United States Department of Agriculture

Food and Nutrition Service

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SUBJECT: Community Eligibility Provision: Revised Department of Education Title I Guidance

TO: Regional Directors
Special Nutrition Programs
All Regions

State Directors
Child Nutrition Programs
All States

One important goal of the Healthy, Hunger-Free Kids Act of 2010 (HHFKA) is to ensure that children have access to the nutrition they need to grow into healthy adults. The Community Eligibility Provision (CEP), as authorized by amendments made in HHFKA Section 11(a)(1)(F), of the Richard B. Russell National School Lunch Act, 42 USC 1759a(a)(1)(F), is a powerful tool to ensure children in low income communities have access to healthy school meals. CEP allows participating schools to offer healthy, free breakfasts and lunches to all students without requiring their families to complete individual applications. First rolled out in pilot states beginning in School Year (SY) 2011-2012, CEP became available for nationwide implementation this school year. As a result, in SY 2014-2015, approximately 14,000 schools in more than 2,000 local educational agencies (LEAs) serving more than 6.4 million children elected to participate in CEP for its ability to both reduce administrative burden and increase access to school meals for children in low income communities. While Food and Nutrition Service (FNS) is encouraged by the significant response, we know more children can benefit from CEP.

Participation in CEP is a local decision and one that requires careful consideration of many factors by LEAs. For some LEAs, the decision process whether to elect CEP takes into account CEP's potential impact on the implementation of their Title I program, including the distribution of Title I funds to schools within an LEA. To support LEAs in their decision making with respect to CEP, the U.S. Department of Education (ED) published guidance in January 2014 titled "The Community Eligibility Provision and Selected Requirements Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as amended." The guidance's purpose is to show how LEAs can successfully implement Title I requirements using National School Lunch Program (NSLP) data that incorporate CEP, just as they have prior to CEP's becoming part of the NSLP.

AN EQUAL OPPORTUNITY EMPLOYER

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As CEP moves into its second year of nationwide implementation and school districts are deciding whether they are going to participate, we are pleased to share that ED updated the guidance in March 2015, replacing the January 2014 guidance. The following questions have been added or substantively modified since ED issued the January 2014 guidance: 18, 23, 23a, 24, 28, 29, 29a, 31, 34, and 35. A few of the updates we want to highlight include:

- Adding an additional approach to within-district Title I allocations where an LEA has CEP and non-CEP schools (Question 18);
- Information on when an LEA may use Title I funds to conduct a local survey to identify students from low-income families (Question 23a);
- Technical updates to clarify equitable services (Questions 28, 29, and 29a); and
- Information on the use of CEP data for State Education Agencies that have ED's approval to use alternative poverty data to calculate final Title I allocations to LEAs with under 20,000 total population (Question 31).

This guidance provides information that will assist as schools and LEAs are considering whether to elect CEP for the 2015-2016 school year.

State agencies are reminded to distribute this memorandum and attachment to program operators immediately. School food authorities and other program operators should direct any questions concerning this guidance to their State agency. State agencies with questions should contact the appropriate FNS Regional office.

Original Signed

Angela Kline
Director
Policy & Program Development Division
Child Nutrition Programs

Attachment

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GUIDANCE

THE COMMUNITY ELIGIBILITY PROVISION AND SELECTED REQUIREMENTS UNDER TITLE I, PART A OF THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965, AS AMENDED

Revised March 2015

U.S. Department of Education

Office of Elementary and Secondary Education

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Table of Contents

INTRODUCTION 1

COMMUNITY ELIGIBILITY PROVISION DESCRIPTION 3

1. What is the Community Eligibility Provision? 3
2. What does the term "identified students" mean? 3
3. What is the eligibility threshold for participation in CEP? 4
4. How is the percentage of identified students calculated for CEP? 4
5. How are school meals reimbursed through CEP? 4
6. What is the function of the 1.6 multiplier? 4
7. Will the 1.6 multiplier change? 4
8. May a private school that participates in the NSLP or School Breakfast Program elect CEP? 5
9. What are the areas of intersection between CEP and Title I? 5
10. When using NSLP data as a poverty measure for Title I, which types of NSLP data may be included? 5
11. If an LEA includes a CEP school for the purpose of NSLP, must the LEA use NSLP data (including CEP) for Title I purposes? 5
12. Are updated direct certification data available to an LEA every year? 5
13. How might the availability of updated direct certification data affect Title I implementation? 6

WITHIN-DISTRICT ALLOCATIONS 6

14. May an LEA use CEP data to allocate Title I funds to school attendance areas and schools? 6
15. Has ED previously provided information on within-district Title I allocations? 6
16. Does CEP change that guidance? 7
17. If an LEA wishes to use CEP data to allocate Title I funds to schools, when would CEP data first be used to determine a school's eligibility and allocation? 7

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18. How does an LEA allocate Title I funds to schools when it has CEP and non-CEP schools? *(Modified March 2015)*.....7

19. If an LEA has all CEP schools, does it need to apply the 1.6 multiplier for Title I ranking and allocation purposes? 12

20. If the application of the 1.6 multiplier results in more than one school at 100 percent poverty, must an LEA allocate the same per-pupil amount to each of these schools? 12

21. If an LEA chooses to group CEP schools to determine the reimbursement rate from USDA, does each school in a group then have the same poverty percentage for Title I ranking and allocation purposes? 14

22. If an LEA has traditionally established a cutoff above which Title I-eligible schools are served, does the LEA have any options if the use of CEP data increases the number of schools above the cutoff? .14

23. May an LEA with one or more CEP schools conduct its own survey to collect the equivalent of NSLP data from the CEP schools for Title I within-district allocations? *(Modified March 2015)* 15

23a. Under what circumstances may an LEA use Title I, Part A funds to conduct a local survey to identify students from low-income families? *(Added March 2015)*.....15

24. USDA guidance indicates that the identified students' count and reimbursement rate for CEP purposes should be determined based on data from April 1 of the previous school year, unless an LEA chooses to use the identified students' count from an earlier year within the permitted four-year period. How should an LEA with CEP and non-CEP schools that collects NSLP household applications for non-CEP schools at a different point during the year take into account this difference in timing? *(Modified March 2015)* 16

25. If an LEA uses NSLP data to allocate Title I funds to schools and is concerned about CEP's effect on these data, may the LEA use older data (i.e., data collected prior to CEP) to allocate Title I funds to schools?.....17

***EQUITABLE SERVICES* 17**

26. Has ED previously provided guidance on how an LEA allocates Title I funds to provide equitable services to eligible private school students? 17

27. Does CEP change that guidance?.....17

28. Is an LEA's collection of poverty data on private school students affected by CEP data? *(Modified March 2015)*.....17

29. If a private school is a CEP school, does every child in the private school automatically generate Title I funds for equitable services? *(Modified March 2015)*.....20

29a. How does an LEA determine the amount of Title I funds generated to provide equitable services for eligible private school students if a private school participates in CEP? *(Added March 2015)*.....20

30. After consultation with private school officials, if an LEA chooses to use proportionality to calculate the amount generated for equitable services and a CEP public school's poverty percentage for within-

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district Title I allocations is 100 percent, will every student in the private school that resides within the school's attendance area generate funds for equitable services? 23

***WITHIN-STATE ALLOCATIONS*..... 23**

31. When might an SEA need to use CEP data to help calculate final LEA Title I allocations? (*Modified March 2015)*.....23

32. In using NSLP data that incorporate CEP data to derive a Census poverty count, does an SEA need to apply the 1.6 multiplier to the number of identified students through SNAP?.....24

***TITLE I ACCOUNTABILITY* 25**

33. How does CEP affect Title I accountability?.....25

34. How may economically disadvantaged students in a CEP school be identified for accountability? (*Modified March 2015)* 25

35. How may an SEA that uses NSLP data to meet the reporting requirements in section 1116(h)(1)(C)(viii) of ESEA regarding the professional qualifications of teachers in schools in the top and bottom quartiles of poverty calculate poverty in a CEP school? *(Added March 2015)* 26

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Introduction

With the passage of the Healthy, Hunger-Free Kids Act of 2010 (Act),[1] operators of the National School Lunch Program (NSLP) and School Breakfast Program (SBP) are able to take advantage of a new universal meal service option, the "Community Eligibility Provision" (CEP), which was phased in over several years by the U.S. Department of Agriculture (USDA) and is now available nationwide. CEP permits eligible schools to provide meal service to all students at no charge, regardless of economic status, while reducing burden at the household and local levels by eliminating the need to obtain eligibility data from families through a separate collection.

