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To: Title I Priority and Focus Schools

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Re: Clarifications on the Title I, Part A 10 percent set aside (2013-14 allocation) and 1003(a) funds

At our Title I Priority and Focus School Orientation Meeting on July 17, a few questions were raised regarding the use of a district's 10 percent Title I, Part A set-aside and 1003(a) school improvement fund. As you know, one of the intentions the state's waiver was to provide additional flexibility around certain set-asides in the Elementary and Secondary Education Act (ESEA). In order to provide accurate guidance, we presented these questions to our contacts at the US Department of Education (US DOE). Based on the response from the US DOE, we have included our guidance for districts below.

As always, please contact us if you need further clarification on these or any other issues.

NH DOE Question 1: *Can LEA's split their 10 percent Title I-A, Part A set aside (required in NH's Flexibility Waiver for LEAs with Title I Priority and Focus Schools) for any Title I school as long as the improvement needs of the Priority and Focus schools have been met?*

NH DOE Guidance

The NH DOE's Flexibility Waiver states the following ([see page 75 of the NH Flexibility Waiver](#)): "In addition, LEAs with Priority and Focus Schools will be required to reserve at least 10 percent of their Title I, Part A funds for school improvement interventions. The planned use of these funds will be submitted through the online grants management system and will be approved and monitored by the Office of School Turnaround. Reserved funds can be used for locally developed interventions and improvement strategies and/or to pay for technical assistance, professional development, and other support to improve teaching and learning."

- In determining how to distribute the Title I, Part A 10 percent set-aside, **LEAs must ensure sufficient support for Priority and/or Focus School(s)**. Each LEA must **clearly document** how the Title I, Part A 10 percent set-aside will be used to improve student achievement and/or support teacher and leader effectiveness. If the set-aside is used for improvement activities in other Title I schools, the LEA must **document** how the needs of the Priority and/or Focus School(s) are met and that necessary services are not diminished by distributing the Title I, Part A 10 percent set-aside to additional/other schools.
- LEAs must ensure that the Title I, Part A 10 percent set-aside is only used for activities allowed under Title I, Part A and that they abide by the “supplement not supplant” requirements..

NH DOE QUESTION 2: *Are those LEAs that have a Priority School that does not receive Title I-A funds (some of our School Improvement Grant (SIG) schools) required to set aside 10 percent of their total Title I, Part A allocation required in our waiver?*

NH DOE Guidance

The NH DOE’s Flexibility Waiver did not address this issue specifically. However, if an LEA has a Priority and/or Focus School that is **not receiving SIG (1003(g)) funding**, the expectation is that the LEA would set-aside the required 10 percent of Title I, Part A for school improvement activities. If an LEA **only** has a SIG school participating as a Priority School (with no other Priority and/or Focus Schools), then the LEA is not required to – although may certainly decide to do so – set-aside 10 percent of its Title I, Part A funds for school improvement activities allowed under Title I, Part A.

NH DOE QUESTION 3: *If an LEA has more than one Title I Priority and/or Focus School within the district, does the LEA have flexibility in how they distribute those funds to the designated schools?*

NH DOE Guidance

Yes. LEAs have the discretion to distribute the 10 percent Title I, Part A set-aside for any school improvement activity (see #1 above) that is allowed under Title I, Part A.

Title I Priority and Focus Schools have the opportunity to use part of their funds for planning purposes before their improvement plan is submitted and approved. Schools can access up to \$3,000 for planning activities from their LEA Title I, Part A 10 percent set-aside. Activities with a supporting itemized budget must be entered into the NH Online Grants Management System. Please be sure to include your specific activities and cost, planning committee members and their roles (i.e. school staff, district staff, parent, outside facilitator), your expected evidence of success, and start and end dates of the planning activities.

NH DOE QUESTION 4: *New Hampshire has identified 24 priority schools. The list is comprised of 15 SIG schools and 9 new priority schools. Is the SEA required to distribute 1003(a) funds to the SIG schools which are receiving 1003(g) funds?*

NH DOE Guidance

US DOE informed the NH DOE that since SIG schools already receive 1003(g) funds, NH DOE might want to distribute 1003(a) funds to non-SIG Priority Schools to ensure sufficient support for implementation. However, the state does have unallocated 1003(g) funds that it will distribute to SIG schools. Therefore, the following amounts will be provided to the schools:

- Non-SIG Title I Priority Schools and Focus Schools will each receive \$32,275 in 1003(a) funds.
- Each SIG Priority School will receive \$13,094 in unallocated 1003(g) funds.

