 2015)	\$540,000 (90% of FY 2013 instead of actual 2014 amount)	\$486,000 (2 nd year*90%)	LEA met MOE – no reduction in federal grant
FY 2017 (2017-18)	\$400,000	\$490,000 (FY 2015)	\$441,000 (2 nd year*90%)	(41,000/441,000)= 9.3% reduction – because LEA also failed in FY 2015

⁸¹ ESSA, Sections 1118(a) and 8521.

M. Supplement Not Supplant -Title I, Part A under ESSA and LAP

Although both Title I, Part A and LAP have SNS requirements, we need to think of them in different contexts. Title I, Part A SNS requirements look solely at distribution of state and local resources to buildings, whereas LAP SNS requirements analyze LAP funds *only*.

In general terms, Title I, Part A funds should be in addition to (supplement) and not replace (supplant) state and local funds. ESSA revised the Title I, Part A supplement not supplant (SNS) requirement. The Council of Chief State School Officers (CCSSO) has issued guidance regarding the new SNS requirements under ESSA.

[CCSSO ESSA SEA Considerations for Title I, Part A's SNS](#)

[CCSSO ESSA Title I, Part A SNS Presentation](#)

ESSA Ends NCLB's "Three Presumptions of Supplanting" for Title I, Part A Only

Prior to ESSA, SNS was typically tested by analyzing an individual Title I, Part A cost's compliance with "three presumptions of supplanting."⁸² Under ESSA, compliance with SNS will no longer be tested through individual Title I, Part A costs.⁸³ Note: Schoolwide programs under NCLB had this flexibility. ESSA extends this flexibility all of Title I, Part A.⁸⁴

Transition Mid-Year for 2017-18: NCLB or ESSA for Title I, Part A Supplement not Supplant.

Under ESSA, LEAs must demonstrate that the methodology they use to allocate state and local funds to schools provides each Title I, Part A school with all of the state and local money it would receive if it did not participate in the Title I, Part A program.⁸⁵ ESSA specifies that LEAs have until December 10th, 2017 to develop and document their methodology, however the Department of Education issued a *Dear Colleague Letter* giving LEAs an extension.

Timeline Extended

On December 6th, 2017, OSPI received a *Dear Colleague Letter* from the Department of Education in response to our inquiry to them about the mid-year implementation date. The response includes the following:

With respect to the timeline for implementation, section 1118(b)(5) of the ESEA requires that an LEA meet the compliance requirement not later than two years after the date of enactment of the ESSA— i.e., December 10, 2017. We are aware that some SEAs and LEAs are taking steps to develop a methodology or use an existing

⁸² Under NCLB and previous versions of ESEA, a Title I, Part A supplanting violation was presumed if Title I, Part A paid for:

- 1) An activity required by federal, state, or local law,
- 2) An activity that was paid for with state or local funds in the prior year, or
- 3) The same services for Title I, Part A students that state and local funds support for non-Title I, Part A students.

⁸³ ESSA, Section 1118(b)(3)(A).

⁸⁴ ESSA, Section 1118(b)(3) "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)."

⁸⁵ ESSA, Section 1118(b)(2). "a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving assistance under this part ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving assistance under this part."

*methodology that meets the new compliance requirement by December 10, 2017, and we encourage those SEAs and LEAs to move forward with their process. We also recognize that for many LEAs it may not be reasonable to implement a new methodology in the middle of a school year and that the first implementation of the methodology cannot occur until the beginning of the 2018-2019 school year. Therefore, consistent with section 4(b) of the ESSA, which authorizes the Department to ensure an orderly transition to the new law, **an SEA and its LEAs may delay meeting the compliance requirement in section 1118(b)(2) of the ESEA until the start of the 2018-2019 school year. That is, an LEA does not need to have its methodology in place on December 10, 2017, but the LEA must have a methodology in place in time for the LEA to use it when ensuring that Title I funds are supplementing, and not supplanting, other State and local funds in the 2018-2019 school year.***

What this means is:

1. LEAs are **not** required to have their methodology in place by December 10, 2017, however we encourage you to continue to move forward with the process that you have likely already started.
2. LEAs must have a methodology in place for the 2018-19 school year– prior to the budgeting process and discussions regarding distributing State/local funds to schools.

The full letter can be found in **Appendix C** on page 43.

Audits

LEAs will be audited under the new ESSA standard for Supplement not Supplant, beginning with the 2018-19 school year. Until then, LEAs may use the three presumptions of supplanting.

LEA Responsibilities

LEAs are responsible for documenting that it had a methodology to distribute funding and staffing to schools without taking Title I, Part A funds into account. LEAs will **not** be submitting their methodology to OSPI for approval. They should have the methodology available for auditing purposes. The LEA should be able to show that it has a method for distributing state and local resources to schools prior to allocating federal Title I, Part A funds. Clear documentation will be important for subsequent audits and program reviews. *This will be reviewed as part of CPR starting in 2017-18.*

Note: Adopting the “NCLB Three Presumptions of Supplanting” is not a sufficient methodology for resource distribution under ESSA.

Please note that ED has not issued non-regulatory guidance or adopted rules for Supplement not Supplant under ESSA. It rescinded the draft rules provided under the Notice of Proposed Rulemaking. OSPI sought public input from LEAs on the methodology and wrote a letter expressing its strong concerns about the ED draft rules. Access the OSPI letter and the LEA comments [here](#). OSPI relied on the LEA comments provided in 2016 to create a draft framework for LEAs use when documenting their resource allocation methodology.

