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ABSTRACT

This booklet is a guide to assist school districts in administering Chapter 1 projects funded through the 1988 Elementary and Secondary School Improvement amendments and focuses on areas of flexibility in Chapter 1 funding. An overview of Chapter 1 flexibility emphasizes that the legislation is designed to best meet the special educational needs of educationally deprived children while reflecting local needs and circumstances. The first section, "Selecting Attendance Areas as Project Areas," discusses the flexibility in ranking and selecting Chapter 1 attendance areas. The next section, "Assessing Needs and Selecting Students," offers examples of flexibility in determining Chapter 1 subjects and grades or extending eligibility to individual children. Another section, "Deciding about Chapter 1 Instruction," discusses add-on projects, in-class projects, replacement projects, preschool programs, voluntary desegregation and school choice, schoolwide programs, and innovation projects. Further sections discuss assigning and training staff, parent involvement, state and local compensatory funds, maximizing equipment use, and further sources of assistance from Department of Education offices. (JB)

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CHAPTER 1 FLEXIBILITY

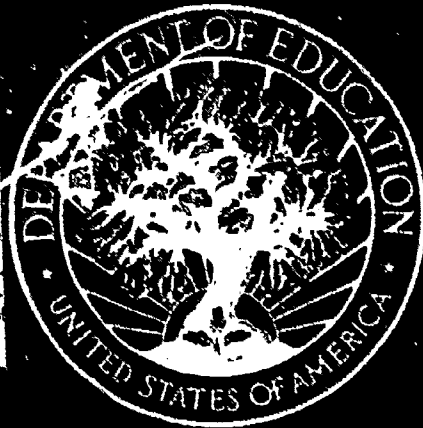
*A Guide to Opportunities
in Local Projects*

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*U.S. Department of Education
Office of Elementary and Secondary Education
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CHAPTER 1
FLEXIBILITY

*A Guide to Opportunities
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*U.S. Department of Education
Office of Elementary and Secondary Education
Compensatory Education Programs*

February 1992

FOREWORD

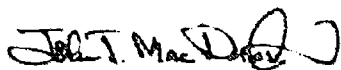
In April of 1991, President Bush unveiled AMERICA 2000, a bold and innovative education strategy for the nation. AMERICA 2000 is a long-term plan that will help us achieve the National Education Goals adopted by the president and the governors. It is a strategy that seeks to enhance learning for *all* Americans, for *all* children.

Inherent in our nation's education strategy is the notion of using our best ideas, reforms, and innovations to meet these goals. Flexibility in education is one such idea. Indeed, a cornerstone of the federal government's role in AMERICA 2000 is to encourage flexibility in federal education programs.

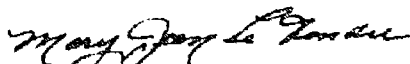
The U.S. Department of Education encourages educators and the public to learn about the flexibility that is built into federal programs. With this information, educators can tailor federally assisted services to supplement regular schooling activities and also support broader improvements in educational programs.

Chapter 1 affords many opportunities for flexibility. Provisions of the Augustus F. Hawkins-Robert T. Stafford Elementary and Secondary School Improvement Amendments of 1988 create a special focus on the learning outcomes of Chapter 1 services that offer the greatest promise of local success.

By circulating this guide, the Office of Elementary and Secondary Education's Compensatory Education Programs wishes to assist school districts in administering Chapter 1 projects that will help this nation achieve the goals we have set for the education of educationally disadvantaged children.



John T. MacDonald
Assistant Secretary for
Elementary and Secondary Education



Mary Jean LeTendre
Director
Compensatory Education Programs

OVERVIEW FLEXIBILITY OF CHAPTER 1

The Chapter 1 program in local education agencies provides significant financial assistance to improve the educational opportunities of disadvantaged children. To receive Chapter 1 funds, local education agencies must agree to use them in accordance with statutory and regulatory requirements. Primarily, these requirements are designed to ensure that Chapter 1 funds are used only to provide supplemental services to targeted students. At the same time, however, Chapter 1 contains significant opportunities for flexibility. This flexibility permits a wide variety of project designs, including many that can help meet goals of educational reform and restructuring.

The policy of the U. S. Department of Education is to encourage local education agencies to use the flexibility in Chapter 1 to improve the quality and effectiveness of local programs.

