



UNITED STATES DEPARTMENT OF EDUCATION

OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

APR 22 2014

The Honorable Thomas Bice
Superintendent of Education
Alabama Department of Education
50 North Ripley Street
Montgomery, AL 36104

The Honorable Jeana Ross
Commissioner
Alabama Department of Children's Affairs
135 South Union Street, Suite 215
Montgomery, AL 36104

Dear Superintendent Bice and Commissioner Ross:

I am writing in response to the question that Alabama has raised regarding the eligibility requirements that apply if a local educational agency (LEA) uses funds under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended (Title I), to expand a State-funded preschool program in order to serve additional educationally at-risk children. It is my understanding that Alabama law does not require an LEA to provide preschool. An LEA, however, may apply to the State for a grant to support a preschool program, and some LEAs that receive this State grant might like to supplement it through Title I to serve additional educationally at-risk children.

Specifically, Alabama has asked whether an LEA that wishes to expand its preschool program with Title I funds must select all children who will participate in the program according to the Title I eligibility criteria.¹ Alabama's inquiry stems from a statement in Question A-3 of the U.S. Department of Education's non-regulatory guidance titled *Serving Preschool Children Through Title I* [available at: <http://www2.ed.gov/policy/elsec/guid/preschoolguidance2012.pdf>] that states: "If Title I funds are used in whole or in part to operate a preschool program, all Title I requirements apply to the program."

Alabama's inquiry is very astute because, on its face, the language in A-3 would appear to require an LEA to select children for a preschool program using the Title I eligibility criteria if the LEA uses Title I funds in whole or in part to support the program. We do not believe, however, that the language in A-3 requires that result in every circumstance. Rather, when viewed in the context of the guidance as a whole, it is clear that the guidance contemplates scenarios in which Title I funds are used to support part of a preschool program in which only some students meet the Title I eligibility requirements. See, for example, Questions F-3, G-5, and G-8 of the guidance. How the preschool program is structured and what role Title I funds play would govern what Title I requirements apply.

As I understand the circumstances in Alabama, an LEA has the option to apply to the State for a grant to operate a preschool program in which it would select children on a "first-come-first-served" basis without regard to any selection criteria. If demand exceeds the number of children that the State grant can support, an LEA would conduct a random drawing to select children

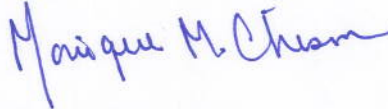
¹ See B-2 for information on which children are eligible to participate in a Title I preschool guidance.

from among those that apply; educationally at-risk children would have the same opportunity to be selected as other children. Subsequently, an LEA, at its option, might identify educationally at-risk children who are not selected randomly and use a portion of its Title I funds to add those children to the preschool program. Following their selection, all children would participate in the same preschool program.

Because Title I funds are contributing to the preschool program as a whole, requirements that apply to the use of Title I funds in the program would apply. For example, to ensure that the Title I funds supplement, and do not supplant, the State grant funds, an LEA must ensure that the enrollment process for the preschool slots supported through the State grant does not preclude parents of educationally at-risk children from enrolling their children or, if a random selection process is needed because of demand, from their being in the selection pool. Accordingly, the LEA must be able to demonstrate that parents of all children, particularly parents of at-risk children, have equal opportunity to enroll their children in the preschool program funded through the State grant. As part of this effort, the LEA would need to reach out to parents, particularly parents of English Learners and other Title I-eligible children, in a way that ensures they receive information in a form that they understand about the availability of the preschool program and how to enroll their children. Otherwise, using Title I funds to serve educationally disadvantaged children who did not have a full and fair opportunity to enroll in the State-grant portion of the preschool program would not be supplemental. Similarly, an LEA must ensure that Title I funds pay for no more than the fair share of costs commensurate with the number of educationally at-risk children the LEA adds. Finally, the LEA must ensure that it complies with other applicable Title I requirements. Sections C (teacher and paraprofessional qualifications), D (parental involvement), and E (transition from preschool to kindergarten) of the guidance provide examples of these requirements.

I hope that this clarification is helpful to Alabama and its LEAs. Thank you for your efforts to support an LEA's interest in augmenting its preschool program to include more educationally at-risk preschool children through Title I.

Sincerely,



Monique M. Chism, Ph.D.

Director

Student Achievement and School Accountability

cc. Mr. Edmund Moore