For the methodology, OSPI is allowing that:

1. LEAs can use the allocation of staffing units, rather than funds, for allocation of all employee related costs. This means it can exclude compensation from their methodology and instead use staff units (FTE).
2. The LEA methodology for distributing state and local resources only applies to charges allowed under Title I, Part A as listed in the OSPI [SAFS](#) accounting manual. Consistent with the accounting manual and the Uniform Grants Guidance, the Title I, Part A costs must be necessary, reasonable and allocable. As such, the methodology for distribution of state and local resources only applies to equivalent Title I, Part A charges. The methodology should address any of the following if allocated at the building level:

- Teaching
- Learning Resources
- Guidance and Counseling
- Supervision (administrative)
- Health Related Services
- Instructional Professional Development
- Instructional Technology
- Curriculum
- Communications (such as translation for parent/family engagement)

3. Exclusions from the methodology:

- Any centrally administered resources: employee-related compensation, curriculum purchases, etc.
- Costs that are Title I, Part A allowable only in limited circumstances:
 - Maintenance & Utilities
 - Student transportation
 - Costs that are never allowed under Title I, Part A, either through ESSA or the Uniform Grants Guidance: debt service, capital expenditures, building repair costs, bus depreciation, food service, and child nutrition. It will also exclude costs already obligated for specific building repairs through locally approved capital levies and bonds.

LEA's documentation should explain how it:

1. Distributed state and local staff units and funds to schools for each school year using a methodology that did not take into account a school's Title I, Part A status.

Questions for LEAs to address in the documentation:

- What was the process used for distributing staff (FTE) for principals, teachers, and paraeducators, etc.?
 - Is there an additional weight or consideration for student factors, such as English language learners, special education, and free and reduced price lunch eligibility?
 - What is the process used to allocate funds for consumable materials to schools?
 - Document exceptions: if the district centralizes certain programs, or locates certain programs at one building, document this.
2. Demonstrate that the methodology doesn't reduce funding for Title buildings.
 3. Demonstrate that they followed their published methodology.

Exemption: LEAs with only one school are exempt from this requirement.

Note: The methodology does not mean that each school will necessarily receive the same staff level or amounts per student. The methodology may have additional amounts based on the needs of the student population, i.e. a weighted methodology. The key for the SNS analysis is that the LEA can document and explain that Title I, Part A was not a factor in how state and local resources were distributed.

Other Considerations

SNS is one of three fiscal tests:

Maintenance of Effort (MOE) – LEAs must maintain a consistent floor of state and local funding for free public education from year-to-year.

Comparability – state and local funds are used to provide services that, taken as a whole, are comparable between Title I and non-Title schools.

Supplement Not Supplant (SNS) – LEAs must distribute state and local funds to schools without taking into account a school’s participation in the Title I program.

It is a common misconception that if an LEA is in compliance with comparability, then it is automatically in compliance with SNS. Although both of these tests look at how the LEA distributes state and local funds to schools, they are separate tests that measure different things.⁸⁶

Example 1 – Comparability compliance but not SNS compliance

- An LEA demonstrates comparability through student/instructional staff ratios, but
- Does not meet SNS because it provides extra state/local money to non-Title I schools for technology purchases, but not to Title I schools because it expects Title I to pay for those technology purchases in those schools.

Example 2 – SNS compliance but not comparability compliance

- An LEA meets SNS because it can demonstrate it did not take Title I status into account when distributing its state/local funds to schools, but
- Does not demonstrate comparability because the LEA’s non-Title I schools have lower student/instructional staff ratios than its Title I schools.

The approach (though not the mechanics) of SNS is now more like other fiscal tests, such as MOE and comparability because it is based on funding.

- In other words, how an LEA funds its schools is the inquiry: does the LEA do so in a Title I neutral manner?
- Individual Title I costs are no longer part of an SNS analysis.
- Practical note: SNS was a common reason SEAs denied proposed Title I costs – the conversation over allowability should be different under the revised ESSA SNS requirements.⁸⁷

⁸⁶ ESSA’s Title I, Part A Supplement not Supplant Requirement Presentation by CCSSO August 30, 2017

⁸⁷ ESSA’s Title I, Part A Supplement not Supplant Requirement Presentation by CCSSO August 30, 2017

ALLOWABILITY

At the end of the day, Title I costs must still be allowable under the Title I program.

- At a minimum this means:
 - Costs still must only benefit eligible students (eligible students = all students in an schoolwide program and identified students in a targeted assistance program).
 - Costs must be permissible under Title I and ESSA generally (note that ESSA clarified the wide uses of funds that can be permissible under the Title I program).
 - Context matters. For example, a school operating a schoolwide program should be able to demonstrate that a Title I cost is consistent with the school's needs assessment and schoolwide plan.
 - Costs must still be necessary and reasonable.

For more on necessary and reasonable see CCSSO's *A Guide to State Educational Agency Oversight Responsibilities under ESSA: The Role of the State in the Local Implementation of ESSA Programs*: https://ccsso.org/sites/default/files/2017-10/CCSSO_State_Authority_Over_ESSA_Programs.pdf.

Excerpt from U.S. Department of Education, *Supporting School Reform by Leveraging Federal Funds in a Schoolwide Program* (2015), page 10

Assume:

- ✓ 1 teacher per 22 students (\$65,000/teacher)
- ✓ 1 principal/school (\$120,000)
- ✓ 1 librarian/school (\$65,000)
- ✓ 2 guidance counselors/school (\$65,000/guidance counselor)
- ✓ \$825/student for instructional materials and supplies (including technology)

In a school of 450 students, the school would be expected to receive \$2,051,250 in non-Federal resources based on the following calculation:

Category	Calculation	Amount
1 principal	1 x \$120,000	\$120,000
1 librarian	1 x \$65,000	\$65,000
2 guidance counselors	2 x \$65,000	\$130,000
21 teachers	21 x \$65,000	\$1,365,000
Materials, supplies	450 x \$825	\$371,250
		\$2,051,250

To meet the [NCLB schoolwide program SNS test, known as the] supplemental funds test, an LEA would need to distribute non-Federal resources according to the assumptions above to all of its schools, regardless of whether a school receives Title I funds and operates a schoolwide program. This example does not, however, suggest that non-Federal funds must be used to support the activities in the table above; rather, Title I funds may be used to support any activity identified by the comprehensive needs assessment and articulated in the comprehensive schoolwide plan.

