

FILE

April 3, 2007

Jacquelyn Jackson
Director
Student Achievement and School Accountability
US Department of Education
400 Maryland Avenue, SW
Washington, DC 20202

Dear Jackie –

When an LEA is identified for improvement, it must reserve not less than 10 percent of its Title I Part A funds for high-quality professional development for instructional staff. LEAs may include in this 10 percent total the Title I funds that schools within the LEA reserved for professional development when they are in school improvement status.

Is an identified LEA permitted to use this 10% reservation for professional development needs in schools that do not receive Title I funds?

In an Oct. 12, 2004, guidance letter to chief state school officers, you announced that the 10 percent professional development set-aside for LEAs in improvement may be used for teachers throughout the LEA. In determining how to use these funds, you explained that the LEA should examine the needs of all its schools – not just the ones that did not make AYP – before spending the 10 percent.

[I]f an LEA is identified for improvement because its high school did not make AYP, this does not necessarily mean that professional development needs exist only at the high school. There may well be professional development needs in elementary and middle schools too; after all, those students feed into the high school.

You did not specifically address the question, however, of whether these funds may be used in non-Title I schools. I understand the 5% reservation for highly qualified teachers cannot be used in non-Title I schools, and it is not clear if a similar restriction applies to the 10% reservation.

Thank you for clarifying this matter.

Sincerely,



Kristen Tosh Cowan