This guide highlights areas of flexibility to assist local educators design and implement Chapter 1 projects that best meet the special educational needs of educationally deprived children while reflecting local needs and circumstances.

HOW TO USE THIS GUIDE

The guide describes areas of flexibility authorized in Chapter 1 that can assist educators in implementing Chapter 1 projects. It should be used as a source of ideas. To implement this flexibility, please refer to the Chapter 1 statute, regulations, and policy manual. These documents contain additional requirements and considerations that may affect the manner in which the flexibility is implemented. Please consult the statute, regulations, and policy manual for specific guidance in each area of flexibility.

SELECTING ATTENDANCE AREAS AS PROJECT AREAS

Chapter 1 projects must be conducted in attendance areas that contain high concentrations of children from low-income families. (An attendance area is the geographical region that is served by a particular school.) The district may select the poverty measure it will use in making this determination, provided it is the best measure or composite measure available. Possible measures include counts of children from families receiving Aid to Families with Dependent Children (AFDC), counts of children eligible under the National School Lunch Program, or other appropriate data.

The district identifies an attendance area with a high concentration of children from low-income families as a 1 eligible area by comparing the number or percentage of children from low-income families to the districtwide average of such children. If Chapter 1 funds are insufficient to provide services in all eligible attendance areas, the district ranks its attendance areas by their incidence of children from low-income families. The rules for ranking attendance areas and selecting the highest ranked areas include opportunities for flexibility.

Flexibility in Ranking and Selecting Chapter 1 Attendance Areas

A school district may rank its attendance areas according to the number of poor children, the percentage of poor children, or the number and percent combined.

It may include all its attendance areas in a single ranking, or it may rank grade spans separately (e.g., kindergarten through grade 4, grades 5 through 8, grades 9 through 12).

In certain circumstances, the district may also take advantage of special opportunities for extra flexibility.

- All attendance areas in a ranking may be served by Chapter 1 if they have about the same concentration of poor children—no more than 5 percent above or 5 percent below the district average (“no wide variance”).
- All attendance areas with poverty concentrations of at least 25 percent may be designated as eligible (“25 percent rule”).

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- A school serving an ineligible attendance area or more than one area may be considered eligible if the proportion of poor children in average daily attendance is substantially equal to that of an eligible attendance area ("eligible schools").
 - With state education agency approval, attendance areas with a substantially higher number or percentage of low-achieving students may be designated as eligible and served before school attendance areas with higher concentrations of poor children ("serving lower ranked school attendance areas").
 - Certain attendance areas may continue to be served for one year if they were selected under the general ranking requirements the year before, even though they are otherwise no longer eligible or are eligible but not selected under the general ranking requirements ("continuation of services" or "grandfathering").
 - With state education agency approval, an eligible attendance area may be skipped under Chapter 1 if the children there are receiving state or local services similar to Chapter 1 ("skipping eligible attendance areas").

If the district enrolls fewer than 1,000 students or has only one attendance area per grade span, it need not comply with the requirements for selecting attendance areas.

ASSESSING NEEDS AND SELECTING STUDENTS

As a first step in determining the services that Chapter 1 will provide, a district annually reviews the educational needs of educationally deprived children, including educationally deprived migratory children of migratory workers, in all its eligible attendance areas. Based on those needs, it then identifies the general instructional areas and grade levels that will be served. The district may decide, for example, to concentrate services in the lower or upper grades, serve preschool children or secondary students, provide more services at one level than another, or serve one, two, or more subject areas. Depending on the results of the needs assessment, the subject areas and grade levels selected for Chapter 1 may vary from one school to another within the same district. The needs assessment may also indicate that varied instruction and intensity of services should be delivered in schools providing Chapter 1 services in the same subject area.

The district also establishes criteria for selecting the students with the greatest needs in those subjects and grades it has identified. In selecting children who need Chapter 1 services, the district may use any objective criteria it chooses, so long as they are related to educational performance. Criteria may vary according to grade and subject area. Examples of measures to which the objective criteria may be keyed include test scores and the professional judgment of teachers.

There are several opportunities for additional flexibility in selecting children to participate in Chapter 1. These are intended to promote fairness and encourage educational continuity for individual children.

