

## **Title I Funds in Buffalo Public Schools: Educating Children in Poverty**

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### **What are Title I Funds?**

Title I of the Elementary and Secondary Education Act provides federal financial assistance to public and private schools with high percentages of children from low-income families with the aim of helping children meet state academic standards.<sup>1</sup> The Act was originally enacted in April 1965 as part of President Lyndon B. Johnson's "War on Poverty" and is currently authorized under President George W. Bush's No Child Left Behind Act.<sup>2</sup> Title I funds are allocated through four statutory formulas based largely on census poverty estimates and state education costs.<sup>3</sup> In the 2009-2010 school year, over 56,000 public schools across the country received Title I funds.<sup>4</sup>

Title I was created to help counteract the serious educational deprivations and achievement gaps associated with poverty.<sup>5</sup> More specifically, Title I aims to close the gap in reading, writing, and mathematic skills between low-poverty and high-poverty schools.<sup>6</sup>



### **How Can the Funds be Used?**

Funds may be authorized for a number of uses, including educational programs, supplemental instructional materials, professional development, and programs to promote parental involvement.

Schools receiving Title I funds may use the money for targeted assistance programs or school-wide programs.<sup>7</sup> Targeted assistance programs must focus on helping children who are failing or at the greatest risk of failing to meet state academic standards.<sup>8</sup> For example, these programs might provide children with extra instruction in reading and math or offer pre-school, after-school, or summer programs.<sup>9</sup> Whereas targeted assistance programs provide educational services only to pre-identified individual students, school-wide programs serve all children within the school.<sup>10</sup> Schools may only use Title I funds for school-wide programs if children from low-income families make up at least 40% of the school's enrollment.<sup>11</sup> Examples of school-wide programs include designing a comprehensive educational program to serve all students or providing free or reduced price lunches.<sup>12</sup>

## **How are Funds Distributed and Accounted for?**

Title I funding is first distributed from the federal government to state educational agencies, which then allocate funds to local educational agencies such as school districts.<sup>13</sup> Schools requesting Title I funds in New York State must submit an application showing how the funds will be used for academic improvement.<sup>14</sup> States govern their own use of Title I funds, and each state is responsible for establishing its own accountability system to track the use of the funds.

## **How has BPS Used its Title I Funds?**

In the 2012-2013 school year, BPS received a total budget of \$99.37 million for its Special Projects Fund.<sup>15</sup> The Special Projects Fund consists of grants received from state, federal, and local sources, including Title I funding, and is intended to supplement services.<sup>16</sup> Of that \$99.37 million, Title I funds accounted for \$33.55 million.<sup>17</sup>



In a 2012 analysis, BPS was named the third highest spending school district among large districts in the United States, spending \$30,903 per student, including grant revenues.<sup>18</sup> However, BPS still struggles to increase its students' skills and graduation rates. BPS uses its Title I funding to help address these issues.

Two examples of recently adopted BPS Title I programs are one to help struggling seniors graduate high school and another to help high school drop-outs who may have trouble passing the GED to achieve a high school diploma through an alternative adult program.<sup>19</sup> The latter is part of the National External Diploma Program, which the State Education Department asked Buffalo to adopt as a pilot program.<sup>20</sup>

Recently, the BPS has been criticized for its poor management of Title I funds. The Buffalo School Board ordered an investigator's report on a former Assistant Superintendent to determine if there was an abuse or mismanagement of Title I funds under her supervision during 2010 and 2011.<sup>21</sup> Debbie Buckley, who has since been fired, served as Assistant Superintendent for state and federal programs of the Buffalo City School District and oversaw an annual budget of more than \$100 million in grant money.<sup>22</sup> The investigator's report showed that friends, relatives, and business associates benefited from contracts Buckley directed to them to provide services as part of Title I programs.<sup>23</sup> The report found that the majority of these relationships were not disclosed to the district, that proper contracts were not in place between vendors and the district, and that in some cases money was provided to vendors for educational services that were never provided to students.<sup>24</sup>

The Buffalo News stated that the investigator's report told "of a poorly trained administrator allowed to control huge amounts of money with little district oversight."<sup>25</sup> The report showed that Title I funds

were used to lease space the district did not need and did not use to help students.<sup>26</sup> Buckley prepared invoices for vendors herself, and in some cases, vendors were paid for services before contracts with the district were in place.<sup>27</sup> In other cases, the district lacked documentation that contracted services were actually provided.<sup>28</sup>

For example, Buckley hired Elaine Hayes to provide reading and math tutoring and Crossroads Resource Services to provide “enrichment services” during a pilot summer program, with payment to be based on the number of students registered for each session.<sup>29</sup> Buckley never received a list of students from Crossroads, yet still made payments to the company.<sup>30</sup> Further, although she hired Crossroads, she did not know what enrichment services they were providing to students.<sup>31</sup>

### **What Are National Best Practices in the Use of Title I Funds?**

By looking at the best national practices in the use of Title I funds, BPS can learn how to better use its own funds and implement academic programs that help children in poverty.

