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INTRODUCTION

The intent and 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 the achievement gaps.

Title I, Part A is the largest federal funding program that states receive. Oklahoma is awarded around $150 million annually. 92% of this amount is subgranted, on a formula basis, to eligible Title I Local Educational Agencies (LEAs), 7% is reserved to carry out School Improvement requirements under Every Student Succeeds Act (ESSA), Section 1003, and 1% is reserved for the state administration of the grant.

The Oklahoma State Department of Education (OSDE) is issuing this guidance to provide LEAs with information that will assist them in meeting their obligations under Title I, Part A provisions. This guidance does not create or impose new legal requirements, but outlines existing state and federal regulations that increase LEAs’ awareness of their obligations as subgrantees and reporting requirements.

CHAPTER 1: Attendance Areas and Title I, Part A Allocations

1.1 Allocations Made by SEAs to LEAs

The Elementary and Secondary Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA) requires United States Department of Education (USDE) to calculate Title I, Part A allocations based on four formulas: basic, concentration, targeted, and Education Finance Incentive Grant (EFIG) grants for each LEA.

An LEA allocation generally equals the sum of the allocation the LEA receives through the four formulas minus amounts reserved from LEA allocation by OSDE for activities the ESSA requires. Factors that determine an LEA allocation are formula children, LEA hold-harmless, OSDE adjustments, funding level for the fiscal year, state per-pupil expenditure, small state minimum, and State reported LEA expenditure data and State per capita income date (EFIG only). Formula children are annually updated poverty estimates by the Census Bureau and State reported counts of children in local
institutions for neglected or delinquent children, publically supported foster homes, and families receiving Temporary Assistance for Needy Families (TANF) assistance that exceeds the poverty level. ESSA also requires OSDE to make adjustments to the allocation of traditional LEAs calculated by USDE to account for special LEAs, such as charter and virtual LEAs. Oklahoma has been granted permission to use alternative child count data instead of census data for LEAs that have population under 20,000 and for special LEAs. After adjusting the allocation of traditional and special LEAs, the ESSA requires OSDE to apply the hold-harmless requirement to the LEA allocation for all four formulas. OSDE then calculates reservations for school improvement and State administration. After all calculations have been applied, the LEA receives the net allocation that is entered into the Grants Management System.

1.2 LEA Identification and Selection of School Attendance Areas and Schools

“A local educational agency (LEA) shall use funds received under Title I, Part A only in eligible school attendance areas. The term “eligible school attendance area” means a school attendance area in which the percentage of children from low-income families is at least as high as the percentage of children from low-income families served by the LEA as a whole. The term “school attendance area” means, in relation to a particular school, the geographical area in which the children who are normally served by that school reside.” [ESSA, Section 1113(a)(1)-(2)]

For Oklahoma, this includes any public, charter, or virtual school within the LEA’s attendance area.

1.3 General Selection Requirements

An LEA must annually rank all of its school attendance areas (the geographical area in which the children served by that school reside) according to their percentages of poverty, using the same measure of poverty for:

- Identifying eligible school attendance areas;
- Determining the ranking of each area;
- Determining the allocation for each area.

The LEAs in Oklahoma may use poverty measures to include children ages 5 to 17 in poverty as defined by the Child Nutrition division at OSDE, and as counted in the most recent census data approved by the US Department of Education Secretary.
1.4 Allocations of Title I Funds to School Attendance Areas and Schools

Allocations to eligible school attendance areas to be served with Title I, Part A funds may be determined as follows:

1) **Site poverty rate is greater than or equal to the district average poverty rate.**

“The term ‘eligible school attendance areas’ means school attendance areas in which the percentage of children from low-income families is at least as high as the percentage of children from low income families served by the Local Educational Agency as a whole.” [ESSA, Section 1113(a)(2)(B)]

“A local educational agency shall: (i) annually rank, without regard to grade spans, such agency’s eligible school attendance areas in which the concentration of children from low-income families exceeds 75 percent from highest to lowest according to the percentage of children from low-income families; and (ii) serve such eligible school attendance areas in rank order.” [ESSA, Section 1113(a)(3)(A)(i)-(iii)]

EXCEPTION - “An LEA may choose to lower the 75-percent poverty threshold to 50-percent for high schools.” [ESSA, Section 1113(a)(3)(B)]

The rules under Section 1113 - Eligible School Attendance Areas “shall not apply to a local educational agency with a total enrollment of less than 1,000 children.” [ESSA, Section 1113(a)(6)]

Therefore, an LEA with a total enrollment of less than 1,000 children is not required to serve its schools in rank order, nor to mandatory serve those sites with poverty rates exceeding 75%.

Unless the LEA is exempt from rank-ordering, the 75% rule must be also followed: Only after an LEA has served all of its areas with a poverty rate above 75% (including any middle schools or high schools), may the LEA serve lower-ranked areas. The LEA has the option to a) continue on with the district-wide ranking or b) rank remaining areas by grade span groupings. [Non-Regulatory Guidance, LEA Identification and Selection of Eligible School Attendance Areas and Schools, and Allocation of their Title I Funds to those Areas and Schools, General Selection Requirements (3)]

An LEA is not required to allocate the same per-child amount to each area or school. However, the LEA must allocate a higher per-child amount to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates. [Non-Regulatory Guidance, LEA Identification and Selection of
In determining what per-pupil amount to allocate, the LEA should bear in mind the purpose of such funding: to enable children who are most at risk of not meeting the State’s challenging student academic achievement standards. The per-child allocation amount must be large enough to provide a reasonable assurance that a school can operate a Title I program of sufficient size, scope and quality to achieve that purpose. [Non-Regulatory Guidance, Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to those Areas and Schools, General Selection Requirements (8)]

2) Site poverty rate is at or above 35%.

   ESSA, Section 1113(b)(1)(A) states that an LEA has the discretion to “designate as eligible any school attendance area or school in which at least 35% of the children are from low-income families.”

   This is known as the “35% rule”, it may be applied at the LEA’s discretion, and if this rule is followed, funds must be allocated in rank order. The 75% rule must also be followed.

3) Site poverty rate is below 35%.

   In this case the 125% rule must be applied: The LEA must allocate to all of its participating schools (not just to those below 35% poverty) a per pupil amount that is at least 125% of the LEA’s allocation per low-income child. This is calculated by dividing the Total LEA Allocation (before any funds are reserved) by the number of low-income children in the LEA as determined using the poverty measure selected by the LEA to identify eligible school attendance areas. Then, this per-child amount is multiplied by 125 percent.

1.5 LEA Discretion in Selecting Participating Areas and Schools

   An LEA has the discretion not to serve an eligible school attendance area or eligible school that has a higher percentage of children from low-income families if:

   i. the school meets the comparability requirements of ESSA, Section 1118(c). (Examples of supportive documentation: 1) District has adopted an agency-wide salary schedule; 2) has equivalency among schools in teachers, administrators, and other staff; and 3) has equivalency in curriculum materials and instructional supplies);
ii. the school is receiving supplemental funds from other State and local sources that are spent according to the requirements of ESSA, Section 1114 or 1115. (Examples of supportive documentation: 1) allocation notification letters from other state and local sources, grants, etc.; 2) budgets, expenditure reports, invoices, etc. that will demonstrate that these funds are allocated and expended at the respective site according to the Title I, Part A requirements.); and

iii. the funds expended from such other sources equal or exceed the amount that would be provided under this part. (Documentation provided under the 2nd requirement will suffice for this requirement as well.)

[ESSA, Section 1113(b)(D)]

1.6 Opening New Schools: Gathering Data for Enrollment and Free and Reduced Lunch

When an LEA redistricts schools, the actual October Full Time Equivalency (FTE) data from the year the redistricting occurs, or adjusted October FTE data from the year prior to redistricting must be used to identify and select participating areas and schools.

In this case, LEAs must complete the Revised Low Income form located in the Consolidated Application/Title I, Part A/Program Detail/Low Income Step 1 page, and email it to the assigned OSDE reviewer. The total student number must coincide with the previous October count number reported to the Child Nutrition division at OSDE, but assigned to new sites, according to the redistributing LEA policy.

CHAPTER 2: Charter Schools

2.1 Definition of Charter Schools

Under ESSA, Section 4310(2), the term charter school means "a public school that— (A) in accordance with a specific State statute authorizing the granting of charters to schools, is exempt from significant State or local rules that inhibit the flexible operation and management of public schools, but not from any rules relating to the other requirements of this paragraph; (B) is created by a developer as a public school, or is adapted by a developer from an existing public school, and is operated under public supervision and direction;
(C) operates in pursuit of a specific set of educational objectives determined by the school's developer and agreed to by the authorized public chartering agency;
(D) provides a program of elementary or secondary education, or both;
(E) is nonsectarian in its programs, admissions policies, employment practices, and all other operations, and is not affiliated with a sectarian school or religious institution;
(F) does not charge tuition;
(H) is a school to which parents choose to send their children, and that—
   (i) admits students on the basis of a lottery, consistent with section 4303(c)(3)(A), if more students apply for admission than can be accommodated; or
   (ii) in the case of a school that has an affiliated charter school (such as a school that is part of the same network of schools), automatically enrolls students who are enrolled in the immediate prior grade level of the affiliated charter school and, for any additional student openings or student openings created through regular attrition in student enrollment in the affiliated charter school and the enrolling school, admits students on the basis of a lottery as described in clause (i);
(I) agrees to comply with the same Federal and State audit requirements as do other elementary schools and secondary schools in the State, unless such State audit requirements are waived by the State;
(J) meets all applicable Federal, State, and local health and safety requirements;
(K) operates in accordance with State law;
(L) has a written performance contract with the authorized public chartering agency in the State that includes a description of how student performance will be measured in charter schools pursuant to State assessments that are required of other schools and pursuant to any other assessments mutually agreeable to the authorized public chartering agency and the charter school; and
(M) may serve students in early childhood education programs or postsecondary students."