Learning Assistance Program (LAP)

The LAP SNS provision is new in 2017-18, due to the increase in LAP funding for high poverty schools. Engrossed House Bill 2242 Section 403 states “This funding [LAP High Poverty building allocations] must supplement and not supplant the district's expenditures under this chapter [LAP] for those school buildings.” Further, the Legislative Agency Detail note provides additional intent. It states “The High Poverty-Based Learning Assistance Program funding allocations must be distributed to the school building that generates the funding and may not supplant the broader Learning Assistance Program funding.”

The guiding principle is that the LAP Base Allocations are distributed to schools based on a clear educational purpose and the LAP High Poverty School Allocation provide additional funds to the school. A LAP High Poverty School Allocation should not replace a LAP Base Allocation. The LAP High Poverty School Allocation is intended to be additional.

The rules and tests for supplanting under Title I, Part A under No Child Left Behind or the Every Student Succeeds Act are different than the LAP supplanting tests.

The state Legislature wrote a specific supplement not supplant provision that only applies to the LEA's expenditures for LAP Base Allocation and High Poverty School Allocation. Unlike Title I, Part A supplanting, the LAP supplement not supplant provision does not consider services funded with general apportionment or federal programs.

The LEA needs to ensure that the High Poverty School Allocation is *an additional amount* for the school. It cannot be *instead* of a LAP Base Allocation. OSPI is not requiring that the LAP Base amount stay static in school year after year. It also recognizes that some schools receiving the LAP High Poverty School Allocation have not previously received LAP funds.

Table 1 on the next page provides four examples. These examples take into account that not all schools in an LEA previously received a LAP Base Allocation and that an LEA may need to reprogram its LAP Base Allocation.

Example 1: Apple Elementary School is an example of the LEA adding more the LAP High Poverty School Allocation on top of the LAP Base Allocation.

Example 2: Banana School is an example of the LEA explicit supplanting. The LEA has removed the LAP Base Allocation from the Banana School because it is receiving a LAP High Poverty School Allocation. It is not receiving any additional funds. This is not allowed.

Example 3: Cherry Middle School is new to LAP for the 2017-18 school year. The LEA previously dedicated LAP to elementary schools and is going to continue to prioritize LAP in elementary schools. Now Cherry Middle School will receive the LAP High Poverty School Allocation. This is not supplanting because there is a clear educational reason for the way LAP Base is distributed.

Example 4: Date High School is more complicated. The LEA reduced the LAP Base Allocation to the school because the LEA experienced a LAP reduction. It opted to prioritize K-4 services and reduced allocations to all other programs by 25%. This is an example where the LEA has a clear educational purpose for how it distributes its LAP Base Allocation and can justify the change.

Table 1: Supplement not Supplant Examples with the LAP High Poverty School Allocation

(A) Example School	(B) 2016-17 LAP Base Allocation	(C) 2017-18 LAP Base Allocation	(D) 2017-18 High Poverty Schools Allocation	(E) 2017-18 Combined LAP at the School Column (C) + Column (D)	(F) 2017-18 Net NEW LAP at the School Column (E) - Column (B)	(G) Is the LAP High Poverty School Allocation supplementing or supplanting the LAP Base Allocation?
Example 1: Apple Elementary School	\$100,000	\$100,000	\$100,000	\$200,000	\$100,000	Supplementing. The LAP High Poverty School Allocation is in addition to the LAP Base Allocation.
Example 2: Banana Elementary School	\$100,000	\$0	\$100,000	\$100,000	\$0	Supplanting. The LAP High Poverty School Allocation replaced LAP Base Allocation. This is not allowed.
Example 3: Cherry Middle School	\$0	\$0	\$100,000	\$100,000	\$100,000	Supplementing. The LAP High Poverty Allocation is in addition to. In this case the LAP Base amount was zero before and continues to be zero for educational reasons because the LEA put LAP Base Allocation only in elementary schools.
Example 4: Date High School	\$100,000	\$75,000	\$100,000	\$175,000	\$75,000	Supplementing. The LAP High Poverty School Allocation is in addition to. In this case, the LAP base amount was reduced because the LEA had a decline in its LAP Base Allocation. It prioritized K-4 over all other programs. It had an educational reason for reducing the LAP Base Allocation.

N. Title I, Part A Comparability

As a condition of receiving Title I, Part A, LEAs must ensure that state and local funds are used to provide services that taken as a whole, are comparable between Title I, Part A and non-Title I, Part A schools.⁸⁸ LEAs use October enrollment data to conduct the annual comparability analysis. LEAs need to make appropriate adjustments to staffing in Title I, Part A and Non-Title I, Part A schools if the analysis demonstrates an issue with comparability.

Note about exclusions: Preschool staffing and students must be excluded from comparability analysis. The LEA may choose to exclude the following: State-funded LAP, state-funded special education and state-funded LEP/bilingual educational staff.

LEAs document in October through FP 361. See OSPI's [LAP/Title I, Part a Handbook](#) and FP 361 for more information.

⁸⁸ ESSA, Section 1118(c).

o. Conditions of Receiving Title I, Part A

As a condition of receiving Title I, Part A funds, each LEA annually agrees to a set of assurances when it submits its annual application. Some of these requirements extend beyond the Title I, Part A Office. OSPI monitors compliance of these requirements through:

- Applicable iGrants form packages and end-of-year reporting requirements,
- Consolidated Program Review,
- Annual Fiscal Reporting through School Accounting and Financial Services,
- Student information and assessment requirements.

