



Richard Woods,  
Georgia's School Superintendent  
"Educating Georgia's Future"  
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# Private Schools and ESSA- A Focus on Title II, Part A

## *Providing Equitable Services*

Georgia Department of Education

Private School Training Webinar

Title II, Part A Specialists

May 3, 2017

# Private Schools and ESSA- A Focus on Title II, Part A



Richard Woods,  
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# Private Schools and ESSA- A Focus on Title II, Part A



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## Agenda

- ❖ Purpose
- ❖ Equitable Participation
- ❖ Ombudsman
- ❖ Consultation
- ❖ Determining Allocations
- ❖ Administrative Costs
- ❖ Unobligated Funds
- ❖ Equitable Services
- ❖ Use of Funds
- ❖ Reimbursement
- ❖ Record Keeping
- ❖ Common Findings
- ❖ FAQs

# Private Schools and ESSA- A Focus on Title II, Part A



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**Catlin McMunn Dooley, Ph.D**

Deputy Superintendent  
Teacher and Leader Support and Development  
Office of Teaching and Learning

**Cindy Saxon**

Associate Superintendent  
Teacher and Leader Support and Development  
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**Carly Ambler**

Program Manager – Title II, Part A  
Teacher and Leader Support and Development  
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## The logo for the Georgia Department of Education (GaDOE) is located in the top right corner. It features a stylized peach with a green leaf on the left, and a graduate figure holding a diploma and wearing a cap on the right, followed by the text "GaDOE" in a bold, sans-serif font.

**gadoe.org**

**Georgia Department of Education**  
Richard Woods, Georgia's School Superintendent  
"Ensuring Georgia's Future"

## Title II, Part A Service Areas

**Legend:**

- Carly Ambler
- Saralyn Barkley
- Sharon Brown
- Pam Daniels
- Greg Petersen
- Terri Still
- Elizabeth Zipperer

**State Schools - Carly Ambler**

- ☐ Adams High School (Palms)
- ☐ Atlanta Area School for the Deaf (DeKalb)
- ☐ Oglethorpe School for the Deaf (Fulton)
- ☐ Morris School for the Blind (Bibb)

**Charter Schools**  
(Geographic Location)

- ☐ Adams High School (Palms)
- ☐ Brookhaven Secondary Academy (Cherokee)
- ☐ Cherokee Charter Academy (Cherokee)
- ☐ Citrus Charter Academy (Bibb)
- ☐ Coweta Charter (Coweta)
- ☐ Dalton Langley Academy (Clayton)
- ☐ Forsyth Education Center (Forsyth)
- ☐ Fulton Leadership Academy (Fulton)
- ☐ GA Cooperative Academy (Gwinnett, Gwinnett)
- ☐ GA Cyber Academy (Palms)
- ☐ GA School for Advanced & the Classics (Gwinnett, Richmond)
- ☐ International Charter School (Gwinnett, Palms)
- ☐ Ivy Preparatory in Kennesaw (DeKalb)
- ☐ Ivy Preparatory Academy (Gwinnett)
- ☐ Liberty Tech Charter Academy (Forsyth)
- ☐ Marietta Education Center (Wilkes)
- ☐ Oglethorpe Charter (Gwinnett)
- ☐ Perimeter Charter Academy (Cobb)
- ☐ Graduation Achievement Charter (Forsyth)
- ☐ Scenic Charter Academy (Wilkes, Wilkes)
- ☐ Southeast Georgia STEM (Franklin)
- ☐ Statesboro STEM (Bibb)
- ☐ University Academy of the Arts (Gwinnett)

**Other Organizations - Carly Ambler**  
Department of Juvenile Justice (DeKalb)  
Department of Corrections (Muscogee)

**GNETS assigned to RESAs:**

January 2017

Elizabeth Zipperer      ezipperer@abc.k12.ga.us

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## Purpose

### ESEA/NCLB, Section 2101

The purpose of this part is to provide grants to State educational agencies, local educational agencies, State agencies for higher education, and eligible partnerships in order to —

- (1) increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools; and
- (2) hold local educational agencies and schools accountable for improvements in student academic achievement.