In Oklahoma, Charter School LEAs are treated as Local Educational Agencies, for the purpose of the applicable covered programs, having their own county district number, and receiving the Title I, Part A allocation directly.
Charter school LEAs that accept Title I, Part A funds must submit (as all schools receiving Title I, Part A funds) a plan to the OSDE, delineating how the funds will be
used to support instruction and ensure that all students meet high academic achievement and performance standards. Based on eligibility, charter schools are included in the allocation calculations for the following programs:

- Title I, Part A – Improving the Academic Achievement of the Disadvantaged
- Title II, Part A – Preparing, Training, and Recruiting High Quality Teachers and Principals
- Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students
- Title IV, Part A – Student Support and Academic Enrichment
- Title V, Part B – Rural and Low-Income School Program (RLIS)

2.2 Allocation of Federal Formula Funds to Charter Schools

States and LEAs must comply with the final regulations when making allocations to any new or expanding public school that meets the definition of charter school as set forth in section 10310(1) of the ESEA (as amended by ESSA, Section 4310(2), even if the charter school does not receive funds under the Public Charter School Program (PCSP). A public school that does not meet the ESSA definition of charter school, however, is not a charter school for purposes of section 10306 of the ESEA (as amended by ESSA, Section 4310(2), or the final regulations, and neither the State nor the LEA is obligated to comply with the final regulations when making allocations to such school. [Non-Regulatory Guidance, 34 CFR Part 76, Subpart H, Section 7]

During years in which an eligible charter school is neither opening for the first time nor significantly expanding its enrollment, the SEA or LEA is under no obligation to follow the final regulations when allocating funds, and should provide funds to the charter school on the same basis as it provides funds to other eligible LEAs and public schools. [Non-Regulatory Guidance, 34 CFR Part 76, Subpart H, Section 5]

Charter Schools are considered Special LEAs. In the case of an LEA that is not on the census list of LEAs, an SEA must determine the number of formula children and children ages 5 to 17 for each special LEA and subtract these counts from each sending LEA (i.e., the LEA in which the student who attends a special LEA resides). As census poverty data are not available for special LEAs, an SEA must derive an estimate of census poverty children for each special LEA by using an alternative poverty data source that is available for both the sending and special LEAs to determine the proportion of poverty in each LEA. In other words, an SEA does not allocate Title I funds based on such alternative poverty sources, which would create an inequitable distribution of funds, but uses these data to derive a census poverty count for a special
LEA where none otherwise exist. The Office of Federal Programs calculates the Title I, Part A allocation for special LEAs using direct certified data that is the equated to free or reduced-price meal (FRM) data based on data provided by the LEA that indicates the students who would have qualified for the school lunch program and the sending LEAs in which they reside. This data is then equated to Census Poverty Data to derive an estimate of a census poverty count, which is then used to determine the eligibility of each LEA for Basic, Concentration, Targeted, and Education Finance Incentive Grants (EFIG) formulas of the Title I, Part A allocation.

2.3 Charter Schools Responsibilities toward SEA

Under 34 CFR Part 76.788-789, Subpart H charter schools must do the following:

1. At least 120 days before the date a charter school LEA is scheduled to open or significantly expand its enrollment, the charter school LEA or its authorized public chartering agency must provide its SEA with written notification of that date. Failure of an eligible charter school LEA or its authorized public chartering agency to provide 120-day notice to its SEA relieves the SEA of any obligation to allocate funds to the charter school within five months.

2. In order to receive funds, a charter school LEA must provide to the SEA any available data or information that the SEA may reasonably require to assist the SEA in estimating the amount of funds the charter school LEA may be eligible to receive under a covered program. Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require. An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data.

3. Except as provided in 34 CFR Part §76.791(a), or the authorizing statute or implementing regulations for the applicable covered program, a charter school LEA must establish its eligibility and comply with all applicable program requirements on the same basis as other LEAs.

2.4 SEA Responsibilities toward Charter Schools

Upon receiving a 120 day notice of the date a charter school LEA is scheduled to open or significantly expand its enrollment, an SEA must:
1. Provide the charter school LEA with timely and meaningful information about each covered program in which the charter school LEA may be eligible to participate, including notice of any upcoming competitions under the program.

2. Must allocate funds under a covered program in accordance with this subpart to any charter school LEA that:
   I. opens for the first time or significantly expands its enrollment during an academic year for which the State awards funds by formula or through a competition under the program; or
   II. In accordance with EDGAR §76.791(a), establishes its eligibility and complies with all applicable program requirements; and
   III. Meets the requirements of EDGAR §76.788(a)

An SEA that receives less than 120 day actual notice of the date an eligible charter school LEA is scheduled to open or significantly expand its enrollment must allocate funds to the charter school LEA on or before the date the SEA allocates funds to LEAs under the applicable covered program for the succeeding academic year.

The SEA may provide funds to the charter school LEA from the SEA's allocation under the applicable covered program for the academic year in which the charter school LEA opened or significantly expanded its enrollment, or from the SEA’s allocation under the program for the succeeding academic year.

An SEA may allocate funds to, or reserve funds for, an eligible charter school LEA based on reasonable estimates of projected enrollment at the charter school LEA. Once a charter school LEA has opened or significantly expanded its enrollment, the charter school LEA must provide actual enrollment and eligibility data to the SEA at a time the SEA may reasonably require. [EDGAR 76.788(b)(2)(ii)]

An SEA is not required to provide funds to a charter school LEA until the charter school LEA provides the SEA with the required actual enrollment and eligibility data. [EDGAR 76.788(b)(2)(ii)]

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<td>On or before November 1</td>
<td>Must allocate full proportionate amount of program funds for which the charter school is eligible within five months of the opening or expansion date.</td>
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After November 1, but before February 1
Must allocate the pro rata portion of proportionate amount of program funds for which the charter school is eligible, on or before the date the SEA allocates funds to LEAs under the program for the succeeding academic year.

After February 1
May, but is not required to, allocate the pro rata portion of the proportionate amount of program funds for which the charter school is eligible.

CHAPTER 3: Certification and Teacher Salary Allowability from Title I, Part A Funds

ESSA, Section 1111(g)(2)(J) requires teacher who work in a program supported with Title I, Part A funds to meet applicable State certification and licensure requirements, including any requirements for certification obtained through alternative routes to certification. In Oklahoma, teachers may obtain a License to teach, a Standard, Alternative or Emergency teaching certificate.

3.1 Standard Teaching Certificate
A Standard teaching certificate to teach in the State of Oklahoma is issued to any person who:

- Holds a license to teach;
- Has served a minimum of 1 school year as a resident teacher;
- Has been recommended for certification by a resident Teacher Committee; and
- Has made the necessary application and paid the certification fee;
  OR
- Holds an out-of-state certificate and meets standards set by the State Board of Education;
  OR
- Holds certification from the National Board of Professional Teaching Standards;

Note: A Standard Teaching Certificate is an acceptable teaching certificate for a teacher to be paid from Title funds.

3.2 Alternative Teaching Certificate
An Alternative teaching certificate to teach in the State of Oklahoma is:
• Issued to an applicant who has a degree; and
• Requested by an applicant who applies to OSDE for acceptance into the alternative certification program, by submitting an Alternative Placement Application, a processing fee, and official copies off all college transcripts;
• Issued to the applicant after he/she passes the Oklahoma General Education Test (OGET), the Oklahoma Professional Teaching Examination (OPTE) and the Oklahoma Subject Area Test (OSAT), based on the transcripts. Additional subject area tests may be passed, which will result in additional certification endorsements;
• Valid for 3 years;
• The route to an Alternative Standard Teaching Certificate, if all program requirements are met within 3 years;

NOTE: An Alternative Teaching Certificate is an acceptable teaching certificate for a teacher to be paid from Title funds.

3.3 Emergency Teaching Certificate

An Emergency teaching certificate to teach in the State of Oklahoma is:

• Issued to an applicant who has a degree; and
• Requested by the LEA superintendent who applies to OSDE on behalf of this applicant, for one specific subject area, per year; the application is submitted to the State Board of Education, and after the board approves it, the applicant is considered certified in the subject area requested by the superintendent for one year;
• Valid for 1 year, and it could be extended for 1 additional year;
• Issued in any subject but Special Ed.

NOTE: An Emergency Teaching Certificate is an acceptable teaching certificate for a teacher to be paid from Title funds.

3.4 Adjuncts

In addition to teaching as a certified teacher in the State of Oklahoma, individuals may teach as adjuncts in public schools. In this case:

• It is not mandatory for the applicants to hold a degree;
• Usually the principal makes the request to the local board of education (it is not necessary to receive approval from the Oklahoma State Board of Education). After the local board’s approval, an “Adjunct Application” is submitted (by the principal or higher level administrator, not necessarily by the LEA Superintendent) to the Oklahoma State Department of Education (OSDE), who
gives the applicant the adjunct status in the Accreditation system. However, no approval letter is sent out from OSDE;

- Receiving the adjunct status will not make the applicant certified in any subject area. However, the applicant may hold teaching certifications in some subject areas;
- Adjuncts can only teach 3 hours a day, for no more than one year;
- Adjuncts can teach any subject matter but Special Ed, Early Childhood or Elementary Education;

NOTE: Title funds will NOT pay for adjuncts who do not hold teaching certification for the grade level and subject areas in which the adjunct provides instruction.

CHAPTER 4: Comparability of Services

4.1 Comparability Requirement

To ensure that funds made available under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) are used to provide services that are in addition to the regular services normally provided by a local educational agency (LEA) for participating children, the LEA must provide services in its Title I schools with state and local funds that are at least comparable to services provided in its non-Title I schools. This requirement is critical to the success of Title I, Part A program because it ensures that the federal investment has an impact on the at-risk students the program is designed to serve—something that would not occur if federal dollars replaced state and local resources that would otherwise be made available to these at-risk students. At the school building level, comparability requires an LEA to ensure that each Title I school receives its fair share of resources from state and local funds. In other words, an LEA may not discriminate (either intentionally or unintentionally) against its Title I schools when distributing resources funded from state and local sources simply because these schools receive federal funds.

Demonstrating comparability is a prerequisite for receiving Title I funds. ESSA, Section 1118(c)(1)(A)(B) provides that an LEA may receive Title I, Part A funds only if it uses state and local funds to provide services in Title I schools that, taken as a whole, are at least comparable to the services provided in schools that are not receiving Title I funds. If the LEA serves all of its schools with Title I funds, the LEA must use state and local funds to provide services that, taken as a whole, are substantially comparable in each Title I
school. Because Title I allocations are made annually, comparability is an annual requirement.

The comparability requirement does not apply to an LEA that has only one building for each grade span. For example, an LEA that has one elementary, one middle school or one high school is exempt from demonstrating Comparability. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.

4.2 Criteria for Meeting Comparability

There are a number of ways approved by USDE that can be used by LEAs to meet the comparability requirement. The Office of Federal Programs at the Oklahoma State Department of Education has established and uses the student/teacher ratio as the preferred method of determining Comparability.

4.3 Developing Procedures for Comparability Compliance

An LEA must develop procedures for complying with the comparability requirements. [ESSA, Section 1118(c)(3)(A)(B)] These procedures should be in writing and should, at a minimum, include the LEA’s timeline for demonstrating comparability, identification of the office responsible for making comparability calculations, the measure and process used to determine whether schools are comparable, and how and when the LEA makes adjustments in schools that are not comparable. 

ESSA, Section 1118 (c)(1)(C) allows an LEA to determine comparability of each of its Title I schools on a grade-span by grade-span basis. The LEA may exclude schools that have fewer than 100 students.

