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K12: 2006-07

MEMORANDUM

TO: District School Superintendents

FROM: Cheri Pierson Yecke, Ph.D.

DATE: January 25, 2006

SUBJECT: **Clarification Regarding No Child Left Behind (NCLB) Choice Options**

The purpose of this memorandum is to provide additional information and clarification to school districts regarding No Child Left Behind choice options for eligible students in Title I schools identified as "In Need of Improvement" and the reallocation of the 20 percent Title I, Part A, set-aside funds designated to support these options. This information will ensure fidelity of implementation in providing parents meaningful choice options consistent with the No Child Left Behind Act of 2001, United States Department of Education Title I Regulations, and Non-Regulatory Guidance.

As stated in the memorandum dated October 14, 2005, school districts must set aside an amount equal to 20 percent of their Title I, Part A, allocation to provide the two school choice options set forth in Section 1116 of the No Child Left Behind Act. Title I schools identified as not making Adequate Yearly Progress (AYP) for two consecutive years (Year One of in need of improvement) are required to provide choice with transportation, and schools identified as not making AYP for three or more consecutive years (Year Two+ of in need of improvement) are required to offer choice with transportation and state-approved supplemental educational services (SES). Districts with schools in Year One and Year Two+ of in need of improvement must spend five percent of the 20 percent for choice with transportation and five percent of the 20 percent for state-approved SES.

CHERI PIERSON YECKE, PH.D.
CHANCELLOR, K-12 PUBLIC SCHOOLS

The remaining funds are required to be spent for choice with transportation and/or state-approved SES, based on demand. However, if a lesser amount is needed and the school district can document it has fully met the demand for one or both options, the remaining funds from the 20 percent set-aside may be reallocated for other allowable activities that will increase student achievement of the lowest performing students in Title I schools.

The following provisions for the use of these set-aside funds must be implemented in the 2005-06 school year. The release of remaining funds for reallocation will be dependent upon compliance with the provision of federal law pertaining to providing students the opportunity to receive choice with transportation or state-approved SES as appropriate.

Year One Schools in Need of Improvement (SINIs - Schools identified as not making AYP for two consecutive years)

Title I schools in Year One of needs-improvement status (those schools that did not make AYP for two consecutive years) must offer choice with transportation to all students. If demand for choice with transportation exceeds the amount of available funds, priority must be given to the lowest-achieving students that qualify for Free and Reduced Price Lunch (FRPL). The district must ensure that students are offered quality choice options. "Quality choice options" are defined as follows:

- If the district has more than one school eligible to receive students because the schools are not in need of improvement status, students must be offered more than one choice option. The district may not use capacity as a factor when identifying eligible schools.
- If there are no eligible schools in the district, to the extent practicable, cooperative agreements should be established with the neighboring district.
- If there are no eligible schools and a cooperative agreement is not practicable, the district may elect to offer SES. ***However, 20 percent set-aside may be used only if the delivery of SES meets the requirements set forth in Section 1116 and the provider is state-approved.***

Year Two+ Schools in Need of Improvement (SINIs - Schools identified as not making AYP for three or more consecutive years)

Title I schools in Year Two of needs-improvement status, corrective action, or restructuring must offer eligible students the option of selecting choice with transportation or state-approved SES. If the demand for choice with transportation exceeds the amount available, priority must be given to the lowest-achieving students on FRPL. SES may only be offered to students who qualify for FRPL. If demand exceeds available funds, priority must be given to those lowest-achieving students based on the most recent FCAT scores.

Allocating the Title I 20 percent Set-Aside for Choice Options

As provided in the Title I Regulations, an amount equal to 20 percent of the total district allocation, *including transfers and before any other reservations are made*, is reserved for the two choice options, unless a lesser amount is needed. Further, the regulations provide that a school district must spend at least five percent of the total allocation on choice with transportation, five percent on state-approved SES, and the remaining ten percent on one or both options, dependent upon demand. The set-aside funds may not be used for administrative costs associated with either choice with transportation or SES and may not be used for transportation for SES.

If the demand or actual cost of implementing the options with fidelity is less than the amount reserved, and the district can document that it has implemented the requirements for providing the two choice options, the remaining funds may be released for reallocation. Prior to the Department's release of these funds for reallocation the district must document that it has fully met the demand for choice with transportation and state-approved SES, as set forth in the October 14, 2005, memorandum. This documentation must be maintained at the district office and presented to the Department upon request.

In addition, the Superintendent must sign and submit the attached assurance form documenting that the district has

- appropriately notified parents of the available options in understandable formats and multiple forums;
- offered parents a reasonable amount of time to investigate their options before submitting their request; and
- used various measures to ensure that parents and students are provided the opportunity to utilize the option of their choice, including re-opening enrollment for SES if a documented need exists but participation rates are low.

School districts that set aside and expended Title I funds for implementing NCLB choice are required to request authorization for the release of the unused portion of the 20 percent set-aside in accordance to the conditions listed above by submitting *Form A: Assurance/Documentation of NCLB Choice for Release of Required Set-Aside*. School districts that used non-Title I funds for implementing NCLB choice are required to complete *Form B: Assurance/Documentation of NCLB Choice for Released of Required Set-Aside*. In an effort to expedite the review and approval of the release of funds, we request that you submit the appropriate form as soon as you document compliance with requirements set forth in this memorandum.

Once these requirements have been satisfied, an acknowledgement letter will be sent to the district approving the reallocation of the 20 percent set-aside. The district may choose to use the funds for any Title I allowable activity including but not limited to extended-day instructional services, district-SES, high-quality professional development, or parental involvement activities. However, if the district originally reserved the 20 percent set-aside from Title I schools, the funds **must** be allocated back to those schools. It is important to keep in mind that once the funds have been released, they become subject to the equitable participation requirements for private school students. Please note that districts may only use the 20 percent set-aside for district-SES or other activities after the funds have been approved by the Department for reallocation.