### ESEA/ESSA, Section 2001

The purpose of this title is to provide grants to State educational agencies and subgrants to local educational agencies to—

- (1) increase student achievement consistent with the challenging state academic standards;
- (2) improve the quality and effectiveness of teachers, principals, and other school leaders;
- (3) increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
- (4) provide low income and minority students greater access to effective teachers, principals, and other school leaders.

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## FY18 Equitable Services Statutes and Regulations

### Authorizing Statute

- ESSA Sections 2102(b)(2)(E) and 8501

### Applicable Guidance and Regulations

- Private School Specific Guidance
  - Fiscal Changes and Equitable Services Requirements (2016)
  - Title IX, Part E (2009)
  - Title I Equitable Services (2003)
- Title II, Part A
  - Title II, Part A Non-Regulatory Guidance: Building Systems of Support for Teaching and Leading (2016)
- Code of Federal Regulations
  - 2 CFR Part 200
  - 34 CFR Part 76.650 - 76.677

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## FY18 Equitable Services Statutes and Regulations

Except as otherwise stated in the  
*Fiscal Changes and Equitable Services* (2016)  
Non-Regulatory Guidance and *Title II, Part A*  
*Non-Regulatory Guidance: Building Systems*  
*of Support for Teaching and Leading* (2016),  
the existing non-regulatory guidance  
*Title IX, Part E: Equitable Services* (2009) and  
*Title I Equitable Services* (2003)  
remain applicable!



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## Equitable Participation

*ESEA/ESSA Sec. 8501a*

Provide private school children, their teachers, and other educational personnel with educational services on an equitable basis and in a timely manner.

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## Ombudsman

*ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B)*

- The primary responsibilities of an ombudsman are to monitor and enforce the equitable services requirements in Titles I and VIII.
- An ombudsman should work with SEA staff administering Title I and programs covered under Title VIII to develop monitoring protocols applicable to the provision of equitable services under each program.
- The ombudsman should also serve as the primary point of contact for responding to and resolving any complaints regarding equitable services that the SEA receives under its ESEA complaint procedures.

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## Ombudsman

*ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B)*

- A private school official shall have the right to file a complaint with the ombudsman (SEA) asserting that the LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section
- If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the LEA to the ombudsman, and the LEA shall forward the appropriate documentation to the ombudsman

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Ombudsman

Shaun Owen

Ombudsman

Director of Consolidated Federal Initiatives

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**Questions?** Ask LEA → Ask Assigned GaDOE Program Specialist → Ask GaDOE Ombudsman

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## Consultation

### *Sec. 8501(c)(1)*

To ensure timely and meaningful consultation, the local educational agency shall consult with appropriate private school officials.

It is important that attention be given to the timing of the consultation so that decisions that affect the opportunities of eligible private school teachers to participate in *Title II, Part A* program activities are made only after discussions have taken place.

Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children

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## Consultation

*Sec. 8501(c)(1)*

Needs of Private  
School Students and  
Teachers

How & When  
Decisions are Made

Size and Scope of  
Services

3<sup>rd</sup> Party Providers

Amount of Funds  
Available

Services Offered and  
Delivery of Services

Assessment of  
Services

**NEW**

**Pooling of Funds**

**Providing Services  
Directly or Via  
Another Entity**

**How Amount of  
Funding is Determined**

**Written Affirmation**

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## Consultation

*Sec 8501 (c)(1)(H)(i)*

The **pooling (combining) of Title II, Part A funds** generated by private school students from a number of private schools located in the same LEA is allowable. If a group of private schools in an LEA requests that the LEA pool the Title II, Part A funds their students have generated, the LEA may pool these funds. Then, based on the professional development needs assessment of the teachers in these schools, the LEA could provide services to all or most of the teachers. However, Title II, Part A funds may **not** be pooled across LEAs.

