Ohio | Department of Education

Transferability and Nonpublic Schools Equitable Services

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INTRODUCTION

Transferability of funds from a school district to a nonpublic school for equitable services is allowable under the Elementary Secondary Education Act (ESEA) as reauthorized under Every Student Succeeds Act (Section 5103). A school district may transfer some or all its allocated funds to a nonpublic school as long as the funds transferred are allocated to another allowable fund for the same fiscal year.

This document provides guidance on which funds may be transferred, how to initiate a transfer, how to calculate the funding allocation and what to do with carryover funds.

Allowable funds to be transferred

The table below outlines which funds may be considered for transfer to nonpublic schools for equitable services. Funds transferred from one fund to another fund take on the rules and requirements of the fund to which they are transferred.

Transfer Funds From	Transfer Funds To
Title II-A	**Title I Part A, C, or D**
Title IV-A	**Title II-A**
	Title III
	Title IV-A
	Title V-B

Initiating a transfer of funds with a consultation

Prior to any transfer of funds, the school district must consult with nonpublic schools eligible to receive equitable services. The consultation must be timely, meaningful and conducted in accordance with Section 8501 of ESEA. During consultation, the two parties can reach an agreement on how the school district will provide equitable and effective programs to eligible nonpublic school students. The public school and nonpublic school will determine equitable services based on the total amount of funds available to each program after a transfer.

The consultation must address any change in services the nonpublic schools will or will not receive due to the transfer. The school district must maintain records of the consultation, and both parties must sign off on a written affirmation that meaningful and timely consultation occurred. The written affirmation must provide the nonpublic schools an option to indicate they do not believe timely and meaningful consultation has occurred or that the program design is not equitable for eligible nonpublic schoolchildren.[1]

NONCOMPLIANCE AND COMPLAINTS

If the nonpublic school does not believe the consultation was timely and meaningful, feels the school district did not give due consideration to the views and needs of the nonpublic school, or believes the decision fails to treat the nonpublic school or its students equitably, the nonpublic school official has the right to file a complaint with the Ohio Department of Education using the nonpublic complaint procedures The complaint must include the basis for the noncompliance and documentation from all parties.

[1] (Section 5103 (b), 8501(c)

TRANSFER OF FUNDS

When a school district transfers funds from Title II-A and/or Title IV-A, the school district must recalculate the total equitable service amount for the nonpublic school for the budget in which the funds were transferred. If a school district transfers a portion of its Title II-A and/or Title IV-A funds, the school district then must recalculate the equitable service amount for the budget from which and to which the funds were transferred based on the total amount of funds available to each program after the transfer.

RECALCULATING FOR EQUITABLE SERVICES

There are two ways the school district needs to recalculate its funds.

Title I: Because Title I is funded by the number of students in a service area who are below poverty, the equitable service amount is calculated by dividing the total number of low-income students from the school district's service area who attend the nonpublic school by the total number of low-income students in the school district and nonpublic school to determine the percentage of nonpublic school students to total students. This percentage is multiplied by the total allocation to the public school district to determine the equitable service amount.

	Total nonpublic school low-income students in school district service area ÷ Total number of low-income students (school district and nonpublic).	= Proportion of nonpublic students	Proportion of nonpublic students **x** Total amount of funds eligible for transfer	= Equitable Service Amount
EXAMPLE	10 Low-income nonpublic school students ÷ 2498 Total low-income students at school district	=.004	.004 **x** $569,743.36	= 2,280.80

Title IIA, Title IV-A, and V-B: Title IIA, Title IV-A and V-B require a per pupil allocation. To calculate the per pupil allocation, the school district must add the number of students who attend the nonpublic school to the total enrollment of students who attend the school district to get a total number of students for the nonpublic and school district. The school district then must divide the total number of students into the total allocation in Title IIA or Title IV-A to get a per pupil allocation. The district then multiplies the per pupil allocation amount by the number of students enrolled in the nonpublic school to calculate the equitable service amount.

	Number of students at nonpublic school **+** number of students at school district	= Total number of students between the nonpublic school and school district	÷ Total allocation by total number of students	= Per pupil allocation	Per pupil allocation **x** Number of students at nonpublic school	= Equitable service amount for nonpublic school
EXAMPLE	10 **+** 2498	= 2508	$64,756.71 ÷ 2508	= $25.82	$25.82 **x** 10	= $258.20

Title III: Title III also requires a per pupil allocation. To calculate the equitable service amount for Title III, the school district must add the number of students at the nonpublic school who are English language learners to the total number of students in the school district who are English language learners. Dividing that number by the Title III allocation produces the per pupil allocation for English language learner students. The equitable

service allocation is calculated by multiplying the per pupil allocation by the number of English language learner students at the nonpublic school.

	Number of ELL students at nonpublic school **+** number of ELL students at the school district	**=** Total number of ELL Students	**÷** Total allocation by total number of ELL students	**=** Per pupil allocation (PPA) for ELL students	Per pupil allocation **x** Number of ELL students at nonpublic school	**=** Equitable service amount for the nonpublic school
EXAMPLE	3 **+** 64	**=** 67	$38,736.00 **÷** 67	**=** $578.15	$578.15 **x** 3	**=** $1,734.45

SET ASIDE AMOUNTS

Transferred funds become funds of the program to which they are transferred and are subject to all the rules and requirements of the programs paid for by those funds. A school district must spend transferred funds in accordance with requirements of the receiving program, including statutory set-asides.

In Title I, the nonpublic equitable service amount is calculated for the district and comes off the top of the total allocation prior to the district adding its set-asides for the district's allocation of Title I. When a district transfers funds into Title I, the additional equitable service amount will need to be added to the district set-aside page. This will need to be done by providing the amount of additional equitable service funds on one of the "other" lines on the set-aside page. The district will need to type in the description "additional nonpublic funds due to transfer" and the amount in the box provided. This will prevent the additional funds from being added into the school allocation page, resulting in an error for school allocations and assuring the nonpublic receives its entire equitable service amount.

Several statutory set-asides govern a school district's use of Title I funds. For example, there are set-asides prescribing the percentages of Title I funds a school district must spend on parent involvement (minimum should be at or above 1 percent of the allocation if the award is $500,000 or more). If a school district reserves funds off the top of its Title I allocation for carrying out Title I parental involvement activities, the school district also must reserve funds off the top of the nonpublic school's allocation to provide equitable services for families of private school participants.

Carryover

If a school district transfers funds into Title I, Title III or Title VB and does not fully expend the newly calculated equitable service amount in the fiscal year, those unspent funds ***could*** be carried over in the original grant and transferred back to Title I, Title III or Title VB the following fiscal year. However, the school district must determine if an extenuating circumstance prevented it from spending the entire amount earmarked for equitable services during the year in which they were awarded. If the school district does not carry over unspent funds allocated for equitable services, that funding will be swept from the original grant source.