

# ESSA Quick Reference Brief: Charter Schools and Title I, Part A

## Background

In Oregon, a charter school is a public school that is authorized by a sponsor, typically school districts, and operate as semi-autonomous schools under a contract or "charter" between the members of the charter school governing board and the sponsor's board. Under Oregon law, a charter school is a separate legal entity operating under a binding agreement with its sponsor. A public charter school must comply with many of the foundational education laws, but has flexibility from some requirements to foster innovation.

## What the Law Says

Title I, Part A of the Elementary and Secondary Education Act (ESEA) provides federal dollars to schools to help students at risk of not meeting state academic standards. Districts receiving Title I, Part A funds must serve all schools in rank order where the concentration of children from families navigating poverty exceeds 75%. If funds remain after serving all eligible schools that exceed 75%, the district shall rank the remaining schools either by poverty, or by grade span and then poverty.<sup>1</sup> Elementary and secondary schools, as defined by ESEA, include charter schools.<sup>2</sup>

## What It Means

Charter schools may qualify for Title I funds and must be included in the rank and serve process in the same manner as all other schools in the district. When 75% or more of the students within a charter school are experiencing poverty the school **must** be served with Title I-A funds. Charter schools with less than 75% of students experiencing poverty may also be eligible, depending on how the district chooses to rank and serve its remaining schools.

## Requirements

Charter schools served with Title I-A funds must meet all of the requirements identified in law.

*Selecting Measures of Poverty* – ESEA outlines the required steps for ranking and serving schools under Title I-A<sup>3</sup>, including selecting the measure for determining poverty. Whenever possible, charter schools should use the same measure used by other schools in the district (e.g.; National School Lunch Program data). Charter Schools that do not sponsor or participate in a national school breakfast or lunch program should use the [Oregon Family Income Survey](#). More detailed information about the rank and serve process [can be found in this ESSA Quick Reference Brief](#).

*Program Plans* – Based on criteria outlined in ESEA, schools that receive Title I-A funds can provide program services to students either through a [Schoolwide](#) or [Targeted Assistance](#) approach.<sup>4</sup> Charter schools must have a plan on file to readily share with families, community and the school district that includes identified needs, goals, and information on the design and delivery of the instructional program.

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<sup>1</sup> ESEA Section 1113(a)(3)(A)

<sup>2</sup> ESEA Section 8101 (19); 8101(45)

<sup>3</sup> ESEA Section 1113(a)(3)(A)

<sup>4</sup> ESEA Section 1114(b); 1115(b)

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In addition, every Title I-A funded school must maintain the following:

- Title I-A Annual Meeting documentation
- Parent Engagement Plan (reviewed and revised with parent input annually)
- Parent-School Compact (reviewed and revised with parent input annually)
- Building Parent Capacity documentation
- Verification of staff qualifications
- Paraprofessional highly qualified documentation

*Teacher Licensure* – Under ESEA, districts are required to ensure that all teachers working in a Title I-A funded schools meet state certification and licensure requirements.<sup>5</sup> In Oregon, this means any person employed as a teacher in a public charter school must be licensed or registered to teach by the Teacher Standards and Practices Commission (TSPC).<sup>6</sup> Additionally:

- **In non-virtual charter schools**, at least 50% of the combined FTE for administrators **and** teachers must be licensed by TSPC.
- **Virtual public charter schools** are required to ensure that at least 95% of instructional hours are provided by TSPC licensed teachers.<sup>7</sup>
- Licensed and registered charter school personnel may be assigned outside the scope of the endorsements on the license or registration without limitation.<sup>8</sup>

*Paraprofessional Requirements* – The [requirements for paraprofessionals](#) apply to charter schools in the same manner they apply to other public schools. Paraprofessionals hired to work in programs supported with Title I-A funds must have a high school diploma or its recognized equivalent. They must also have:

- completed at least two years of study at an institution of higher education, **or**
- possess at least an associate's degree, **or**
- demonstrate subject matter competence through a formal State or local assessment.<sup>9</sup>

## Recommendations for Practice

- **Ensure accurate data.** The rank and serve process depends on accurate data from all schools, including charter schools. Make sure charter schools have the tools they need, such as the confidential Family Income Survey, to collect the necessary information about students experiencing poverty.
- **Invite charter school administrators to school leader meetings.** Even if a charter school does not currently qualify for Title I-A funding, it is never too early to start building understanding. Good communication will ensure easier an easier transition should a charter school become eligible in the future.

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<sup>5</sup> ESEA Section 1112(c)(6)

<sup>6</sup> [ORS 338.135](#)

<sup>7</sup> [ORS 338.120](#)

<sup>8</sup> [OAR 584-210-0170\(9\)](#)

<sup>9</sup> [OAR 581-037-0006](#)

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## Questions for Reflection

1. How do we communicate about and collect data from charter schools? Does the charter school have opportunities to validate data collections submitted by the district?
2. What data do we use to monitor how many schools are serving students experiencing poverty? Are charter schools included in that review and if so, what trends are we observing?
3. How do we include charter schools in our needs assessment process? Community engagement process?
4. What fiscal processes are in place to allow charter schools to access Title I-A funds?

## Frequently Asked Questions

1. **Can a virtual public charter school receive Title I-A funds?** Yes. Virtual charter schools *may* qualify for Title I-A funds and must be treated in a manner consistent with the Title I statute and regulations. Virtual charter schools must be included in the rank and serve process in the same manner as all other schools in the district and may not be denied participation in Title I-A.
2. **If a virtual public charter school meets Title I-A eligibility requirements and enrolls students from outside of the district, are **all** students experiencing poverty considered in the rank and serve process, or just students residing within the district?** Virtual charter schools are district-sponsored schools and as such, all students enrolled in a virtual charter school are considered district students. The students become residents of the sponsor district. This means all students who attend a virtual charter school must be included in the student count when determining total enrollment and the number of students experiencing poverty.

It is important to note that while districts receive state funds based on the enrollment of students within a virtual charter school, **Title I-A funds are allocated based on the number of students experiencing poverty who live within district boundaries.**

3. **Must a district include charter schools that are schools within the LEA when determining comparability?** Yes. **All schools** within an LEA must be included.

## Resources

- [Non-regulatory guidance: Allocating Funds to Charter Schools](#) (U.S. Department of Education)
- [Non-regulatory guidance: Impact of Title I-A on Charter Schools](#) (U.S. Department of Education)
- [Within District Allocations under Title I, Part A](#) (U.S. Department of Education)
- [Rank and Serve under Title I-A](#) (ODE)
- [Oregon Administrative Rule regarding Educational Assistants](#) (ODE)
- [Title I-A Plans for Schoolwide Programs](#) (ODE)
- [Title I-A Plans for Targeted Assistance Programs](#) (ODE)