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## Consultation

*Sec. 8501 (c)(1)(G)*

The **provision of services directly or via another entity**, possibly a third party contractor, is an option. The LEA and the private school officials must discuss the best way to provide services to meet the needs of the private school participants.

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## Consultation

*Sec. 1117(b)(1); Sec. 8501(c)(5)*

Each LEA shall maintain in their records, and provide to the SEA, a **written affirmation** signed by officials of each participating private school that meaningful consultation has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the LEA shall forward to the SEA the documentation that such consultation has, or attempts at such consultation have, taken place.

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## Consultation

*ESEA sections 1117(b)(1) and 8501(c)(1)*

The **goal of consultation is agreement** between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children.


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# Private Schools and ESSA- A Focus on Title II, Part A



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**FY17 Private School Initial Consultation and Notification of Intent for FY18 Provision of Services**  
**Affirmation of Initial Consultation and Intent Notification**

Local Education Agency (LEA)			
Private School			
Private School Address			
Private School Phone		Email:	
Private School Official			
LEA Federal Program Official		Phone:	

Federal Program(s) offering services to Private Schools (Place an "X" in each program where the Private School listed above intends to consult with the LEA on possible services):  
**Title I** ☐ **Title II** ☐ **Title III** ☐ **Title I, Part A** ☐ **Title I, Part C** ☐ **Title IV** ☐ **Title IV, Part A** ☐ **Title IV, Part B** ☐

**Directions:** Both School Officials (private and public) must initial under either YES or NO for each statement. Both School Officials must also sign and date this document, which must then be scanned and attached to the Consolidated Application in the Portal no later than **March 22, 2017** (even if no private school participation – See Part 2 below).

**Part 1: Timely and Meaningful Consultation Affirmation – Initial Consultation**

Official	Yes	No	Consultation Requirements (ESSA Sections 1117 and 8501)
Private School			The initial consultation for the 2017-2018 school year has occurred between the LEA and Private School. Date _____ (Should take place prior to October 31 <sup>st</sup> )
Public School			

**Part 2: Notification of Intent to Participate in FY18**

☐ This checked box indicates that the LEA has no private schools participating in equitable services in FY18.

Official	Yes	No	Intent Notification (ESSA Section 1117)
Private School			The Private School intends to continue consultation throughout FY17 and participate in FY18 equitable services. It is the responsibility of the LEA to design, develop, and implement the services provided to the private school students, after on-going consultation with the private school.
Public School			

Signature Private School Official \_\_\_\_\_  
 Printed Name and Title of Private School Official \_\_\_\_\_  
 Date \_\_\_\_\_


Signature Public School Official \_\_\_\_\_  
 Printed Name and Title of Public School Official \_\_\_\_\_  
 Date \_\_\_\_\_

Comments: \_\_\_\_\_

Include additional pages for comments if needed

Georgia Department of Education  
Revised 2016-2017 School Year

**Due March 22, 2017**  
Initial Consultation &  
Intent to Participate in FY18

  
Georgia Department of Education  
Richard Woods, Georgia's School Superintendent

**FY17 Private School Consultation for FY18 Provision of Services**  
**Affirmation of Timely/Meaningful Ongoing Consultation and Equitable Services**

Local Education Agency (LEA)			
Private School			
Private School Address			
Private School Phone			
Private School Official			
LEA Federal Program Official		Phone:	

Federal Program(s) offering services to Private School (Place an "X" in each program where the Private School intends to consult with the LEA on possible services):  
**Title I** ☐ **Title II** ☐ **Title III** ☐ **Title I, Part A** ☐ **Title I, Part C** ☐ **Title IV** ☐ **Title IV, Part A** ☐ **Title IV, Part B** ☐ **IDEA** ☐

**Directions:** Both School Officials (private and public) must initial under either YES or NO for each statement. Both School Officials will initial, sign, and date this document following the ongoing consultation AND the equitable services implementation. This document must be scanned and attached to the Consolidated Application by the due dates listed for Part 1 and Part 2 below.

