

## Within-District Allocations Under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA) Without Complete National School Lunch Program Data from School Years 2020-2021 and 2021-2022

The U.S. Department of Education (USDE) recently updated its [National School Lunch Program \(NSLP\) guidance](#) regarding the successful implementation of State-administered programs in the Elementary and Secondary Education Act of 1965 (ESEA) without complete NSLP data from school years 2020-2021 and 2021-2022. As a result of COVID-19 related complications, many local educational agencies (LEAs) that chose to participate in U.S. Department of Agriculture (USDA) [waivers](#) will not have NSLP data from 2020-2021 and 2021-2022.

Certain ESEA/ESSA programs, such as Title I-A, Title II-A, and Title V-B, require data on the number of low-income students in a school or district. For Title I-A, many LEAs use NSLP data to make low-income determinations. The USDE guidance outlines flexibilities for State educational agencies (SEAs) and LEAs to account for missing 2020-2021 or 2021-2022 NSLP data by using alternate options on Title I and CEP (Community Eligibility Provision): <https://www2.ed.gov/programs/titleiparta/15-0011.doc>.

<b>ESEA Program (Statutory or Regulatory Provision)</b>	<b>Activity / Description</b>	<b>If NSLP data from SY 2020-2021 or SY 2021-2022 are not available, then options include using:</b>
<b>Title I</b> <i>ESEA section 1113(a)(5)(a); 34 C.F.R. §200.78</i>	<b>Within-LEA allocations for an LEA (Local Educational Agency) with an enrollment of at least 1,000</b>  Option for an LEA to use NSLP data to rank schools according to their percentage of public school students from low-income families	<ul style="list-style-type: none"> <li>➤ Medicaid or TANF data or a composite of data from these two sources from SY 2020-2021 for SY 2021-2022 within-LEA allocations or from SY 2021-2022 for SY 2022-2023 within-LEA allocations;</li> <li>➤ The best available NSLP data, which may be from SY 2019-2020;</li> <li>➤ NSLP data from SY 2020-2021 or SY 2021-2022 that may be accessible (e.g., counts of children identified through direct certification, which may be adjusted by 1.6 for within-LEA allocations to account for the lack of household applications<sup>[1]</sup>);</li> <li>➤ A combination of the best available NSLP data from SYs 2019-2020, 2020-2021, and 2021-2022;</li> <li>➤ A composite of the NSLP, Medicaid, and TANF data listed in the previous bullets; or</li> <li>➤ Data from a poverty survey conducted by the SEA or LEA that replicate NSLP, Medicaid, or TANF data.</li> </ul>
<b>Title I</b> <i>ESEA section 1117(c)(1); 34 C.F.R. §200.64(a)(3)(i)</i>	<b>Equitable services for private school students</b>  Option for an LEA, in consultation with appropriate private school officials, to use NSLP data to determine the number of private school children from low-income families	<ul style="list-style-type: none"> <li>➤ The same measure of poverty used to count public school children;</li> <li>➤ Comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable;</li> <li>➤ Comparable poverty data from a different source;</li> <li>➤ The application of the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area; or</li> <li>➤ An equated measure of low income correlated with the measure of low income used to count public school children.</li> </ul>

<sup>[1]</sup> For more information on adjusting by 1.6, see the “Within-District Allocations” section in the following ED nonregulatory guidance