The following is the list of assurances LEAs agree to as a condition of receiving Title I, Part A funds for the 2017–18 school year. An LEA could put their Title I, Part A funding at risk if they do not meet these assurances or fail to implement actions necessary to come into compliance with these assurances.⁸⁹

1. Ensure that migratory children and formerly migratory children who are eligible to receive services under this part are selected to receive such services on the same basis as other children who are selected to receive services under this part.
2. Provide services to eligible children attending private elementary schools and secondary schools in accordance with section 1117, and timely and meaningful consultation with private school officials regarding such services.
3. Participate, if selected in the National Assessment of Educational Progress in reading and mathematics in grades 4 and 8 carried out under section 303(b)(3) of the National Assessment of Education Progress Authorization Act (20 U.S.C. 9622(b)(3)).
4. Coordinate and integrate services provided under this part with other educational services at the LEA or individual school level, such as services for English learners, children with disabilities, migratory children, American Indian, Alaska Native and Native Hawaiian children, and homeless children and youths, in order to increase program effectiveness, eliminate duplication, and reduce fragmentation of the instruction program.
5. As required by ESSA, designate a Foster Care Liaison to:
 - Serve as the primary contact person for Children’s Administration (CA) and OSPI staff.
 - Ensure that children in foster care are enrolled in, and regularly attending, school.
 - Facilitate the transfer of records and immediate enrollment.
 - Facilitate data sharing with child welfare agencies, consistent with FERPA and CA protocols.
 - Adopt and implement local transportation procedures consistent with protocols developed collaboratively between CA and OSPI.
 - Manage best-interest determinations based on protocols developed collaboratively between CA and OSPI.
 - Manage disputes as they occur, including transportation cost disputes; and
 - Ensure services are provided during disputes.

⁸⁹ A federal award may be withheld, suspended in whole or in part, or terminated by the pass-through entity if the subgrantee fails to comply with federal requirements, the terms and conditions of the federal award, an assurance in a State plan or application, or any other term of an award. See c C.F.C § 200.338(a)(c)(d)

6. Ensure that all teachers and paraprofessionals working in a program supported with funds under this part meet applicable state certification and licensure requirements for teachers and federal standards for paraprofessionals, including any requirements for certification obtained through alternative routes to certification.
7. Ensure that if the LEA chooses to use funds under this part to provide early childhood education services to low-income children below the age of compulsory school attendance, that such services comply with the performance standards established under section 641A(a) of the Head Start Act (42 U.S.C. 9836a(a)).
8. Ensure that schools participate in the statewide accountability system and that such participation will meet at least a 95 percent participation rate in mathematics and English language arts (ELA).
9. Ensure that all required parent and family notification requirements will be in a language that parents can read, a format that parents can access, and delivered by a method that reaches parents.
10. Ensure all required parent and family engagement notifications are communicated, including:
 - Individual student assessment reports
 - Annual local Report Card
 - Complaint procedures
 - Parent’s right to ask about a teacher’s professional qualifications, including certification level, grade assignment, and endorsement for content area
 - When a child in a Title I, Part A school/program is taught or is planned to be taught for four consecutive weeks, by a teacher with a limited state teacher certification and/or licensure
 - Annual Title I, Part A meeting
 - School parent compact
 - Written parent and family engagement policies
 - Title I, Part A schoolwide plan
11. Ensure that disparities are identified and addressed to prohibit low-income students and minority students are taught at higher rates than other students by ineffective, inexperienced, or out-of-field teachers.
12. Provide technical assistance and support to Title I schools as they develop building and program plans and assist as they implement such plans so each school makes adequate yearly progress toward meeting the state student academic achievement standards.
13. Assure that federal guidance is followed to meet maintenance of effort, comparability and supplement, not supplant requirements.
14. Consistent with ESEA Section 1116(b)(13) under NCLB (Public Law 107-110, No Child Left Behind Act of 2001), permit a student who previously transferred to another public school under NCLB to remain in that school until the child has completed the highest grade in that school.

Appendix A: Cross-Reference List of Title I, Part A and Other Programs

If you have questions about the following, please refer to the hyperlinked guidance document.

Coordinating LAP & Title I, Part A funds:

[LAP Q&A](#)

General LAP/Title I Procedures:

OSPI's [LAP/Title I, Part A Handbook](#)

Early Learning & Title I, Part A (including staff requirements for those paid with Title I, Part A):

[Washington State with Title I, Part A \(Birth–Age 5\)](#)

Homeless & Title I, Part A:

[Homeless Student Needs Assessment](#)

Foster Care & Title I, Part A:

[OSPI Foster Care Frequently Asked Questions](#)

Paraeducators & Title I, Part A:

[Title I, Part A Paraeducator Guidelines](#)

Professional Development for 2017-18

[Professional Development Set-Aside for 2017-18.](#)

Time and Effort: OSPI's Bulletin on Guidelines for Charging Employee Compensation to Federal Grants and the relevant attachments. [B048-17 Addendum](#)

- [Attach 1](#)–Semi-Annual Certification–Single Cost Objective
- [Attach 2](#)–Monthly PAR–Multiple Cost Objectives/Reconciliation to Payroll Records
- [Attach 3](#)–Monthly PAR with Multiple Cost Objectives for Employee with Fixed-Schedule (if not using the “Fixed Schedule” system)
- [Attach 4](#)–Employee Certification and Schedule–Employee with Fixed Schedule (if using the “Fixed Schedule” system)

Appendix B: Letter from Ann Whalen on Extended Learning Time

February 26, 2016

Dear Chief State School Officer:

I would like to take this opportunity to applaud the hard work that has taken place in States, local educational agencies (LEAs), and schools across the nation this year. You have each done a tremendous amount of work to address your State's most pressing education challenges and to enhance the support to educators and students. As summer nears, I know that many of you are thinking about how to leverage existing resources to ensure meaningful summer learning opportunities for students.