In selecting the students to be served with Chapter 1, districts also have flexibility in considering the availability of other compensatory education services. For example, a district may decide not to provide Chapter 1 services to a child who is otherwise eligible if that child is already receiving supplementary services similar to Chapter 1 from non-Federal sources.

Examples of Flexibility in Determining Chapter 1 Subjects and Grades

Example of Different Activities in the Same Subject and Grades

A district decides to use Chapter 1 to assist poor readers in grades 1 through 3 in four elementary schools. Because of differing needs and circumstances in these schools, the district decides to vary the project

design from school to school. In two schools, it provides a reading specialist who works with small groups of poor readers twice a week for 45-minute periods in their regular classrooms. In another school, it hires a teacher and three teacher's assistants who work with eligible students before and after school. In the fourth school, it employs a teacher's assistant under the direction of a teacher to assist eligible students once a week for 45 minutes in the school's computer lab.

Example of Different Activities in Different Subjects and Grades

After ranking schools within each of its grade spans, a district decides to serve three schools that include pre-kindergarten through grade 6, one school that serves grades 7 through 9, and one school that serves grades 10 through 12. The district's assessment of the educational needs of educationally deprived children in each school leads to the following actions:

- Each of the three elementary schools hires (1) a paraprofessional who will train the parents of pre-kindergarten and kindergarten children who demonstrate a need for improved developmental skills in techniques for improving their children's readiness for academic learning; and (2) a math resource teacher who will work with regular classroom teachers to improve the math reasoning skills of educationally deprived children.
- The junior high school hires a language arts resource teacher who will help educationally deprived children develop their skills in constructing sentences, paragraphs, and short compositions.
- The high school hires a study skills specialist who will help educationally deprived students learn how to organize their time, take notes in class, conduct library research, and study for tests.

The Chapter 1 staff in each school work with eligible students and their parents according to the schedules and instructional arrangements most appropriate in that school.

Flexibility in Extending Eligibility to Individual Children

A homeless child that meets the same educational criteria as other children served by Chapter 1 may be served regardless of where the child attends school.

A child who received Chapter 1 services in a *state institution for neglected or delinquent children* during the two previous years may be served.

A child who is *handicapped or limited English proficient* may be served as long as the child's needs stem from educational deprivation and are not related solely to the handicapping condition or limited English proficiency and the child is selected for Chapter 1 services on the same basis as other children. A district, however, may not use Chapter 1 funds to provide services that are otherwise required by law to be made available to these children.

In a district that is implementing a *choice plan or voluntary desegregation plan*, an eligible child (or group of eligible children) may be served, even if the child attends a school in an ineligible attendance area.

A Chapter 1 participant *who is transferred* to a school or attendance area not served by Chapter 1 may continue to be served for the remainder of the school year.

An *educationally deprived child who participated* in Chapter 1 in the previous year may continue to be served for up to two additional years, even if the child is no longer among those with the greatest educational need. Under an approved innovation project, a child may continue to be served in order to maintain the progress made while he or she was originally participating in Chapter 1, even if the child is no longer educationally deprived.

In an approved Chapter 1 *schoolwide project*, Chapter 1 funds may be used for services to all children in the school.

DECIDING ABOUT CHAPTER 1 INSTRUCTION

The purpose of Chapter 1 services is to help participants (1) succeed in the district's regular academic program; (2) learn the skills and knowledge appropriate for their grade; and (3) improve their mastery of basic and more advanced skills. Chapter 1 services must be supplemental and of sufficient size, scope, and quality to accelerate students' educational progress. Districts have tremendous flexibility in designing Chapter 1 services that best meet these goals.

Decisions about services are made by the district. Based on need, the district decides the following: the grade levels to be served; the subject and skill areas to be addressed; the instructional settings, materials, and techniques to be used; the types of instructional staff to be employed; and the provision of any other support services, such as counseling or parent training.

The district decides how to allocate Chapter 1 resources among project areas and schools. In making this decision, the district takes into account the number of students selected for participation, their educational needs, the extent of their educational deprivation, and the services to be provided. In addition, the district considers each school's special circumstances, including the provisions of any program improvement plan.

While participating in Chapter 1 services, students may be grouped in any way that makes sense educationally. Probably the most prevalent practice for providing services has been the pull-out model—where students are pulled from other activities to receive Chapter 1 services for a limited amount of time. However, a growing number of projects have achieved success in serving students individually or in groups within the regular classroom. This arrangement prevents Chapter 1 participants from missing out on the instruction their classmates receive. Other design models also provide additional flexibility.