4.4 Instructional Staff Members to Be Included in Comparability Calculation

When an LEA measures compliance by comparing student/staff ratios, the LEA should consistently include the same categories of staff members in the ratios for both Title I and non-Title I schools. Instructional staff may include teachers and other personnel assigned to schools who provide direct instructional services, including music, art, and physical education teachers; guidance counselors; speech therapists; and media specialists as well as other personnel who provide services that support instruction, such as school social workers and psychologists.

In calculating comparability, an LEA may include only staff paid with state and local funds. This would exclude staff paid with private or federal funds. Other staff that would
be excluded are principals, assistant principals, custodians, cafeteria personnel, school nurses, security personnel, pre-kindergarten teachers, pre-kindergarten paraprofessionals, secretaries, and non-instructional paraprofessionals.

The activities authorized by the ESSA include activities that are authorized by Title VIII of the ESSA, the Impact Aid Program. Because Impact Aid is considered general aid to recipient LEAs, Impact Aid funds may be used for any educational activity consistent with local and state requirements. As such, Impact Aid funds are effectively deemed state and local funds for which no accountability to the federal government is required, and staff that is paid with Impact Aid funds is included in comparability determinations.

4.5 Examples of Ways to Meet the Comparability Requirement

4.5.1 Example 1 - Non-Title I and Title I Schools Are Compared

In the following example, an LEA provides Title I services to 4 of its 6 elementary sites. To demonstrate comparability, the LEA would have to indicate that the student/FTE instructional staff ratio in each Title I school does not exceed the maximum student/FTE instructional staff ratio of 16.95 in Non-Title I Schools. In this example, each of the Title I schools meets the comparability requirement because the student/FTE Instructional Staff ratio is less than 16.95, the average of student/FTE instructional staff ratio for all non-Title I schools.

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/FTE Instructional Staff Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>115</td>
<td>A Elementary</td>
<td>EC-05</td>
<td>562</td>
<td>35.52</td>
<td>15.82</td>
</tr>
<tr>
<td>125</td>
<td>B Elementary</td>
<td>EC-05</td>
<td>509</td>
<td>34.00</td>
<td>14.97</td>
</tr>
</tbody>
</table>

Grade Span Average 15.41

110% of Student/Instructional Staff Ratio Maximum 16.95
Title I Schools

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/ FTE Instructional Staff Ratio</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>105</td>
<td>C Elementary</td>
<td>EC-05</td>
<td>522</td>
<td>38.60</td>
<td>13.52</td>
<td>Passed</td>
</tr>
<tr>
<td>120</td>
<td>D Elementary</td>
<td>EC-05</td>
<td>420</td>
<td>30.02</td>
<td>13.99</td>
<td>Passed</td>
</tr>
<tr>
<td>130</td>
<td>E Elementary</td>
<td>EC-05</td>
<td>508</td>
<td>38.93</td>
<td>13.05</td>
<td>Passed</td>
</tr>
<tr>
<td>135</td>
<td>F Elementary</td>
<td>EC-05</td>
<td>454</td>
<td>31.49</td>
<td>14.42</td>
<td>Passed</td>
</tr>
</tbody>
</table>

If a Title I school exceeds the 110 percent maximum student/instructional staff ratio, the LEA must make adjustments in staff, in order to bring the Title I school into compliance.

4.5.2 Example 2 - All Elementary Schools in the LEA are Title I and Are Compared

In the following example, the LEA provides Title I services to all 3 of its elementary sites. To demonstrate comparability, the LEA would have to indicate that the student/FTE instructional staff ratio in each Title I school does not exceed the maximum student/FTE instructional staff ratio 17.05 in Title I Schools in the elementary category. In this example, each of the Title I schools meets the comparability requirement because the student/FTE Instructional Staff ratio is less than 17.05, the maximum average of student/FTE instructional staff ratio for all elementary Title I schools.
If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.

### 4.5.3 Example 3 - Small Non-Title I and Small Title I Schools Are Compared

In the following example, an LEA provides Title I services to 5 of its 6 high schools sites. To demonstrate comparability, the LEA would have to indicate that the student/FTE instructional staff ratio in each Title I school does not exceed the maximum student/FTE instructional staff ratio of 16.40 in Non-Title I Schools. In this example, each of the Title I schools meets the comparability requirement because the student/FTE instructional staff ratio is less than 16.40, the maximum of student/FTE instructional staff ratio for Title I schools.
Non-Title I Schools

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/ FTE Instructional Staff Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>706</td>
<td>A High School</td>
<td>09-12</td>
<td>550</td>
<td>36.88</td>
<td>14.91</td>
</tr>
</tbody>
</table>

Grade Span Average 14.91

110% of Student/Instructional Staff Ratio Maximum 16.40

High School - Small

Title I Schools

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/ FTE Instructional Staff Ratio</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>707</td>
<td>B High School</td>
<td>09-12</td>
<td>388</td>
<td>27.80</td>
<td>13.96</td>
<td>Passed</td>
</tr>
<tr>
<td>726</td>
<td>C High School</td>
<td>09-12</td>
<td>441</td>
<td>29.03</td>
<td>15.19</td>
<td>Passed</td>
</tr>
<tr>
<td>750</td>
<td>D High School</td>
<td>09-12</td>
<td>326</td>
<td>25.40</td>
<td>12.83</td>
<td>Passed</td>
</tr>
<tr>
<td>760</td>
<td>E High School</td>
<td>09-12</td>
<td>142</td>
<td>14.90</td>
<td>9.53</td>
<td>Passed</td>
</tr>
<tr>
<td>780</td>
<td>F High School</td>
<td>09-12</td>
<td>317</td>
<td>25.00</td>
<td>12.68</td>
<td>Passed</td>
</tr>
</tbody>
</table>

If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.

4.5.4 Example 4 - Large Non-Title I and Large Title I Schools Are Compared

In the following example, an LEA provides Title I services to 4 of its 5 middle schools sites. The LEA demonstrates comparability by annually comparing student ratios for each of its Title I schools to the maximum student/FTE ratios for its non-Title I schools.
In this example, each of the Title I schools is comparable because the student/FTE ratio does not exceed 13.70 (the ratio for all non-Title I schools).

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/ FTE Instructional Staff Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>505</td>
<td>A Middle School</td>
<td>06-08</td>
<td>853</td>
<td>68.50</td>
<td>12.45</td>
</tr>
</tbody>
</table>

Grade Span Average

110% of Student/Instructional Staff Ratio Maximum 13.70

<table>
<thead>
<tr>
<th>Site Number</th>
<th>Site Name</th>
<th>Grade Span</th>
<th>Student Enrollment</th>
<th>FTE Instructional Staff</th>
<th>Student/ FTE Instructional Staff Ratio</th>
<th>Status</th>
</tr>
</thead>
<tbody>
<tr>
<td>510</td>
<td>B Middle School</td>
<td>06-08</td>
<td>546</td>
<td>47.50</td>
<td>11.49</td>
<td>Passed</td>
</tr>
<tr>
<td>515</td>
<td>C Middle School</td>
<td>06-08</td>
<td>512</td>
<td>50.50</td>
<td>10.14</td>
<td>Passed</td>
</tr>
<tr>
<td>520</td>
<td>D Middle School</td>
<td>06-08</td>
<td>547</td>
<td>45.50</td>
<td>12.02</td>
<td>Passed</td>
</tr>
<tr>
<td>525</td>
<td>E Middle School</td>
<td>06-08</td>
<td>587</td>
<td>51.50</td>
<td>11.40</td>
<td>Passed</td>
</tr>
</tbody>
</table>

If a Title I school exceeds the 110 percent maximum student/teacher ratio, the LEA must make adjustments in staff in order to bring the Title I school into compliance.
CHAPTER 5: Equipment – Title, Use, Management, Disposition [EDGAR 80.32]

5.1 Title of Equipment

(a) Subject to the obligations and conditions set forth in this section, title to equipment acquired under a Federal award will vest upon acquisition in the non-Federal entity. Unless a statute specifically authorizes the Federal agency to vest title in the non-Federal entity without further obligation to the Federal government, and the Federal agency elects to do so, the title must be a conditional title. Title must vest in the non-Federal entity subject to the following conditions:

(1) Use the equipment for the authorized purposes of the project until funding for the project ceases, or until the property is no longer needed for the purposes of the project.

(2) Not encumber the property without approval of the Federal awarding agency or pass-through entity.

(3) Use and dispose of the property in accordance with paragraphs (b), (c) and (e) of this section.

(b) A state must use, manage and dispose of equipment acquired under a Federal award by the state in accordance with state laws and procedures. Other non-Federal entities must follow paragraphs (c) through (e) of this section.

5.2 Use of Equipment

(c) (1) Equipment must be used by the non-Federal entity in the program or project for which it was acquired as long as needed, whether or not the project or program continues to be supported by the Federal award, and the non-Federal entity must not encumber the property without prior approval of the Federal awarding agency. When no longer needed for the original program or project, the equipment may be used in other activities supported by the Federal awarding agency, in the following order of priority:

(i) Activities under a Federal award from the Federal awarding agency which funded the original program or project; then

(ii) Activities under Federal awards from other Federal awarding agencies. This includes consolidated equipment for information technology systems.
(2) During the time that equipment is used on the project or program for which it was acquired, the non-Federal entity must also make equipment available for use on other projects or programs currently or previously supported by the Federal government, provided that such use will not interfere with the work on the projects or program for which it was originally acquired. First preference for other use must be given to other programs or projects supported by Federal awarding agency that financed the equipment and second preference must be given to programs or projects under Federal awards from other Federal awarding agencies. Use for non-federally-funded programs or projects is also permissible. User fees should be considered if appropriate.

(3) Notwithstanding the encouragement in § 200.307 Program income to earn program income, the non-Federal entity must not use equipment acquired with the Federal award to provide services for a fee that is less than private companies charge for equivalent services unless specifically authorized by Federal statute for as long as the Federal government retains an interest in the equipment.

(4) When acquiring replacement equipment, the non-Federal entity may use the equipment to be replaced as a trade-in or sell the property and use the proceeds to offset the cost of the replacement property.

5.3 Management of Equipment

(d) Procedures for managing equipment (including replacement equipment), whether acquired in whole or in part under a Federal award, until disposition takes place will, as a minimum, meet the following requirements:

(1) Property records must be maintained that include a description of the property, a serial number or other identification number, the source of funding for the property (including the FAIN), who holds title, the acquisition date, and cost of the property, percentage of Federal participation in the project costs for the Federal award under which the property was acquired, the location, use and condition of the property, and any ultimate disposition data including the date of disposal and sale price of the property.