**Part 1: Timely and Meaningful Consultation Affirmation – Ongoing Consultation – Due date: June 30, 2017**

Official	Yes	No	Consultation Requirements (ESSA Sections 1117 and 8501)
Private School			Timely and meaningful consultation occurred regarding the needs and services of eligible children and their teachers and families. Consultation Dates _____
Public School			
Private School			The local education agency gave due consideration to the views of the private school official.
Public School			
Private School			The program design/provision of services agreed upon by the local education agency and private school is equitable.
Public School			

**Part 2: Equitable Provision of Services** (If equitable services were then provided in FY18, the due date for Part 2 is by **October 1, 2018**, after the 2017-2018 grant period.)

Official	Yes	No	Consultation Requirements (ESSA Sections 1117 and 8501)
Private School			Services began at the time requested and agreed upon by the private school official. Date _____
Public School			
Private School			The local education agency gave due consideration to the views of the private school official.
Public School			
Private School			Satisfactory services were provided during the school year.
Public School			

Signature Private School Official \_\_\_\_\_  
 Printed Name and Title of Private School Official \_\_\_\_\_  
 Date \_\_\_\_\_

Signature Public School Official \_\_\_\_\_  
 Printed Name and Title of Public School Official \_\_\_\_\_  
 Date \_\_\_\_\_

Comments: \_\_\_\_\_

Include additional pages for comments if needed

Georgia Department of Education  
October 2016 • Page 1 of 1

**Due June 30, 2017 & October 1, 2018**  
Timely and Meaningful Consultation &  
Equitable Provision of Services

# Private Schools and ESSA- A Focus on Title II, Part A



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The allocations posted to the GaDOE Federal Programs webpage on 05.01.17 were preliminary allocations based on Dec. 2016 projections. Given the update to the Title II, Part A allocation formula, these were intended to help LEAs in planning for the FY18 school year.

While the Title II, Part A program has not yet received official notification from USDE, information available to the general public seems to indicate a possible decrease in FY18 allocations. As soon as GaDOE receives preliminary notification with more up-to-date numbers, we anticipate releasing an update. We anticipate that final/ official allocations will go to the State Board of Education July 2017.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Determining Allocations

*Sec. 8501(a)(4)(A)*

### Allocations are

- Based on the LEA's total Title II, Part A allocation, less administrative costs.
- Calculated, on a per-pupil basis, the amount available for all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency) taking into consideration the number and needs of the children, their teachers and other educational personnel to be served.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Determining Allocations

### EXAMPLE OF FORMULA TO DETERMINE AMOUNT FOR TITLE II, PART A EQUITABLE EXPENDITURES

#### A. Number of Students

A1: LEA Enrollment	900
A2: Participating Private Schools Enrollment	100
A3: Total Enrollment = A1 + A2	1,000

#### B. Title II, Part A Allocation

B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (for public and private school programs)	\$50,000
B3: LEA Allocation Minus Admin Costs = B1-B2	\$950,000

#### C. Per Pupil Rate

C1: B3 divided by A3	\$950
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#### D. Equitable Services

Amount LEA must reserve for equitable services for private school teachers and other educational personnel = A2 x C1	\$95,000
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# Private Schools and ESSA- A Focus on Title II, Part A



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## Administrative Costs

### *Sec. 8501(a)(4)(A)*

- A portion of Title II, Part A allocations for the private school may be directed to the LEA for administrative services.
- Title II, Part A limits administrative costs to 10% of the grant.
- LEAs and private schools must consult and agree on administrative costs.

