GUIDANCE

IDENTIFICATION AND SELECTION OF PUBLIC ATTENDANCE AREAS AND
ALLOCATION OF TITLE I FUNDS TO THOSE AREAS AND SCHOOLS

New York State Education Department

Office of ESSA-

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This guidance outlines how local educational agencies (LEAs) identify eligible Title I school attendance areas and schools and allocate funds to those attendance areas and schools. This guidance reflects the requirements in Title I, Part A, section 1113 of the Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA).

Although this document outlines specific steps in the allocation process and provides examples illustrating how certain procedures may be carried out, the examples provided should not be regarded as exhaustive or limiting. LEAs may develop alternative approaches that are consistent with the Title I statute but are more in keeping with their needs and circumstances. A more in-depth consideration of these topics is offered in the recently released 2022 Guidance entitled, " [WITHIN-DISTRICT ALLOCATIONS UNDER TITLE I, PART A OF THE ELEMENTARY AND SECONDRY EDUCATION ACT OF 1965, AS AMENDED](#)."

1. An LEA must rank <u>all</u> its school attendance areas (the geographic area from which a public school draws its children) according to their percentage of poverty.

   x An LEA must use the same measure of poverty for:

      - Identifying eligible school attendance areas.

      - Determining the ranking of each area.

      - Determining the allocation for each area.

   x An LEA must rank school attendance areas based on the <u>percentage</u>(not the number) of low-income children counted.

   x The LEA must select a poverty measure from the following options:

      - Children ages 5-17 in poverty as counted in the most recent c(nt)9.iTTT0 1 Tf0.001 Tc -0 (un)

For example, with respect to Title I school allocations for the 2020-2021 school year, an LEA that uses FRPL data generally would have used data collected during the 2019-2020 school year.

COVID-19 has resulted in exceptions, as the Department describes in its Fact Sheet "Successfully Implementing State-Administered Programs in ESEA without Complete National School Lunch Program Data from School Years 2020-2021 and 2021-2022" (available at: https://oese.ed.gov/files/2022/01/ED-USDA-Fact-Sheet-Revised-1-12-2022.pdf).

x <u>Year of data exception for newly opened and significantly expanded charter schools</u>

Section 4306 of the ESEA and 34 C.F.R. part 76, subpart H provide an exception for a charter school that newly opens or significantly expands its enrollment by November 1 of the current school year and provides written notice to its LEA pursuant to 34 C.F.R. § 76.788(a) at least 120 days in advance of the opening or expansion.

Specifically, the LEA must determine such a school's Title I allocation based on current year data and provide the school its allocation within five months of the school's opening or expansion. (ESEA section 4306(a); 34 C.F.R. §76.792(a)).

x Thus, for the 2020-2021 school year, an LEA would determine a newly opened or significantly expanded charter school's final Title I allocation based on poverty data collected in the 2020-2021 school year. In addition, for each charter school opening or significantly expanding its enrollment:

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An LEA may--

x Designate as eligible any school attendance area or school in which at least 35 percent of the children are from low-income families--i.e., the "35 percent rule."

x Use Part A funds in a school that does not serve an eligible school attendance area if the percentage of children from low-income families enrolled in the school is equal to or greater than the percentage of such children in a participating school attendance area of the LEA.

x Elect not to serve an eligible school attendance area or school that has a higher percentage of children from low-income families (than a school that is served) if --

- The school meets the Title I Comparability requirements;
- The school is receiving supplemental funds from other State or local sources equal to the amount of Title I funds that would have been generated and that are spent according to the requirements of Sections 1114 or 1115; and
- The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.

x For one additional year only, designate and serve a school attendance area or school that is no longer eligible but was eligible and served in the preceding year.

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x An LEA calculates 125 percent of its allocation per low-income child before the LEA reserves any funds.

x An LEA must allocate at least this amount for each low-income child in every school the LEA serves, <u>not</u> just for those schools below 35 percent poverty.

x If remaining funds are not sufficient to fully fund the next ranked eligible school attendance area or school, the LEA may serve the area or school if it determines the funds

Q 1. If an LEA applies the "35 percent rule," must all school attendance areas with at least
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x Conduct other authorized activities, such as program-related administrative costs, preschool programs, summer school and other expanded learning time opportunities, professional development, school improvement, and coordinated services.