Although the USDA, and not the U.S. Department of Education (ED), administers the Federal school meal programs, including the NSLP, there is a connection between CEP and programs operated under Title I, Part A (Title I) of the Elementary and Secondary Education Act of 1965, as amended (ESEA), because State educational agencies (SEAs) and local educational agencies (LEAs) often use NSLP data to carry out certain Title I requirements. ED's most recent guidance on the connection between Title I and CEP was published in January 2014. Since that time, ED has received some additional questions about CEP. This updated guidance addresses those questions. Questions 18, 23, 23a, 24, 28, 29, 29a, 31, 34, and 35 have been added or substantively modified since ED issued the January 2014 guidance. This guidance, which replaces the January 2014 guidance, provides ED's interpretation of various statutory provisions, does not impose any requirements beyond those included in the ESEA and other applicable laws and regulations, and does not create or confer any rights for or on any person.

Regarding CEP's operation, CEP schools only use eligibility data that are not obtained through the use of an application, such as data from the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) program, to determine the Federal cash reimbursement for school meals provided by USDA. They do not rely on annual household applications that are generally used to determine eligibility for free and reduced-price meals. A school may elect for CEP if at least 40 percent of its students are "directly certified," or otherwise identified for free meals through means other than household applications (for example, students directly certified through SNAP). To account for low-income families not reflected in the direct certification data, USDA sets meal reimbursement levels for CEP schools by multiplying the percentage of students identified through the direct certification data by a multiplier established in the Act. (Initially, the multiplier is 1.6.[2]) Under CEP, schools must renew their direct certification numbers once every four years to maintain eligibility. However, schools may update their direct certification numbers annually to capture more current information. If the most current data show an increase in the percentage of enrolled students who are directly certified, the school may use that percentage for determining USDA

[1] The Healthy Hunger-Free Kids Act of 2010 is available at: www.gpo.gov/fdsys/pkg/PLAW-111publ296/pdf/PLAW-111publ296.pdf.

[2] Section 104(a) of the Act establishes a multiplier of 1.6 and also provides USDA the authority to adjust this figure. If USDA were to adjust the multiplier, users of this guidance should replace references to the 1.6 with the adjusted multiplier.

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reimbursement; if the data show a decrease, the school may continue to use the original percentage for the remainder of the four-year eligibility period.

Implementation of CEP began in the 2011–2012 school year in eligible LEAs and schools in Illinois, Kentucky, and Michigan. In the 2012–2013 school year, USDA added the District of Columbia, New York, Ohio, and West Virginia to implement CEP. CEP became available in Maryland, Massachusetts, Florida, and Georgia in the 2013–2014 school year and is available in all States in the 2014–2015 school year.

As noted above, there is an intersection between CEP and Title I. Under section 1113 of the ESEA, an LEA must rank its school attendance areas or schools based on the percentage of economically disadvantaged students to determine a school's eligibility to receive Title I funds, to allocate funds to selected schools, and to calculate the amount generated for Title I services to eligible private school students. In terms of accountability, each SEA and LEA that receives funding under Title I must assess and report annually on the extent to which economically disadvantaged students are making progress toward meeting State academic achievement standards in reading or language arts and mathematics. Moreover, an LEA must hold schools accountable for the achievement of student subgroups, whether under section 1116 of the ESEA or under ESEA flexibility for those States with an approved ESEA flexibility request. To meet these requirements, an LEA must have school-level data on individual economically disadvantaged students. For many LEAs, NSLP data are likely to be the best source to identify those students.

Given these connections between NSLP data and Title I, the purpose of this guidance is to show how SEAs and LEAs can successfully implement Title I requirements using NSLP data that incorporate CEP, just as they have prior to CEP's becoming part of the NSLP. CEP represents a means to both increase access to healthy meals and reduce burden at the LEA, school, and household levels. This guidance ensures that SEAs and LEAs can take advantage of these twin purposes while still operating Title I programs effectively and efficiently. To these ends, the guidance covers within-district allocations, equitable services to eligible private school students, within-State allocations, and accountability. This guidance on CEP and Title I is intended to be used in conjunction with existing ED guidance documents on within-district allocations, equitable services, and within-State allocations that are referenced in this document, and users are advised to refer to them as needed.

ED will provide additional guidance as necessary. If you are interested in commenting on this guidance, please send your comments to: OESEguidancedocument@ed.gov.

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Community Eligibility Provision Description

1. What is the Community Eligibility Provision?

Section 104(a) of the Healthy, Hunger-Free Kids Act of 2010 (Act) amended section 11(a)(1) of the Richard B. Russell National School Lunch Act to provide an alternative that eliminates the need for household applications for free and reduced-price meals in high-poverty LEAs and schools. This alternative, which is now part of the NSLP and SBP, is referred to as the Community Eligibility Provision (CEP).

To be eligible, LEAs and/or schools must meet a minimum level of "identified students" for free meals in the year prior to implementing CEP; agree to serve free breakfasts and lunches to all students; and agree to cover with non-Federal funds any costs of providing free meals to students above the amounts provided by Federal assistance. Reimbursement for each LEA or school is based on claiming percentages derived from the percentage of identified students, i.e., students certified for free meals through means other than individual household applications. The claiming percentages established in the first year for an LEA or school may be used for four school years and may be increased if the percentage of identified students rises for the LEA or school.

2. What does the term "identified students" mean?

"Identified students" are students approved as eligible for free meals who are not subject to verification (i.e., in CEP schools, "directly certified" children). This definition includes students directly certified through SNAP, TANF, the Food Distribution Program on Indian Reservations or Medicaid (in States selected for a USDA pilot program); children experiencing homelessness and on the local liaison's list;[3] Head Start children; migrant youth; runaways; and non-applicants approved by local officials. Foster children who are certified through means other than a household application and students who are certified for free meals based on a letter provided by SNAP to the household are also included.

The practice of directly certifying students is not new to the school meal programs, as direct certification data previously have been used in conjunction with household applications to determine the amount of Federal reimbursement a school receives. Under CEP, however, a primary difference is that a CEP school uses only direct certification data on identified students and no longer collects any household applications to determine the amount of Federal reimbursement.

For Title I purposes, the relevant CEP percentage of identified students and direct certification data combined with household applications in non-CEP schools are all considered NSLP data under the Richard B. Russell National School Lunch Act. That is, these forms of NSLP data

[3] The local liaison serves as one of the primary contacts between homeless families and school staff, LEA personnel, shelter workers, and other service providers. The local liaison coordinates services to ensure that homeless children and youth enroll in school and have the opportunity to succeed academically.

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qualify as eligible poverty data for Title I purposes under section 1113(a)(5) of the ESEA, which lists the poverty measures that an LEA may use for Title I within-district allocations.

3. What is the eligibility threshold for participation in CEP?

Eligibility is determined for an entire LEA, a group of schools within an LEA, or a single school within an LEA, whichever is electing Community Eligibility. To be eligible to participate in CEP, the percentage of identified students must be at least 40 percent of enrollment. An LEA may have some schools that participate in CEP and others that do not.

