

Title I-A: Improving Basic Education

The purpose of Title I-A is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. ESEA requires participating local educational agencies (LEA), in consultation with appropriate private school officials, to provide eligible children attending private, [non-profit](#) elementary and secondary schools, their teachers, and their families with Title I-A services that are equitable to those provided to eligible public schools.ⁱ In this document “district” is synonymous with LEA.

For Title I-A allocation eligibility requirements, see [Module 3](#) and [Module 3b](#).

Who is in control of Title I-A equitable services?

The district is responsible for maintaining control of all Title I-A funds and spending the equitable share on equitable services for eligible private school students. The district must never reimburse a private school for equitable services. Under specific circumstances, the district may directly pay private school staff; but they must never directly pay the private school. All equipment and supplies paid for with Title I-A funds are owned by the district and must be recorded on [inventory records](#), as applicable.ⁱⁱ

What private school students are eligible for Title I-A services?

During consultation, the district and the private school will discuss how they will identify which private school students are in greatest academic need and are eligible for services. While household income is a criterion used to determine the equitable share, it is not a criterion used to determine student participation.ⁱⁱⁱ

In general, to be eligible for services, a student must:^{iv}

- Be enrolled in a private, [non-profit](#) elementary and secondary school; and
- Reside in a participating Title I-A public school attendance area; and
- Be identified as low achieving on the basis of multiple, educationally related, objective criteria (such as: achievement tests, teacher referrals, grades, classroom work product, etc.).^v During consultation, the district and private school will agree on what criteria will be used to determine eligibility.

Private school children are automatically eligible for Title I-A services if they:^{vi}

- Are experiencing houselessness; or
- In the preceding two years participated in:
 - Head Start; or
 - A literacy program under Title II-B; or
 - A Title I-A preschool program; or
 - A Title I-C migrant education program; or
- Are in a local institution for neglected or delinquent children and youth; or

- Are attending a community day program for neglected or delinquent children and youth.

In Oregon, preschoolers are not considered part of elementary education.^{vii} However, while preschoolers are not included in the count to generate the equitable share, a district and private school, during consultation, may decide to serve preschoolers. The preschoolers must attend a private school that enrolls eligible elementary school students, and those preschool students reside within a Title I-A school attendance area.^{viii}

Once students are identified as eligible for services, the district must then rank and serve the students by greatest academic need.^{ix} The district must also determine the progress being made in meeting the participating student’s academic needs through the equitable service program.^x During consultation the district and private school should make every effort to ensure students are not over-assessed. One way to do this is to create a system where the assessment used by the private school to identify eligible students, the assessment used by the district to rank and serve eligible students, and the assessment used to by the district to determine academic progress of the eligible students are similar enough to be used across all three contexts. The Title I-A equitable share can only be used to assess students who have already been identified as Title I-A eligible; and the assessment data paid for with the Title I-A equitable share can only be used within a Title I-A program.^{xi} The private school may choose to share their internal assessment data with the district; but the private school cannot be required to use summative, standardized tests to identify their students for eligibility.

What services and programs can the Title I-A equitable share provide?

Equitable services can only be offered to private school students in a targeted assistance model. This means that only students identified as eligible who show academic need can be served; and equitable services cannot be used to implement a school-wide program at a private school. All equitable services must address a [specific need](#) of the eligible private school student, their teachers and/or families.^{xii}

Title I-A equitable services may include, but are not limited to, the following:^{xiii}

- Instructional services provided by public school employees or third-party contracts; and
- Expanded learning time (such as before-school, after-school or during the summer); and
- One-on-one tutoring; and
- Family literacy programs; and
- Counseling programs; and
- Mentoring programs; and
- Computer assisted instruction; and
- Home tutoring; and
- Instruction using take-home computers; and
- Professional development (PD) for the teachers of eligible students as long as the PD meets the ESEA definition of PD in section 8101(42). This definition states PD must be an activity that is: part of the strategies for providing educators with the knowledge and skills necessary to enable children to succeed in a well-rounded education; and

sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused; and

- Academic coaching for the teachers of eligible students;^{xiv} and
- Activities to engage the families of eligible students;^{xv} and
- Furniture, if it is reasonable and necessary and is only used by eligible students during Title I-A programs and activities;^{xvi} and
- Transportation to and from service sites (from the administrative set-aside);^{xvii} and
- Stipends for private school staff who participate in instructional staff time outside of contracted employment hours;^{xviii} and
- Assessments to rank-and-serve eligible students;^{xix} and
- [Evaluation](#) of Title I-A services, if the assessment data is used only within the Title I-A program;^{xx} and
- Special education services;^{xxi} and
- In any content area that will provide the private school student with the necessary skills to be successful in school.^{xxii}

For more information on general equitable service allowability and how to calculate the Title I-A equitable share, see [Module 2](#).

Must staff hired to provide Title I-A services be licensed or certified?

