National ESEA Conference 2020: Conversation with Private School State Ombudsman

Thursday, February 6, 2020 – Room A402/403 – 3:30 p.m. – 5:00 p.m.

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Scenario #1: Title IA District Grade Band participation

Title I, Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance, October 2019 C-7

Scenario #2 Title I, Part A Parent Engagement

Title I, Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance, October 2019 C-34

Scenario #3 Title I, Part A Parent Engagement

Title I, Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance, October 2019 C-34

Scenario #4: Paraprofessionals in the Title I, Part A Program

Title I, Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance, October 2019 C-30, C-31, C-33.

Scenario #5: Title I, Part A Professional Development

Title I, Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance, October 2019 C-36

Title IX, Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel, Non-regulatory Guidance, March 2009 G-2

Scenario #6 Title II, Part A Professional Development

In the end, it is the LEA (fiscal agent) that will be held responsible for proper use of grant funds. The LEA must determine the influence of religious material and content. If the LEA determines that a conference is too non-secular in nature they can deny the request or suggest an alternative.
References federal Supplement/Supplant rules, EDGAR requirements, and local policies:

Although funds used to pay for professional development activities associated with leadership development for principals and other school leaders are considered allowable under Title II, Part A, there are several steps and requirements for using Title II, Part A funds. “Allowable” under Title II, Part A is only one part of the required steps.

Please reference the steps required for Private Schools to determine whether Title II, Part A funds can be used for the specific expenses associated with the professional development opportunity.

1. LEA must consult on which professional development/conference session(s) are non-secular at a faith-based sponsored activity.
2. Apply the traditional presumptions of Supplant to determine if the use of funds is supplemental.
3. Ensure that activities and/or resources are:
   - Based on an identified need that is grounded in data;
   - Reasonable;
   - Necessary to carry out the intent and purpose of the Title II, Part A program;
   - Allocable; and
   - Allowable under Title II, Part A.
4. Ensure that the expenditure(s) meet all EDGAR requirements.
5. Ensure that all local policies and procedures were followed.

Scenario #7: Title IV, Part A and Private School Equitable Services

Below Q&A responses from USDE Office of General Council (Title IV, Part A State Coordinator’s Meeting, December 2019).

1. When should LEAs calculate equitable shares if they plan to transfer Title IV-A funds?
   Before a SEA or LEA may transfer funds from a program subject to equitable services requirements, including Title IV-A, it must engage in timely and meaningful consultation with appropriate private school officials (ESEA Section 5103(e)(2)). With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.

2. A SEA has several LEAs that are smaller than the private schools in an area. Although they have a good working relationship in some communities, sometimes the private schools get a lot more funding than public schools. The public schools want to transfer their money into another Title, but it creates a weird situation for the SEA.

   Under ESEA Section 5103, an LEA may transfer funds out of Title IV-A into certain other ESEA programs. As noted in question 23, before a SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. (ESEA Section 5103(e)(2)). Consultation should include discussion on, among other issues, how private school children’s needs will be identified. It is important to talk about need. The private school needs to come to the table with not “this is the funding” but “this is the student’s needs.”