4. How is the percentage of identified students calculated for CEP?

The percentage of identified students is calculated by dividing the number of identified students by the student enrollment as of April 1 of the previous school year.

5. How are school meals reimbursed through CEP?

The percentage of identified students is multiplied by the 1.6 multiplier. This percentage is then applied to the total school breakfast and lunch counts to determine USDA reimbursement rates. The product of the identified student percentage and the 1.6 multiplier is the percentage of meals served that will be reimbursed at the Federal "free" rate; any remaining percentage will be reimbursed at the Federal "paid" rate. For example, if the percentage of identified students in a school is 62.5 percent (or more), the school's reimbursement rate would be 100 percent (62.5 percent x 1.6 multiplier = 100 percent), and it would be reimbursed at the Federal "free" rate for each breakfast and lunch served. Similarly, a school with 56.3 percent identified students would be reimbursed for 90 percent (56.3 percent x 1.6 multiplier = 90 percent) of the breakfasts and lunches served at the Federal "free" reimbursement rate; the remaining 10 percent would be reimbursed at the Federal "paid" reimbursement rate.[4]

6. What is the function of the 1.6 multiplier?

The function of the 1.6 multiplier is to provide an estimate of the percentage of students eligible for free and reduced-price meals in participating CEP schools, groups of schools, or LEAs that is comparable to the poverty percentage that would be obtained in a non-CEP school. The number of students directly certified is a subset of the total number of students eligible for free and reduced-price meals. Using only the number of identified students would result in lower poverty percentages for CEP schools or LEAs.

7. Will the 1.6 multiplier change?

USDA has the authority to change the multiplier to a number between 1.3 and 1.6. Any change to the multiplier would be communicated by USDA well in advance of the effective date of the change. Schools and LEAs that elect CEP keep the same multiplier throughout the four-year CEP cycle.

[4] Current year reimbursement rates are available at: www.fns.usda.gov/cnd/Governance/notices/naps/NAPs.htm.

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8. May a private school that participates in the NSLP or School Breakfast Program elect CEP?

Yes, if the private school is a non-profit institution and meets the eligibility criteria for CEP.

9. What are the areas of intersection between CEP and Title I?

There are several aspects of Title I that require the use of poverty data at the school or individual student level: within-district allocations, equitable services for eligible private school students, within-State allocations, and accountability. NSLP data are often used as an indicator of poverty to help carry out Title I programs; therefore, the decision to participate in CEP could also affect an LEA's poverty data for Title I purposes.

10. When using NSLP data as a poverty measure for Title I, which types of NSLP data may be included?

Different combinations of available NSLP data may be used as a poverty measure for Title I purposes. For example, NSLP data might include a combination of data from household applications in addition to direct certification data. NSLP data might also include only free meals data identified through household applications and direct certification data. Finally, NSLP data might only encompass direct certification data for all schools, even non-CEP schools (see Question 12). This option would provide a consistent poverty measure for all schools in the LEA.

11. If an LEA includes a CEP school for the purpose of NSLP, must the LEA use NSLP data (including CEP) for Title I purposes?

No. An LEA may use another poverty data source for Title I purposes as long as that source is permitted by section 1113(a)(5) of the ESEA (see Question 14). CEP, however, represents a means to both increase child nutrition and reduce burden at the LEA, school, and household levels. As such, an important purpose of this guidance is to ensure that SEAs and LEAs can take advantage of these twin purposes while still operating Title I programs effectively and efficiently.

12. Are updated direct certification data available to an LEA every year?

Direct certification data are typically available to all LEAs that participate in the NSLP on at least an annual basis. LEAs with schools not operating a special provision (e.g., CEP, Provision 2, or Provision 3[5]) are required to run direct certification with SNAP at least three times a year.

[5] The NSLP allows Provision 2 and Provision 3 schools to certify students as eligible for free and reduced-price meals once every four years and to extend the certification period under certain conditions. The school lunch regulations prohibit schools that make use of these alternatives from collecting eligibility data and certifying students based on household applications on an annual basis. Likewise, these schools are not required to directly certify with SNAP data three times a year. However, direct certification data nonetheless are generally available to a school from the LEA or State agency.

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For LEAs with schools operating under a special provision, running direct certification with SNAP data annually is not mandatory. However, annual direct certification matches with SNAP or other programs are typically readily available for these schools due to Statewide and district-level direct certification systems. USDA requires State agencies to meet annual SNAP direct certification performance benchmarks, and all LEAs with special provision schools are strongly encouraged to access these data on an annual basis. It is also in the best interest of CEP schools to run direct certification matches annually to potentially increase their claiming percentages.

13. How might the availability of updated direct certification data affect Title I implementation?

An LEA needs school-level data on individual economically disadvantaged students for certain Title I activities. Therefore, even though for NSLP purposes a CEP school that has 100 percent reimbursement at the Federal "free" rate would likely not use updated data over the four-year period allowed by the Act because its reimbursement is at its maximum, the school (and its LEA) may want to use updated direct certification data for Title I purposes. (The guidance expands on this point in discussing specific Title I requirements below.)

Within-district Allocations

14. May an LEA use CEP data to allocate Title I funds to school attendance areas and schools?

Yes. To allocate Title I funds to school attendance areas and schools, section 1113(a)(5) of the ESEA requires an LEA to select a poverty measure from the following options:

- Children ages 5-17 in poverty as counted in the most recent Census data approved by the Secretary.
- Children eligible for free and reduced-price lunches under the Richard B. Russell National School Lunch Act.
- Children in families receiving assistance under the State program funded under Title IV, Part A of the Social Security Act (TANF).
- Children eligible to receive medical assistance under the Medicaid program.
- A composite of any of the above measures.

Identified students under CEP are eligible under the Richard B. Russell National School Lunch Act. If an LEA selects NSLP data as its poverty measure (or uses the data in a composite) and has a CEP school, the CEP data will be part of the NSLP data that the LEA uses for within-district allocations. (Unless noted otherwise, this guidance assumes that an LEA has chosen to rank its schools and allocate Title I funds on the basis of NSLP data.)

15. Has ED previously provided information on within-district Title I allocations?

Yes. This guidance entitled *Local Educational Agency Identification and Selection of School Attendance Areas and Schools and Allocation of Title I Funds to Those Areas and Schools* (August 2003) is available at: www.ed.gov/programs/titleiparta/wdag.doc.

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16. Does CEP change that guidance?

No. The statutory requirements described in that guidance, including those related to ranking school attendance areas, determining eligibility of schools to participate in Title I, and allocating Title I funds to participating schools, remain the same. This guidance shows how the correct percentages are determined when NSLP data are comprised in whole or in part of CEP data. See Question 18.

17. If an LEA wishes to use CEP data to allocate Title I funds to schools, when would CEP data first be used to determine a school's eligibility and allocation?

Generally, with the exception of new or expanding charter schools, an LEA uses data from the prior year to determine its within-district allocations. As a result, with respect to a school that is a CEP school for the first time, the NSLP data available to its LEA would probably be from the previous year. Therefore, with respect to within-district Title I allocations, an LEA would likely first use CEP data for a school that is a second-year CEP school.

18. How does an LEA allocate Title I funds to schools when it has CEP and non-CEP schools? *(Modified March 2015)*

The number of students directly certified is a subset of the total number of students eligible for free and reduced-price meals. Thus, if an LEA has non-CEP schools with a poverty count based on the number of students approved for free and reduced-price meals and CEP schools with a poverty count based on, for example, students directly certified using SNAP data, the LEA must use a common poverty metric to rank order its schools and allocate Title I funds on an equitable basis. (Once this common poverty metric is determined, an LEA that chooses to determine whether it meets Title I's comparability requirement through the high- and low-poverty schools method would also use the same metric for this purpose.[6])

An LEA has options for deriving a common poverty metric. One approach is for the LEA to multiply the number of students identified by direct certification in a CEP school by the 1.6 multiplier. As noted in Question 6, to account for the difference in poverty rates when using free and reduced-price meals data for non-CEP schools and direct certification data for CEP schools, the multiplier of 1.6 is intended to approximate the free and reduced-price meals count for a CEP school.