Characteristics of an Add-On Project

Chapter 1 services may also be offered at a time that participants would not be receiving regular instructional services. Such arrangements—sometimes called add-on projects—increase the amount of instruction provided to participants. For example, a district may decide to provide Chapter 1 services during study halls, before or after the regular school day, on the weekend, or in the summer.

Characteristics of an In-Class Project

The project is designed to meet Chapter 1 participants' special educational needs.

The classroom teacher who would be responsible for providing instructional services to participating children in the absence of Chapter 1 remains responsible for, and continues to perform, those duties the teacher would be required to perform in the absence of Chapter 1. These duties include planning the regular instructional program of participating children, providing them with instructional services, and evaluating their progress.

Instructional staff members paid with Chapter 1 funds work closely with the regular classroom teacher, who is ultimately responsible for the provision of instructional services to participating children in the absence of Chapter 1, so as to provide services that are designed to meet Chapter 1 participants' special educational needs.

Characteristics of a Replacement Project

Chapter 1 services are provided to participating children in a different classroom setting or at a different time than would be the case if these children were not participating in the Chapter 1 project.

The Chapter 1 project provides services that replace all or part of the course of instruction regularly provided to Chapter 1 participants with a program that is particularly designed to meet participants' special educational needs.

The district contributes to the Chapter 1 project from non-Chapter 1 sources either the full-time-equivalent number of staff that would have been provided for the services replaced by the Chapter 1 project or the funds required to provide that number of staff.

Preschool Programs

Chapter 1 may fund preschool programs for children, regardless of age, who can benefit from an organized instructional program. For children who reside in a Chapter 1 attendance area and who demonstrate they are in need of age-appropriate skills necessary for school readiness, a Chapter 1 preschool program can provide a developmentally appropriate environment to ensure these children start school ready to learn. In fact, such early intervention will help in meeting the first of the National

Education Goals: " By the year 2000, all children in America will start school ready to learn." Parent input, observation, and developmental assessments are encouraged, as opposed to pencil and paper tests, for student selection. Likewise, developmental instructional activities are encouraged. If a district already provides a preschool program, Chapter 1 may supplement that program. If there is no district preschool program and none that would otherwise be offered in the absence of Chapter 1 funds, a Chapter 1 preschool program would automatically be supplemental. Chapter 1 preschool services may be offered in school buildings, central locations if more accessible, even in the children's homes or housing projects. Allowable costs include transportation; materials for the children to use at home, including educational toys and art supplies; parent training; and if there are no district preschool programs, the needs assessment. Additionally, Chapter 1 may pay for leasing space, and for mobile or portable units, if necessary.

Voluntary Desegregation and School Choice

For school districts implementing or considering voluntary desegregation or choice plans, Chapter 1 contains flexibility for districts to serve eligible children who have chosen to attend public schools outside their normal attendance areas. For example, districts could serve eligible students in the ineligible school during the regular school day; provide services in a neutral location during the regular school day, before or after school, or on weekends; provide tutors to work with the students in their homes; and give assignments and resources to students to take home, including take-home computers and software, workbooks, books, and other instructional materials.

Schoolwide Projects

Once the percentage of poverty children in a Chapter 1 school reaches a very high level, it is difficult to design special programs for the vast majority of students that do not also meet the needs of the entire school. As a result, a district may operate a *schoolwide project* in a school or attendance area in which at least 75 percent of the children are from low-income families. Under this special provision, Chapter 1 funds may be used to improve the school's entire educational program. In a schoolwide project, Chapter 1 funds may be used to serve all of the students in the school and may assist all subject areas, although the special needs of educationally deprived children must still be met. This alternative approach allows a district to serve educationally deprived children and their classmates without (1) focusing services on particular children; (2) demonstrating that Chapter 1 services only benefit educationally de-

prived children; or (3) demonstrating that services supported with Chapter 1 funds supplement services regularly provided in that school.

