



ESEA Sections 1117 & 8501:
PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS

Equitable Services Spending Snapshot

Under the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), Local Educational Agencies (LEAs) are required to provide services for public school students and eligible private school students. Sections 1117 of Title I, Part A and 8501 of the Uniform Provisions for Private Schools contain information about the services to be provided.

All federally-funded program costs must be:

- (1) **Reasonable:** consistent with prudent business practice and comparable current market value;
- (2) **Necessary:** required to carry out the intent and purpose of the federal program; and
- (3) **Allocable:** chargeable or assignable in accordance with relative benefits received.

In addition, costs must be aligned with the Generally Accepted Accounting Principles (GAAP), adequately documented, and budgeted within the grant.

Supplement vs. Supplant: Federal funds must be used to supplement (increase the level of services) and not supplant (replace) funds from non-federal sources. Any program activity required by state law or local board policy may not be paid with these federal funds. State or local funds may not be decreased or diverted for other uses merely because of the availability of these federal funds. LEA and school personnel must maintain documentation that clearly demonstrates the supplementary nature of these federal funds. The federal supplement not supplant, provision is intended to ensure that services provided under federal funds are in addition to, and not in place of local funds if federal funds were not available.

Sections 1117 and 8501 of ESSA: Federal law requires LEAs receiving funding under ESSA to provide eligible children attending private elementary and secondary schools, their teachers, educational personnel, and their families with services that are equitable to those provided to eligible public-school children, their teachers and other educational personnel, and their families. Educational services or other benefits, including materials and equipment, shall be secular, neutral, and non-ideological and shall be provided in a timely manner.

To ensure compliance with the entirety of this mandate, each LEA must plan to provide full-school year programming and must consult with private school officials in a timely and meaningful manner. Consultation must take place before any transfer of federal funds. The LEA and private school officials shall both have the goal of reaching an agreement on how to provide equitable and effective programs for eligible private school children, and the results of which agreement shall be transmitted to the ombudsman designated under section 1117 (a)(3)(B). The LEA must allocate and obligate funds in the fiscal year for which the funds are received and expenses must be reasonable and necessary to carry out the purpose and intent of the program.

Please be aware that equitable service calculations for private schools participating in Title I and Title III differ from those participating in the other Title programs. Title I private school equitable services are based on the number of private school low-income children residing in the participating public-school attendance area. Services are based on the students with the greatest academic need. Equitable services for Title III are based on the number of private school multilingual learners (MLs). Titles II and IV equitable services are based on the total population of the private schools that are physically within the LEA's boundaries regardless of the number of private students that would attend that public school.

Title I services in a private school follow the guidelines of a Targeted Assisted program. Students with the greatest need are determined through objective multi-criteria selection and instructional services are provided for those students. Training can be provided for teachers/professional staff that directly impact the targeted students. Grant services for Title II, III and IV should follow the guidelines of each grant.

The following chart contains examples of allowable and unallowable expenses for Title I, II, III and IV. This is not an exhaustive list and questions or concerns can be directed to the ESEA Regional Program Manager at the Maine Department of Education.

Title I, Part A:

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> ✓ Salaries/Benefits for instructional services supplementing instruction for targeted students ✓ Stipends for teachers to attend workshops held outside of the normal school day ✓ Professional development costs for teachers who work with targeted students 	<ul style="list-style-type: none"> ✗ Salaries for regular classroom teachers or paraprofessional as the sole Title I instructional provider for targeted students ✗ Professional development solely based on ideological concepts and agenda

Commented [CS1]: We use private and non-public - my suggest would be to select one or the other to be consistent through out.

Commented [CT1R2]: agreed

Commented [CT2]: Should this be grant application?

<ul style="list-style-type: none"> ✓ Supplies and materials needed to aid the Title I teacher in the instruction of targeted and identified students ✓ Equipment used for direct instruction of students that have been targeted and identified for Title I services ✓ Costs to bring in educational speakers during the parent and family engagement meetings for parents of targeted and identified students ✓ Costs for supplies and materials for parent and family meetings 	<ul style="list-style-type: none"> × General instructional materials used for all students × Equipment used in general education classrooms × Costs for food to cater parent and family engagement meetings × Services that are non-secular, biased, or ideological
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Title II, Part A:

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> ✓ Stipends for teachers to attend workshops held outside of the normal school day ✓ Professional development to meet the specific needs of students enrolled ✓ Supplies and materials to be used strictly for professional development, such as books 	<ul style="list-style-type: none"> × Class size reduction teachers × Professional development solely based on ideological concepts and agenda × Instructional materials used for students × Equipment used in general education classrooms × Services that are non-secular, biased, or ideological

Title III:

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> ✓ Improving and enhancing existing English language acquisition and content ✓ Specialized PD regarding ELs for ESL teachers ✓ Partnerships with community organizations to improve student outcomes and/or support families 	<ul style="list-style-type: none"> × Services that are non-secular, biased, or ideological ×

Commented [TD3]: These still need to be populated

Title IV, Part A:

Allowable Uses of Grant Funds	Unallowable Uses of Grant Funds
<ul style="list-style-type: none"> ✓ Provide programming to improve instruction and student engagement in science, technology, engineering and mathematics (STEM) ✓ Support college and career counseling, including providing information on financial aid ✓ AP testing exam fees ✓ Relationship building skills ✓ Dropout prevention ✓ Deliver specialized or rigorous academic courses and curricula using technology, including digital learning technologies ✓ Carry out innovative blended learning projects 	<ul style="list-style-type: none"> × Direct reimbursements to private schools × Incentives, prizes, and gift cards × Non-educational games and social events × Major infrastructure enhancements × Technology purchases which exceed 15% of the private school's technology project budget × Services that are non-secular, biased, or ideological