ESEA Flexibilities for Districts Less Than 1,000

COLORADO
Department of Education

Introduction

For school districts with enrollment of less than 1,000 students, the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA), offers flexibilities that are not an option for districts with 1,000 or more students. Those flexibilities are listed below, which include Rank Order and the 125% Rule.

Rank Order

ESEA Title I, Part A requires districts to serve eligible schools in rank order from schools with the highest level of poverty to the lowest level of poverty (§1113(a)(3)). However, districts may serve any school, without regard to rank order, when Total District Enrollment Less than 1,000 has been selected for the Method of Serving in the ESEA Consolidated Application. Districts are also not required to serve schools with a poverty rate of 75% or greater. Learn more on the CDE Title I Rank Order webpage and the Within District Allocations guidance from the U.S. Department of Education (ED). ***Rank order requirements do not apply to school districts with enrollment of less than 1,000 students (§1113(a)(6)).***

125% Rule

The 125% rule applies when a district serves a school with less than 35% of their students being identified as living in poverty. If this is the case, schools served with ESEA Title I funds must be allocated 125% of the per pupil allocation (§1113(c)(2)(A)). According to guidance from the law firm of Brustein and Manasevit (BruMan), since a district with an enrollment below 1,000 is not using poverty counts in accordance with ESEA section 1113(a) to determine eligibility, the district would not necessarily have the data needed to apply the 125% rule to its calculation of school allocations. Learn more on the CDE Title I Rank Order webpage. ***The 125% rule requirements do not apply to school districts with enrollment of less than 1,000 students (BruMan).***

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WHERE CAN I LEARN MORE?

HYPERLINK "https://www.cde.state.co.us/fedprograms/ESEALaunchpad" The Launchpad: An Introduction to ESEA Programs

HYPERLINK "https://www.cde.state.co.us/fedprograms/ov/tvb" Title V, Part B: Rural Education Achievement Program (REAP)