A second approach is for the LEA to use the number of students directly certified through SNAP (or another direct certification measure available annually) in both CEP and non-CEP schools.

[6] Although most methods for determining comparability do not require the use of poverty data, for the purpose of making comparability determinations under section 1120A(c) of the ESEA, ED's Title I fiscal guidance [available at: www.ed.gov/programs/titleiparta/fiscalguid.doc] provides two examples for calculating comparability in an LEA with all Title I schools that involve the identification of high-poverty schools and low-poverty schools (See Examples 5 and 6). An LEA with all Title I schools that chooses to use one of these measures would use the same poverty percentage that it uses to rank schools for determining within-district allocations in order to classify a CEP school as a high-poverty or low-poverty school.

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(As noted in Question 12, because all schools, not just CEP schools, must directly certify students through SNAP, an LEA should have direct certification data for each of its schools.)

A third approach consists of applying the 1.6 multiplier to the number of students in CEP and non-CEP schools who are directly certified through SNAP (or another direct certification measure available annually).[7] This approach would not change the order in which schools are ranked based on direct certification data alone, but, due to the inclusion of the multiplier, would result in a higher poverty percentage for each school compared to using direct certification data alone for the purpose of within-district Title I allocations. An LEA may wish to use this approach for several reasons. For example, more of an LEA's schools may be eligible for Title I using this approach than with direct certification alone and, as a result, an LEA may be able to more closely approximate the number of schools that would have been eligible if the LEA had used a combination of direct certification data and household applications.

Below, we provide examples of each of these approaches. Example A shows how the first approach would work, using the 1.6 multiplier for CEP schools, for a hypothetical LEA with $1,000,000 to distribute to its Title I schools, which consist of three CEP schools and three non-CEP schools. Example B illustrates the second approach, using direct certification data from SNAP for all schools in an LEA with two CEP schools and four non-CEP schools. As detailed in the table footnotes, two schools, Harding and Coolidge, are not eligible in Example B. Using the Example B schools and the same direct certification data for each school, Example C demonstrates the third approach by applying the 1.6 multiplier to the direct certification data for all schools. In this example, as detailed in the table footnotes, Harding is now eligible for Title I.

[7] The use of the 1.6 multiplier in non-CEP schools in this approach applies only to Title I within-district allocations as a means to achieving a common poverty threshold across all schools, and not to any aspect of the NSLP, including meal reimbursement.

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Example A

Within-District Title I Allocations in an LEA with a Combination of CEP Schools and Non-CEP Schools

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
School	**CEP School (Y/N)**	**Enrollment**	**CEP Schools: Identified Students Data[1]**	**Non-CEP Schools: Economically Disadvantaged Students Identified by Free and Reduced-Price Meals Data**	**1.6 Multiplier[2]**	**NSLP Count Used to Allocate Title I Funds[3]**	**Percentage of Economically Disadvantaged Students for Title I Allocations[4]**	**Per-Pupil Amount Used by LEA[5]**	**Title I Allocation[6]**
Lincoln	Y	425	400	N/A	1.6	425	100%	$500	$212,500
Washington	Y	500	297	N/A	1.6	475	95%	500	237,500
Adams	Y	600	350	N/A	1.6	560	93%	500	280,000
Jefferson	N	450	N/A	400	N/A	400	89%	450	180,000
Madison	N	400	N/A	200	N/A	200	50%	450	90,000
Monroe	N	500	N/A	100	N/A	100	20%	N/A	0
Total	**N/A**	**2,875**	N/A	**N/A**	**N/A**	**2,160**	**75%**	**N/A**	**$1,000,000**

[1] The number of students may be determined once every four years for CEP schools. Moreover, the poverty data used will likely differ from other schools. For the CEP schools, the poverty data will be, for example, direct certification (Identified Students) data (e.g., SNAP or TANF) collected at least every four years times the multiplier. For other schools, the poverty data will be from household applications and direct certification data.
[2] The 1.6 multiplier applies only to a CEP school.
[3] For a CEP school, the Column 7 figure is equal to the lesser of (a) Column 4 x Column 6 or (b) Column 3. In other words, this number may not exceed the school's total enrollment. For the non-CEP schools, the Column 7 figure is equal to Column 5.
[4] Column 7 / Column 3.
[5] An LEA determines the per-pupil amount it will allocate to each school; no lower-ranked school may receive more per pupil than a higher-ranked school.
[6] Column 9 x Column 7 (Note: Monroe is ineligible for Title I funds because its poverty percentage is below both the LEA's average (Column 8 total row) and 35 percent.)

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Example B

Using Direct Certification Data Only
Within-District Title I Allocations in an LEA with a Combination of CEP Schools and Non-CEP Schools

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7
School	**CEP School (Y/N)**	**Enrollment**	**All Schools: Direct Certification Data Through SNAP[1]**	**Percentage of Economically Disadvantaged Students for Title I Allocations[2]**	**Per-Pupil Amount Used by LEA**	**Title I Allocation[3]**
McKinley	Y	750	500	67%	$540	$270,000
Roosevelt	N	640	400	63%	540	216,000
Taft	Y	900	560	62%	540	302,400
Wilson	N	675	400	59%	529	211,600
Harding	N	500	150	30%	N/A	0
Coolidge	N	750	100	13%	N/A	0
Total	**N/A**	**4,215**	**2,110**	**50%**	**N/A**	**$1,000,000**

[1] The figures in Column 4 exclude, for the purposes of Title I ranking and serving of schools, household application data for the non-CEP schools and direct certification from programs other than SNAP for all schools. (CEP schools are prohibited from collecting household applications.)
[2] Column 4 / Column 3.
[3] Column 4 x Column 6. (Note: Harding and Coolidge are ineligible for Title I funds because their poverty percentages are below both the LEA's poverty percentage (Column 5 total row) and 35 percent.)

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Example C

Using Direct Certification Data and the 1.6 Multiplier in All Schools Within-District Title I Allocations in an LEA with a Combination of CEP Schools and Non-CEP Schools

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
School	**CEP School (Y/N)**	**Enrollment**	**All Schools: Direct Certification Data Through SNAP[1]**	**1.6 Multiplier**	**Poverty Count Used to Allocate Title I Funds[2]**	**Percentage of Economically Disadvantaged Students for Title I Allocations[3]**	**Per-Pupil Amount Used by LEA**	**Title I Allocation[5]**
McKinley	Y	750	500	1.6	750	100%	$333.00[4]	$250,000
Roosevelt	N	640	400	1.6	640	100%	313.00	200,000
Taft	Y	900	560	1.6	896	99%	313.00	280,000
Wilson	N	675	400	1.6	640	95%	310.00	198,400
Harding	N	500	150	1.6	240	48%	298.33	71,600
Coolidge	N	750	100	1.6	160	21%	N/A	0
Total	**N/A**	**4,215**	**2,110**	**N/A**	**3,326**	**79%**	**N/A**	**$1,000,000**

[1] The figures in Column 4 exclude, for the purposes of Title I ranking and serving of schools, household application data for the non-CEP schools and direct certification from programs other than SNAP for all schools. (CEP schools are prohibited from collecting household applications.)
[2] The Column 6 figure is equal to the lesser of (a) Column 4 x Column 5 or (b) Column 3. In other words, this number may not exceed the school's total enrollment.
[3] Column 6 / Column 3.
[4] As described in Question 20, if the application of the 1.6 multiplier results in more than one school at 100 percent poverty, an LEA may allocate a higher per-pupil amount to the school with the larger percentage of directly certified students.
[5] Column 6 x Column 8. (Note: Unlike in Example B, Harding is now eligible for Title I funds because its poverty percentage is at least 35 percent; Coolidge remains ineligible for Title I funds because its poverty percentage is below both the LEA's average (Column 7 total row) and 35 percent.)