During consultation, the district and the private school will decide what equitable services will be provided and who will provide them.^{xxiii}

If the Title I-A equitable share is used to hire a teacher, the teacher must be licensed. According to the [definition of teacher in ORS 342.120](#), a teacher: “includes all licensed employees in the public schools or employed by an education service district who have direct responsibility for instruction or coordination of educational programs and who are compensated for their services from public funds. ‘Teacher’ does not include a school nurse as defined in [ORS 342.455](#) (Definition of “school nurse”) or an instructional assistant.”^{xxiv} Additionally, [OAR 584-210-0020](#) describes the Scope and Responsibilities of a teacher as “perform[ing] one or more of the following tasks: plans instruction, establishes a classroom climate conducive to learning, implements plans for instruction, evaluates student achievement, and appropriately directs instructional assistants.”

If the Title I-A equitable share is used to hire an educational assistant (EA), the EA must:

- 1) Fulfill all qualifications under [OAR 581-037-0006](#); and
- 2) Provide support to and work under the supervision of a Title I-A public school teacher who is providing equitable services (i.e.: they cannot support or work under a private school teacher, unless the private school teacher is working as a public school employee who is under the supervision of the district to provide equitable services).^{xxv}

If the Title I-A equitable share is used to hire a tutor, the tutor must:^{xxvi}

- 1) Fulfill all district hiring requirements for tutors; and

- 2) Follow all district policies including what duties they can perform, supervision requirements, etc.; and
- 3) Not fulfill the duties, roles or responsibilities of a teacher as defined by [ORS 342.455](#) and [OAR 584-210-0020](#).

Private school teachers may be hired by the district to provide equitable services. However, the private school teacher:^{xxvii}

- 1) Must only provide services outside of their contracted time with the private school; and
- 2) Must be directly paid by the district for their time providing equitable services; and
- 3) Must be under the supervisory control of the district when providing services; and
- 4) Abide by all of the hiring policies of the employing district.

Contractors may be hired by the district to provide equitable services. A contractor must:^{xxviii}

- 1) Competitively bid for the contract to provide equitable services; and
- 2) Follow district policies, e.g.: providing evidence of required insurance policies; and
- 3) Be independent from the private school; and
- 4) Be under the direct supervision of the district.

What if the private school has only a few eligible students?

Under ESEA, if a private school accepts equitable services, they must be provided regardless of the total number of eligible students. The district and private school should, during consultation, determine the [specific needs](#) of the eligible children and how best to serve them, whether it be through direct services to the student, their teacher and/or families.^{xxix} Another consideration is to discuss during consultation the option to coordinate Title I-A funds with eligible funds from other Title programs. For example, Title I-A funds could provide supplemental literacy support, [Title II-A](#) funds could provide the student's teacher with literacy professional development, and [Title IV-A](#) funds could provide laptops to access supplemental on-line literacy instruction.^{xxx}

Where should Title I-A services take place?

The location for services must be discussed during consultation. Often, the best location for services is the least disruptive and least expensive location, which is often times at the private school. However, services may also be provided at other locations such as a community site or a public school. A private school cannot be required to make space available for services; nor do they need to remove or alter religious symbols, icons, or scriptures in the space used for services.^{xxxi}

How are Title I-A services and programs evaluated?

During consultation, the district and private school will decide how Title I-A services and programs are [evaluated](#), as required by ESEA.^{xxxii}

The evaluation should determine the progress being made in meeting the participating student's academic needs. If the Title I-A equitable share is used to pay for the evaluation, it may only be used for Title I-A purposes. The private school may also provide data from internal assessments when evaluating services to reduce the over-assessment of students. If private

school students do not make the expected annual progress, the district is responsible for modifying the program or service.^{xxxiii}

How do private school students' families participate in equitable services?

The parents of the private school student who is eligible for Title I-A services may choose to decline some or all offered services.^{xxxiv} Furthermore, eligible private school students' families have the right to participate equitably in services and activities for family engagement and family engagement must be discussed during consultation.^{xxxv} For more information on Title I-A equitable service family and parent engagement activities, see [Module 3](#).