### Possible Administrative Activities

- ☐ Grant management
- ☐ Processing purchase orders
- ☐ Conference registrations
- ☐ Negotiating contracts – 3<sup>rd</sup> party
- ☐ Conducting meetings
- ☐ Accounting activities
- ☐ Collecting travel documentation
- ☐ Processing reimbursements
- ☐ File maintenance
- ☐ Onsite inventory of equipment
- ☐ Program implementation and monitoring

# Private Schools and ESSA- A Focus on Title II, Part A



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## Unobligated Funds

*ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B)*

Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families **must** be obligated in the fiscal year for which the funds are received by the LEA.

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# Private Schools and ESSA- A Focus on Title II, Part A



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## Unobligated Funds

*ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B)*

### Exception

- There may be extenuating circumstances in which an LEA is unable to obligate all funds within this timeframe in a responsible manner.
- Under these circumstances, the funds may remain available for the provision of equitable services under the respective program during the subsequent school year.
- In determining how such carryover funds will be used, the LEA must consult with appropriate private school officials.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Equitable Services

*Sec. 8501(a)(2), Sec. 8501(a)(3)(A)*

Services and other benefits to private school students must be

- secular, neutral, and non-ideological,
- provided in a timely manner, and
- equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel.

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## Use of Funds

### Title II, Part A Non-regulatory Guidance

ESSA requires that Title II, Part A funds be used more strategically and for greater impact.

High-quality teaching and learning requires a diverse cohort of educators (teachers, principals, and other school leaders) to be prepared and supported to meet the many challenging demands that they and their students face, particularly underserved students and students of color.

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## Use of Funds

### *Title II, Part A Non-regulatory Guidance; ESEA 8101*

ESEA defines “professional development,” and specifically notes that the professional development activities should be an integral part of school strategies for providing educators the knowledge and skills necessary to enable students to succeed AND should be sustained (*not stand-alone, 1-day, or short term workshops*), intensive, collaborative, job-embedded, data-driven, and classroom-focused.

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## Use of Funds

Do the following activities meet the ESEA definition of professional development?

- ☐ *Attending the national math conference*
- ☐ *Differentiated instruction workshop series*
- ☐ *In-house professional learning provided by the literacy coach*
- ☐ *Science series provided by RESA*
- ☐ *Day at the Ron Clark Academy*

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## Use of Funds

*Title II, Part A Non-regulatory Guidance; ESEA section 2002(5), 2101(c)(4)(B)(xi), 2103(b)(3)(B)*

## Eligible Participants

ESSA eliminates NCLB's definition of "core academic subjects", thus expanding the allowable use of Title II, Part A funds for professional development.

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## Use of Funds Questions

- Who can participate in Title II, Part A Funded PL? Who can participate in Title II, Part A Funded Training?
- Who are 'Other School Leaders'?
  - Title II, Part A
  - Title VIII – Definitions
  - Title II, Part A Non-Regulatory

## Answers to Questions

- **Participation in Most Title II, Part A Activities:** All Teachers, Principals/ Assistant Principals and Other School Leaders (*Instructional Coaches Providing Direct Support*)
- **Participation in Specific Title II, Part A Activities:** Paraprofessionals, Counselors, Media Specialists, etc.
- **Other School Leaders Sec. 8101 (a)(44):** Staff responsible for the daily instructional leadership and managerial operations of a school (Includes principal supervisors)

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Local Use of Funds/ Types of Activities	Participants (Please reference ESSA Section 2103)
A. Evaluation System	System is to support Teachers, Principals, Other School Leaders
B. Teacher Recruitment & Retention	R & R Activities for Teachers, Principals, Other School Leaders, Paraprofessionals, Coaches, Mentors, Evaluators
C. Recruitment from Other Fields	To become Teachers, Principals, Other School Leaders
<del>D. Evidence—Based Class-Size Reduction</del>	<del>Teachers</del>
E. High Quality, Evidence-Based Personalized Professional Development	Teachers, Instructional Leadership teams, Principals, or Other School Leaders
F. Programs/ Activities to Increase Ability of Teachers to Teach SWD & EL	LEA/ School staff that will support teachers or direct support for teachers
G. Programs/ Activities to Increase Knowledge and Ability to Support Educators in Early Learning	Knowledge - Teachers, Principals, Other School Leaders; Principals and Other School Leaders Ability to Support Teachers, Teacher Leaders, Early Childhood Educators, and Other Professionals