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19. If an LEA has all CEP schools, does it need to apply the 1.6 multiplier for Title I ranking and allocation purposes?

No. If an LEA has all CEP schools, the LEA may rank its schools by the percentage of directly certified students in each school, even though the multiplier is used to determine the USDA reimbursement amount.

20. If the application of the 1.6 multiplier results in more than one school at 100 percent poverty, must an LEA allocate the same per-pupil amount to each of these schools?

Not necessarily. At its discretion, an LEA may take into consideration the direct certification poverty percentage of each of these schools.

Generally, an LEA determines each Title I school's allocation by multiplying the number of low-income students in the school by a per-student amount established by the LEA. Under 34 C.F.R. § 200.78(c), an LEA is not required to allocate the same per-pupil amount to each participating school, as long as it allocates higher per-pupil amounts for schools with higher concentrations of poverty than to schools with lower concentrations of poverty. In the case of an LEA that has more than one CEP school at 100 percent poverty by virtue of the 1.6 multiplier but the schools have different direct certification percentages, the LEA may allocate a greater per-pupil amount for the 100 percent school with the higher percentage of directly certified students because the direct certification data indicate that the school has a higher concentration of poverty than the other 100 percent schools. In other words, the direct certification data may be used to differentiate among multiple CEP schools with a 100 percent poverty rate. In order to differentiate among these schools based on the most current data, an LEA may wish to use annual direct certification data and update the rankings as appropriate even if the data are not updated during the four-year period for CEP purposes.

To ensure that it complies with 34 C.F.R. § 200.78(c), an LEA must make sure that the 100 percent CEP schools receive at least as much per pupil as CEP and non-CEP schools with poverty rates below 100 percent. For instance, a non-CEP school with a 95 percent poverty rate may not receive more per-pupil funding than a CEP school with a 100 percent poverty rate by virtue of the 1.6 multiplier. If two CEP schools have the same direct certification rate, they must be provided the same per-pupil allocation.

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The following table provides an example of an LEA with CEP and non-CEP schools in which the LEA is able to establish a different per-pupil allocation for two CEP schools with a 100 percent poverty rate by virtue of the 1.6 multiplier:

- School 1 and School 2 are CEP schools with percentages of low-income students of 100 percent by virtue of the 1.6 multiplier. As a result, they are ranked at the top of the LEA's poverty rankings.
- The LEA allocates a higher per-pupil amount to School 1 than School 2 on the basis of School 1's greater direct certification poverty percentage based on SNAP data (Column 5).
- The LEA ensures that School 2 receives at least as much per pupil as School 3 and School 4 because School 2's poverty percentage in Column 7, after application of the 1.6 multiplier, is larger than that of School 3 or School 4.

Example

Providing a Different Title I Per-Pupil Allocation to Two CEP Schools that Have a 100 Percent USDA Reimbursement Rate

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9
School	**CEP School (Y/N)**	**Enrollment**	**Number of Students Directly Certified**	**Percentage of Identified Students in CEP School**	**Number of Low-Income Students for Title I School Allocation Calculation[1]**	**Percentage of Low-Income Students for Ranking Title I Schools**	**Per-Pupil Amount Used by LEA**	**Title I Allocation**
1	Y	500	400	80%	500	100%	$750	$375,000
2	Y	1500	1050	70%	1500	100%	$650	$975,000
3	N	500	10	N/A	450[2]	90%	$625	$281,250
4	Y	500	250	50%	400	80%	$625	$250,000

[1] For a CEP school, this figure is equal to the lesser of: (a) Column 3 or (b) Column 4 multiplied by 1.6.
[2] Poverty data are based on household applications and direct certification data.

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21. If an LEA chooses to group CEP schools to determine the reimbursement rate from USDA, does each school in a group then have the same poverty percentage for Title I ranking and allocation purposes?

No. As noted in Question 3, schools may be grouped to determine the USDA reimbursement rate. Under section 1113 of the ESEA, however, an LEA with an enrollment of at least 1,000 students must rank schools individually for ranking and allocation purposes. Thus, if an LEA groups schools in order for them to be eligible for CEP or to maximize CEP reimbursement, the LEA must still use the CEP data, either alone or multiplied by the 1.6 multiplier, for each individual school for Title I ranking and allocation purposes. For example:

- School 1 has 425 enrolled students, of whom 400 are directly certified. By virtue of the 1.6 multiplier, the school's poverty rate is 100 percent (400 directly certified students x the 1.6 multiplier = 680 (greater than the school's enrollment of 425 students)).
- School 2 has 600 students, of whom 350 are directly certified. By virtue of the 1.6 multiplier, the school's poverty rate is 93 percent (350 directly certified students x the 1.6 multiplier = 560 divided by the enrollment of 600 = 93 percent).
- For USDA reimbursement, the LEA may combine the data for School 1 and School 2, resulting in a reimbursement rate of 100 percent for the schools as a group. (The reimbursement rate is 100 percent because: 750 directly certified students divided by the enrollment of 1,025 = 73.1 percent x 1.6 = 100 percent reimbursement.)
- For Title I ranking and allocation purposes, however, the LEA must use the individual school percentages (School 1 = 100 percent; School 2 = 93 percent).

22. If an LEA has traditionally established a cutoff above which Title I-eligible schools are served, does the LEA have any options if the use of CEP data increases the number of schools above the cutoff?

Yes, an LEA has several options. One option, and perhaps the most straightforward option, is for an LEA to raise its cutoff point. For example, if an LEA's policy was to serve all schools above 60 percent poverty, the LEA could choose to serve schools above a higher poverty percentage (e.g., 67 percent).

For the sole purpose of within-district Title I allocations, a second option would be for an LEA to use, as authorized by section 1113(a)(5) of the ESEA, another allowable poverty measure or combination of measures to rank its schools that might result in fewer schools above its cutoff. [8]

[8] The composite option in section 1113(a)(5) of the ESEA to establish a poverty percentage for a school applies only to the within-district Title I allocation process. For other Federal or non-Federal purposes, an LEA that uses a composite for within-district Title I allocations may be asked to report poverty figures for its schools that are determined differently (i.e., as defined by the specific data collection) than the method used in the composite.

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23. May an LEA with one or more CEP schools conduct its own survey to collect the equivalent of NSLP data from the CEP schools for Title I within-district allocations? *(Modified March 2015)*

Yes; however, ED urges an LEA to give careful consideration to this decision. As noted earlier, one of the purposes of CEP is to reduce burden. Conducting a survey just for Title I would add burden that may not be necessary because, in the case of an LEA that has one or more CEP schools, the LEA by definition already has poverty data for one of the permitted sources under section 1113(a)(5) of the ESEA (NSLP data).

Should an LEA decide to carry out such a survey, the LEA may use the results for Title I within-district allocations as long as it is confident that the survey data are accurate and used consistently with the ranking and serving criteria in section 1113 of the ESEA, including the income cutoff for one or more of the programs listed in section 1113(a)(5). If an LEA carries out this type of survey, the LEA must ensure that it does not in any way indicate that the survey is required by ED or USDA.[9] Additionally, if an LEA uses such a survey, for purposes of allocating funds to provide equitable services to eligible private school students it should consult with private school officials to determine whether to use the same or similar survey to determine the number of private school children from low-income families who reside in a participating public school attendance area.

