

FLORIDA DEPARTMENT OF EDUCATION



CHARLIE CRIST
Commissioner

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BUREAU OF EQUITY, SAFETY
AND SCHOOL SUPPORT

MEMORANDUM

TO: Title I District Coordinators

FROM: Rony Joseph, Sr. Educational Program Director
Title I/Migrant Programs

DATE: September 27, 2002

SUBJECT: Use of Title I, Part A Set-Aside Funds To Help Teachers Become Highly Qualified

According to Section 1119(l) of No Child Left Behind Act of 2001 (NCLB), *"Each local educational agency that receives funds under [Title I, Part A] shall use not less than five percent, or more than ten percent, of such funds for each of fiscal years 2002 and 2003, and not less than five percent of the funds for each subsequent fiscal year, for professional development activities to ensure that teachers who are not highly qualified become highly qualified not later than the end of the 2005-2006 school year."* The activities described in most of the District Title I Project Applications that we received for the use of these set-aside funds suggest that there is a misinterpretation of that provision of the law. The purpose of this memorandum is to clarify that matter.

The purpose of the five-percent set-aside funds is twofold: 1) to ensure that existing teachers who are not highly qualified become highly qualified and 2) to help existing paraprofessionals meet the new statutory requirements under NCLB. Therefore, a simple test of the appropriateness of any expenditure from that set-aside amount is to ascertain whether or not the activity supports the achievement of the highly qualified objectives defined under Section 9101(23) for existing teachers and the requirements under Section 1119(c) for existing paraprofessionals. Please review the description of the activities that you submitted on DOE page 19 of 28 of your Title I, Project Applications and if these activities do not support the provisions of the NCLB listed above, please submit a revision for that page to our office. You must also ensure that these activities are reflected in the budget section of your district's project application. In addition, please remember that the use of these set-aside funds is a district responsibility and is subject to audit.

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Please note that Section 200.60(a) of the proposed regulations “would clarify that the statutory minimum [the five percent set aside] would not apply to an LEA, if most Title I teachers and paraprofessionals in the LEA’s school district already meet the statutory qualification requirements.” These proposed regulations are not yet final. A district that chooses to implement this provision should review the regulations when final to ensure that the district’s implementation of this provision complies with the final regulations.

What does that mean for regular professional development activities? After setting aside the amount needed under Section 1119(l), as described above, the LEAs and their eligible schools may continue to use Title I, Part A funds for other professional development allowable activities under this Part. It is, therefore, evident that the amount listed under Function Code 6400 in a District’s Title I, Part A Project Application may exceed ten percent of its 2002-2003 allocation. Whatever the case, the LEA must ensure two things: 1) the five to ten percent set-aside must be used as explained above and 2) the total amount under Function Code 6400 must at least equal the amount listed on the set-aside page.

I hope that you will find this additional clarification useful. If you have any questions, please feel free to contact Betty Applewhite, Program Specialist, (850) 487-3530, Betty.Applewhite@FLDOE.ORG, or Rony Joseph, Sr. Educational Program Director, (850) 487-3530, Rony.Joseph@FLDOE.ORG.

RJ/ml