Innovation Projects

Innovation projects offer other forms of flexibility by enabling a district to use up to and including 5 percent of its Chapter 1 funds to:

- continue serving children who received Chapter 1 services in any preceding year, in order to help them maintain their academic progress;
- continue serving Chapter 1 students, for up to two additional years, who are transferred to non-Chapter 1 schools because of a desegregation plan;
- make incentive payments to schools that have demonstrated significant progress and success in attaining the goals of Chapter 1;
- train Chapter 1 and non-Chapter 1 teachers and librarians to understand and address the special needs of Chapter 1 students and ways of integrating Chapter 1 activities into the regular classroom;
- encourage parental involvement through innovative approaches or the expansion of exemplary programs;
- encourage the involvement of community and private sector resources in meeting the needs of educationally disadvantaged children; and
- assist those Chapter 1 schools that are identified as needing program improvement.

ASSIGNING AND TRAINING STAFF INVOLVED IN CHAPTER 1

Generally, Chapter 1 funds support personnel who only provide Chapter 1 services to eligible students. There are, however, several important opportunities for staffing flexibility. For example, to encourage coordination between Chapter 1 and the regular school program, classroom teachers may provide Chapter 1 services to eligible students within the regular classroom. For the time during which the regular classroom teacher provides special services exclusively to Chapter 1 participants, Chapter 1 may pay for a teacher or classroom assistant to be responsible for the remaining students. In the alternative, the time during which the regular classroom teacher provides services exclusively to Chapter 1 children may be charged to Chapter 1, with the district providing support for the remaining students.

Under these examples, the regular teacher must be relieved of responsibility for other students while working with Chapter 1 students; the proportion of the salary costs paid by Chapter 1 must be equal to the actual portion of each regular teacher's total work day spent providing Chapter 1 services; the Chapter 1 services must be supplemental to the regular program, designed to meet the students' special educational needs, and the Chapter 1 students must receive all services they would otherwise receive in the regular program; and the regular teacher must keep time distribution records to show the actual time spent providing supplemental benefits to Chapter 1 students.

A district may also assign Chapter 1 staff who are fully paid by Chapter 1 funds to limited supervisory duties that are assigned to similarly situated personnel not paid with Chapter 1 funds. These duties may include, but are not limited to, activities such as supervising halls, playgrounds, lunchrooms, study halls, homerooms, and bus loading and unloading; participating in school or district curriculum committees; and participating in the selection of regular curriculum materials and supplies. The amount of time spent on supervisory duties may not exceed the least of (1) the proportion of time that similarly situated non-Chapter 1 personnel at the same school spend performing these duties; (2) one period per day; or (3) sixty minutes per day.

Other opportunities for flexibility in staffing include the following:

- Chapter 1 funds may be used under certain circumstances to pay for the training of personnel who are not supported by Chapter 1. For example, Chapter 1 funds may be used to train

regular teachers in special instructional techniques that are successful with educationally deprived students.

- **Chapter 1 funds may be used to pay salary incentives to teachers in Chapter 1 schools.** Teacher bonuses can be useful in retaining experienced teachers in Chapter 1 schools with high teacher turnover.
- **Chapter 1 funds may be used to provide for adequate planning and coordination of Chapter 1 with the regular curriculum.** This activity allows Chapter 1 and non-Chapter 1 staff to work together in designing comprehensive educational programs for Chapter 1 students.
- **Chapter 1 funds may be used to pay for substitutes when the Chapter 1 teacher is provided release time to plan and coordinate educational activities with the regular staff or attend training or inservice sessions or conferences.**

INVOLVING THE PARENTS OF CHAPTER 1 STUDENTS

Districts that receive Chapter 1 funds are required to involve the parents of Chapter 1 students in project-related activities. Accordingly, Chapter 1 funds may be used to conduct a wide variety of services that promote parent participation. These include activities that encourage contact between the home and the Chapter 1 project, involve parents in school activities, and develop parents' skills in assisting their children with schoolwork.

Districts attempting to increase the involvement of Chapter 1 parents in their children's schooling may use Chapter 1 funds for a variety of activities. For example, districts may use Chapter 1 funds to pay a parent of a participating student to serve as a Chapter 1 classroom aide. In addition, districts may use Chapter 1 funds to pay for parents to attend conferences that train them to conduct home-based educational activities and participate more effectively in the local Chapter 1 project. Districts may also use Chapter 1 funds to establish a Chapter 1 resource center (within or outside of school) for parents to prepare materials to use in improving their children's skills. Other activities for parental involvement in Chapter 1 include parent conferences; reporting to parents on their children's progress; hiring, training, and utilizing parental involvement liaison workers; training of personnel; the provision of Chapter 1 program information as well as responses to parent recommendations; and the solicitation of parents' suggestions in planning, developing, and operating the program.