Newark Tech, located in Newark, NJ, was selected as an example of a superior school in the use of Title I funds. The school developed a comprehensive and ongoing academic assessment program that provides performance data to address the weaknesses of each individual student.<sup>32</sup> The frequent monitoring of student’s academic performance has improved student outcomes and performance.<sup>33</sup> Once student weaknesses are identified, additional support is provided by the district through one-on-one coaching with teachers, after-school programs, and summer programs.<sup>34</sup> As a result of the school’s effort, students’ statewide mathematics proficiency rate rose from 40% in 2003 to 92% in 2012.<sup>35</sup> In language arts proficiency, the rate rose from 73% in 2003 to 99% in 2012.<sup>36</sup>

Dr. Ronald E. McNair Academic High School, located in Jersey City, NJ, was also selected as an example of superior Title I school programs for the 2012 school year. The school used its Title I funds to introduce 23 new Advanced Placement (AP) courses and mandate that all students take at least one of these courses before graduation.<sup>37</sup> The AP program helped raise the standard of achievement, provide students with potential college credits, and prepare students for continued education after graduation.<sup>38</sup>



### **How Can BPS Better Use its Title 1 Funds?**

BPS can better use its Title I funds by providing students with academic support programs, paying for additional instructional materials, or providing high quality professional development to teachers to improve their skills and help them design better academic lesson plans for students.

Taking cues from Newark Tech, quality learning and student improvement starts with quality instructors. In fact, Title I requires that any persons providing services under the Act must be “highly qualified.”<sup>39</sup> This means that the person must hold a bachelor’s degree, have a full state certification or license, and demonstrate that they know each subject they teach. BPS should ensure that vendors contracted with Title I funds are properly certified, knowledgeable in their field, and will actually provide educational services to help improve student skills. Simply providing additional support programs is not enough. BPS must make sure these programs are helping students.

Additionally, BPS should ask teachers and students what they need, since they are the ones experiencing life in the school system firsthand. BPS could hold a public forum to hear from students, teachers, families, and others on how they think funds should be used. For example, at a recent Poverty Research Workshop, a BPS kindergarten teacher expressed that she needed more teacher aides or smaller class sizes to make her lessons more productive for her students.<sup>40</sup> However, BPS has recently been making staff reductions and maximizing class sizes to address its budget deficits.<sup>41</sup> This seems counterproductive.



BPS should use its Title I funds to address the critical issues it is currently struggling with, such as class size and disciplinary programs. BPS could use Title I funds to hire more teachers and aides to assist in the most challenged schools. It could also use the funds to implement a fully staffed, therapeutic disciplinary program to replace its current reliance on out-of-school suspensions. Finally, to maximize beneficial outcomes, BPS must ensure that Title 1 funds are used productively, and mandate

greater accountability.

<sup>1</sup> See Improving Basic Programs Operated by Local Educational Agencies (Title I, Part A): Purpose (last updated August 31, 2011), available online at <http://www2.ed.gov/programs/titleiparta/index.html>.

<sup>2</sup> See About Title I: What is Title I? Lafayette School Corporation, Indiana, available online at <http://www.lsc.k12.in.us/title1/index.htm>; see also Title I, Education Week (August 4, 2004), available online at <http://www.edweek.org/ew/issues/title-i/>.

<sup>3</sup> See Improving Basic Programs Operated by Local Educational Agencies, *supra* note 1.

<sup>4</sup> See *id.*

<sup>5</sup> See Paul H. Carmichael, *Who Receives Federal Title I Assistance? Examination of Program Funding by School Poverty Rate in New York State*, 19 Educational Evaluation and Policy Analysis 354, 354 (Winter 1997).

<sup>6</sup> See *id.*

<sup>7</sup> See *id.*; see also Title I, Education Week, *supra* note 2.

<sup>8</sup> See Improving Basic Programs Operated by Local Educational Agencies, *supra* note 1; Title I, Education Week, *supra* note 2.

