

Office of Elementary and Secondary Education  
ATTN: Melissa Siry  
400 Maryland Avenue, SW  
Washington, DC 20202

RE: District Allocations for Title I, Part A

Dear Ms. Siry:

The Wisconsin Department of Public Instruction (WDPI) appreciates the opportunity to comment on the United States Department of Education's (USDE's) proposed non-regulatory guidance for within district allocations for Title I, Part A. Our comments are below.

## **A. REQUIRED AND AUTHORIZED LEA RESERVATIONS**

### Equitable Participation

1. The draft guidance, page 2, states that an LEA must "reserve a proportional share" for equitable services to eligible private school children. This language is confusing since neither the Title I Equitable Services Non-regulatory guidance published October 7, 2019, nor the Every Student Succeeds Act (ESSA), 20 USC 6320, describe these funds required for equitable services as being a reservation.

*Recommendation: Do not reference the proportional share for equitable participation as a reservation. Reword the language regarding the proportional share to reflect the language in the law, 20 USC 6320, as well as in USDE's Title I Equitable Services Non-Regulatory Guidance published on October 7, 2019. And, update the examples on pages 3 and 4 to align with USDE's Title I Equitable Services Non-Regulatory Guidance.*

### Parent and Family Engagement

2. On page 2, the description of the Parent and Family Engagement reservation is not aligned with the information in Question B-7 of USDE's Title I Equitable Services Non-regulatory guidance published October 7, 2019. The proposed guidance says, "This amount includes the proportion required to provide equitable services to parents and families of participating private school children." The Title I Equitable

Services Non-regulatory guidance states this differently. Question B-7 says, “This means that the ESEA requires such an LEA to reserve at least one percent from the proportional share allocated for equitable services and at least one percent of the total remaining amount for Title I activities in public schools.”

*Recommendation: Update the language in this document to align with the language found in Question B-7 of USDE’s Title I Equitable Services Non-regulatory guidance published October 7, 2019.*

### Homeless Children and Youth; Children in Local Institutions for Neglected Children

3. The language used on page 3, comparing this reservation to that of equitable participation is confusing and misleading. Statute does not prescribe a formula to determine the reservation for Homeless Children and Youth, but does prescribe a formula to determine the proportional share for equitable participation.

*Recommendation: Align the language for this reservation to the language in the guidance letter sent to McKinney-Vento and Title I, Part A State Coordinators dated July 30, 2018. (Hyperlink to the letter:*

*<https://www2.ed.gov/policy/elsec/leg/essa/letterforessatitleialeahomelesssetasid e.pdf>)*

## **B. ALLOCATING TITLE I FUNDS TO PUBLIC SCHOOLS**

4. Footnote #3 at the bottom of page 2 is confusing. We believe this footnote is trying to say the terms “school” and “school attendance area” are not interchangeable but the term “school” could mean “school attendance area” while “school attendance area” does not necessarily mean, “school.”

*Recommendation: Clarify footnote #3 and update the document to reflect the terms listed in statute.*

### 75% Rule

5. 20 USC 6313 (a)(4)(B) implies that LEAs with one school per grade span would be exempt from serving school attendance areas in rank order. However, we believe that LEAs with one school per grade span would not be exempt from allocating funds to schools with a poverty percentage of 75% or higher.

*Recommendation: Clarify that LEAs with one school per grade span must still first allocate funds to schools/school attendance areas with a poverty percentage of 75% or higher.*

### 125% Rule

6. We agree with USDE's interpretation of the 125 percent rule written on page 10 but we believe there needs to be additional guidance for implementing the rule.

*Recommendation: Add guidance on how LEAs should proceed with this rule if they do not have any served schools/school attendance area over 35% and add the following language, after the last paragraph on page 10.*

- *If remaining funds are not sufficient to fully fund the next ranked eligible school attendance area or school, the LEA may serve the area or school if it determines the funds are sufficient to enable children to make progress toward meeting the State's challenging performance standards.*
- *LEAs are exempt from the 125 percent rule if they are only serving one attendance area and the poverty percentage for the served attendance area is below 35%.*
- *LEAs serving fewer than 1,000 students are not exempt from the 125 percent rule.*

### Option for Certain High Schools

7. DPI agrees with the statement on page 9 regarding the option for certain high schools, but suggests to provide additional language that reflects USDE's Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements published November 31, 2016.

*Recommendation: Add the following language: "An LEA must rank its schools above the 75 percent poverty threshold without regard to grade span and serve those schools in rank order of poverty before it serves any schools at or below the 75 percent poverty threshold. Under the new ESEA exception, an LEA may, but is not required to, continue to serve (in rank order of poverty) high schools with poverty percentages between 50 percent and 75 percent before it either serves other schools with a poverty percentage of 75 percent or below or begins to rank and serve schools by grade span. In other words, an LEA may serve high schools with 50 percent or more poverty before it serves any elementary or middle schools with a poverty percentage at or below 75 percent."*

## **C. ADDITIONAL ALLOCATION FLEXIBILITIES PROVIDED BY THE ESEA**

### Grandfather Clause:

8. The term "grandfather clause" has historically racist origins.

*Recommendation: Replace the term, "Grandfather Clause" with "One-Year Exception."*

Melissa Siry  
April 9, 2020  
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9. While we agreed that the paragraph is accurate, it is confusing and could be simplified.

*Recommendation: Remove the information provided after the first sentence.*

If additional clarification is needed or if you have any questions about our comments on these proposed regulations, please contact Shelly Babler at (608) 267-1067 or [shelly.babler@dpi.wi.gov](mailto:shelly.babler@dpi.wi.gov).

Sincerely,

Dee Pettack  
Policy Initiatives Advisor