



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

May 7, 1997

Mr. William Pittman, Jr.
Administrator, Title I Program
Development and Improvement
State Department of Education
Florida Education Center, Room 644
Tallahassee, Florida 32399-0400

Dear Mr. Pittman:

I am writing to clarify an answer we provided to you in our September 20, 1996 response to a letter you sent to us. We recently received a call from another State that had seen the response, and I believe it warrants a follow-up answer.

You posed the following question: "Is it permissible for school districts to use Title I-paid personnel to cancel Title I classes to perform substitute or other non-Title I duties?" The answer originally provided to you referenced the "limited duties" policy whereby Title I-paid personnel may assume limited duties that are assigned to similar personnel paid with other funds as long as the amount of time spent on the limited duties is the same proportion of total work as that for similar personnel at the same school, but that answer did not respond fully to your question. Title I personnel may be assigned substitute teaching responsibilities if similarly situated personnel at the same school site are assigned such duties, and the performance of them is the same proportion as that of similarly situated non-Title I personnel. Before an LEA or school uses Title I personnel for substitute teaching, it must ensure that truly similarly situated personnel are also used for substitute teaching. It would be unallowable to define "similarly situated" so narrowly that few other types of personnel would qualify and, as a result, Title I personnel would carry a disproportionate share of the substitute teaching responsibilities. Moreover, the Title I program must not be weakened or otherwise harmed in order for the Title I teacher to do substitute teaching. Most assuredly, Title I classes may not be canceled for this purpose.

I trust this provides you with useful information.

Sincerely,

Mary Jean LeTendre
Director

Compensatory Education Programs