As you know, summer can be a stressful time as families seek to ensure that students stay actively engaged in learning outside of the traditional school year. With this in mind, I am writing to remind you that Federal funds may be used to support robust summer learning in a number of programs under the Elementary and Secondary Education Act of 1965, as amended by the No Child Left Behind Act of 2001 (ESEA). In addition, programs supported by other Federal legislation, including the Carl D. Perkins Career and Technical Education Act of 2006 (Perkins IV), the Workforce Innovation and Opportunity Act (WIOA), and the Individuals with Disabilities Education Act (IDEA), may support summer learning opportunities. I encourage you to continue working to ensure that LEAs and schools in your State understand that they may use remaining fiscal year 2015¹ Federal funds under these programs for summer learning, and to work in a timely manner with LEAs and schools interested in updating their budgets and plans to use funds for this purpose.

Among the ESEA programs under which opportunities for summer learning are allowable, there are two in which summer learning is a particularly good fit. Title I, Part A (Title I) funds may be used to support a variety of extended learning time (ELT) opportunities for students consistent with applicable statutory and regulatory requirements. These opportunities include summer school for eligible students. In particular, Title I funds may be used to support ELT opportunities for all students in Title I schools operating schoolwide programs and for those students identified as most at risk of failing to meet the State's academic achievement standards in Title I schools operating targeted assistance programs. An LEA generally may not use Title I funds to pay for ELT in Title I schools while also using non-Title I funds to support ELT in non-Title I schools. However, an LEA that wants to provide ELT programs *for only low-achieving students* in both its Title I and non-Title I schools may be able to do so, consistent with 34 C.F.R. § 200.79. If an LEA or school wants to provide ELT services that include both academic and non-academic enrichment activities, it might consider using Title I, Part A funds, as appropriate, for the academic component and partnering with community organizations to provide the non-academic activities. Title I funds may also be used for summer activities designed to help prepare eligible students for the upcoming school year. For example, funds might be used for a summer academy to help eligible 8th grade student's transition to high school. Similarly, funds might be used for a summer program to prepare eligible students to succeed in higher-level courses.

Title IV, Part B of the ESEA authorizes the 21st Century Community Learning Centers (CCLC) program, which supports the creation and expansion of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local academic achievement standards in core academic subjects, such as reading and math; offers students a broad array of academic enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children.

Under the 21st CCLC program, an eligible entity that presently has a sub grant from the State may be eligible to receive additional funds under the program to carry out activities in the summer that advance student academic achievement. As we approach the summer months, a State that has funds remaining from its grant competition(s) may use those remaining funds to expand or enhance current activities in the summer, or to expand programs in non-participating schools within an LEA that has a 21st CCLC sub grant. When considering adding additional funds, States should use program performance data and other evidence-based practices to develop summer learning programs that would yield measurable results.

To support implementation of the 21st CLCC program, the U.S. Department of Education (ED) facilitates an on-line community focused on identifying, highlighting, sharing, and scaling best practices related to high-quality summer programs that result in reduction of the learning lag. The portal provides resources and tools to help design and implement effective summer learning programs, and includes creative ideas, such as aligning summer programming with resources and activities

from the National Park Service to learn about the great outdoors, creating summer reading programs, visiting museums, and participating in summer community events. This online community is available at <https://y4y.ed.gov/summerlearning>. In addition, ED is working in coordination with the U.S. Department of Labor (DOL) to strengthen, improve, and support the public workforce system through implementation of WIOA. WIOA requires an integrated approach to planning, implementation, and administration of six core programs designed to prepare youth and adults for successful workforce participation and continued educational achievement. The core programs include the ED-administered Adult Education and Family Literacy Act (AEFLA) program, for which out-of-school youth who are at least 16 years of age are eligible. Under AEFLA, 82.5 percent of a State's funds must be awarded to local eligible providers who offer a range of adult education and literacy services, including instruction and services below the postsecondary level that increase an individual's ability to attain a secondary school diploma or recognized equivalent, transition to postsecondary education and training, and obtain employment. Another WIOA core program, the DOL-administered Title I youth formula program, requires that 75 percent of funds be used on services for out-of-school youth which will, in turn, help young adults obtain high school diplomas, prepare for and successfully complete postsecondary education and training, and achieve high levels of career readiness. Local areas must spend at least 20 percent of youth formula funds on work experience activities such as summer jobs, pre-apprenticeship, on-the-job training, and internships so that youth can be prepared for employment.

If you have any additional questions regarding Title I of the ESEA or the 21st CCLC program, please do not hesitate to contact one of the program officers for your State in the Office of State Support or the Office of Academic Improvement. If you have questions regarding Perkins IV, please contact Edward Smith in the Office of Career, Technical and Adult Education (OCTAE) at edward.smith@ed.gov. Questions regarding adult education programs under WIOA may be addressed to Christopher Coro in OCTAE at christopher.coro@ed.gov. Questions regarding IDEA may be addressed to Matthew Schneer in the Office of Special Education Programs at matthew.schneer@ed.gov.

Thank you again for your commitment to improving educational outcomes for all students. We look forward to our continued partnership in this critical work.

Sincerely,

Ann Whalen
Senior Advisor to the Secretary Delegated the Duties of Assistant Secretary for Elementary and Secondary Education

cc: State Title I Directors
State 21st CCLC Directors
State Career and Technical Education Directors
State Special Education Directors
Council of Chief State School Officers

¹ Please see the January 28, 2016, Dear Colleague Letter for information on formula funds for school years 2015-2016 and 2016-2017, as it relates to orderly transition to the Every Student Succeeds Act. It is available at <http://www2.ed.gov/policy/elsec/leg/essa/index.html>.

Appendix C: Letter from Patrick Rooney on SNS Extended Timeline

December 6, 2017

Dear Colleague:

Thank you for your continued efforts to implement the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). To facilitate implementation and ensure a smooth transition to the new law, I am writing to inform you that the U.S. Department of Education (Department) will provide State educational agencies (SEAs) and local educational agencies (LEAs) additional time to implement the new requirement in section 1118(b)(2) of the ESEA for demonstrating compliance with the supplement not supplant requirement under Title I, Part A (Title I) of the ESEA. In addition, I would like to highlight steps the Department is taking to support SEAs and LEAs in implementing this important new requirement.