(2) A physical inventory of the property must be taken and the results reconciled with the property records at least once every two years.

(3) A control system must be developed to ensure adequate safeguards to prevent loss, damage, or theft of the property. Any loss, damage, or theft must be investigated.
(4) Adequate maintenance procedures must be developed to keep the property in good condition.

(5) If the non-Federal entity is authorized or required to sell the property, proper sales procedures must be established to ensure the highest possible return.

5.4 Disposition of Equipment

(e) When original or replacement equipment acquired under a Federal award is no longer needed for the original project or program or for other activities currently or previously supported by a Federal awarding agency, except as otherwise provided in Federal statutes, regulations, or Federal awarding agency disposition instructions, the non-Federal entity must request disposition instructions from the Federal awarding agency if required by the terms and conditions of the Federal award. Disposition of the equipment will be made as follows, in accordance with Federal awarding agency disposition instructions:

(1) Items of equipment with a current per unit fair market value of $5,000 or less may be retained, sold or otherwise disposed of with no further obligation to the Federal awarding agency.

(2) Except as provided in § 200.312 Federally-owned and exempt property, paragraph (b), or if the Federal awarding agency fails to provide requested disposition instructions within 120 days, items of equipment with a current per-unit fair-market value in excess of $5,000 may be retained by the non-Federal entity or sold. The Federal awarding agency is entitled to an amount calculated by multiplying the current market value or proceeds from sale by the Federal awarding agency’s percentage of participation in the cost of the original purchase. If the equipment is sold, the Federal awarding agency may permit the non-Federal entity to deduct and retain from the Federal share $500 or ten percent of the proceeds, whichever is less, for its selling and handling expenses.

(3) The non-Federal entity may transfer title to the property to the Federal Government or to an eligible third party provided that, in such cases, the non-Federal entity must be entitled to compensation for its attributable percentage of the current fair market value of the property.

(4) In cases where a non-Federal entity fails to take appropriate disposition actions, the Federal awarding agency may direct the non-Federal entity to take disposition actions.
CHAPTER 6: Equitable Share under Title I, Part A

6.1 Equitable Share Requirement

Educational services and other benefits for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in Title I, Part A services, and shall be provided in a timely manner. [ESSA, Section 8501(3)(A)]

If there are children from low-income families who reside in a participating Title I public school attendance area, and are enrolled in private elementary schools and secondary schools, then these children generate Title I, Part A funds. The public Local Educational Agency (LEA) shall engage in timely and meaningful consultation with appropriate private school officials, to serve eligible low-achieving private school children who reside in a participating Title I public school attendance area.

6.2 Determining the Equitable Share

ESSA, Section 1117(a)(4)(ii) stipulates that the proportional share of funds shall be determined based on the total amount of funds received by the LEA, prior to any allowable expenditures or transfers. That means that an LEA must apply the proportion used to calculate the proportional share to its entire Title I allocation (including any Title II, Part A or Title IV, Part A funds that an LEA transfers into Title I, Part A) before it reserves any funds for other purposes, including all reservations the ESSA requires or authorizes an LEA to take off the top of its Title I, Part A allocation, such as reservations for administration, parent and family engagement, children in institutions for neglected or delinquent children, homeless children and youth, and district-wide initiatives.

The LEA shall provide services to the eligible private school children, such as special educational services, instructional services, counseling, mentoring, one-on-one tutoring, or other benefits allowable under Title I, Part A that address their needs, as well as to their teachers and parents. ESSA, Section 1117(a)(2) stipulates that such educational services or other benefits, including materials and equipment, shall be secular, neutral and non-ideological.

6.3 Obligating the Equitable Share Funds

Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency. [ESSA, Section 1117(a)(4)(B) and 8501(a)(4)(B)]
6.4. Carryover of the Equitable Share Funds

Any unexpended Title I, Part A equitable share funds will carry over to the non-public school pool of funds for the following fiscal year, unless there are extenuated circumstance for a particular non-public school. In this case, that specific non-public school will be allowed to carryover the unexpended funds for its needs in the following fiscal year.

[Providing Equitable Services to Eligible Private School Children, Teachers, and Families Updated Non-Regulatory Guidance, October 7, 2019, B-27]

At the end of each fiscal year, after the closeouts have been performed, OSDE sends out an “Extenuating Circumstances “form to all LEAs who have participating non-public schools. LEAs will complete the form in consultation with each non-public school, indicating whether or not there were any extenuating circumstances that resulted in unobligated funds for non-public services, and return it back to OSDE. If OSDE’s determination is that extenuating circumstances existed, the funds will remain available for the provision of equitable services during the subsequent school year for that particular non-public school, and not be returned to the LEA’s pool of funds for public schools. If not obligated within a two-year period, unused funds will revert to U.S. Treasury.

The 15 percent carryover limitation in ESSA Section 1127(a) is calculated based on an LEA’s total Title I allocation, including the portion allocated for equitable services. However, because an LEA generally must carry over any equitable services funds not obligated in accordance with ESSA Section 1117(a)(4)(B), if an LEA exceeds the carryover limitation, and an SEA reduces the LEA’s allocation as a result, such reduction may not come from the portion of carryover funds used to provide equitable services. An exception would be if one or more private schools declines all or a portion of services, and there are no other participating private schools. In this case, the SEA would consider the funds generated for the declined services when making a reduction to an LEA’s allocation.

[Providing Equitable Services to Eligible Private School Children, Teachers, and Families Updated Non-Regulatory Guidance, October 7, 2019, B-28]
6.5 Administrative Costs Reservation from the Proportionate Share

“Separately from the funds needed to administer the Title I program for students in public schools, an LEA may reserve an amount that is reasonable and necessary to administer equitable services from the proportionate share of Title I funds available. The LEA should discuss administrative costs for implementing equitable services during consultation with appropriate private school officials. “[Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements, 2016, O-3]

6.6 Parent Involvement Activities

An LEA “shall ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 1116, to carry out parent involvement activities for parents of children enrolled in nonpublic schools that participate in federal programs.” [ESSA, Section 1117(a)(1)(B)]

6.7 Options Available For Providing Equitable Services

Consistent with ESSA Section 1117(b)(1)(J), following consultation with, and the agreement of, private school officials, an LEA may choose one or more of the following options for providing equitable services to eligible private school children with Title I, Part A funds:

1. **School-by-School:** Provide equitable services to eligible children in each private school with the Title I funds generated by the children from low-income families who reside in participating Title I public school attendance areas and attend that private school.

2. **Pooling within an LEA:** Provide equitable services to eligible children attending a private school that is part of a group of private schools (such as a group of schools under the authority of a single organization) by pooling the Title I funds generated by children from low-income families who reside in participating Title I public school attendance areas and attend a private school in the group. The LEA, in consultation with appropriate private school officials, must establish criteria to determine the eligible private school students in greatest educational need to receive services. The services provided to eligible children attending a particular private school do not depend on the amount of funds generated by children from low-income families in that school; rather, the services are based on educational need. If private school officials representing different groups of private schools request pooling, the LEA may establish a separate pool for each requesting group.
3. **Pooling across LEAs:** Because eligibility for Title I services is based on a child’s residence and not where the child attends school, it is common that multiple LEAs have a responsibility to provide services to eligible children who attend the same private school, making provision of those services through pooling across LEAs potentially more educationally effective and efficient than by each individual LEA providing services to eligible students in the same private school. Thus, multiple LEAs may pool the Title I funds generated by their private school children from low-income families who reside in a participating Title I public school attendance area to serve eligible low-achieving private school children who reside in those LEAs. In other words, low-achieving private school children in greatest need who reside in a participating Title I public school attendance area in any of the applicable LEAs may be served with the pooled funds. The LEAs, in consultation with appropriate private school officials, must establish criteria to determine the eligible private school students in greatest educational need to receive services.

6.8 **Services Available For Private School Participants**

Services to improve the academic achievement for participating private school children may include, but are not limited to, the following:

- Instructional services provided by public school employees or third-party contractors;
- Expanded learning time, including before-and after-school programs;
- One-on-one tutoring;
- Summer school programs;
- Family literacy programs;
- Counseling programs;
- Mentoring programs;
- Computer-assisted instruction;
- Home tutoring;
- Instruction using take-home computers; and
- Any combination of the above.
CHAPTER 7: Fiscal Rules

7.1 Maintenance of Effort (MOE)

ESSA addresses the LEA’s responsibility to maintain local funding. If an LEA fails to maintain fiscal effort, the State Education Agency may be required to reduce LEA’s current year allocation. Calculations to determine MOE are done at the State level in compliance with Federal requirements.

A Local Education Agency (LEA) may receive funds under a covered program for any fiscal year only if the State Education Agency (SEA) finds that either the combined fiscal effort per student, or the aggregate expenditures of State and local funds with respect to the provision of free public education by the LEA for the preceding fiscal year was not less than 90 percent of the combined fiscal effort per student or aggregate expenditures for the second preceding fiscal year. [ESSA, Section 1118(a) and 8521(a)]

If an LEA fails to maintain effort by falling below 90 percent in either the combined fiscal effort per student or aggregate expenditures (using the measure most favorable to the LEA), the SEA must reduce the LEA’s allocation under Title I, Part A, Title I, Part D, Title II, Part A, Title III, Part A, Title IV, Part B, 21st Century Community Learning Centers, Title V, Part B, Subpart 2, RLIS, and Title VI, Part A, Subpart 1, Indian Education in the exact proportion by which the LEA failed to maintain effort, if the LEA fails to maintain effort in a given fiscal year and also failed to maintain effort for 1(one) or more of the 5(five) immediately preceding fiscal years. [ESSA, Section 8521(b)]

The United States Department of Education may waive the maintenance of effort requirement for an LEA if it determines that a waiver would be equitable due to:

1) exceptional or uncontrollable circumstances;

2) a precipitous decline in the financial resources of the LEA; or

3) a change to the organizational structure of the LEA.

If the LEA’s failure to meet MOE was due to one of the above exceptions, the LEA can request and be granted a one-year MOE waiver from the United States Department of Education (USDE). The LEA must address the letter of request to the U.S. Department of Education Secretary, along with documentation to support the reason for failure to meet MOE and send it to the Office of Federal Programs, who will then forward the
waiver request to USDE. For additional information regarding the Maintenance of Effort appeal process, contact the Office of Federal Programs.

7.2 Crossing Fiscal Years

“The general fund of any school district is hereby defined as a current expense fund and shall consist of all revenue or monies that can legally be expended within a certain specified fiscal year.” [70 O.S. § 1-117]

The same state law applies to the use of federal funds. Current fiscal year funds shall be obligated for current fiscal year goods and services, with the exception of bona fide needs. The bona fide needs rule is a rule of appropriation law, and it mandates that a fiscal year appropriation be obligated only to meet a legitimate - or bona fide - need arising in, or in some cases arising prior to but continuing to exist in, the fiscal year for which the appropriation was made. Bona Fide expenditures are limited, such as registration and airfare reservations. It restricts the current fiscal year’s appropriated funds from being used to fund the following fiscal year’s requirements.