23a. Under what circumstances may an LEA use Title I, Part A funds to conduct a local survey to identify students from low-income families? *(Added March 2015)*

An LEA must consider several factors before it uses Title I funds to pay for a local survey. First, in accordance with section 1120A(b) of the ESEA, the LEA must ensure that the use of Title I funds for a local survey is supplemental. If individual student data are required for State or local purposes, such as State funding formulas, and a survey is the only means of obtaining such data, use of Title I funds to pay for the survey would constitute supplanting. Under these circumstances, an LEA may not use Title I funds to pay for all, or even a proportionate share, of the costs of conducting the survey because, in the absence of Title I funds, the LEA would need to use non-Federal funds for the survey. To the extent that a survey is not required to meet State or local requirements, use of Title I funds to pay for the survey would be considered supplemental.

Second, Office of Management and Budget (OMB) Circular A-87 (codified at 2 C.F.R. Part 225) requires, among other things, that the use of Title I funds be "necessary and reasonable for proper and efficient performance and administration" of Title I and "be allocable" to Title I. (This requirement is also contained in OMB's new Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards at 2 C.F.R. § 200.403(a), which applies to Title I awards made by ED on or after July 1, 2015.) Whether a local survey is necessary to properly operate a Title I program depends on the factual circumstances within an LEA. As noted in Question 12, SNAP data are available for every school, regardless of whether the school participates in CEP. Those data, however, may not always fully or accurately represent the

[9] USDA regulations do not allow school meal program funds to support an alternate application process.

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concentration of poverty for all schools in an LEA. For example, if a school traditionally has had a disproportionately high number of students who are identified for NSLP participation through an annual household application instead of direct certification when compared to other school attendance areas in the LEA, a local survey in place of the annual household survey may be necessary to produce the most accurate poverty count for the school and prevent the school from losing Title I funds without any actual changes to the concentration of poverty in that school attendance area. In such circumstances, the LEA may be able to demonstrate that the use of Title I funds to conduct a local survey is necessary to the operation of its Title I program. The LEA must also demonstrate that the costs of conducting a local survey are reasonable.

To the extent an LEA demonstrates it is necessary and reasonable to conduct a local survey for Title I purposes and uses only Title I funds for the survey, the LEA may not use data from the survey for non-Title I purposes, unless such non-Title I use is incidental (e.g., identifying students for exemption from Advance Placement testing fees). If an LEA has substantial or multiple local needs for poverty data from a local survey in addition to its Title I needs, the LEA must allocate its survey costs between Title I funds and non-Federal sources so that the costs assigned to Title I are allocable.

24. USDA guidance indicates that the identified students' count and reimbursement rate for CEP purposes should be determined based on data from April 1 of the previous school year, unless an LEA chooses to use the identified students' count from an earlier year within the permitted four-year period. How should an LEA with CEP and non-CEP schools that collects NSLP household applications for non-CEP schools at a different point during the year take into account this difference in timing? ***(Modified March 2015)***

An LEA in this situation has three options.

First, the LEA might use CEP data from April 1 for the CEP schools and NSLP data for the non-CEP schools from another time as long as both periods occur in the same school year. (As referenced in Questions 2 and 12, the non-CEP school's data generally include a combination of directly certified students and students who are eligible through the household application.)

Second, if compatible with the implementation of NSLP and the timing of submitting a Title I plan to its SEA for the following school year, an LEA might use its count of household applications and access direct certification data for a non-CEP school on approximately April 1.

Third, for Title I purposes only, an LEA might access direct certification data for CEP schools on approximately the same date during the school year as it accesses these data for, and collects household applications from, non-CEP schools (while also still accessing the direct certification data on April 1 for USDA purposes). Thus, under this third option, the LEA would still use April 1 as the date for calculating a CEP school's USDA reimbursement rate but would use the date when the data were accessed for Title I to establish the school's poverty percentage and number of low-income students for Title I purposes. For example, if on October 31, 2012 (the date the school's LEA collects NSLP data for non-CEP schools), 60 percent of a CEP school's students are directly certified and then on April 1, 2013, 62.5 percent of a CEP school's students are directly certified, the school's poverty percentage for Title I within-district allocations would

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be 96 percent (60.0 percent x the 1.6 multiplier) whereas its USDA NSLP reimbursement at the free rate would be 100 percent (62.5 percent x the 1.6 multiplier).

In following any of the above options, if an LEA uses the identified students' count from an earlier year within the permitted four-year period for NSLP reimbursement for CEP schools, the LEA would not be required to change the poverty percentages of the CEP schools during this time period for Title I purposes unless the LEA were to use a different poverty measure to allocate Title I funds. During this time the poverty percentages of the non-CEP schools for Title I purposes will likely change due to the availability of updated household application and identified students' data.

25. If an LEA uses NSLP data to allocate Title I funds to schools and is concerned about CEP's effect on these data, may the LEA use older data (i.e., data collected prior to CEP) to allocate Title I funds to schools?

No. An LEA must allocate Title I funds based on data from the most recent school year (e.g., for 2013–2014 school year allocations, the data, with the exception of newly opened or significantly expanded charter schools, would be from the 2012–2013 school year). As noted in Question 17, the first year in which CEP data would most likely be used for Title I allocations would be in the school's second year of electing CEP. This provides LEAs and schools time to review this guidance and determine the best method among allowable options for future Title I allocations.

Equitable Services

26. Has ED previously provided guidance on how an LEA allocates Title I funds to provide equitable services to eligible private school students?

Yes. This information is available in Section A (Consultation) and Section B (Allocating Funds) of the following guidance: *Title I Services to Eligible Private School Children* (Oct. 17, 2003) (Title I Equitable Services Guidance). The document is available at: www.ed.gov/programs/titleiparta/psguidance.doc.

27. Does CEP change that guidance?

No. The requirements described in that guidance have not changed. This guidance describes how the requirements can be met when NSLP data are comprised in whole or in part of CEP data.

28. Is an LEA's collection of poverty data on private school students affected by CEP data? *(Modified March 2015)*

Possibly. It is an LEA's responsibility to identify the method it will use to determine the number of private school children from low-income families who reside in participating public school attendance areas. As part of the process for identifying a method, under 34 C.F.R. § 200.63, the LEA must consult with and consider the views of private school officials. The available methods for an LEA to discuss with private school officials are: (1) using the same poverty measure as used by the LEA to count public school students (e.g., NSLP data or LEA survey data such as

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those discussed in Question 23); (2) using comparable poverty data from a survey of private school families and extrapolating the results from a representative sample if complete actual data are unavailable; (3) using comparable poverty data from a different source; (4) applying the low-income percentage of each participating public school attendance area to the number of private school students who reside in each area (i.e., proportionality); and (5) using an equated measure of low income correlated with the measure of low income used to count public school students. (See section 1120(c)(1) of the ESEA; 34 C.F.R. § 200.78(a)(2).) In determining the method, the LEA should also take into consideration the private school's ability to access direct certification data and the extent to which accessing such data imposes administrative burden on the school. The method an LEA selects, after consultation with private school officials, will determine whether CEP data are relevant.

If an LEA uses NSLP data that include a mix of CEP data and free and reduced-price meals data to allocate Title I funds to public school attendance areas and schools, and such data are also available for private school students, then, after consultation with private school officials, the LEA would most likely use the NSLP data as the poverty measure it uses when calculating the amount of funds available for equitable services because the same data source is available for public and private school students. (If a private school is a CEP school, see Questions 29 and 29a.) If the same measures (e.g., CEP data and free and reduced-price meals data) are not available for private school students, the LEA might use a survey or comparable data from another source. With respect to a survey, if, for example, an LEA allocates Title I funds to all of its schools (CEP and non-CEP) based on their direct certification counts multiplied by 1.6, the LEA could conduct a survey to identify the number of private school students residing in a Title I attendance area who would have been directly certified if the private schools were participating in CEP multiplied by 1.6. The LEA might also conduct a survey to identify the number of private school students residing in a Title I attendance area based on the poverty cutoff for free and reduced-price meals. Regarding data from another source, an LEA could, for instance, use data from a scholarship application that uses the poverty cutoff for free and reduced-price meals. Similarly, the LEA might use "proportionality" and apply the low-income percentage of each Title I participating public school attendance area to the number of private school students who reside in each area. Whatever measure is used, an LEA should not require that the private school officials give the names of students or their families. (See Question B-4 in the Title I Equitable Services Guidance.)