Because the reservation of funds by an LEA will reduce the funds available for distribution to participating areas and schools, the LEA must consult with teachers, pupil services personnel (where appropriate), principals, and parents of children in participating schools in determining, as part of its LEA plan, what reservations are needed.

Q 5. **May an LEA reserve funds off the top of its Title I allocation before it allocates funds for equitable services?**

A 5. No. An LEA must determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds. This includes all reservations previously taken "off the top" of an LEA's Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.

Q 6. **Is there a maximum amount that an LEA may reserve?**

A 6. No. An LEA must bear in mind, however, that the primary goal of Part A funding is to enable participating children to make adequate progress toward meeting the challenging student achievement standards that all children are expected to meet.

Q 7. **May an LEA consider variations in personnel costs, such as seniority pay differentials or fringe benefit differentials, as LEA-wide administrative costs, rather than as part of the funds allocated to school attendance areas?**

A 7. Yes, this is an allowable option for the LEA. The statute requires that Part A funds be allocated to school attendance areas and schools based on the number of children from low-income families in each area or schobprhewi inrimarye is t6 (pa2(,)1 (m)10 (bs)2 (,)1 (t)61 (ro)-

Q 8.   How may preschool children be served under Part A?

A 8.   There are several ways in which preschool children may be served under Part A. For example, a participating school may use part of its Part A funds to operate a preschool program. An LEA may also reserve an amount from the LEA's total allocation to operate a Part A preschool program for eligible children in the district as a whole or for a portion of the district.

Q 9.   Is there any flexibility in how an LEA may count children from low-income families in middle and high schools?

A 9.   Of the four measures of poverty the statute permits an LEA to use for identifying eligible school attendance areas and allocating funds to those areas, eligibility for free or reduced price lunch is by far the measure most frequently used. Yet, we know from experience that high school and middle school students are less likely to participate in free and reduced-price lunch programs than elementary school students are. Hence, those schools often may not be identified as eligible for Title I services or, if eligible, may not receive as high an allocation as their actual poverty rate would require. To address

Because these four elementary schools feed into the high school, the poverty percentage of the high school is projected to be 45.92%.

To calculate the number of low-income students in high school, multiply the total school enrollment by the average percentage of poverty for the four elementary feeder schools (2,000 x 45.92%). **This is the number used for allocating Title I funds to the high school.**

EXAMPLE OF FEEDER PATTERN

DISTRICT	ENROLLMENT	LOW-INCOME #
(Elementary)		
School A (1)	512	360
School B (1)	322	142
School C (2)	450	100
School D (1)	376	201
School E (2)	504	221
School F (2)	610	307
School G (1)	416	202
Total	3,190	1,533
(Middle School 1)	1,599	890

enrollment of schools C, E, and F (628 ÷ 1,564). The average percentage of poverty is 40.15%.

Because these three elementary schools feed into Middle School 2, the poverty percentage of Middle School 2 is projected as 40.15%.

To calculate the number of low-income students in Middle School 2, multiply the total school enrollment by the average percentage of poverty for the three elementary feeder schools (1,325 x 40.15%). **This is the number used for allocating Title I funds to Middle School 2.**

FEEDER PATTERN EXAMPLE (CONTINUED)

DISTRICT	ENROLLMENT	LOW-INCOME #
(High School)	3,000	1,422

Calculate average percentage of poverty for all elementary attendance areas by dividing the total number of low-income children by the total enrollment (1,533 ÷ 3,190). The average percentage of poverty is projected as 48.06%.

Because all elementary schools eventually feed into the high school, the poverty percentage of the high school is also 48.06%.

To calculate the number of low-income students in the high school, multiply the total school enrollment by the average percentage of poverty for all the elementary feeder schools (3,000 x 48.06%). **This is the number used for allocating Title I funds to the high school.**

When an LEA elects to use the feeder pattern, the LEA

x   Determines the district-wide average of poverty based on all the schools for which the district is using actual poverty data; and

x   Uses this district-wide average to rank all the attendance areas or schools in the district.

If an LEA serves attendance areas or schools below a 35 percent poverty rate, the district's allocation per low-income child must be based on the actual number of low-income children in the feeder schools, and the projected number in the feeder pattern receiving schools.