

*NEVADA DEPARTMENT OF EDUCATION
GUIDANCE DOCUMENT FOR
Title I, Part A*



Title 1 Rank and Serve

Created by the Nevada Department of Education

Title I Team

2018-19

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Rank and Serve

1. Overview

Title I, Part A requires LEAs to concentrate the funds in schools with the highest percentages of poverty and to provide sufficient funds to make a difference in the academic performance of the students attending these schools. An LEA may only use Title I funds in an eligible school attendance area (ESEA section 1113(a)(1)), which is a school attendance area in which the percentage of children from low-income families is —

- At least as high as the percentage of children from low-income families served by the LEA as a whole;
- At least as high as the percentage of children from low-income families in the grade span in which the school is located; or
- At least 35 percent (ESEA section 1113(a)(2)).

In order to determine which schools will receive Title I, Part A funds, each LEA with 1,000 or more enrolled students must put its schools in rank order from highest to lowest concentrations of poverty. According to (ESSA Section 1113(a)(6), LEAs with less than 1,000 students are exempt from Section 1113(a).

Under ESEA Section 1113, school districts must allocate their Title I funds to schools in rank order of poverty. All schools exceeding a 75 percent poverty rate must be served; below that threshold, districts have flexibility to target funds to specific grade spans. Except as provided below, if Title I funds are insufficient to serve all eligible school attendance areas, an LEA must:

- Annually rank, without regard to grade spans, eligible school attendance areas in which the percentage of children from low-income families exceeds 75 percent (the “75 percent poverty threshold”) from highest to lowest according to poverty percentage; and
- Serve the eligible school attendance areas in rank order (ESEA section 1113(a)(3)).
- Under 1113(a)(3)(B), LEAs may serve high schools with at least 50% poverty.

Most school districts use free or reduced-price lunch enrollment to determine schools' poverty levels, but with the introduction of the Community Eligibility Provision, which eliminates the school meal application for individual households, some are exploring other measures.

Regardless of the method an LEA uses, it must use the same method from the same point in time to determine poverty rates, rank schools, and to set per-pupil allocations across the district.

Because secondary schools often have trouble convincing students to apply for subsidized school meals, skewing their counts of eligible students and their poverty rating, LEAs have the option to use alternative means, such as surveys, to count eligible students in such schools. They also may use a "feeder pattern" technique, in which a secondary school qualifies for Title I funding based on the percentages of low-income children in the elementary or middle schools that "feed" into it. ESEA Section 1113(a)(5)(B).

Charter schools within an LEA's jurisdiction must be ranked by poverty and they must be served if eligible for Title I, Part A. This requirement applies both to existing and newly established charter schools.

In cases where a district's schools have no fixed attendance area, such as those with a districtwide open enrollment policy or choice program, or in the case of magnet schools that draw from more than one attendance area, ESEA Section 1113(b)(1)(B) allows an LEA to determine a school's eligibility for participation in Part A on the basis of the poverty level of children enrolled in the school. This method may only be used for schools without fixed attendance areas. For schools that do serve fixed attendance areas, an LEA must use attendance zone data. If an LEA has an open enrollment or choice policy for all of its schools, it must use enrollment data for all. It may not mix attendance area and enrollment data sources as a way of maximizing each school's eligibility standing.

Districts must update poverty rates and ranking every year.

2. Determination of Poverty Levels

Measures of Poverty

Under ESEA Section 1113(a)(5), LEAs must select one of five measures of poverty to determine relative percentages of children from low-income families residing in their attendance areas. Those five measures are:

1. Census counts of children from families below the poverty level (this is the same data used by the federal government to allocate Title I funds to districts).
2. Counts of children eligible for free and reduced-price school meals.
3. Counts of children whose families receive assistance under the federal welfare program Temporary Assistance for Needy Families.
4. Counts of children eligible for Medicaid.
5. A combination of two or more of these data sources.

3. Serving Schools

LEAs must first provide Title I, Part A funds to any school with a poverty rate exceeding 75% without regard to the grade span the school serves under ESEA Section 1113. This provision ensures that LEAs serve high-poverty secondary and elementary schools. Once Title I funds are allocated to schools with 75% or higher poverty, the LEA may choose to serve schools in rank order by grade span. For example, an LEA may choose to concentrate Title I, Part A funds in eligible elementary schools while skipping secondary schools that have less than 75% poverty.