The following example describes how, following consultation with private school officials, an LEA might determine the amount of funds generated to provide equitable services for eligible private school students if the LEA participates in CEP but a private school with students who reside in a Title I-participating public school attendance area of the LEA does not participate in CEP. In this example, the LEA uses direct certification multiplied by the 1.6 multiplier for its CEP public schools and free and reduced-price meals eligibility (i.e., a combination of direct certification data and household applications) for its non-CEP public schools.

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Example

Calculating Funding for Equitable Services where a Private School Does Not Participate in CEP

(LEA has $661,200 to allocate to school attendance areas: Column 7 + Column 8)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Public School Attendance Area	**Per Pupil Allocation by Attendance Area**	**NSLP Count[1]**	**Number of Public School Identified Students (IS) Multiplied by 1.6**	**Number of Public School Low-Income Students by Attendance Area for Title I Allocation Purpose (lesser of Column 3 and Column 4)[2]**	**Number of Low-Income Private School Students by Attendance Area[3]**	**Total Allocation for Each Public School (Column 2 x Column 5)**	**Amount Available for Title I Services to Private School Students (Column 2 x Column 6)**
A (CEP school)	$800	Enrollment: 450 IS: 300	300 x 1.6 = 480	450	100	$360,000	$80,000
B (non-CEP school)	$700	Enrollment: 450 ES: 300	N/A	300	16	$210,000	$11,200
C (CEP school)	$0 (public school does not receive a Title I allocation)	Enrollment: 300 IS: 120	120 x 1.6 = 192	192	8	$0	$0 (The 8 students in Column 6 reside in a non-participating Title I public school attendance area and therefore generate $0.)

[1] NSLP count refers to identified students (IS) in a CEP school and school lunch eligible students (ES) in a non-CEP school.
[2] The figure in Column 5 may not exceed the number of enrolled public school students (Column 3).
[3] After consultation, the LEA determines the figures by using one of the methods described in Question B-4 of the Title I Equitable Services Guidance.

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29. If a private school is a CEP school, does every child in the private school automatically generate Title I funds for equitable services? ***(Modified March 2015)***

No. Title I funds are generated to provide equitable services to eligible private school students on the basis of private school students from low-income families who reside in participating public school attendance areas and not on the basis of all students in a private school (see Section B of the Title I Equitable Services Guidance). Accordingly, even if a private school is a CEP school, and all students in the school are from low-income families, only those students who reside in a participating public school attendance area would generate funds for Title I equitable services.

29a. How does an LEA determine the amount of Title I funds generated to provide equitable services for eligible private school students if a private school participates in CEP? ***(Added March 2015)***

If a private school participates in CEP and an LEA uses NSLP data to allocate Title I funds to public schools, but has no public CEP schools, the LEA would most likely calculate funding for equitable services by multiplying the number of directly certified students who live in a Title I participating public school attendance area and are enrolled in the private school by the 1.6 multiplier.

If, however, a private school participates in CEP and the LEA uses NSLP data to allocate Title I funds to public schools, with some or all public schools participating in CEP, the method for calculating funding for equitable services in the private school would vary depending upon the specific method used to allocate funds to public schools. For example, if an LEA uses direct certification data multiplied by 1.6 for its public schools, it would use the same method for private CEP schools. Similarly, if an LEA uses direct certification data alone for its public schools, it would do the same for calculating funding for equitable services for eligible students in private CEP schools.

Under any of the above scenarios, if providing direct certification data is administratively burdensome for a CEP private school, the LEA instead could obtain comparable data through other means, such as a survey (see Question 28).

The following examples describe how an LEA might determine the amount of funds generated to provide equitable services for eligible private school students if a private school with students who reside in a Title I-participating public school attendance area of the LEA participates in CEP. Example A shows how an LEA might, after consultation, calculate funding for equitable services where it uses NSLP data to allocate Title I funds to public schools, but has no public CEP schools. Example B shows how an LEA might, after consultation, calculate funding for equitable services where it uses NSLP data to allocate Title I funds to public schools, has a mix of CEP and non-CEP public schools, and uses the 1.6 multiplier for its CEP public schools.

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Example A

Calculating Funding for Equitable Services where a Private School Participates in CEP and an LEA Does Not Participate

(LEA has $701,200 to allocate to school attendance areas: Column 7 + Column 8)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8
Public School Attendance Area	**Per-Pupil Allocation by Attendance Area**	**Number of NSLP Public School Students by Attendance Area**	**Number of Private School Students by Attendance Area**	**Number of Identified Students (IS) in Private School by Attendance Area Multiplied by 1.6**	**Derived Number of Low-Income Private School Students by Attendance Area (lesser of Column 4 and Column 5)[1]**	**Total Allocation for Each Public School (Column 2 x Column 3)**	**Amount Available to Provide Title I Services to Private School Students (Column 2 x Column 6)**
A	$800	500	100	80 x 1.6 = 128	100	$400,000	$80,000
B	$700	300	30	10 x 1.6 = 16	16	$210,000	$11,200
C	$0 (public school does not receive a Title I allocation)	50	15	5 x 1.6 = 8	8	$0	$0 (The 8 students in Column 5 reside in a non-participating Title I public school attendance area and therefore generate $0.)

[1] The figure in Column 6 may not exceed the number of private school students who reside in the attendance area (Column 4).

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Example B

Calculating Funding for Equitable Services where a Private School and LEA Participate in CEP

(LEA has $661,200 to allocate to school attendance areas: Column 9 + Column 10)

Column 1	Column 2	Column 3	Column 4	Column 5	Column 6	Column 7	Column 8	Column 9	Column 10
Public School Attendance Area	**Per Pupil Allocation by Attendance Area**	**NSLP Count[1]**	**Number of Public School Identified Students (IS) Multiplied by 1.6**	**Number of Public School Low-Income Students by Attendance Area for Title I Allocation Purpose (for CEP schools, lesser of Column 3 and Column 4)[2]**	**Number of Private School Students by Attendance Area**	**Number of Private School IS by Attendance Area Multiplied by 1.6**	**Derived Number of Low-Income Private School Students by Attendance Area (lesser of Column 6 and Column 7)[2]**	**Total Allocation for Each Public School (Column 2 x Column 5)**	**Amount Available for Title I Services to Private School Students (Column 2 x Column 8)**
A (CEP school)	$800	Enrollment: 450 IS: 300	300 x 1.6 = 480	450	100	80 x 1.6= 128	100	$360,000	$80,000
B (non-CEP school)	$700	Enrollment: 450 ES: 300	N/A	300	30	10 x 1.6 = 16	16	$210,000	$11,200
C (CEP school)	$0 (public school does not receive a Title I allocation)	Enrollment: 300 IS: 120	120 x 1.6 = 192	192	15	5 x 1.6 = 8	8	$0	$0 (The 8 students in Column 5 reside in a non-participating Title I public school attendance area and therefore generate $0.)

[1] NSLP count refers to identified students (IS) in a CEP school and school lunch eligible students (ES) in a non-CEP school.
[2] The figure in Column 5 may not exceed the public school's enrollment (Column 3) and the figure in Column 8 may not exceed the number of private school students who reside in the attendance area (Column 6).

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30. After consultation with private school officials, if an LEA chooses to use proportionality to calculate the amount generated for equitable services and a CEP public school's poverty percentage for within-district Title I allocations is 100 percent, will every student in the private school that resides within the school's attendance area generate funds for equitable services?

Yes.