Timeline for Implementation

Under section 1118(b)(2) of the ESEA, “[t]o demonstrate compliance with [the supplement not supplant requirement], a local educational agency shall demonstrate that the methodology used to allocate State and local funds to each school receiving [Title I funds] ensures that such school receives all of the State and local funds it would otherwise receive if it were not receiving [Title I funds].” With respect to the timeline for implementation, section 1118(b)(5) of the ESEA requires that an LEA meet the compliance requirement not later than two years after the date of enactment of the ESSA— *i.e.*, December 10, 2017. We are aware that some SEAs and LEAs are taking steps to develop a methodology or use an existing methodology that meets the new compliance requirement by December 10, 2017, and we encourage those SEAs and LEAs to move forward with their process. We also recognize that for many LEAs it may not be reasonable to implement a new methodology in the middle of a school year and that the first implementation of the methodology cannot occur until the beginning of the 2018-2019 school year. Therefore, consistent with section 4(b) of the ESSA, which authorizes the Department to ensure an orderly transition to the new law, an SEA and its LEAs may delay meeting the compliance requirement in section 1118(b)(2) of the ESEA until the start of the 2018-2019 school year. That is, an LEA does not need to have its methodology in place on December 10, 2017, but the LEA must have a methodology in place in time for the LEA to use it when ensuring that Title I funds are supplementing, and not supplanting, other State and local funds in the 2018-2019 school year. Of course, ESEA still requires that, even if the new methodology is not yet in place, SEAs and LEAs are utilizing all Title I, Part A funds only to supplement the funds that would, in the absence of such Title I, Part A funds, be made available from State and local sources for the education of students participating in programs assisted under Title I, Part A, and not to supplant, such State and local funds.

Additional Support

The supplement not supplant requirement under Title I remains critically important to ensuring that Title I funds provide additional resources to students and teachers in Title I schools that have high concentrations of students from low-income families to counteract the effects of poverty in order to make it more likely that all children are provided significant opportunity to receive a “fair, equitable, and high-quality education and to close educational achievement gaps,” which is identified in section 1001 of the ESEA as the purpose of Title I. Therefore, we are committed to supporting SEAs and LEAs as they move forward with implementation of this critical requirement. Part of this commitment is to meet with various stakeholders to receive input toward developing non-regulatory guidance on the new Title I supplement not supplant requirement to support SEAs and LEAs to making the transition to this new requirement.

Thank you again for the work that you continue to do to implement the ESEA. Please send suggestions of questions or topics that you would like to see the guidance address to your Office of State Support program officer at [OSS.\[State\]@ed.gov](mailto:OSS.[State]@ed.gov) (e.g., OSS.Nebraska@ed.gov) on or before January 17, 2018.

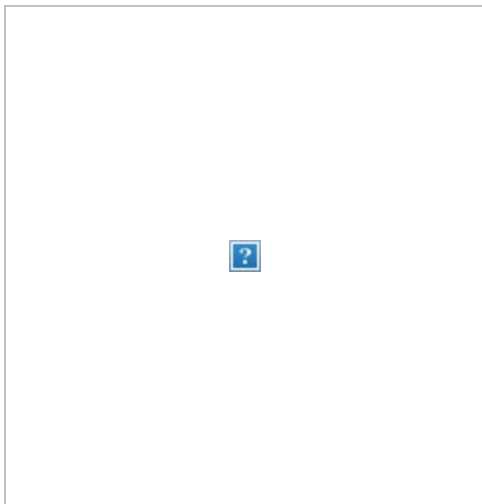
Sincerely,

Patrick Rooney
Deputy Director
Office of State Support

From: [Bonnie W. Bricker](#)
To: [Michael Martirano](#); [Cynthia Vaillancourt](#)
Subject: Disturbing blogpost
Date: Thursday, May 24, 2018 2:38:35 PM

This blog, from Richard Kohn, was posted on HOCO today. I imagine there may be a lot of missing information here, skewing the analysis; it may be sensible for someone to respond.

<https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>



Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

howardcounty640805081.wordpress.com

Of the Federal grant money intended to improve education among low-income students in Howard County, \$6.2 million per year was used to support schools with low concentrations of poverty and \$2.9 mi...

Bonnie Bricker

cell: [REDACTED]

Talk With Me!

From: [Christina Delmont-Small](#)
To: [David L. Clark](#)
Subject: Fwd: Title I Funding
Date: Thursday, May 24, 2018 9:59:17 AM
Attachments: [Federal funds vs. FARM% of elementary school.png](#)
[Summary.xlsx](#)

Begin forwarded message:

From: Vicky Cutroneo <[svc67](#)>
Subject: Fwd: Title I Funding
Date: May 24, 2018 at 8:29:58 AM EDT
To: Christina Delmont-Small <[Christina_Delmont-Small@hcpss.org](#)>

Vicky

Begin forwarded message:

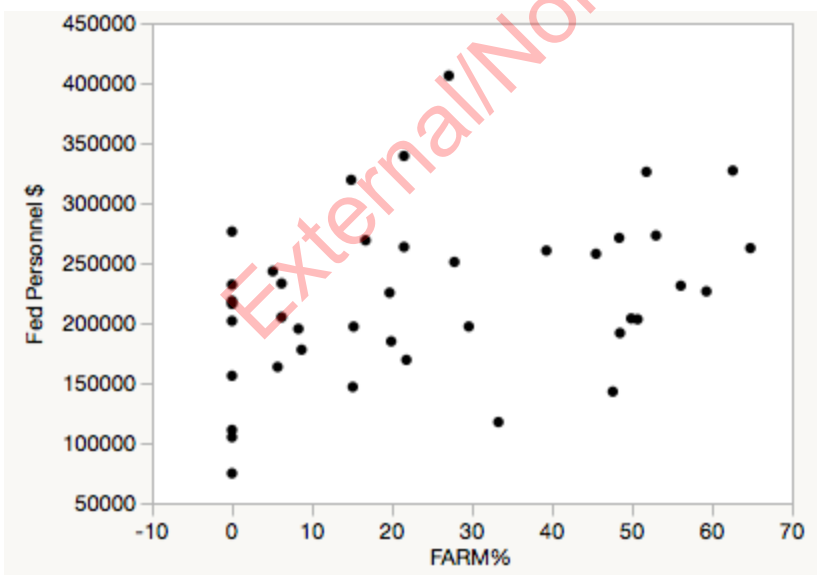
From: Richard Kohn <[richardakohn@gmail.com](#)>
Date: May 24, 2018 at 7:17:23 AM EDT
To: Vicky Cutroneo <[svc67](#)>
Subject: Fwd: Title I Funding

Begin forwarded message:

From: Richard Kohn <[richardakohn@gmail.com](#)>
Subject: Re: Title I Funding
Date: May 23, 2018 at 4:21:19 PM EDT
To: "Terrasa, Jen" <[jterrasa@howardcountymd.gov](#)>

The reported federal funding is being used in schools that have very few low-income students, so what she said does not explain where that federal funding is coming from. Are there other federal grants, especially are there grants specifically for high-income schools? From what I have seen, I didn't see that it was legal to take Title I money destined for a high school or middle school and re-allocate it for an elementary school. Also, I'm not sure it is true that they can legally use those funds for any

school that is above the countywide average poverty level, as determined by the percentage of students who have applied for Free And Reduced-price Meal services (FARMs).” I think they just made that up, but what they are doing is even worse. I see various lay articles online that suggest, the funding must be used for FARM students in the school where it is allocated, and can only be used for any student in schools with at least 38% or 40% FARM (not most HoCo schools). Is it legal to take the funding for a school that is 60% FARM and re-allocate it to a school that is 30% FARM (or it appears to be re-allocated to schools that are < 5% FARM). The amount distributed is supposed to be reflected in the amount they get. There are really two issues I have. 1) Is it ethical or wise to distribute the Title 1 money across many elementary schools and not provide more funding to schools with more Title 1 students, and 2) is it legal. I would argue against the first, and I don’t know about the second. So in short, what is stated partially explains what is being done (e.g. not funding high schools or middle schools, but not the fact that some schools are getting a lot of federal funding without having many FARM students.



Rick

On May 23, 2018, at 3:18 PM, Terrasa, Jen
<jterrasa@howardcountymd.gov> wrote:

Hi Rick,

I am forwarding you the response we received from our auditor team in response to their request with the grant manager. I realize this is not a detailed response, but perhaps you can share whether this addresses any concerns and which ones are still unanswered?

Thank you,

Colette Gelwicks

District Aide

District 3, Councilwoman Jen Terrasa

Howard County Council

3430 Court House Drive, Ellicott City, MD

21043

cgelwicks@howardcountymd.gov

Phone: (410) 313-3108 Fax: (410) 313-3297

Like Councilwoman Terrasa's page
on [Facebook](#) and follow her on [Twitter](#)!

From: Caroline Walker

[\[mailto:Caroline_Walker@hcpss.org\]](mailto:Caroline_Walker@hcpss.org)

Sent: Wednesday, May 23, 2018 2:35 PM

To: Geerman, Lisa

<lgeerman@howardcountymd.gov>

Subject: Re: Title I Funding

Dear Ms.

Geerman,

Title I provides

federal funds to schools with higher percentages of students who receive free and reduced-price meals. The Howard County Public School System (HCPSS) receives a county allocation and is able to use those funds for any school that is above the countywide average poverty level, as determined by the percentage of students who have applied for Free And Reduced-price Meal services (FARMs). The HC PSS chooses to fund by grade span and fund only elementary schools. Based on the total amount of

funds, the HCPSS has determined that twelve schools are the maximum number of schools that the funds can have impact in. These twelve schools are Bollman Bridge, Bryant Woods, Cradlerock, Deep Run, Guilford, Laurel Woods, Longfellow, Phelps Luck, Running Brook, Stevens Forest, Swansfield, and Talbott Springs elementary schools. For the past several years, the HCPSS has used its Title I grant to provide additional staffing, tutoring opportunities, family engagement events, and materials of instruction.

Funds are distributed to the schools based on the number of students receiving FARMs at those schools, with schools with larger numbers of students receiving free and reduced-price meals receiving greater funding. Staff from the Title I office work with school administrators to develop grant fund spending that aligns with the school improvement plan (SIP) priorities.

Let me know if you have any other questions about Title I.

Caroline

Director of Program Innovation
Howard County Public School System
10910 Clarksville Pike
Ellicott City, MD 21042
410-313-6614 (phone)

From: "Geerman, Lisa"
<lgeerman@howardcountymd.gov>
Date: Monday, May 21, 2018 5:09 PM
To: HCPSS <caroline_walker@hcpss.org>
Subject: Title I Funding

Dr. Walker,

A Councilmember would like additional information on Title I funds. According to the FY 2019 Board of Education's Requested Operating Budget, page 515, you are the Grant Manager for these Federal funds. Please provide details about how the funds are distributed to the schools. If you have any questions regarding this request, please contact me.
Thank you.