A new ESEA exception to the ranking requirement is focused on high schools. An LEA may lower the poverty threshold to 50 percent for high schools served by the LEA (ESEA section 1113(a)(3)(B)). This means a district may prioritize its high schools with a poverty rate of at least 50 percent, essentially treating them as though they exceed the 75 percent rate. That is, a high school with 50 percent poverty may be served before an elementary school with a higher poverty rate. Additionally, a new authority to use feeder patterns to

determine the poverty percentages of secondary schools may impact eligibility.

Eligibility of secondary schools using feeder pattern:

- For determining the number of children from low-income families in a secondary school, an LEA may estimate that number by applying the average percentage of students from low-income families in the elementary school attendance areas that feed into the secondary school to the number of students enrolled in the secondary school.
- Before an LEA may use feeder patterns to determine the poverty percentage of secondary schools —
 - The LEA must notify its secondary schools to inform them of the option.
 - A majority of its secondary schools must approve the use of feeder patterns. (ESEA sections 1113(a)(5)(B) and (C).

A “secondary school” means a “nonprofit institutional day or residential school (including a public secondary charter school) that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.” Depending on State law, a secondary school might include middle schools as well as high schools (ESEA section 8101(45)). For examples of how to use feeder patterns to establish a poverty percentage for secondary schools, see Question 10 on pages 12-15 in the U.S. Department of Education’s 2003 Title I within-district allocation guidance [US Department of Education Title I Part A guidance](#).

- Determine the per-pupil amounts in rank order (PPA). Higher poverty schools must receive an equal or greater per-pupil allocation than students in schools with lower poverty. For example, if Poplar Elementary has a poverty rate of 67% it cannot receive a smaller PPA amount than Walnut Elementary that has a poverty rate of 60%.

For schools with poverty rates of 75% or less (or for high schools with less than 50% if the LEA uses new provision in ESSA), the LEA may choose to serve schools with specific grade spans (i.e., serve eligible elementary schools but skip middle or high schools). This means an LEA could rank elementary schools separately from middle and high schools, and it could choose to serve some grade spans but not others. Within a grade span, higher poverty schools still must be served first and get more money per low-income child. If an LEA's schools have irregular grade spans, a school should be included in the grade span deemed most appropriate by the LEA, according to ED's guidance.

LEAs may provide Title I, Part A funds to schools with poverty rates of 35% or higher or at or above the district average poverty rate. For example, if the district average poverty rate is 42% it may choose not to serve schools with poverty rates below 42%; however, the district

could choose to serve schools with poverty rates down to 35% if it chooses to spread its Title I funds to those schools.

Some schools, specifically schools that are small or have highly mobile student populations, may have poverty rates that change significantly from year to year. Thus, a school might qualify for Title I funding one year and not the next. In that case, the LEA may consider a school eligible for an additional year. Keep in mind grandfathering only works if a school falls below the LEA average poverty rate or 35% whichever is higher.

4. Per-Pupil Allocations

4.1. General Rule

An LEA serving only areas or schools at or above 35 percent poverty must allocate funds in rank order, on the basis of the total number of low-income children in each area or school but is not required to allocate 125 percent of the LEA's allocation per low-income child (described in 7. above). However, in determining what per-child amount to allocate, the LEA should bear in mind the purpose of such funding--to enable children who are most at risk of not meeting the State's challenging student academic achievement standards. The per-child allocation amount must be large enough to provide a reasonable assurance that a school can operate a Title I program of sufficient quality to achieve that purpose.

An LEA is not required to allocate the same per-child amount to each area or school. However, the LEA must allocate a higher per-child amount to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates.

An LEA that opts to serve schools below 75 percent poverty using grade span groupings may determine different per-child amounts for different grade spans so long as those amounts do not exceed the amount allocated to any area or school above 75 percent poverty. Per-child amounts within grade spans may also vary so long as the LEA allocates higher per-child amounts to areas or schools with higher poverty rates than it allocates to areas or schools with lower poverty rates.