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Local Use of Funds/ Types of Activities	Participants (Please reference ESSA Section 2103)
H. Training, TA, Capacity Building	LEA/ School Staff that will Support Teachers, Principals and Other School Leaders or Direct Support for Teachers, Principals and Other School Leaders
I. In-Service Training for School Personnel on Specific Topics	School Personnel
J. Training to Support the Identification of Gifted and Talented and High Ability	Recipients Not Specified
K. Supporting School Library Program' Instructional Services	Recipients Not Specified
L. Training for All School Personnel on Child Sexual Abuse	All School Personnel, including Teachers, Principals, Other School Leaders, Specialized Instructional Support Personnel, and Paraprofessionals

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Local Use of Funds/ Types of Activities	Participants (Please reference ESSA Section 2103)
M. Developing and Providing PD and Systems of Support Related to STEM and Computer Science	LEA/ School Staff that will Support Teachers, Principals and Other School Leaders or Direct Support for Teachers, Principals and Other School Leaders
N. Developing Feedback Mechanisms to Improve School Working Conditions	Recipients Not Specified
O. High Quality PD on Effective Strategies to Integrate Specific Topics to Help Prepare Students for Postsecondary and Workforce	Teachers, Principals, Other School Leaders
P. Other Evidence-Based Activities that Meets the Purpose of the Title *Requires State Consultation	Recipients Not Specified

# Private Schools and ESSA- A Focus on Title II, Part A



Richard Woods,  
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## Essential Questions for Identifying and Planning for Title II, Part A Funded Activities/ Strategies

Does the activity/ strategy meet the purpose of Title II?

How is it the activity/ strategy aligned to the District Comprehensive Needs Assessment and District Improvement Plan?

Is the activity/ strategy one of the ESSA Title II, Part A Local Use of Funds Types of Activities? Is it a strategy recommended in the non-regulatory guidance Building Systems of Support for Excellent Teaching and Leading (2016)?

Is the activity/ strategy evidence-based using the Title VIII definition?

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## Essential Questions for Identifying and Planning for Title II, Part A Funded Activities/ Strategies

If professional development, does the PD align with the Title VIII definition?

Will the LEA be able to determine and report how the chosen activity/ strategy improved teacher, principal or other school leader effectiveness? How will the activity/ strategy be documented?

Is the activity/ strategy supplementing (not supplanting) non-federal funds that would otherwise be used for activities authorized under Title II?

Does the activity/ strategy comply with the Code of Federal Regulations (2 CFR Part 200, 34 CFR Part 76, 34 CFR Part 81)?

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## How does this apply to private schools?

- LEAs are responsible for ensuring compliance
- LEAs are encouraged to embed expectations on Local Use of Funds/ Types of Activities and guiding questions into consultation conversations
- LEAs and private are invited to attend training related to program implementation

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# Private Schools and ESSA- A Focus on Title II, Part A



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## Use of Funds

### *Title II, Part A Non-regulatory Guidance*

All services provided for the benefit of private school participants must:

- Be an allowable use of funds under statute;
- Meet the specific needs of students enrolled in the private school, not the school itself; and
- Be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization who must be independent of the private school and any religious organization.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Use of Funds

### Sample expenditures

- Registration  
secular professional learning workshops, conferences, classes
- Travel Costs  
lodging, meals per diem, airfare, mileage, rental car
- Consultants  
provision of services, speaking fees, travel
- Supplies  
books, workbooks, binders directly supporting professional learning
- Stipends

# Private Schools and ESSA- A Focus on Title II, Part A



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## Record Keeping

*ESEA/ESSA Sec. 8501; Title II, Part A Non-Regulatory Guidance; Title IX, Part E Non-Regulatory Guidance*

LEAs who serve private schools expend funds on behalf of the private school, thus all private school expenditures must also comply with LEA procurement procedures. LEAs entering into contracts on behalf of private schools must adhere to the same procedures and have the primary responsibility for maintaining documentation.