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- ⁱ [Title I-A Equitable Services NRG](#) (2023) Introduction, [ESEA](#) sections 1001 and 1113
- ⁱⁱ [Title I-A Equitable Services NRG](#) (2023) C-12, [ESEA](#) sections 1117(a)(1)(A), (b)(1), (d), [34 CFR § 200.64\(b\)\(4\)](#)
- ⁱⁱⁱ [Title I-A Equitable Services NRG](#) (2023) C-1, C-3, C-5, [ESEA](#) sections 1115(c)(1)(B), (c)(2)(B)-(E)
- ^{iv} [Title I-A Equitable Services NRG](#) (2023) C-1, [ESEA](#) sections 1115(c)(1)(B), (c)(2)(B)-(E)
- ^v [Title I-A Equitable Services NRG](#) (2023) C-4
- ^{vi} [Title I-A Equitable Services NRG](#) (2023) C-1, [ESEA](#) sections 1115(c)(1)(B), (c)(2)(B)-(E)
- ^{vii} [ESEA](#) section 8101(19)
- ^{viii} [Title I-A Equitable Services NRG](#) (2023) C-2, [ESEA](#) section 1117
- ^{ix} [Title I-A Equitable Services NRG](#) (2023) C-3, [ESEA](#) section 1115(a), (c)(1)(B)
- ^x [Title I-A Equitable Services NRG](#) (2023) D-1, D-2, D-3, [ESEA](#) section 1117(a)(1)(A), (b)(1)(D)
- ^{xi} [Title I-A Equitable Services NRG](#) (2023) C-7
- ^{xii} [Title I-A Equitable Services NRG](#) (2023) C-8, [ESEA](#) section 1117(d), [34 CFR § 200.66\(b\)\(2\)](#)
- ^{xiii} [Title I-A Equitable Services NRG](#) (2023) C-15, C-16, [ESEA](#) section 1117(a)(1)(A), (B), (a)(2), b(1)(D)
- ^{xiv} [Title I-A Equitable Services NRG](#) (2023) C-36, [ESEA](#) section 1117(a)(1)(B), [34 CFR § 200.66\(b\)](#)
- ^{xv} [Title I-A Equitable Services NRG](#) (2023) B-7, C-34, [ESEA](#) section 1116, (a)(3)(A), 1117(a)(1)(B)
- ^{xvi} [Title I-A Equitable Services NRG](#) (2023) B-38, [2 CFR § 200.403](#), [ESEA](#) section 1117(d)(1)
- ^{xvii} [Title I-A Equitable Services NRG](#) (2023) B-39
- ^{xviii} [Title I-A Equitable Services NRG](#) (2023) C-38
- ^{xix} [Title I-A Equitable Services NRG](#) (2023) C-6
- ^{xx} [Title I-A Equitable Services NRG](#) (2023) C-6, D-1, D-2, D-3, [ESEA](#) section 1117(a)(1)(A), (b)(1)(D)
- ^{xxi} [ESEA](#) section 1117(a)(1)(A)
- ^{xxii} [Title I-A Equitable Services NRG](#) (2023) C-17, [ESEA](#) sections 1111(b)(1)(C), 1115(a), (b)(2)(A), (c)(1)(B)
- ^{xxiii} [Title I-A Equitable Services NRG](#) (2023) C-7, C-15, C-26, C-27, [ESEA](#) sections 1117(a)(1)(A), (a)(1)(B), (b)(1)(D), (d)(1), (d)(2), [34 CFR § 200.64\(b\)\(2\)\(i\)](#), [\(a\)\(3\)\(ii\)](#)
- ^{xxiv} [Title I-A Equitable Services NRG](#) (2023) C-31, [ESEA](#) section 1111(g)(2)(J), (M), [34 CFR § 200.58](#)
- ^{xxv} [Title I-A Equitable Services NRG](#) (2023) C-31, C-33, [ESEA](#) sections 1111(g)(2)(J), (M), 1119(g)(3)(A), [34 CFR § 200.58](#)
- ^{xxvi} [Title I-A Equitable Services NRG](#) (2023) C-31, [ESEA](#) section 1111(g)(2)(J), (M), [34 CFR § 200.58](#)
- ^{xxvii} [Title I-A Equitable Services NRG](#) (2023) C-30, C-31, [ESEA](#) sections 1111(g)(2)(J), (M), 1117(d)(2), [34 CFR § 200.58](#)
- ^{xxviii} [Title I-A Equitable Services NRG](#) (2023) C-27, C-29, [ESEA](#) sections 1117(d)(2), [2 CFR § 200.319](#), [ORS 279b.070](#)
- ^{xxix} [Title I-A Equitable Services NRG](#) (2023) C-11, [ESEA](#) section 1117(a)
- ^{xxx} [Title I-A Equitable Services NRG](#) (2023) C-13, [ESEA](#) sections 1117(b)(1)(L), 8501(b)
- ^{xxxi} [Title I-A Equitable Services NRG](#) (2023) C-21, C-22, C-23, C-24, [ESEA](#) sections 1117(b)(1)(C), [Agostini v. Felton](#), [521 US 203 \(1997\)](#)
- ^{xxxii} [Title I-A Equitable Services NRG](#) (2023) D-1, [ESEA](#) section 1117(a)(1)(A), (b)(1)(D)
- ^{xxxiii} [Title I-A Equitable Services NRG](#) (2023) D-1, D-2, D-3 [ESEA](#) section 1117(a)(1)(A), (b)(1)(D)
- ^{xxxiv} [Title I-A Equitable Services NRG](#) (2023) C-9, [ESEA](#) section 1117(a)
- ^{xxxv} [Title I-A Equitable Services NRG](#) (2023) B-7, C-34, [ESEA](#) section 1116(a)(3)(A), 1117(a)(1)(B)