7.3 Purchase Orders and Paid in Advance Services

Oklahoma is a State that reimburses LEAs for federal expenditures. To qualify for reimbursement, all federal purchases must abide to the Oklahoma Statute 70 O.S. § 5-135(E) which stipulates that a Purchase Order (P.O) must be issued prior to any purchase, and full payment cannot be made in advance for services not rendered.

“Before any purchase is completed, a purchase order or encumbrance must be issued. No bill shall be paid unless it is supported by an itemized invoice clearly describing the items purchased, the quantity of each item, its unit price, its total cost and proof of receipt of such goods or services.” [O.S. Title 70, Chapter 1, Section 5-135(E)]

7.4 Time Distribution Records

Employees that are paid with federal funds from single or multiple funding sources are required to document their time and effort by maintaining Time Distribution Records (formerly known as Time and Effort Records) at the time that services are performed. Salaries for such employees will be paid monthly according to the time distribution among specific activities/funding sources, regardless of Title I Targeted Assistance or Schoolwide program status.
I. Total compensation must be reasonable for the services rendered and conforms to the established written policy of the non-Federal entity consistently applied to both Federal and non-Federal activities; 2 CFR Part 200.430(a)(1)

II. Personnel expenses must be based on records that accurately reflect the work performed and be supported with verifiable documentation. 2 CFR Part 200.430

III. Standards for Documentation of Personnel Expenses:
   i. Be supported by a system of internal control which provides reasonable assurance that the charges are accurate, allowable, and properly allocated;
   ii. Be incorporated into the official records of the non-Federal entity;
   iii. Reasonably reflect the total activity for which the employee is compensated by the non-Federal entity, not exceeding 100% of compensated activities;
   iv. Include both federally funded and all other activities paid by the LEA on an integrated basis, but may also comprise of supplemental records as defined in the LEA’s written policy.
   v. Comply with the established accounting policies and practices of the LEA.
   vi. Support the distribution of all salary/wages among specific activities or cost objectives regardless of work in any combination of Federal/non-Federal award or direct/indirect cost activity.
   vii. Recognize that while budget estimates may be used for accounting purposes, they do not qualify as support for reimbursements of federal funds.
   viii. Budget estimates (i.e., estimates determined before the services are performed) alone do not qualify as support for charges to Federal awards. 2 CFR Part 200.430(i)(1)

Types of Time Distribution Records

All Local Educational Agencies (LEAs) receiving federal funds under ANY federal program (Title I, Part A; Title I, Part C-Migrant, Title I, Part D-Neglected/Delinquent, Title II, Part A; Title III, Part A; Title IV, Part A; Title V, Part B; Title IX, Part A-Homeless) are responsible for ensuring that all staff members maintain accurate time distribution records. All documentation must be signed by the employee and supervisor evidencing first-hand knowledge of the work performed under the federal program. A description and samples of the documentation required, based on the type of position/duties and reporting periods are listed below.
Cost objective means a program, function, activity, award, organizational subdivision, contract, or work unit for which cost data are desired and for which provision is made to accumulate and measure the cost of processes, products, jobs, capital projects, etc. 2 CFR Part 200.28

Semi-annual Certification
- Completed for employees who work solely on a single Federal award or cost objective;
- Certifies that the employee worked solely on that program for the period covered by the certification;
- Meets the standards for documentation outlined in 2 CFR Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency;
- Will be prepared at least semi-annually (once per semester);
- Will be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.

Personnel Activity Report (PAR)
- Completed for employees who work on multiple activities or cost objectives such as:
  - more than one Federal award;
  - a Federal award and a non-Federal award;
  - an indirect cost activity and a direct cost activity;
  - two or more indirect activities which are allocated using different allocation bases; or
  - an unallowable activity and a direct or indirect cost activity. 2 CFR Part 200.430(i)(1)(vii)
- Personnel Activity Reports:
  - meet the standards for documentation outlined in 2 CFR Part 200.430(i)(1) unless other substitute system has been approved by the cognizant Federal agency;
  - must reflect an after-the-fact distribution of the actual activity of each employee;
  - must account for the total activity for which each employee is compensated;
  - must be prepared at least monthly and must coincide with one or more pay periods; and
  - must be signed by the employee or supervisory official having first-hand knowledge of the work performed by the employee.
Note: budget estimates or other distribution percentages determined before the services are performed do not qualify as support for charges to Federal awards but may be used for interim accounting purposes.

CHAPTER 8: Parent Involvement

8.1 Parent Involvement Set-aside

Each LEA shall reserve at least 1 percent of its Title I, Part A allocation (including any funds that are transferred in) for the fiscal year for which the determination is made, to assist schools to carry out the activities for parent involvement, except when such allocation is less than $500,000 the 1% is not mandatory. An LEA may reserve more than 1 percent of its allocation to assist schools to carry out parent involvement activities. Only 10% of the mandatory 1% may be kept at the district level, but LEAs may use one of the "other" set-aside fields on Low Income Step 4 in the Grants Management System (GMS), if the LEA would like to set aside additional parent involvement funds. [ESSA, Section 1116(a)(3)(A)] and [ESSA, Section 1116(a)(3)(C)]

LEA’s set-aside for nonpublic parent and family engagement activities will be calculated by multiplying the 1% amount for public parent and family engagement activities by the proportionate share percentage for nonpublic students. This amount will then be subtracted from the nonpublic proportionate amount, and it will be retained by the LEA to be expended for parent and family engagement activities, on behalf of nonpublic schools, at the district level.

8.2 Parent Meetings – Title I, Part A

“Each school served under Title I, Part A must convene an annual meeting, at a time convenient for parents to inform them of their school’s participation in Title I, Part A programs, and to explain the Title I, Part A requirements and the right of parents to be involved in those programs. In order to keep parents informed, schools must invite to this meeting all parents of children participating in Title I, Part A programs and encourage them to attend. Schools must offer a flexible number of additional parental involvement meetings, such as in the morning or evening so that as many parents as possible are able to attend.” [ESSA, Section 1116(c)(1)-(2)]
Each LEA in Oklahoma must provide agendas, minutes and sign-in sheets during the Consolidated Monitoring performed by the Office of Federal Programs at OSDE, to indicate compliance with Section 1116 of ESSA.

8.3 Parents Right to Know Letter

At the beginning of each school year, LEAs shall provide to each individual parent of a student who attends a school receiving Title I funds the “Parents-Right-to-Know” letter, notifying parents about:

- their right to request and receive (in a timely manner) information regarding the professional qualifications of the student’s classroom teachers and paraprofessionals. [ESSA, Section 1112(e)(1)(A)]
- their child being assigned, or taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned [ESSA, Section 1112(e)(1)(B)(ii)]. This includes long-term substitute teachers listed as the teacher of record.

“(A) In general - At the beginning of each school year, a local educational agency that receives funds under this part shall notify the parents of each student attending any school receiving funds under this part that the parents may request, and the agency will provide the parents on request (and in a timely manner), information regarding the professional qualifications of the student’s classroom teachers, including at a minimum, the following:

(i) Whether the student’s teacher—

(I) has met State qualification and licensing criteria for the grade levels and subject areas in which the teacher provides instruction;

(II) is teaching under emergency or other provisional status through which State qualification or licensing criteria have been waived; and

(III) is teaching in the field of discipline of the certification of the teacher.

(ii) Whether the child is provided services by paraprofessionals and, if so, their qualifications.

(B) ADDITIONAL INFORMATION.—In addition to the information that parents may request under subparagraph (A), a school that receives funds under this part shall
provide to each individual parent of a child who is a student in such school, with respect to such student—

(i) information on the level of achievement and academic growth of the student, if applicable and available, on each of the State academic assessments required under this part; and

(ii) timely notice that the student has been assigned, or has been taught for 4 or more consecutive weeks by, a teacher who does not meet applicable State certification or licensure requirements at the grade level and subject area in which the teacher has been assigned."

[ESSA, Section 1112(e)(1)(A)-(B)]

8.4 Notices to Parents of English Learners (ELs)

An LEA using Title I, Part A funds or Title III, Part A funds to provide a Language Instruction Educational Program (LIEP) must inform parents of an English learner, no later than 30 days after the beginning of the school year of: 1) the reasons for the child’s identification as an English learner; 2) the child’s level of English proficiency, how such level was assessed, and the status of the child’s academic achievement; 3) the instructional methods used in the program; 4) how the program will meet the educational strengths and needs of their child; 5) how such program will help their child learn English and meet the academic achievement standards for grade promotion and graduation; 6) the specific exit requirements for the program; (vii) in the case of a child with a disability, how such program meets the objectives of the individualized education program of the child, as described in section 614(d) of the Individuals with Disabilities Education Act (20 U.S.C. 1414(d)); and 7) information pertaining to parental rights.

[ESSA, Section 1112(e)(3)(A)]

Parents of English Learners have the right to decline the enrolment of their child in an LIEP program. The LEA must provide parents of EL students with written guidance, in an understandable and uniform format and, to the extent practicable, in a language that the parents can understand, detailing the right that parents have to immediately remove their child from such program upon their request, the options that parents have to select another program or method of instruction, if available; and provide assistance to the parents in the selection of such programs and methods of instruction.
In Oklahoma, the OSDE has provided the English Language Academic Plan (ELAP) as a tool to be used by the LEAs to meet the requirements under ESSA, Section 1112(e)(3)(A).

CHAPTER 9: Supplement, Not Supplant

9.1 Compliance with the Supplement, not Supplant Requirement

An LEA demonstrates compliance with the Title I, Part A supplement, not supplant requirement by using a methodology to allocate State and local funds to each Title I school that ensures that each school receives all the State and local funds it would otherwise receive if it were not receiving Title I funds. [ESSA, Section 1118(b)(2)]

9.2 Methodology - Cannot Be Prescribed by USDE or SEA

Nothing in ESSA, Section 1118 shall be construed to authorize or permit the U.S. Department of Education Secretary to prescribe the specific methodology a local educational agency uses to allocate State and local funds to each school receiving assistance under Title I, Part A. [ESSA, Section 1118(b)(4)]

9.3 Methodology - Must Be Title I Neutral

An LEA’s methodology must be “Title I neutral” in that it allocates State and local funds to schools without regard for Title I status. This demonstrates that an LEA did not reduce the State and local funds made available to a Title I school because such school is also receiving Title I, Part A funds. 
[Supplement, not Supplant under Title I, Part A, Non-Regulatory Informational Document, June 2019, Sec. V-2]

9.4 Supplanting – No Longer on Individual Cost Basis

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). [ESSA, Section 1118(b)(3)(A)-(B)]

Therefore, supplanting is no longer determined based on the individual cost or service paid with Title I, Part A funds. Rather, it is determined by the allocation of State and
local resources to schools and whether such resources are allocated without regard to a school’s Title I status.