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# Private Schools and ESSA- A Focus on Title II, Part A



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## Record Keeping

*ESEA/ESSA Sec. 8501; Title II, Part A Non-Regulatory Guidance; Title IX, Part E Non-Regulatory Guidance*

As the agency fiscally responsible for the management of funds, a LEA may require the private school to submit enough documentation to determine that the expense is allowable, reasonable, defensible and necessary in accordance with any and all Federal requirements. This may include, but is not limited to, a participant's name and position, an agenda and receipts.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Reimbursement

### *Title IX, Part E Non Regulatory Guidance*

- No reimbursements directly to private schools (F-6 )
- Reimbursement checks from the LEA are payable to the individual teacher/administrator for completion of professional learning and/or related travel. Checks for stipends earned are paid directly to teachers. (F-7)
- Private schools participating in the shared services supported with Title II, Part A funds of any LEA must provide the collaborating public LEA with W-9 information upon request. This is related to stipends earned and not applicable for reimbursement of travel related expenses.

# Private Schools and ESSA- A Focus on Title II, Part A



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## Documentation Required for Approval and Reimbursement of Expenses

*(2 CFR §200.403; ESEA/NCLB Sec. 2123, Sec. 9501; Title II, Part A  
Non-Regulatory Guidance; Title IX, Part E Non-Regulatory Guidance)*

- Evidence of prior approval by LEA
- Receipts (per LEA travel policy. For example: registration, hotel, gasoline)
- Agendas (If agenda includes concurrent sessions, attendee must indicate which sessions were attended.)
- Evidence of direct payment by eligible participant to be reimbursed
- Evidence of receipt of contracted services

# Private Schools and ESSA- A Focus on Title II, Part A



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## Common Findings

- Unallowable expenditures
- No prior approval
- Inadequate documentation
- Not reasonable and necessary
- Unallowable reimbursement

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# Private Schools and ESSA- A Focus on Title II, Part A



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## *Who has control of the program funds?*

(ESEA/ NCLB Sec. 9501; Title II, Part A Non-regulatory Guidance; Title IX, Part E Non-Regulatory Guidance; 34 CFR Part 76)

The LEA must always maintain control of the program funds as well as title to all materials, equipment, and property purchased with Federal funds. Given the fiscal responsibility of the district, to the extent that it does not put undue burden on the private school(s) the LEA should require source documentation for expenditures sufficient to determine that all activities are allowable, reasonable and necessary and that fund recipients are eligible under Title II, Part A guidance. By law, LEAs must abide by applicable statutes, regulations, and shall use Federal funds in accordance with those statutes, regulations, plan and applications including supervision, fiscal control and fund accounting procedures. Use of funds for religion is prohibited.

# Private Schools and ESSA- A Focus on Title II, Part A



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***May a LEA reimburse a private school for materials it has purchased or services it has procured to implement an ESEA/NCLB program?***

(Title IX, Part E Non-Regulatory Guidance F-6 )

No. Only the LEA may obligate and expend Federal funds on behalf of private school students and teachers. Thus, the LEA must purchase materials or procure services on behalf of the private school students and teachers. However, a LEA may use Federal funds to reimburse an individual private school teacher, administrator, or other educational personnel for professional development that the LEA has pre-approved and that meets the reasonable and necessary cost principles of the Office of Management and Budget (OMB) 2 CFR Part 200.

