

# **APPENDIX 10**

## Appendix 10

### Title I, Part A—Attendance Area Selection and Campus Allocations

Public Law 107-110, Section 1113 contains the requirements for identifying eligible school attendance areas and selecting the eligible areas that will participate in Title I, Part A. An LEA may use Title I, Part A funds only in eligible school attendance areas.

An LEA must use the same measure of poverty **uniformly throughout the LEA** to:

- ◆ Identify eligible school attendance areas.
- ◆ Determine the ranking of each area.
- ◆ Determine the allocation for each area.

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

- ◆ The number of children ages 5 to 17 in poverty as counted by most recent census data approved by the Secretary [in this case, the **2010** Census update];
- ◆ The number of children eligible to receive free or reduced-price lunch under the Richard B. Russell National School Lunch Act;
- ◆ The number of children in families receiving assistance under the Temporary Assistance for Needy Families (TANF) program;
- ◆ The number of children eligible to receive medical assistance under Medicaid program; or
- ◆ A composite of any of the above indicators.

Of the four measures of poverty that the statute permits an LEA to use for identifying eligible school attendance areas and allocating funds, eligibility for free or reduced-price lunch is by far the measure most frequently used. However, based on experience, high school and middle school students are less likely to participate in free and reduced-price lunch programs than are elementary school students. Hence, those schools often may not be identified as eligible for Title I, Part A services, or if eligible, may not receive as high an allocation as their actual poverty rate would require. In order to address this situation, an LEA may use comparable data collected through alternative means, such as a survey to qualify the campus for Title I, Part A services. Also, an LEA may use the **feeder pattern concept**. This concept would allow the LEA to project the number of low-income children in a middle school or high school based on the average poverty rate of the elementary school attendance areas that feed into that school.

#### **Eligible School Attendance Areas**

An LEA determines whether it is a Single Attendance Area or a Multiple Attendance Area according to the following definitions.

An LEA is a Single Attendance Area if it has a total enrollment of less than 1,000 students or if it has no campuses with duplicated grades. For example, an LEA with 999 students is treated as a single attendance area, regardless of whether its campuses have duplicated grades. An LEA with 1,000 or more students is a single attendance area only if there is **no** grade duplication. A group of unduplicated grades would be K-2, 3-5, 6-8, and 9-12.

### Single Attendance Area Requirements:

1. All campuses in the single attendance area are eligible campuses to receive Title I, Part A services/funding.
2. Single attendance areas may choose to serve any or all of their campuses regardless of rank order.
3. Single attendance areas are not required to allocate funds to areas or schools in rank order.
4. In order to be eligible for a schoolwide program, a campus in a single attendance area must have a low-income percentage of 40 percent or more, either by means of the recognized poverty measures [U.S. Census, Free or Reduced-price Lunch, Temporary Assistance for Needy Families (TANF), Medicaid, or a composite of these] or by means of an approved alternate method.
5. Single attendance areas must apply the 125 Percent Special Allocation Rule when serving any campus that is below 35 percent low-income.

An LEA is a Multiple Attendance Area if it has an enrollment of 1,000 students or more **and** has duplication of grades. An applicant with grade spans such as K-2, 1-5, 4-5, 6-9, 9-12 has duplication of grades.

**Multiple Attendance Area Requirements:** The LEA must first rank all of its campuses according to their low-income percentages. Then, the LEA determines its districtwide low-income percentage. Campuses with low-income percentages that meet or exceed the districtwide average percentage or 35 percent, whichever is lower, may be considered eligible to receive Title I, Part A services. The rules concerning attendance area selection and allocation for multiple attendance areas are described in detail below.

### Selection Requirements for Multiple Attendance Areas

1. An LEA must rank all school attendance areas in rank order of poverty, based on the percentage (not the number) of low-income children **residing** in the school attendance areas. An eligible attendance area is one in which the percentage of children meeting low-income criteria is at least as high as the percentage of children meeting low-income criteria in the LEA as a whole.

An LEA may—

- ◆ Identify as eligible any school attendance area or any campus in which at least 35 percent of the children are from families that meet low-income criteria. (“35 percent rule”)
- ◆ Use Title I, Part A funds in an otherwise ineligible school 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. (“Optional Method”)  
Because the entitlements of charter schools are derived from enrollment rather than resident data, charter schools will use the enrollment data to calculate campus percentages.
- ◆ Designate and serve a school attendance area or school that is not eligible for Title I, Part A services, but that was eligible and that was served in the preceding fiscal year, but only for one (1) additional fiscal year.
- ◆ Elect not to serve (“skip”) an eligible school attendance area or school that has a higher percentage of children from low-income families if **all** of the following conditions are met:
  - The school meets the Title I, Part A comparability requirements;
  - The school is receiving **supplemental** funds from other State or local sources that are spent according to the requirements of P.L. 107-110, Sections 1114 [Schoolwide Programs] or 1115 [Targeted-Assistance Schools]; **and**
  - The funds expended from such other sources equal or exceed the amount that would be provided under Title I, Part A.