If you have any questions or need additional assistance, please contact Mary Jo Butler at (850) 245-0479 or via email at maryjo.butler@fldoe.org, or Lisa C. Saavedra, Chief, Bureau of Student Assistance, at (850) 245-0414 or via email at jerry.whitmore@fldoe.org.

CPY:mjb:lcs:o

Attachments (2) – Form A and Form B

**FLORIDA DEPARTMENT OF EDUCATION
2005-2006 Assurance of Compliance with NCLB Choice Provisions
For Release of 20 Percent Set-Aside
(Districts that Expended Title I Part A Funds for NCLB Choice)**

DISTRICT NAME: _____

This assurance is submitted to support that all requirements of Florida's NCLB Choice Options have been implemented. All documentation is maintained at the district level to verify full compliance that the school district:

- 1) Developed and implemented a plan for communicating choice options to parents.
- 2) Developed and implemented a plan for providing choice options to parents.
- 3) Accurately reported students who participated in the district's choice options on the required format via Florida's Automated Student Data Base.
- 4) Provided choice options to all parents (and eligible students) prior to the first day of school.
- 5) Determined that the demand for choice with transportation and state-approved SES, as set forth in the October 14, 2005, memorandum, has been met.
- 6) Provided appropriate notification to parents of the available two NCLB choice options in understandable formats and through multiple forums.
- 7) Offered parents a reasonable amount of time to investigate their options before submitting their requests.
- 8) Implemented various measures to ensure that parents and students were provided the opportunity to utilize the option of their choice, including re-opening enrollment for state-approved SES if a documented need existed but participation rates were low.

I, _____, Superintendent, _____ County School District
(Please Type or Print Name of Superintendent)

do hereby certify that all facts, figures, and representations reported via the web-based reporting formats for the District's NCLB Choice Plan (http://sip.osi.fsu.edu/0506_sip_template/login.aspx), the Supplemental Educational Plan (http://sip.osi.fsu.edu/SES/Login_SES.aspx) and the District Improvement and Assistance and Intervention Plan (http://sip.osi.fsu.edu/0506_sip_template/login.aspx) are true, correct, and consistent with the requirements set-forth in the No Child Left Behind Act of 2001. Furthermore, all applicable statutes, regulations, procedures, and administrative and programmatic requirements have been implemented to ensure proper accountability for the expenditure of the twenty percent set-aside for NCLB choice options. All records necessary to substantiate these requirements will be available for review by appropriate state and federal staff.

Signature of Superintendent

Date

Please type or print the name, title, email and mailing addresses, and phone number for the district contact person responsible for compiling and maintaining the required documentation noted above:

Name: _____ Title: _____ Phone: _____

Email Address: _____

Mailing Address: _____

Completed forms should be submitted to: Jerry Whitmore, Administrator, Title I Programs and Academic Intervention Services, by mail at 325 West Gaines Street, Suite 352 Turlington Building, Tallahassee, Florida 32399.



**FLORIDA DEPARTMENT OF EDUCATION
2005-2006 Assurance of Compliance with NCLB Choice Provisions
(Districts that Expended Non-Title I Funds for NCLB Choice)**

DISTRICT NAME: _____

This assurance is submitted to support that all requirements of Florida's NCLB Choice Options have been implemented. All documentation is maintained at the district level to verify full compliance that the school district:

- 9) Developed and implemented a plan for communicating choice options to parents.
- 10) Developed and implemented a plan for providing choice options to parents.
- 11) Accurately reported students who participated in the district's choice options on the required format via Florida's Automated Student Data Base.
- 12) Provided choice options to all parents (and eligible students) prior to the first day of school.
- 13) Determined that the demand for choice with transportation and state-approved SES, as set forth in the October 14, 2005, memorandum, has been met.
- 14) Provided appropriate notification to parents of the available two NCLB choice options in understandable formats and through multiple forums.
- 15) Offered parents a reasonable amount of time to investigate their options before submitting their requests.
- 16) Implemented various measures to ensure that parents and students were provided the opportunity to utilize the option of their choice, including re-opening enrollment for state-approved SES if a documented need existed but participation rates were low.

I, _____, Superintendent, _____ County School District
(Please Type or Print Name of Superintendent)

do hereby certify that all facts, figures, and representations reported via the web-based reporting formats for the District's NCLB Choice Plan (http://sip.osi.fsu.edu/0506_sip_template/login.aspx), the Supplemental Educational Plan (http://sip.osi.fsu.edu/SES/Login_SES.aspx) and the District Improvement and Assistance and Intervention Plan (http://sip.osi.fsu.edu/0506_sip_template/login.aspx) are true, correct, and consistent with the requirements set-forth in the No Child Left Behind Act of 2001. Furthermore, all applicable statutes, regulations, procedures, and administrative and programmatic requirements have been implemented to ensure proper accountability for the expenditure of the twenty percent set-aside for NCLB choice options. All records necessary to substantiate these requirements will be available for review by appropriate state and federal staff.

Signature of Superintendent

Date

Please type or print the name, title, email and mailing addresses, and phone number for the district contact person responsible for compiling and maintaining the required documentation noted above:

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Email Address: _____
Mailing Address: _____

Completed forms should be submitted to: Jerry Whitmore, Administrator, Title I Programs and Academic Intervention Services, by mail at 325 West Gaines Street, Suite 352 Turlington Building, Tallahassee, Florida 32399.