<sup>9</sup> See Improving Basic Programs Operated by Local Educational Agencies, *supra* note 1.

<sup>10</sup> See *id.*; see also Schoolwide Programs, California Department of Education (last updated Dec. 10, 2012), available

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online at <http://www.cde.ca.gov/sp/sw/rt/>.

- <sup>11</sup> See Improving Basic Programs Operated by Local Educational Agencies, *supra* note 1.
- <sup>12</sup> See Schoolwide Programs, California Department of Education, *supra* note 8; National Title I Distinguished Schools: Newark Tech, National Title I Association, available online at <http://ds.titlei.org/schools/newark-tech>.
- <sup>13</sup> See Fast Facts: Title I, National Center for Education Statistics, Institute of Education Sciences, available online at <http://nces.ed.gov/fastfacts/display.asp?id=158>.
- <sup>14</sup> See 2012-13 Title I School Improvement Section 1003(a) Grant Application, New York State Department of Education, available online at <http://www.p12.nysed.gov/funding/2012-13-1003a/home.html>.
- <sup>15</sup> See Buffalo Public Schools: Budget Analysis Book 2012-2013, Special Projects Fund (Grants) 102, available online at <http://buffaloschools.org/files/filesystem/2012-13%20BUDGET%20ANALYSIS%20BOOK%20-%20FINAL%20COPY%20-%2010.10.12.pdf> (note: budget projected as of April 5, 2012).
- <sup>16</sup> See 2012-13 Budget – Buffalo Public Schools, May 23, 2012, available online at <http://buffaloschools.org/files/filesystem/2012-13%20BUDGET%20-%2005.23.12.pdf>.
- <sup>17</sup> See Buffalo Public Schools: Budget Analysis Book 2012-2013, *supra* note 18, at 103.
- <sup>18</sup> See Mary Pasciak, *Buffalo School Spending is Nation's Third Highest*, The Buffalo News (Sept. 13, 2012), available online at <http://buffalonews.com/apps/pbcs.dll/article?AID=/20120913/CITYANDREGION/120919509/1020>.
- <sup>19</sup> See Mary Pasciak, *Buffalo Public Schools Announce 2 New Programs*, The Buffalo News (Feb. 7, 2013), available online at <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130207/CITYANDREGION/130209339/1020>.
- <sup>20</sup> See *id.*
- <sup>21</sup> See Higgins Urges Audit of City Schools' Use of Anti-Poverty Funds, The Buffalo News (Feb. 5, 2013), available online at <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130204/CITYANDREGION/130209605/1002>.
- <sup>22</sup> See *id.*
- <sup>23</sup> See *id.*
- <sup>24</sup> See generally, Debbie Buckley Matter, Bond Schoeneck & King (April 4, 2012), available online at <http://www.scribd.com/doc/120080012/Investigator-s-report-on-Debbie-Buckley>.
- <sup>25</sup> See Report Sheds Light on Buffalo School Administrator's Firing, The Buffalo News (Jan. 12, 2013), available online at <http://www.buffalonews.com/apps/pbcs.dll/article?AID=/20130112/CITYANDREGION/130119666/1002>.
- <sup>26</sup> See *id.*
- <sup>27</sup> See *id.*
- <sup>28</sup> See *id.*
- <sup>29</sup> See Debbie Buckley Matter, *supra* note 29, at 13.
- <sup>30</sup> See *id.*
- <sup>31</sup> See *id.* at 15.
- <sup>32</sup> See Newark Tech, National Title I Distinguished Schools, National Title I Association, available online at <http://ds.titlei.org/schools/newark-tech>.
- <sup>33</sup> See *id.*
- <sup>34</sup> See *id.*
- <sup>35</sup> See *id.*
- <sup>36</sup> See *id.*
- <sup>37</sup> See Dr. Ronald E. McNair Academic High School, National Title I Distinguished Schools, National Title I Association, available online at <http://ds.titlei.org/schools/dr-ronald-e-mcnair-academic-high-school>.
- <sup>38</sup> See *id.*
- <sup>39</sup> See 20 U.S.C. § 6319 (2002); see also Debbie Buckley Matter, *supra* note 21, at 30.
- <sup>40</sup> See Poverty Research Workshop, Olmsted Center for Sight, March 1, 2013.
- <sup>41</sup> See Barbara Smith, CFO, 2010-11 Budget & 4 Year Plan Update, Committee Meeting (May 4, 2011).