The NH DOE will request permission from those schools receiving 1003(a) funds to expand the use of those funds for concentrated services introduced in the Flexibility Waiver, such as the Priority and Focus School Networks and technical assistance for the Indistar tool and Steps to Success process.

NH DOE QUESTION 5: *If the Title I, Part A 10 percent set aside isn't used this year, can this line item be moved into an LEA's general fund or does it have to remain in the same line item?*

NH DOE Guidance

An LEA has the flexibility to spend these funds on any activity allowable under Title I, Part A that is designed to improve student achievement or support teacher and leader effectiveness. The NH DOE continues to encourage LEAs and schools to use their Title I, Part A funds in the year provided in order to deliver meaningful, targeted support on their students that struggle the most. Any portion of the Title I, Part A 10 percent set-aside for 2013-14 that is not spent, will be carried forward into the Title I, Part A general fund.

**U.S. Department of Education, ESEA Flexibility, Frequently Asked Questions,
Revised August 3, 2012**

B-10. May an LEA spend the funds that it otherwise would be obligated to spend for choice-related transportation and SES or for professional development on any allowable activity that is designed to improve student achievement?

Generally, yes. This flexibility relieves an LEA from the requirement to spend an amount equal to 20 percent of its Title I, Part A allocation on choice-related transportation and SES, and from the requirement to spend an amount equal to 10 percent of its Title I, Part A allocation on professional development. An LEA has the flexibility to spend these funds on any activity allowable under Title I, Part A that is designed to improve student achievement or support teacher and leader effectiveness, including to support the implementation of interventions in priority and focus schools; to provide high-quality expanded learning time in those schools; to implement other activities identified by the State's differentiated recognition, accountability, and support system; or to carry out other strategies to help students succeed, such as public school choice or SES. Although an LEA is not required to spend these funds on particular activities, LEAs must ensure sufficient support for implementation of interventions in priority schools, focus schools, and other Title I schools identified under the SEA's differentiated recognition, accountability, and support system by leveraging the funds it would otherwise be obligated to spend for choice-related transportation and SES.

B-10a. Are the Title I, Part A funds that an LEA would otherwise spend for choice-related transportation and SES or for professional development in LEAs identified for improvement subject to the requirements to provide equitable services to eligible private school children, their teachers, and their families?

Yes, to the same extent and under the same conditions as regular Title I, Part A funds. In general, an LEA allocates its Title I, Part A funds in two ways: it allocates the majority of those funds to its Title I schools consistent with ESEA section 1113(c); and it reserves some funds off the top of its allocation under 34 C.F.R. § 200.77 for both required and permissible activities. An LEA's responsibility to provide equitable services to eligible elementary and secondary private school children, their teachers, and their families depends on the nature of the services provided. Equitable services apply to funds an LEA allocates to its Title I schools under ESEA section 1113(c). They also apply to off-the-top reservations that provide district-wide services to Title I schools. However, they do not apply to reservations from which an LEA provides services to a subgroup of students—e.g., homeless students, neglected and delinquent students—or if an LEA focuses the reserved funds on a specific subset of low-performing schools—e.g., schools in restructuring—because public Title I school students as a whole do not benefit from those services either.

Accordingly, with respect to Title I, Part A funds freed up from not needing to meet the 20 percent obligation or the set aside for professional development under ESEA flexibility, the responsibility to provide equitable services depends on how an LEA uses those funds. If, for example, the LEA allocates the funds under ESEA section 1113(c) to its Title I schools, it must also provide equitable services with the funds. Similarly, if the LEA uses the freed up funds for an off-the-top reservation to provide summer school or professional development to all its Title I schools, or all its Title I schools at a particular grade level, the requirement to provide equitable services would apply. On the other hand, if the LEA uses

funds from an off-the-top reservation to implement interventions in its priority and/or focus schools, the equitable services requirement would not apply. (Added November 10, 2011)