4.2. 125 Percent Rule

If an LEA serves any areas or schools below 35 percent poverty, the LEA must allocate to all its participating areas or schools an amount for each low-income child in each participating school attendance area or school that is at least 125 percent of the LEA's allocation per low-income child.

- An LEA's allocation per low-income child is the total LEA allocation under Title I, Part A, subpart 2 divided by the number of low-income children in the LEA as determined using the poverty measure selected by the LEA to identify eligible school attendance areas. The LEA then multiplies this per-child amount by 125 percent.

- An LEA calculates 125 percent of its allocation per low-income child before the LEA reserves any funds.
- An LEA must allocate at least this amount for each low-income child in every school the LEA serves, not just for those schools below 35 percent poverty.
- 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 are sufficient to enable children to make adequate progress toward meeting the State's challenging performance standards.

The per-pupil amount of funds allocated to each eligible school attendance area or eligible school, shall be at least 125 percent of the per-pupil amount of funds a LEA received for that year except this shall not apply to a LEA that only serves schools in which the percentage of such children is 35 percent or greater (ESSA Section 1113(c)(2)(A)). The LEA must calculate this per-pupil amount before it reserves funds, using the poverty measure selected by the LEA (ESSA Section 1113(a)(5)).

The LEA must allocate to each participating school attendance area or school an amount for each low-income child that is at least 125 percent of the per-pupil amount of funds the LEA received for that year. The LEA must calculate this per-pupil amount before it reserves funds, using the poverty measure selected by the LEA (34 CFR Section 200.78(b)).

Appendix

Appendix A Questions and Answers

If an LEA applies the "35 percent rule," must all school attendance areas with at least 35 percent poverty be served? No. However, school attendance areas to be served must be selected in rank order.

Section 1113(b)(1)(D)(ii) allows an LEA to skip an eligible school attendance area or school that has a higher percentage of poverty if the area or school is receiving supplemental funds from other State or local sources that are "spent according to the requirements of section 1114 or 1115." What is meant by "according to the requirements of section 1114 or 1115?" Under §200.79 of the Title I regulations, a supplemental State or local program meets the requirements of Section 1114 if the program: Is implemented in a school that meets the minimum 40 percent poverty threshold required to operate a schoolwide program; Is designed to promote schoolwide reform and upgrade the entire educational operation of the school to support students in their achievement toward meeting the State's challenging academic achievement standards that all students are expected to meet; Is designed to meet the educational needs of all children in the school, particularly the needs of children who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards; and Uses the State's assessment system described in §200.2 of the Title I regulations to review the effectiveness of the program. A supplemental State or local program meets the requirements of Section 1115 if the program: Serves only children who are failing, or most at risk of failing, to meet the State's challenging student academic achievement standards; Provides supplementary services designed to meet the special educational needs of the children who are participating in the program to support their achievement toward meeting the State's student academic achievement standards; and Uses the State's assessment system described in §200.2 of the Title I regulations to review the effectiveness of the program.

Appendix A Questions and Answers (Continued)

How does an LEA handle funds that are carried over from one year into the next when allocating funds to school attendance areas? Although an LEA may not use carryover funds to provide services in an ineligible school, an LEA has considerable discretion in handling carryover funds. Some of these options include: Add carryover funds to the LEA's subsequent year's allocation and distribute them to participating areas and schools in accordance with allocation procedures that ensure equitable participation of non-pupil school children; or Designate carryover funds for particular activities that could best benefit from additional funding. (Examples: parental involvement activities; schools with the highest concentrations of poverty.) Regardless of the option an LEA elects, the LEA may not carry over more than 15 percent of its allocation from one year to the next. This percentage limitation does not apply, however, to an LEA that receives an allocation of less than \$50,000 under subpart 2 of Part A. An SEA may, once every three years, waive the percentage limitation if it determines that the request of an LEA is reasonable and necessary or if supplemental appropriations become available. Note that, if an LEA transfers funds from another Federal education program into Title I, Part A under the transferability provision, then the additional amount transferred is added to the LEA's Title I, Part A allocation and the combined amount becomes the base for calculating the 15 percent carryover limitation.