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2. After an LEA has ranked all of its school attendance areas using the same measure of poverty, it must serve, in rank order of poverty, its areas above 75 percent poverty, including any middle schools or high schools.
3. Only after an LEA has served all of its areas with a poverty rate above 75 percent may it serve lower-ranked areas. The LEA has the option to 1) continue on with the districtwide ranking or 2) rank the remaining areas by grade span groupings.
  - ◆ The same districtwide poverty average must be used if the LEA chooses to continue with the districtwide ranking.
  - ◆ For ranking by grade span groupings, the LEA may use 1) the districtwide low-income average or 2) the grade span poverty averages for the respective grade span groupings.
  - ◆ If an LEA has no school attendance areas above 75 percent poverty, it may rank districtwide or by grade span groupings.
  - ◆ An LEA's organization of its schools defines its grade span groupings. For example, if an LEA had elementary schools, middle schools, and high schools, the grade span grouping would be grades K-5, 6-8, and 9-12. To the extent an LEA has schools that overlap grade spans (e.g., K-5, K-8, 6-8) the LEA may include a school in the grade span in which it is most appropriate.

For Single Attendance Areas and Multiple Attendance Areas, there is no difference in the requirements regarding the development and implementation of schoolwide programs, targeted assistance schools, or any other Title I, Part A program element.

**Allocating Title I, Part A Funds to Participating Attendance Areas and Schools**

1. General Rule—An LEA must allocate Title I, Part A funds to participating school attendance areas or schools, in rank order, on the basis of the total **number** of children from low-income families **residing** in each area or school. Charter schools use the total number of children from low-income families enrolled in the charter school. The LEA first must allocate funds to eligible school attendance areas that exceed 75% poverty in rank order regardless of grade span.
2. 125 Percent Special Allocation 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 divided by the number of low-income children in the LEA according to the poverty measure selected by the LEA to identify eligible school attendance areas. The LEA then multiplies this per-child amount by 125 percent:

Total LEA entitlement ÷ Total low-income students in LEA = Base amount per pupil.  
Base amount per pupil x at least 125 percent = Minimum amount per pupil to ALL campuses served  
[Ref: P.L. 107-110, Sections 1113(a)(2)(B) and 1113(c)(2)(A)]

**EXCEPTION:** If an LEA uses the feeder pattern of an elementary school with a low-income percentage of 35 percent or more to establish the low-income percentage of a middle or high school whose original low-income percentage was below 35 percent, the LEA is not required to implement the 125 Percent Special Allocation Rule. However, if the LEA uses the feeder pattern to qualify a campus, the LEA is required to base funding for the campus on the number of low-income students projected by the feeder pattern. [Correspondence from the U.S. Department of Education, September 11, 1995.]

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- ◆ An LEA calculates 125 percent of its allocation per low-income child **before reserving 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 that the funds are sufficient to enable children to make adequate progress toward meeting the state's performance standards.
3. An LEA is not required to allocate the same per-child amount to each area or school. However, the LEA must **not** allocate to areas or schools with lower poverty rates a higher per-child amount than it allocates to areas or schools with higher poverty rates. In determining what per-child amount to allocate, the LEA should bear in mind the purpose of Title I funding— to enable children who are most at risk to meet the state's student performance standards.
  4. An LEA that opts to serve schools at or below 75 percent poverty using grade span groupings may determine different per-child amounts for different grade spans as 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 as long as the LEA allocates to areas or schools with higher poverty rates a higher per-child amount than it allocates to areas or schools with lower poverty rates.
  5. The following campus allocation restriction applies to LEAs that have one or more campuses in Stage 3 or higher of School Improvement AND that are reserving Title I, Part A, funds to meet the 20% requirement for funds to be used for choice-related transportation and/or supplemental educational services:
    - In reserving Title I, Part A, funds for choice-related transportation and supplemental educational services, LEAs are not permitted under Section 1116(b)(10)(D) to reduce Title I, Part A, allocations to campuses identified for corrective action or restructuring by more than 15%. These campuses must receive Title I, Part A, campus allocations that are at least 85% of their prior-year Title I, Part A, campus allocations. If the LEA is NOT using Title I, Part A, funds to meet the 20% requirement, then this rule does not apply.

### **Reservation of Funds**

Before allocating funds, an LEA shall reserve funds as necessary to—

- ◆ Provide services comparable to those provided to children in Title I, Part A schools to serve—
  - a. homeless children who do not attend participating schools;
  - b. children in local facilities for neglected children; and
  - c. if appropriate—
    1. children in local facilities for delinquent children; and
    2. neglected and delinquent children in community day school programs.
- ◆ Meet the requirements for parent involvement. An LEA that receives more than \$500,000 in Title I, Part A funds must expend at least one percent of its Title I, Part A allocation for parental involvement activities. Of this one percent of Title I, Part A funds, not less than 95 percent must be distributed to Title I, Part A campuses.
- ◆ Meet the requirements for choice-related transportation and supplemental educational services in section 1116 unless the LEA meets these requirements with non-Title I funds.
- ◆ Address the professional development needs of instructional staff.
- ◆ Administer Title I, Part A programs for public and private school children.
- ◆ Conduct other authorized activities, such as school improvement and coordinated services.

Title I, Part A funds that are reserved in this manner are **not** counted as part of individual campus allocations and should be excluded from per-pupil comparisons.

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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 the LEA makes any decisions that affect the opportunities of eligible private school children to participate in Title I, Part A programs.

The LEA must maintain documentation of the reservations taken for authorized Title I, Part A activities, as well as the per-pupil amounts used to determine allocations to individual Title I, Part A campuses. **These are auditable data.**