*Lisa Geerman
Legislative Audit Manager
Howard County Auditor's Office
410-313-3061*

Summary

School	% FARM	Federal Support			
		AIDES, \$	AIDES, #	Teachers	TOTAL
Atholton Elementary	15.2	\$31,160	3	\$165,817	\$196,978
Bellows Spring Elementary	14.9	\$59,788	6	\$259,502	\$319,289
Bollman Bridge Elementary	45.5	\$56,515	4	\$201,135	\$257,650
Bryant Woods Elementary	49.9	\$52,888	3	\$150,874	\$203,763
Bushy Park Elementary	0	\$18,095	1	\$200,330	\$218,425
Centennial Lane Elementary	0	\$12,560	1	\$219,423	\$231,981
Clarksville Elementary	0	\$15,194	1	\$89,685	\$104,880
Clemens Crossing Elementary	8.3	\$18,502	1	\$176,637	\$195,140
Cradlerock Elementary	50.7	\$38,643	2	\$164,446	\$203,089
Dayton Oaks	0	\$17,318	1	\$138,682	\$156,000
Deep Run Elementary	51.8	\$61,148	4	\$264,811	\$325,959
Ducketts Lane	39.3	\$32,293	2	\$228,048	\$260,341
Elkridge Elementary	27.1	\$81,767	6	\$324,315	\$406,083
Forest Ridge Elementary	29.6	\$26,088	2	\$170,985	\$197,073
Fulton Elementary	0	\$13,635	2	\$188,094	\$201,728
Gorman Crossing Elementary	19.7	\$41,513	3	\$183,720	\$225,233
Guilford Elementary	48.5	\$30,442	2	\$161,224	\$191,667
Hammond Elementary	21.8	\$26,676	2	\$142,592	\$169,268
Hollifield Station Elementary	21.5	\$23,489	2	\$239,895	\$263,383
Ilchester Elementary	0	\$35,805	2	\$180,098	\$215,904
Jeffers Hill Elementary	33.3	\$18,094	1	\$99,347	\$117,441
Laurel Woods Elementary	59.3	\$34,997	2	\$191,359	\$226,357
Lisbon Elementary	15.1	\$18,699	1	\$128,034	\$146,732
Longfellow Elementary	47.6	\$32,406	2	\$110,414	\$142,821
Manor Woods Elementary	6.2	\$20,863	1	\$183,998	\$204,860
Northfield Elementary	6.2	\$29,000	3	\$203,944	\$232,944
Phelps Luck Elementary	62.6	\$78,188	5	\$248,808	\$326,997
Pointers Run Elementary	5.1	\$6,688	1	\$236,445	\$243,132
Rockburn Elementary	16.7	\$35,444	3	\$233,454	\$268,899
Running Brook Elementary	48.4	\$57,612	4	\$213,326	\$270,938
St. Johns Lane Elementary	8.7	\$0	0	\$177,729	\$177,729
Stevens Forest Elementary	64.8	\$42,375	3	\$220,047	\$262,422
Swansfield Elementary	56.1	\$57,279	4	\$173,809	\$231,088
Talbot Springs Elementary	53	\$58,972	3	\$213,949	\$272,922
Thunder Hill Elementary	19.9	\$19,114	1	\$165,596	\$184,710
Triadelphia Ridge Elementary	0	\$13,947	1	\$96,932	\$110,879
Veterans Elementary	21.5	\$47,553	4	\$291,650	\$339,204
Waterloo Elementary	27.8	\$16,590	1	\$234,259	\$250,848
Waverly Elementary	0	\$58,620	5	\$217,581	\$276,201
West Friendship Elementary	0	\$22,850	2	\$51,872	\$74,721
Worthington Elementary	5.7	\$35,969	2	\$127,410	\$163,378
Total Title 1 schools		\$601,465	38	\$2,314,202	\$2,915,673
Total non-Title 1 schools		\$797,314	61	\$5,356,074	\$6,153,384
Total Federal Funds		\$1,398,779	99	\$7,670,276	\$9,069,057

\$11,000,000 rough estimate of total Title 1 funding (\$

:1000/FARM student)

From: [ying matties](#)
To: [Michael Martirano](#)
Cc: [BoE Email](#)
Subject: [BoE Email] - How are we using the Federal grant money to improve education among low-income students?
Date: Thursday, May 24, 2018 9:29:59 AM

Dear Dr. Martirano and members of the Board of Education,

I'd like to share an article written by Professor Richard Kohn analyzing how Federal grants intended for low-income schools are used in HCPSS. The data he cited came from the USDE Office of Civil Right's most recent report from 2015-2016.

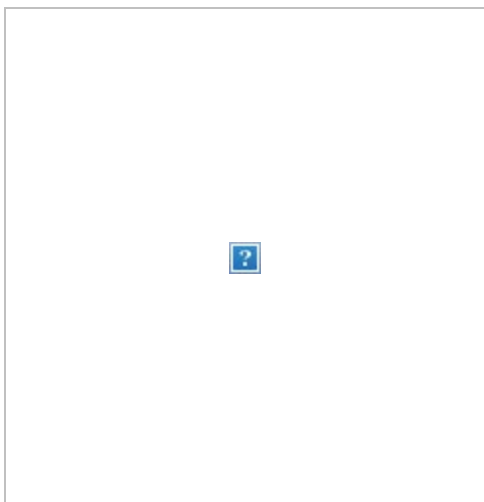
Combining the analysis in this article and a different post Dr. Kohn wrote about Howard County's income performance gap being the greatest in Maryland, a picture emerges and it's inconsistent with our pledge of equity in education. Please note that we're talking about ALLOCATION of funds, not total funds available to us. So the argument of 'we can't do much because the previous superintendent put us in a financial crisis' does not apply here.

What does the data look like now and what steps have we taken in the past year to reverse the growing inequity in our school system?

Regards,

Ying Matties

<https://howardcounty640805081.wordpress.com/2018/05/24/howard-county-appears-to-have-been-using-federal-grants-intended-for-low-income-students-to-enhance-education-in-wealthy-schools/>



Howard County Appears to Have Been Using Federal Grants Intended for Low-Income Students to Enhance Education in Wealthy Schools

howardcounty640805081.wordpress.com

Of the Federal grant money intended to improve education among low-income students in Howard County, \$6.2 million per year was used to support schools with low concentrations of poverty and \$2.9 mi...