# Private Schools and ESSA- A Focus on Title II, Part A



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***May a Private School hire and pay private school teachers (Title 1) or substitutes (Title II) with federal funds?***

(Title IX, Part E Non-Regulatory G-4, Title II, Part A Non-Regulatory 2006 G-15)

No. The LEA must retain control of federal funds.

Substitutes – The LEA should, through consultation with the private school, arrange for professional learning at a time that does not require the use of substitutes.

Services – The LEA may employ private school teachers to provide agreed upon services separate from their contract hours with the private school. Staff must be under the LEA's direct supervision and control.

# Private Schools and ESSA- A Focus on Title II, Part A



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***May a LEA use funds to provide stipends to private school teachers?***  
**(Title IX, Part E Non-Regulatory F-7)**

Yes. As with any other costs, the use of funds for stipends must be allowable under the program and reasonable and necessary for the proper operation of the grant program. For example, if a professional development program is conducted during after-school hours or during the summer, stipends may be needed to compensate teachers for their participation outside their regular employment hours. In addition, stipends for private school teachers must be available on the same basis as for public school teachers, and the stipends must be paid to private school teachers for their own use. However, the stipends must not be paid to the private school or be for the benefit of the private school.



# Private Schools and ESSA- A Focus on Title II, Part A



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***May an LEA use Title II, Part A funds to write a reimbursement check to a private school?***

**(Title II, Part A Frequent Inquiries Dec. 2012)**

No. LEAs must administer and retain control over the Title II, Part A funds and, therefore, may not reimburse or provide program funds directly to private schools. An LEA may reimburse an individual private school teacher for professional development that the LEA has pre-approved to be paid for with Title II, Part A funds. At all times, the Federal funds must remain in the control of the LEA.

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# Private Schools and ESSA- A Focus on Title II, Part A



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***May an LEA place a blanket restriction on allowable Title II, Part A activities for private school teachers, such as not allowing graduate courses or out-of-State professional development?***

**(Title II, Part A Frequent Inquiries Dec. 2012)**

No. An LEA may not establish a blanket rule that forbids any private school teacher from receiving certain forms of professional development or that restricts professional development to specific geographic areas that the Title II, Part A statute otherwise authorizes and that best meet that teacher's identified teaching needs related to improving student academic achievement. If an LEA has decided to not use Title II, Part A funds for certain forms of professional development for public school teachers, it can't make that determination for private school teachers. The LEA's decision regarding Title II, Part A services for private school teachers must reflect how private school teachers, consistent with the availability of Title II, Part A funds, can best secure the professional development they need to address their own identified teaching needs as related to improving student academic achievement.

# Private Schools and ESSA- A Focus on Title II, Part A



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## *Continued*

### (Title II, Part A Frequent Inquiries Dec. 2012)

The LEA must ensure that costs associated with the Title II, Part A professional development, whether within or outside of the State, are reasonable and necessary, per the Office of Management and Budget (OMB).

As an example of what is reasonable and necessary, if comparable professional development were to be available locally at a lower cost than the requested out-of-state professional development, the LEA, in its role as responsible fiscal agent of the program funds, could legitimately determine that the higher cost, out-of-state professional development was not a reasonable expenditure. In this case, the LEA could either pay for some of the costs associated with the out-of-State professional development or provide the comparable services within the State.

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## GaDOE Feedback Survey

Teacher and Leader Support and Development

<https://www.surveymonkey.com/r/S3DW3HG>

*Name of Session:*

**Private Schools and ESSA – A Focus on Title II, Part A**

*Copy and paste the name of the session into the text box provided on the survey.*

*Name of Presenters:*

**Title II, Part A Specialists**

*There is no need to give the name of the specific specialist.*



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# Private Schools and ESSA- A Focus on Title II, Part A

## *Providing Equitable Services*

Georgia Department of Education  
Private School Training Webinar  
Title II, Part A Specialists  
May 3, 2017