

# ESSA PRIVATE SCHOOL EQUITABLE SERVICES

*FAQ: TRANSFERABILITY AUTHORITY*



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## Resources

TEA staff used the following resources to develop this FAQ:

- [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under The Elementary And Secondary Education Act Of 1965 \(ESEA\), As Amended By The Every Student Succeeds Act \(ESSA\)](#), November 21, 2016
- ESSA, Title V, Part A, Section 5103 (Transferability Authority) and Title VIII, Part F, Section 8501(c)

## Transferability Authority under ESSA

### 1. What is transferability?

**Response:** Transferability is a flexibility authority that permits local educational agencies (LEAs) to transfer all or a portion of the funding they receive under certain federal programs to allocations under other programs so they may more effectively address their unique district needs.

### 2. Which programs may an LEA transfer funds out of?

**Response:** The LEA may transfer funds out of the following programs:

- Title II, Part A – Supporting Effective Instruction State Grants
- Title IV, Part A – Student Support and Academic Enrichment Grants

### 3. Which programs may an LEA transfer funds into?

**Response:** The LEA may transfer funds into the following programs:

- Title I, Part A – Improving Basic Programs Operated by LEAs
- Title I, Part C – Education of Migratory Children
- Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-risk
- Title II, Part A – Supporting Effective Instruction State Grants
- Title III, Part A – State Grants for English Language Acquisition and Language Enhancement
- Title IV, Part A – Student Support and academic enrichment Grants
- Title V, Part B – Rural Education

### 4. Must LEAs engage in timely and meaningful consultation before transferring funds from Title II, Part A or Title IV, Part A?

**Response:** Yes, the LEA must complete the process of timely and meaningful consultation before any funds may be transferred out of those programs.

### 5. Is there a limit on the amount of funds an LEA may transfer under Title II, Part A and Title IV, Part A?

**Response:** No, there is no limit on the amount of allowable transfer. An LEA may transfer all or a portion of funds it receives under Title II, Part A and Title IV, Part A.

### 6. What are the responsibilities of an LEA for the provision of equitable services to private school children and teachers with respect to funds being transferred?

**Response:** Excluding Title I, Part D and Title V, Part B, each program covered by the transferability authority is subject to the equitable services requirements under Title I, Part A or Title VIII, Part F, Subpart 1, which may not be waived.

The LEA must engage in timely and meaningful consultation with appropriate private school officials **before** it transfers funds from a program subject to equitable services requirements.

Once the transfer is made, the LEA must provide equitable services based on the new total amount of funds available to each program involved in the transfer.

**7. May an LEA transfer only those funds that are to be used for equitable services to private school students or teachers?**

**Response:** No. An LEA may not transfer funds to a specific program solely to provide equitable services for private school students or teachers.

**8. May LEAs leave only the PNP equitable share in its original program while transferring out all other LEA funds?**

**Response:** No. LEAs must calculate equitable service shares based on the total amount of funds available under a program after a transfer. An LEA may not transfer funds to a specific program solely to provide equitable services, and it may not retain funds solely for this purpose.

Funds transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the funds are transferred.

Thus, if an LEA chooses to transfer 100% of its Title IV, Part A funds to Title I, Part A, it may not provide equitable services under Title IV, Part A. Instead, under Title I, Part A, the LEA must provide the appropriate amount of equitable services that without the transfer would have been provided under Title IV, Part A.

An LEA must consult with private school officials prior to any transfer; however, the final decision about whether to transfer funds remains with the LEA.

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