Within-State Allocations

31. When might an SEA need to use CEP data to help calculate final LEA Title I allocations? (*Modified March 2015)*

ED calculates Title I allocations using a list of LEAs provided by the Census Bureau, which includes poverty and population data for the LEAs. ED determines the eligibility of each LEA for Basic, Concentration, Targeted, and Education Finance Incentive Grants and calculates allocations (ED-determined LEA allocations) using the number of "formula children" ages 5 through 17 years counted under section 1124(c) of the ESEA.[10]

There are likely two situations in which an SEA might need to use CEP data to help calculate final LEA Title I allocations. First, ED's list of LEAs does not match the current universe of LEAs for many States. Consequently, an SEA must adjust ED's Title I allocations to account for, among other things, LEA boundary changes and eligible LEAs, such as charter schools, that are not included on ED's list of LEAs provided by the Census Bureau (special LEAs). Specific ESEA regulations (34 C.F.R. §§ 200.70 through 200.75 and § 200.100) address the basic rules that an SEA must follow in adjusting ED-determined LEA allocations. In addition, ED has issued guidance (*State Educational Agency Procedures for Adjusting Basic, Concentration, Targeted, and Education Finance Incentive Grant Allocations Determined by the U.S. Department of Education* (May 23, 2003) (Adjusting Allocations Guidance)) that elaborates on the regulations by providing examples of how an SEA adjusts its Title I allocations to account for the existence of eligible LEAs that were not included in the ED-determined LEA allocations [available at: www2.ed.gov/programs/titleiparta/seaguidanceforadjustingallocations.doc].

In the case of an LEA that is not on the Census list of LEAs, an SEA must determine the number of formula children and children ages 5 through 17 for each special LEA and subtract these counts from each sending LEA (i.e., the LEA in which the student who attends a special LEA lives). As Census poverty data are not available for special LEAs, an SEA must derive an estimate of Census poverty children for each special LEA by using alternative poverty data that are available for both the sending and special LEAs to determine the proportion of poverty in each LEA.

[10] Formula children consist of the Census LEA poverty estimates and annually collected counts of children ages 5 through 17 years who are: (1) in families above the poverty level receiving TANF, (2) living in foster homes, or (3) living in locally-operated institutions for neglected or delinquent children.

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In many cases, NSLP data may be the most commonly available alternate poverty data for this purpose. If a special LEA participates in CEP and an SEA derives the LEA's Census poverty count by using NSLP data as alternate poverty data, then the SEA would by necessity be using CEP data. In doing so, the SEA must ensure that the count of children identified through direct certification that is accessed for this purpose includes only children ages 5 to 17.

Second, under the ESEA, an SEA may combine the Title I allocations from the four Title I formulas for LEAs with less than 20,000 total residents ("small LEAs") and use alternative poverty data approved by ED to: (1) redetermine each small LEA's eligibility; and (2) redistribute funds among the eligible small LEAs based on the alternative data. Most SEAs that use alternative poverty data for small LEAs weight NSLP data and other alternative data to produce a poverty count for each small LEA. To derive the number of NSLP students in a small LEA with schools that participate in CEP, an SEA could use the 1.6 multiplier method (count of children ages 5 to17 identified through direct certification x 1.6) or the direct certification count of children ages 5 to 17 only method. Under the 1.6 multiplier method, the portion of a small LEA's NSLP count that comes from non-CEP schools would be either (1) the sum of children ages 5 to17 identified through direct certification and household applications or (2) the product of children ages 5 to17 identified through direct certification and 1.6. The portion of a small LEA's NSLP count that comes from CEP schools would be the product of children ages 5 to17 identified through direct certification and 1.6. Under either of these methods, each LEA's derived NSLP count may not exceed its enrollment. If an SEA uses the direct certification only method (i.e., the 1.6 multiplier is not used at all), the SEA must use direct certification counts from all LEAs, regardless of whether the LEAs participate in CEP.

32. In using NSLP data that incorporate CEP data to derive a Census poverty count, does an SEA need to apply the 1.6 multiplier to the number of identified students through SNAP?

Generally, no. As shown in Example 5 of the Adjusting Allocations Guidance (link provided in Question 31), an SEA needs to have the same alternate poverty data from special LEAs and the LEAs on ED's list of LEAs from the Census Bureau (sending LEAs) to derive an accurate Census poverty count for children that transferred from a regular LEA to a special LEA.

Because all LEAs that participate in the NSLP have access to SNAP data regardless of whether their schools elect CEP, an SEA should at least be able to use SNAP direct certification data to derive the Census poverty count for all special LEAs and regular LEAs that participate in the NSLP. Therefore, the 1.6 multiplier is not required in this calculation. If a special LEA does not participate in the NSLP, the SEA could use a survey to collect the equivalent of SNAP eligibility data from that special LEA or use another poverty data source that could be equated to SNAP data, before deriving the Census poverty count for the special LEAs based on SNAP data.

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Title I Accountability

33. How does CEP affect Title I accountability?

To meet some reporting and accountability requirements, an SEA or LEA must have data on individual economically disadvantaged students. For example, each SEA and LEA that receives funding under Title I must assess and report annually on the extent to which the subgroup of economically disadvantaged students is making progress toward meeting the State's academic achievement standards in reading/language arts, mathematics, and science. Moreover, an LEA must hold schools accountable for the achievement of this subgroup, whether under section 1116 of the ESEA or under ESEA flexibility for those States with an approved ESEA flexibility request. Finally, under section 1116 of the ESEA, an LEA must offer priority for public school choice to economically disadvantaged students in any school identified for improvement, corrective action, or restructuring and supplemental educational services (SES) to any economically disadvantaged student who attends a school that is in the second year of school improvement, in corrective action, or in restructuring (these requirements have been waived under ESEA flexibility). For most LEAs, NSLP data, including CEP data, may be the best source to identify individual economically disadvantaged students.

34. How may economically disadvantaged students in a CEP school be identified for accountability? (*Modified March 2015)*

Although for NSLP purposes a CEP school may maintain the same reimbursement rate for up to four years and therefore would not need to update its direct certification count, an SEA may wish its LEAs to use the most recently available direct certification data for other purposes, such as Title I. One such Title I purpose is the disaggregation of assessment data by the economically disadvantaged subgroup for reporting and accountability.

With respect to this disaggregation, an SEA may prefer to include only identified students to ensure that the subgroup includes only students who are economically disadvantaged. Accordingly, an SEA may decide that only directly certified students would be eligible for any services for which eligibility is based on poverty (such as SES under section 1116 of the ESEA). To the extent that survey data are available (see Question 23), the SEA may also use those data to identify students in the economically disadvantaged subgroup. Finally, because CEP schools generally have higher poverty levels than other schools, and consequently have a smaller number of students who would not be deemed economically disadvantaged if poverty data were available for each student in the school, an SEA may elect to base reporting and accountability on all students in a CEP school. In this situation, the economically disadvantaged subgroup would be the same as the "all students" group, and all students in the school would then be eligible for any services for which eligibility is based on poverty. Regardless of how an SEA defines this subgroup in a CEP school, the SEA should use the same definition for all LEAs with one or more CEP schools.

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35. How may an SEA that uses NSLP data to meet the reporting requirements in section 1116(h)(1)(C)(viii) of ESEA regarding the professional qualifications of teachers in schools in the top and bottom quartiles of poverty calculate poverty in a CEP school? ***(Added March 2015)***

For a CEP school, an SEA may use the direct certification x the 1.6 multiplier method or the direct certification only method, both of which are described in Question 18 in regards to within-district allocations. If an SEA uses the direct certification only method, the SEA must use direct certification counts from all schools, regardless of whether they participate in CEP. Also, the method an SEA uses to meet this requirement may vary from the method an LEA selects to allocate Title I funds to CEP schools because these two activities are independent of each other.

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