May an LEA allocate a greater per-pupil amount, for example, to schoolwide program schools than to targeted assistance schools since schoolwide programs serve all children in the school? The Title I statute requires allocations to be based on the total number of low-income children in a school attendance area or school. Therefore, poverty is the only factor on which an LEA may determine funding. In other words, an LEA may not allocate funds based on the instructional model, educational need, or any other non-poverty factor. Because Part A places the responsibility for selecting participants and designing programs on schools rather than on the LEA, the LEA will not necessarily be in a position to know in advance the instructional model or educational need when determining allocations.

May an LEA reserve funds from its Part A allocation before distributing funds to school attendance areas? Yes. Before allocating funds, an LEA must reserve funds to--

- Provide services comparable to those provided to children in participating school attendance areas and schools to serve—
Children in local institutions for neglected children; and
Eligible homeless children who do not attend participating schools, including providing educationally related support services to children in shelters and other locations where homeless children may live.
- Provide, if appropriate, services to children in local institutions for delinquent children; and neglected and delinquent children in community day school programs.

Appendix A Questions and Answers (Continued)

- An LEA may 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.
- Provide, where appropriate under section 1113(c)(4) of the Title I statute, not more than 5 percent of its Part A allocation for financial incentives and rewards to teachers who serve students in Title I schools identified for school improvement, corrective action, and restructuring, for the purpose of attracting and retaining qualified and effective teachers.
- Meet the professional development requirements of—
Section 1116(c)(7)(A)(iii) of the Title I statute and §200.52(a)(3)(iii) of the Title I regulations if the LEA has been identified for improvement. An LEA must reserve at least 10 percent of its Title I, Part A allocation for this purpose; and Section 1119(l) of the Title I statute and §200.60 of the Title I regulations to meet the needs of teachers who are not highly qualified. An LEA must reserve an amount for this purpose that ranges from at least 5 to no more than 10 percent of its Title I, Part A allocation for school years 2002-03 and 2003-04 and at least 5 percent in subsequent years.
- Meet the requirements for parent involvement. An LEA that receives more than \$500,000 under Title I, Part A, subpart 2 must reserve at least 1 percent of its allocation for parental involvement activities. The LEA must distribute not less than 95 percent of the amount reserved for parent involvement to schools receiving Title I services.
- Administer Part A programs for public and private school children, including special capital expenses, if any, incurred in providing services to eligible private school children such as—
The purchase and lease of real and personal property (including mobile educational units and neutral sites); Insurance and maintenance costs; Transportation; and Other comparable goods and services, including non-instructional computer technicians.
- Conduct other authorized activities, such as preschool programs, summer school and intersession programs, additional 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. This issue must also be part of the consultation with private school officials before an LEA makes any decisions that affect the opportunities of eligible private school children to participate in Part A programs. An LEA must also ensure that it provides equitable services to private school children from Title I funds reserved “off the top” for district-wide instructional programs. See question 12 in this guidance for more discussion.)

If an LEA participates in the National School Lunch Program’s (NSLP) Community Eligibility Provision (CEP), is there information available on how the LEA may use NSLP data, including CEP data, to allocate Title I funds to schools? Yes. The within-district allocation section of the Department’s 2015 Title I CEP guidance [US Department of Education guidance for CEP](#) provides options for how an LEA may use CEP data to allocate Title I funds to schools.

Have the requirements changed for allocating Title I funds to provide equitable services for eligible private school students and their teachers and families? Yes. Expenditures for equitable services to eligible private school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend private schools. An LEA must determine the proportionate share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds (ESEA section 1117(a)(4)(A)).

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

How does an LEA determine the proportionate share of Title I funds available for all equitable services activities (i.e., administration, instruction, activities for parents and families of participating private school students, and professional development for teachers of participating private school students) now that this amount must be determined before any allowable expenditures or transfers of funds, including off-the-top reservations? Once an LEA has established the participating public school attendance areas (see B-1 and B-2 of the Title I Services to Eligible Private School Children (Oct. 17, 2003)), it would first determine the number of children from low-income families residing in each participating public school attendance area who attend public schools and private schools. The LEA would then determine the overall proportion of children from low-income families who reside in participating public school attendance areas and who attend public schools and private schools. Using the proportion of children from low-income families who attend private schools, the LEA would determine the amount of funds available for equitable services based on that proportionate share of the LEA’s total Title I allocation.