The OSDE follows ESSA, Section 1118 and allows LEAs to demonstrate compliance with the Title I, Part A supplement, not supplant requirement by uploading a methodology in the Consolidated Application to demonstrate how State and local funds are allocated to each school, including Title I schools.

CHAPTER 10: Schoolwide Programs

10.1 Criteria to Operate a Schoolwide Program

If 40 percent or more students in a Title I, Part A school are from low-income families, the school may implement a schoolwide program. A schoolwide program is a comprehensive reform strategy designed to upgrade the entire educational program in a Title I school in order to improve the achievement of the lowest-achieving students by coordinating services funded from a variety of sources into a comprehensive framework. [ESSA, Section 1114(a)(1)(A)]

10.2 Schoolwide Consolidation of Funds – Participating Programs

Consolidating Federal, State and local funds in a schoolwide program offers significant flexibility to a school to use all of its funds to meet the specific needs of its students identified through a needs assessment and included in the schoolwide plan.

A school implementing a schoolwide program may consolidate funds from Title I and other Federal education programs with State and local funds to use all of its funds to meet the specific needs of its students identified through a needs assessment and included in the schoolwide plan. [ESSA, Section 1114(a)(1)(A)]

The U.S. Department of Education Secretary may, through publication of a notice in the Federal Register, exempt schoolwide programs under this section from statutory or regulatory provisions of any other noncompetitive formula grant program administered by U.S. Department of Education Secretary or any discretionary grant program administered by the U.S. Department of Education Secretary to support schoolwide programs, if the intent and purposes of such other programs are met. [ESSA, Section 1114(a)(3)(A)]
Therefore, the Office of Federal Programs at the OSDE allows the following noncompetitive formula grant programs – as authorized by the U.S. Department of Education Secretary in the Federal Register, Vol.69, No. 127, July 2, 2004 – to be consolidated in Project 785:

- Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies;
- Title I, Part C – Education of Migratory Children [with the conditions imposed under 34CFR, 200.29(c)(1)];
- Title I, Part D, Subpart 2 – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk;
- Title II, Part A – Preparing, Training, and Recruiting High Quality Teachers, Principals, and Other Leaders;
- Title III, Part A – Language Instruction for English Learners and Immigrant Students;
- Title IV, Part A – Student Support and Academic Enrichment; and
- Title V, Part B, Subpart 2 – Rural and Low-Income Schools (RLIS).

Note: Discretionary Grant Funds: In general, a schoolwide program school may consolidate funds it receives from discretionary (competitive) grants as well as from formula grants, except for Reading First, as indicated earlier in this notice. If a schoolwide program school consolidates funds from discretionary grant programs, the school must still carry out the activities described in the application under which the funds were awarded. However, a schoolwide program school would not need to account separately for specific expenditures of the consolidated Federal funds. [Federal Register, Vol.69, No. 127, Pg.40364]

The Title IX, Part A – McKinney-Vento Education for Homeless Children and Youths competitive program is projected to become available for consolidation in the FY2021 Consolidated Application.

A school that consolidates Federal funds in its schoolwide program is not required to meet most of the statutory and regulatory requirements of the specific Federal programs included in the consolidation. However, the school must ensure that it meets the intent and purposes of the Federal programs included in the consolidation so that the needs of the intended beneficiaries are met. [ESSA, Section 1114(a)(3)(A); 34 CFR 200.29(a), (b), (d)]
A schoolwide program school must “maintain records that demonstrate that the schoolwide program as a whole addresses the intent and purposes of each of the federal education programs whose funds were consolidated to support it.” [ESSA, Section 1114(a)(3)(C)]

Although the following programs were allowed by the U.S. Department of Education Secretary in the Federal Register, Vol. 69, No. 127, July 2, 2004 to be consolidated in schoolwide programs, these programs are either under standalone divisions at the OSDE or under Oklahoma Department of Career and Technology Education and therefore could not be included in project 785:

- Title IV, Part B – 21st Century Community Learning Centers;
- Title VI, Part A – Indian Education;
- Title VII – Impact Aid;
- IDEA, Part B – Assistance for Education of All Children with Disabilities; and

10.3 Schoolwide Waiver

A State may grant a waiver for a school with fewer than 40 percent of students from low-income families to implement a schoolwide program if it will best serve the needs of students in the school who are failing, or at risk of failing, to meet the challenging State academic standards. [ESSA, Section 1114(a)(1)(B)]

LEAs may apply to the OSDE for this waiver by completing the “Schoolwide/Targeted Assistance Intention” page in the Consolidated Application in the Grants Management System (GMS).

CHAPTER 11: Targeted-Assistance Programs

11.1 Definition of Targeted Assistance Programs

Schools selected to receive Title I, Part A funds that are ineligible for a schoolwide program, have not received a waiver to operate such a schoolwide program, or choose not to operate such a schoolwide program, a local educational agency serving such school may use Title I, Part A funds only for programs that provide services to eligible
children under subsection (c) identified as having the greatest need for special assistance. [ESSA, Section 1115(a)]

11.2 Description of Targeted Assistance Programs

Eligible children are children identified by the school as failing, or most at-risk of failing, to meet the Oklahoma State Department of Education’s (OSDE) challenging student academic achievement standards on the basis of multiple, educationally related, objective criteria established by the LEA and supplemented by the school. “Multiple” means more than one, so it would not be appropriate to base eligibility on the score from a single test. The term “educationally related” means that there must be an academic component to the criteria. The term “objective” means that the criteria must not be based on teacher judgment or other subjective means.

There must be separate multiple, educationally related, objective criteria for each core content area (English/language arts, reading, mathematics, science or social studies) and grade level being targeted. Point values must be assigned for each criterion and for each subject area being targeted. This will result in objective rank-order lists of students by grade level/subject area to determine the priority order in which students will be served. Most often, this rank-order list is completed in an Excel spreadsheet. The Excel spreadsheet allows the staff to quickly sort the group of students by rank order of points to identify students who are most at-risk for failure for each targeted subject area and grade level. The selection criteria must be clearly identified in each school’s targeted-assistance plan.

These standards above do not apply, however, to children from preschool through the second grade. These younger students must be chosen solely on the basis of the judgment of the teacher; interviews with parents, and other developmentally appropriate measures. Pencil-and-paper tests are considered inappropriate for identifying young children.

In general, the following children are eligible for services under Title I, Part A, targeted assistance programs: children who are economically disadvantaged, children with disabilities, neglected and delinquent children, homeless children, migratory children, or limited English-proficient children. They are eligible for services under this part on the same basis as other children selected to receive services under this part.
CHAPTER 12: Title I Blue Ribbon Award

The National Blue Ribbon Schools Program honors public and private elementary, middle and high schools where students achieve very high learning standards or are making notable improvements in closing the achievement gap.

There are two performance categories, based on all student scores, subgroup student scores and graduation rates:

- Exemplary High Performing School;
- Exemplary Achievement Gap Closing Schools.

The number of public schools each state may nominate is based on the number of public K-12 students and schools in each state, ranging from a minimum of three schools to a maximum of 35.

At least one-third of the public schools nominated by each state must be schools with a high percentage of students from disadvantaged backgrounds. Oklahoma can nominate up to 6 schools.

A. To determine eligibility for Exemplary High Performing Schools:
   i. The school must be in the top 15 percent of all public schools in the state when schools are ranked on:
      1. the performance of all students who participated in the most recently administered state assessments in reading (or English language arts) and mathematics (including students tested with accommodations), or
      2. a composite score that includes these assessment results and may also include assessment results in other subject areas and/or other student performance measures, such as graduation rates or other indicators in the State accountability system.
   ii. the school must be in the top 40 percent of all public schools in the state when schools are ranked on:

      1. the performance of all students in the subgroup who participated in the most recently administered state assessments in reading (or English language arts) and mathematics, or
2. a composite score that includes these assessment results and may also include assessment results in other subject areas and/or other student performance measures, such as graduation rates or other indicators in the State accountability system.

iii. For high schools, the school must be in the top 15 percent of all public high schools in the state when high schools are ranked on the most recently available graduation rate.

B. Apply the minimum data for Exemplary Achievement Gap Closing Schools

i. The school must be in the top 15 percent of all public schools in the state when schools are ranked on the school’s progress in closing the gap, between the performance of the school’s subgroup and the state’s all-students group (comparing the most recent school year in which the state assessments were administered and the school year 2-4 years prior).

1. The state assessments in reading (or English language arts) and mathematics, or

2. A composite score that includes these assessment results and may also include assessment results in other subject areas and/or other student performance measures, such as graduation rates or other indicators in the State accountability system.

ii. The school must be in the top 40 percent of all public schools in the state when schools are ranked on:

1. The performance of all students in the subgroup who participated in the most recently administered state assessments in reading (or English language arts) and mathematics, or

2. A composite score that includes these assessment results and may also include assessment results in other subject areas and/or other student performance measures, such as graduation rates or other indicators in the State accountability system.

iii. The high school must be in the top 40 percent of all public high schools in the state when high schools are ranked on the most recently available graduation rate for the subgroup
iv. The increase in the performance of all students in the school between the most recent school year in which the state assessments were administered and the school year 2-4 years prior to that, must not be less than the increase over the same period in the performance of all public school students in the state on.

1. The state assessments in reading (or English language arts) and mathematics, or

2. A composite score that includes these assessment results and may also include assessment results in other subject areas or other student performance measures, such as graduation rates or other indicators in the State accountability system.

C. Apply other data below to determine Exemplary High Performing Schools and/or Exemplary Achievement Gap Closing Schools eligibility:

- School Configurations
- School Existence
- Previous Blue Ribbon School
- Testing Irregularities
- Persistently Dangerous School
- Refusal of Office of Civil Rights Access
- Civil Rights Violations
- Pending Suit from U.S. Department of Justice
- IDEA Violations

CHAPTER 13: Uses of Funds

Although this is not a comprehensive list of allowable uses of funds, LEAs may use Title I, Part A funds to pay for personnel salaries (teachers, substitute teachers, librarians, counselors, paraprofessionals, instructional coaches, federal programs directors/coordinators, parent involvement coordinator, homeless coordinator), student instructional materials (software subscriptions to academic programs, computers, chromebooks, books, supplies, etc.), parent involvement materials, travel expenses to Title I related conferences, etc.
13.1 Administrative costs

For the purpose of administering Title I, Part A program, LEAs may use these funds for administrative costs, which will be those incurred by the LEAs to carry out the administration, evaluation and technical assistance associated with this grant. Administrative costs will be coded under function code 2330, and may encompass Title I administrative personnel’s salaries (Title I director/coordinator, Title I secretary/claims clerk), Title I administrators’ travel expenses to Title I related conferences, subscription to federal publications, etc. 

