

July 12, 2007

Mr. Zollie Stevenson  
Acting Director  
Student Assistance and School Accountability Programs  
U.S. Department of Education  
400 Maryland Ave SW FOB 6 Room 3W200  
Washington, DC 20202-6132

Dear Mr. Stevenson:

The purpose of this letter is to define North Dakota's interpretation of specific language in the Title I law as it relates to Title I teacher duties, and request that the Department respond back in writing as to whether or not you concur with our understanding of this section of the law.

One of the *No Child Left Behind Act's* most ambitious goals is to have all students proficient by 2014. Schools are working hard to raise achievement to meet this goal. As the State Title I director, I am continually bombarded with requests for additional flexibility to allow schools to implement practices that research has proven to be effective. North Dakota believes there is a section in the Title I law which can provide this much needed and requested flexibility to Title I targeted assistance programs.

*Section 1115 (d)(2) states:*

*(d) INTEGRATION OF PROFESSIONAL DEVELOPMENT—To promote the integration of staff supported with funds under this part into the regular school program and overall school planning and improvement efforts, public school personnel who are paid with funds received under this part may—*

*(2) assume limited duties that are assigned to similar personnel who are not so paid, including duties beyond classroom instruction or that do not benefit participating children, so long as the amount of time spent on such duties is the same proportion of total work time as prevails with respect to similar personnel at the same school.*

We believe this section of the law is intended to support collaboration among all staff within the building to promote an integrated system of instruction. Therefore, we believe it could be applied to the following scenarios in which Title I teachers, along with similarly situated personnel, are being assigned limited non-Title I duties:

- Using a Response to Intervention model of instruction, support personnel such as Title I, Special Education, ELL, etc., all work within the regular classroom setting to support the classroom teacher in providing supplemental research-proven strategies which do not exclusively benefit participating children. These duties are limited in relation to the total time allotment for the day and are of equal proportion to all support staff involved.
- In the primary grades where Guided Reading is utilized frequently, support personnel such as Title I, Special Education, ELL, etc., all work within the regular classroom setting to support the classroom teacher in supplementing reading instruction with groups of students, which may not exclusively benefit participating children. These duties are limited in relation to the total time allotment for the day and are of equal proportion to all support staff involved.

- A particular school uses continuous progress monitoring to assess student performance to ensure that all students are making appropriate progress. Under this scenario, for a limited portion of each day, all support staff (Title I, Special Education, ELL, etc.) work with classroom teachers to monitor student progress and identify student performance levels.

The three scenarios listed are not exclusive ways in which all staff within a building could collaborate and work together. However, they demonstrate how we are interpreting this section of the Title I law which is that Title I paid staff may assume duties, on a limited basis, that do not exclusively benefit participating children as long as similarly situated personnel also assume these duties.

We greatly appreciate your attention to this request, as we would like to provide updated information to our schools at the beginning of the 2007-2008 school year.

If you have any questions or need additional information, please contact me at (701) 328-2284. I look forward to hearing from you regarding this request.

Sincerely,

Laurie Matzke, State Director  
Title I