For the facilitation of parental involvement in Chapter 1, reasonable Chapter 1 expenditures for refreshments during parent meetings and training, particularly when the sessions run through mealtime, are allowable. Other allowable Chapter 1 expenditures include the transportation cost to and from meetings when parents cannot afford it and the cost of babysitting services when necessary in order to support the parents' attendance and to enable them to more effectively participate in the program.

EXCLUDING STATE AND LOCAL COMPENSATORY FUNDS FROM COMPARABILITY AND SUPPLEMENT, NOT SUPPLANT DETERMINATIONS

For the purpose of determining compliance with the comparability and supplement, not supplant requirements, a district may exclude state and local funds expended for carrying out special programs to meet the educational needs of educationally deprived children. A program qualifies for this exclusion if all children participating in the program are educationally deprived; the program is based on performance objectives and children's progress in meeting those objectives is evaluated; the program provides supplementary services; the district keeps records; and the state education agency monitors the program.

In addition, for determining compliance with the comparability requirement only, a district may also exclude state and local funds expended for bilingual education for children of limited English proficiency, special education for handicapped children, and certain state phase-in programs defined in the Chapter 1 statute.

Before a district may exclude funds for these programs, the district must seek a determination from either the state education agency or the Secretary, as appropriate, that the program qualifies under the statutory criteria.

MAXIMIZING THE USE OF CHAPTER 1 EQUIPMENT

Chapter 1 funds may only be used for programs and projects designed to meet the special educational needs of educationally deprived children. Any equipment purchased with Chapter 1 funds must be reasonable and necessary to implement a properly designed project for those children. Even so, the law affords flexibility in arrangements for equipment purchase and use.

The primary avenue for flexibility is cost sharing. Under one type of cost sharing, the purchase price of equipment is spread among Chapter 1 and other sources on a proportional basis that reflects the use of the equipment. Under a second type of cost sharing, the district pays a reasonable user fee to the local Chapter 1 project for time that it uses the equipment for non-Chapter 1 purposes.

In certain circumstances, equipment bought with Chapter 1 funds may be used for non-Chapter 1 purposes without reimbursement. If a properly designed Chapter 1 project is using the equipment less than full time, the equipment may be employed for other educational purposes if that use does not interfere with its availability to the Chapter 1 project or shorten its useful life.

For example, computers purchased with Chapter 1 funds are used full-time during the school day but are idle during evening hours and would be beneficial to adult education classes that meet twice a week in the evening. Since the use in the adult education classes would not be extensive and thus would not shorten significantly the useful life of the equipment, the Chapter 1 computers may be used for the adult education classes. Similarly, ten listening centers were purchased with Chapter 1 funds and are used regularly but not continuously in the Chapter 1 project. The Chapter 1 project cannot be designed effectively to use the centers more frequently. The listening centers may be used in an extra-curricular foreign language program averaging 10 percent or less of the time devoted to Chapter 1 use.

Absent actual evidence to the contrary, the use of Chapter 1 equipment in non-Chapter 1 activities is presumed to be proper if that use does not exceed 10 percent of the time the equipment is used in Chapter 1 activities. However, use above that amount may be reasonable if the other standards are met on a case-by-case basis.

TAKING ADVANTAGE OF THE FLEXIBILITY BUILT INTO CHAPTER 1

As this guide shows, Chapter 1 includes flexible opportunities in all major areas of project implementation. The law does not lock local projects into narrow programmatic options. Opportunities for flexibility must be matched, however, with local creativity in designing instructional services for disadvantaged children that meet their educational needs.

For additional guidance on the flexibilities contained in Chapter 1, school districts should contact their respective State Departments of Education.

If the U.S. Department of Education can be of assistance, you may write to:

*Mary Jean LeTendre
Director
Compensatory Education Programs
Room 2043
400 Maryland Avenue, SW
Washington, DC 20202-6132*

The Chapter 1 Policy Manual for Basic Chapter 1 Programs Operated by Local Educational Agencies may be obtained by sending a written request accompanied by \$22.00 to:

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