*Oklahoma Statute 70 O.S. 18-1* allows administrative costs to be charged by LEAs in the amount of 5, 7 or 8% of their state allocation, and it is calculated based on the LEA’s student Average Daily Attendance (ADA) as follows:

<table>
<thead>
<tr>
<th>ADA less than 500 students</th>
<th>8%</th>
</tr>
</thead>
<tbody>
<tr>
<td>ADA between 500-1500 students</td>
<td>7%</td>
</tr>
<tr>
<td>ADA greater than 1500 students</td>
<td>5%</td>
</tr>
</tbody>
</table>

The OSDE allows the same percentages to be applicable to the Title I, Part A allocation for administrative cost calculation purposes.

13.2 Concurrent Enrollment

Under *ESSA, Section 8101(15)* the term *dual or concurrent enrollment program* means “a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

(A) is transferable to the institutions of higher education in the partnership; and

(B) applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).”

*ESSA, Section 1114(e(1)-(2)* allows the use of Title I, Part A funds in a schoolwide school “to operate dual or concurrent enrollment programs that address the needs of low-achieving secondary school students and those at risk of not meeting the challenging State academic standards (including tuition and fees, books, required instructional materials for such program, and innovative delivery methods; and transportation to and from such program.)”
ESSA, Section 1115(f) stipulates that “a secondary school operating a targeted assistance program under this section may use funds received under this part to provide dual or concurrent enrollment program services described under section 1114(e) to eligible children under subsection (c)(1)(B) who are identified as having the greatest need for special assistance.”

However, Oklahoma Statute 70 O.S. § 11-103.6(G)(5) stipulates:

“If a student enrolls in a concurrent course, the school district shall not be responsible for any costs incurred for that course, unless the school district does not offer enough course selection during the student's secondary grade years to allow the student to receive the courses needed to meet the graduation requirements of this section. If the school district does not offer the necessary course selection during the student’s secondary grade years, it shall be responsible for the cost of resident tuition at an institution in The Oklahoma State System of Higher Education, fees, and books for the concurrent enrollment course, and providing for transportation to and from the institution to the school site.

It is the intent of the Legislature that for students enrolled in a concurrent enrollment course which are paid for by the school district pursuant to this paragraph, the institution charges only the supplementary and special service fees that are directly related to the concurrent enrollment course and enrollment procedures for that student. It is further the intent of the Legislature that fees for student activities and student service facilities, including the student health care and cultural and recreational service fees, not be charged to such students.”

ESSA, Section 1114(e)(3) stipulates, “Nothing in this subsection shall be construed to impose on any State any requirement or rule regarding dual or concurrent enrollment programs that is inconsistent with State law.” Therefore, a school shall be responsible for concurrent enrollment expenses - such as tuition and fees (with the exception of student activities and student service facilities, including the student health care and cultural and recreational service fees), books, required instructional materials, transportation to and from such program- if the school does not offer the necessary courses needed to meet the graduation requirements. In this case, to meet the obligations under the Oklahoma Statute 70 O.S. §11-103.6(G)(5), schoolwide and targeted assistance schools may use federal funds to cover concurrent enrollment expenses, without violating the supplement-not-supplant federal law. LEAs cannot reimburse parents directly for any of the concurrent enrollment costs, but the LEA shall be directly invoiced by the college for all these expenses.
13.3 Counselors

Oklahoma Administrative Code 210:35-9-43 requires that all students receive counseling and guidance services from certified school counselors. The guidance program shall provide one counselor for a maximum of 450 students, with no school district having less than one half-time counselor with one exception: districts with fewer than 225 students may prorate the number of hours per week a certified school counselor is required by dividing the number of students enrolled by 450 and multiplying the quotient by 30.

If the state requirements have been met, then the salary of supplemental counselors is allowed to be paid with Title I, Part A funds.

13.4 Gift Cards

The use of federal funds for purchasing prepaid store cards—i.e. retail/grocery stores, Amazon, I-Tunes, convenience stores, gas cards, etc. is not allowed under federal regulations. Because prepaid cards are considered “cash equivalents”, their use cannot be controlled, and their purchase does not meet the necessary and reasonable standard required by federal regulations. [OMB Circular A-87 Appendix A, Part C, 1.a]

13.5 Incentives from Title I, Part A

“A local educational agency may reserve such funds as are necessary from those funds received by the local educational agency under title II, and not more than 5 percent of those funds received by the local educational agency under subpart 2, to provide financial incentives and rewards to teachers who serve in schools eligible under this section and identified for comprehensive support and improvement activities or targeted support and improvement activities under section 1111(d) for the purpose of attracting and retaining qualified and effective teachers. [ESSA, Section 1113(c)(4)]

Therefore, Title I, Part A funds may be used to pay incentives in Title I schools that have a designation of comprehensive support or targeted support, and only for teachers who have proof of being highly effective teachers.

Incentives paid with Title I, Part A funds may be offered to hire and retain those teachers who teach in schools identified for comprehensive support and targeted support, and have proof of being highly effective. (Hiring teachers who teach high need
academic subjects is an incentive that can be paid with Title II, Part A funds, not with Title I, Part A funds.)

To ensure that federal funds are used according to the federal law, the incentives are equitably offered to all eligible employees, and all employees have knowledge about these incentives, LEAs seeking to use Title I, Part A funds for incentives shall provide the Office of Federal Programs the following:

1. A copy of the district’s policy regarding financial incentives that outlines:
   a. the eligibility requirements;
   b. how the policy is not discriminatory in its eligibility requirements;
   c. indicate the amount that employees may receive during a school year;
   d. how this policy is publicized to all employees who are eligible to participate.

2. If the incentives are paid to attract and retain teachers who have a record of success in helping low achieving students improve their academic achievement, the LEA must provide proof (such as student test scores for a couple of years) that will indicate that the teacher is highly effective, and he/she made a positive impact on improving student achievement. A performance-based pay system may be also submitted.

### 13.6 Librarians

Title I, Part A funds may be used to pay for librarian salaries. However, schools must meet the state mandates before they are paid from Title I, Part A funds:

**I. Elementary Schools** (Standards for Schools)
- a. Fewer than 300 students, the state mandates at least 1/2 certified librarian or 1/5 librarian + 1 Full Time Equivalency (FTE) library assistant.
- b. Between 300-499 students: 1 FTE librarian or ½ librarian and 1 FTE library assistant.
- c. For 500+ students: 1 FTE librarian + ½ library assistant.

**II. Middle Schools/High Schools**
- a. Fewer than 300 students: at least ½ librarian
- b. 300 to 499 students: at least 1 FTE librarian or a ½ librarian + 1 FTE library assistant
- c. 500 to 999 students: at least 1 FTE librarian + ½ library assistant
- d. 1000 to 1499 students: at least 1 FTE librarian + 1 FTE library assistant
- e. 1500 plus students: at least 2 FT librarians
Under the ESSA flexibility, library assistants may be paid from Title I, Part A funds if they meet the Title I paraprofessional qualifications. They must be coded as paraprofessionals.

13.7 Membership fees

Individual membership fees are not allowable from any federal funds. Paying for membership in a professional organization for an individual is a violation of the state law. There is no statutory authority to justify the payment of professional dues out of any funds other than the payroll deduction of a school district employee.

Article X, Section 15 of Oklahoma Constitution states that “the credit of the State shall not be given, pledged, or loaned to any individual, company, corporation, or association, municipality, or political subdivision of the State, nor shall the State become an owner or stockholder in, nor make donation by gift, subscription to stock, by tax, or otherwise, to any company, association, or corporation …”

Oklahoma Statute, Title 70, Chapter 1, Article V, Sec. 5-139 stipulates that “School districts shall make payroll deductions for either or both professional organization dues and political contributions upon the request of any school employee and shall transmit deducted funds to the organization designated by the school district employee.”

However, OMB A-87, Section 200.454(a) states that “Costs of the non-Federal entity’s membership in business, technical, and professional organizations are allowable”, which indicates that a school district can pay membership dues to professional organizations in the name of the school district.

13.8 Paraprofessionals

It is allowable to pay paraprofessional salaries from Title I, Part A funds.

Several changes to OSDE administrative rules have completed the legislative approval process and the necessary steps of publication in the Oklahoma Register, and the new versions of the rules are in effect starting with the 2019-2020 school year.

The paraprofessional rule (OAC 210:20-9-102) has been amended to clarify the requirements that apply to paraprofessionals in two federally defined roles, Title I schools and special education services, and it stipulates that:
“Under Oklahoma law at 70 O.S. § 6-127A, a public school paraprofessional is an employee of a school district whose position is instructional in nature, or who delivers other direct services to students and/or their parents, and for which a certified teacher or other professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance. Individuals must meet requirements established by federal and state law to be authorized to serve as public school paraprofessionals.”

The required qualifications (Tier 1) for a general education paraprofessional are: 1) Has completed at least two (2) years of study at an institution of higher education, defined as completion of at least forty-eight (48) credit hours of college coursework; or 2) Has obtained an associate’s degree or higher; or 3) Has either passed the Oklahoma General Education Test (OGET), obtained a National Career Readiness Certificate through successful completion of the ACT, WorkKeys assessment, or passed the ParaPro Assessment offered through the Educational Testing Service.

The required qualifications (Tier 2) for a special education paraprofessional are: meet one of the Tier 1 qualifications and 1) Has completed the Oklahoma Special Education Paraprofessional Training available at Career Technology centers, equivalent training provided by the State Department of Education through an in-person or online program, or other state-approved training provided by a school district. and 2) Has completed training in cardiovascular pulmonary resuscitation (CPR) and First Aid.

The Office of Federal Programs is ensuring that ALL paraprofessionals who work in a Title I A School (Targeted Assistance and Schoolwide), in general education or special education settings have proper qualifications. To obtain a credential/certificate from OSDE is not mandatory, but meeting one of the approved qualifications is mandatory in a Title I school.

13.9 Substitute Teachers

Oklahoma Statute 70 O.S. § 6-105-B (effective 11/01/2019) stipulates that “no substitute teacher shall be employed for a total period of time in excess of one hundred thirty-five (135) school days during a school year; or one hundred forty-five (145) school days during the school year if the substitute teacher holds a lapsed or expired certificate or has a bachelors level college degree; or no limit of school days during the school year if the substitute teacher holds a valid certificate. Each school district shall adopt a policy which sets forth the maximum number of days a substitute teacher may be
employed for the same assignment if the substitute teacher does not hold a valid certificate."

However, if a substitute teacher is assigned to teach for 4 or more consecutive weeks in a subject area he/she does not hold a valid teaching certificate at the grade level(s) and subject area(s) the assignment is, then the “Parents Right-To-Know” letter must be sent to each individual parent of a child who is a student in such teacher’s class. [ESSA, Section 1112(e)(1)(B)]

CHAPTER 14: FAQs

14.1 Class-size Requirements

14.1.1 Q: Why is the class-size ratio checked by the Office of Federal Programs? Hasn’t the class-size requirement been removed?

A: No. The class-size requirement was and still is in effect, but the penalty for not meeting this requirement was removed (under certain conditions), in 2014. State Bill 193 approved by the governor in May 2019 stipulates that - starting with July 1, 2021 and based on the State Board of Education appropriation for that fiscal year - a financial penalty shall be assessed against any school districts that do not comply with the class size limitations for kindergarten and first grade.

14.1.2 Q: Can I pay a paraprofessional with Title funds to meet the class-size requirement?

A: No. If the teacher student ratio exceeds 1:20, then a paraprofessional paid with state and local funds should have been placed in the classroom for the purpose of meeting the class-size requirement mandated by the state law. Using any federal funds to pay a para to meet the class size requirement is supplanting, and therefore not allowable (unless under schoolwide flexibility).
14.1.3 Q: Can I pay a Special Education paraprofessional with Title funds to meet the class-size requirement?

A: No. A Special Education paraprofessional works with a Special Education student according to student’s IEP, to meet specific provisions under IDEA. Because this paraprofessional is dedicated to the student with an IEP, this person cannot provide instructional support to other regular education students in the classroom.

14.2 Comparability

14.2.1 Q: When should comparability be determined?

A: The comparability process must enable an LEA to identify, and correct during the current school year, instances in which it has non-comparable schools. An early determination of comparability would allow an LEA to make adjustments with the least amount of disruption. The SEA may establish deadlines for comparability determinations and for implementing any required corrective actions.

14.2.2 Q: If an LEA is using the student/teacher ratio method to demonstrate Comparability, should all figures used (enrollment and instructional staff FTE) reflect data from the same day in the school year?

A: Yes. An LEA should be consistent with regard to what day of the year the data collected reflect.

14.2.3 Q: In addition to grade span groupings, does the LEA have the option to divide grade spans into a large school group and a small school group?

A: Yes, but there should be a significant difference in the enrollments of schools within the grade span. For example, a significant difference would exist if the largest school in a grade span has an enrollment that is two times the enrollment of the smallest school in the grade span.
14.2.4 Q: Are there any circumstances in which the comparability requirement might not apply?

A: Yes. The comparability requirement does not apply to an LEA that has only one building for each grade span. [ESSA, Section 1118(c)(4)] A variation of this situation would be where an LEA has only two schools, one of which is a large school and the other is a small school. In this case, the comparability requirement would not apply because the LEA would compare the small school to itself and the large school to itself. An LEA may also exclude schools with 100 or fewer students from its comparability determinations.

For more information regarding Comparability, please refer to the Non-Regulatory Guidance: Title I Fiscal Issues, revised February 2008.

14.3 Private School Children

14.3.1 Q: May an LEA use more than one method of collecting poverty data on private school children?

A: Yes. Although the preferred measure for obtaining poverty data on children in private schools is the same measure the LEA uses for public school children (e.g., school lunch data such as direct certification data), these data may not be available for each private school (e.g., if a private school does not participate in the school lunch program). Thus, it may be necessary for an LEA, after consultation with appropriate private school officials, to use more than one method of collecting data on children living in poverty among private schools or within a single school. However, the LEA must ensure that there are no duplicate counts and that the methods used have comparable income levels.

14.3.2 Q: If a private school is a Community Eligibility Provision (CEP) school, does every child in the private school automatically generate Title I funds for equitable services?

A: No. Title I funds are generated to provide equitable services to eligible private school students on the basis of private school students from low-income families who reside in participating Title I public school attendance areas and not on the basis of all students
in a private school. Accordingly, even if a private school is a CEP school and all students in the school are from low-income families, only those students who reside in a participating Title I public school attendance area would generate funds for Title I equitable services.

**14.3.3 Q:** May an LEA reserve funds off the top of its Title I allocation before it determines the proportional share for equitable services?

**A:** No. The ESSA requires an LEA to determine the proportional share of Title I funds available for providing equitable services prior to any expenditures or transfers of funds. [ESSA, Section 1117(a)(4)(A)(ii)]

**14.3.4 Q:** What does it mean for an LEA to determine the proportional share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds?

**A:** An LEA must apply the proportion used to calculate the proportional share to its entire Title I allocation (including any Title II, Part A or Title IV, Part A funds that an LEA transfers into Title I, Part A) before it reserves any funds for other purposes, including all reservations the ESEA requires or authorizes an LEA to take off the top of its Title I allocation, such as reservations for administration, parent and family engagement, children in institutions for neglected or delinquent children, homeless children and youth, and district-wide initiatives.

**14.3.5 Q:** How does the 15 percent carryover limitation in ESSA Section 1127(a) apply to equitable services carryover?

**A:** The 15 percent carryover limitation in ESSA Section 1127(a) is calculated based on an LEA’s total Title I allocation, including the portion allocated for equitable services. However, because an LEA generally must carry over any equitable services funds not obligated in accordance with ESSA Section 1117(a)(4)(B), if an LEA exceeds the carryover limitation, and an SEA reduces the LEA’s allocation as a result, such reduction may not come from the portion of carryover funds used to provide equitable services. An
exception would be if one or more private schools declines all or a portion of services, and there are no other participating private schools. In this case, the SEA would consider the funds generated for the declined services when making a reduction to an LEA’s allocation.

14.3.6 Q: May an LEA implement a schoolwide program in a private school?

A: No. The provision of equitable services may not benefit a private school or the general needs of children in the private school and must be provided by employees of an LEA or through a contract by an LEA with an individual, association, agency, or organization that is independent of a private school. (ESSA, Section 1117(d); 34 CFR § 200.66(b)(2)). Therefore, an LEA could not realistically operate a schoolwide program, which is designed to upgrade the entire educational program in a school, in a private school.

14.3.7 Q: Must a paraprofessional employed by an LEA provide equitable services work under the direct supervision of a public school teacher?

A: Paraprofessionals who work in public or non-public schools must meet the same requirement under ESSA, and work under a certified teacher.

14.3.8 Q: May private school officials arrange for Title I services and activities for staff who provide instruction to Title I participants and submit an invoice to the LEA for reimbursement?

A: No. Private school officials are not authorized to obligate or receive Title I funds.

14.4 Teacher Certification

Q: Can Title funds pay the salary of an Emergency certified teacher?

A: Yes. Emergency certification considers a teacher certified in that specific area for 1 year. Title funds pay for certified teachers who are assigned in areas and grade level permitted by their teaching certificate.
14.5 Teacher-Student Ratio

**Q:** What is the teacher: student ratio for a Title I teacher?

**A:** Title I teachers are considered regular education teachers. Teacher student ratio in regular education classes is:
- 1:10 in Pre-K (or 1:20 with a paraprofessional)
- 1:20 in grades K-3 (or 1:29 with a paraprofessional)
- 1:20 in grades 4-6 (If the creation of an additional class would cause the class to have fewer than 16 students, the class size penalty shall not apply.)
- 1:140 students per day, on any given 6 hour school day, in grades 7-12 (Physical Education, Chorus, Band, Orchestra, other similar Music classes are not subject of this limitation.)

14.6 Tuition Reimbursement

**Q:** Can Title I, Part A funds pay for college tuition reimbursement for teachers?

**A:** No. The intent and purpose of Title I, Part A is to “directly support low income students, who are failing or most at risk of failing, to meet State’s challenging academic achievement standards.” College classes represent teacher advancement, and they will improve teacher quality, an activity supported from Title II, Part A funds. See more about tuition reimbursement under the OSDE -Title II, Part A Handbook.
GLOSSARY

Core Academic Subjects

“The term 'core academic subjects' means English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography.” [Title IX, Part A, Section 9101(11)]

Paraprofessionals

**Federal definition:** “For the purposes of Title I, Part A, a paraprofessional is an employee of an LEA who provides instructional support in a program supported with Title I, Part A funds. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals under Title I, Part A.” [Title I Paraprofessionals, Non-Regulatory Guidance, Section A-2]

**State definition** “A public school paraprofessional is an employee of a school district whose position is either instructional in nature, or who delivers other direct services to students and/or their parents. A public school paraprofessional serves in a position for which a teacher or another professional has the ultimate responsibility for the design, implementation, and evaluation of the individual educational programs or related services and student performance.” [OS §70-6-127(A)]

Principals

While the ESSA does not provide a direct definition of a principal, state law defines a principal as “any person other than a district superintendent of schools having supervisory or administrative authority over any school or school building having two or more teachers.” [OS §70-1-116(3)]

Pupil Services Personnel

Section 9101(36)(A) of the ESSA defines Pupil Services Personnel as: “The term pupil services personnel means school counselors, school social workers, school psychologists, and other qualified professional personnel involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the
Individuals with Disabilities Education Act) as part of a comprehensive program to meet student needs.”

**School Leader**

The term “school leader” means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building. [ESSA, Section 8101(44)]

**Teacher aides**

Are individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be paraprofessionals.” [Title I Paraprofessionals, Non-Regulatory Guidance, Section A-2]
RESOURCES

- Every Student Succeeds Act (ESSA), July 31, 2018
- Non-Regulatory Guidance, LEA Identification and Selection of Eligible School Attendance Areas and Schools, and Allocation of their Title I Funds to those Areas and Schools
- Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance, October 7, 2019
- 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 21, 2016
- Non-Regulatory Guidance 34 CFR Part 76.788-789, Subpart H-How Does a State Or Local Educational Agency Allocate Funds To Charter Schools That Are Opening For The First Time Or Significantly Expanding Their Enrollment?
- Office of Management and Budget (OMB), 2 CFR Chapter I, Chapter II, Part 200, December 26, 2013
- OMB Circular A-87
- Oklahoma Statute, Title 70
- Supplement, not Supplant under Title I, Part A, Non-Regulatory Informational Document, June 2019
- Federal Register, Vol.69, No. 127, July 2, 2004
- Oklahoma Administrative Code (OAC) 210:20-9-102
- Oklahoma Administrative Code (OAC) 210:35-9-43
- Non-Regulatory Guidance – Title I Fiscal Issues, revised February 2008