

Equitable Services

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Agenda

Purpose of Presentation: To address topics posed by FASFEPA members regarding equitable services for students and teachers in private schools under Title I, Part A and Title VIII of the Elementary and Secondary Education Act of 1965 (ESEA) and the CARES Act programs.

- Family engagement
- Supplement not supplant
- Obligation of funds and carryover
- Pooling funds
- Proportional share for equitable services
- State ombudsman
- Public control of funds
- Administrative costs
- Third-party provider



Family Engagement Scenario

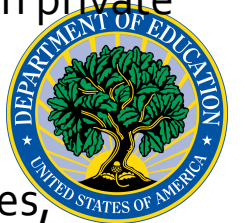


Statute and Regulations

Title I, Part A (Title I)

- ❖ ESEA section 1117(a)(1)(B) requires an LEA under Title I of the ESEA to ensure that families of participating private school children participate, on an equitable basis, in services and activities developed pursuant to section 1116.
- ❖ ESEA section 1116(a)(3)(A) requires an LEA to reserve and spend at least one percent of its Title I allocation to carry out mandatory Title I parent and family engagement activities if the LEA's Title I allocation exceeds \$500,000.
- ❖ To meet this requirement, an LEA must reserve at least one percent from the Title I proportional share allocated for equitable services to provide family engagement activities for parents and families of participating private school children and at least one percent of the total remaining amount for parent and family engagement activities in public schools.
- ❖ If an LEA's Title I allocation does not exceed \$500,000, the LEA may still reserve a portion of the proportional share to provide family engagement activities for the parents and families of participating private school students. The amount reserved by the LEA would be based on timely and meaningful consultation with private school officials.

ESEA section 8501 and the CARES Act do not require an LEA to provide equitable services to parents or families. However, to the extent a covered ESEA program allows for the participation of parents or families, the LEA may provide services to parents and families of private school children based on timely and meaningful consultation.



Scenario

- ❖ An LEA receives an allocation of \$600,000 for Title I services for public and private school students and therefore must reserve one percent of its allocation to provide family engagement activities.
- ❖ The LEA has several private schools whose students live within its boundaries.
- ❖ The proportional share for private school students is \$60,000. One percent of the proportional share is \$600.
- ❖ Private school officials communicate to the LEA that they do not need Title I family engagement activities because they already provide such activities with their own funds.
- ❖ Private school officials ask instead whether the Title I funds that would have provided family engagement activities be used to provide instructional services.



Discussion Questions

1. After consultation, may an LEA provide family engagement activities to parents and families in some, but not all, private schools?
2. If, after consultation, the planned family engagement activities cost less than one percent of the Title I proportional share, may an LEA instead provide instructional services with the unused Title I funds initially reserved for family engagement?
3. If, after consultation, the planned family engagement activities cost less than one percent of the Title I proportional share, does an LEA need to increase the amount of Title I funds it spends for activities for public school families in order to meet the one percent reservation?



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ B-7. How does an LEA determine the amount of Title I funds to be used for parent and family engagement activities for participating private school students?
- ❖ B-10. After an LEA determines the proportional share, the administrative and indirect cost (if any) amounts (see B-36 and B-40) and, if applicable, the parent and family engagement activities amount (see B-7), how does the LEA allocate the remainder of the proportional share to provide equitable services?



Supplement not Supplant Scenarios



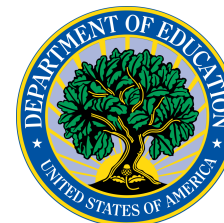
Statute and Regulations

Under Title I and Title VIII programs, an LEA must—

- ❖ Provide equitable services that supplement, and in no case supplant, the services that would, in the absence of the Federal services, be available to participating private school children—i.e., supplement services a private school would otherwise provide—and may not replace the education for participating students that the private school provides all students.
- ❖ Use Federal funds to meet the identified educational needs of participating private school children and not to meet the needs of the private school or the general needs of children in the private school. (34 CFR §§ 200.66 (Title I), 299.8 (Title VIII))

An LEA may provide services in any appropriate location—e.g., a private school, a public school, a neutral site, or remotely.

The CARES Act programs do not have a supplement not supplant requirement.



Scenario 1

- ❖ Following consultation, an LEA designs a program that includes providing Title I services in reading to a group of eligible private school students during the classroom period when they receive reading instruction.
- ❖ The regular teacher instructs in small groups based on ability level. Some students work independently while others receive instruction from the regular teacher.
- ❖ After the regular classroom teacher has provided small group instruction to the Title I-identified students, a Title I teacher reinforces and supplements that instruction in a small group in the back of the classroom while the private school classroom teacher works with another small group.



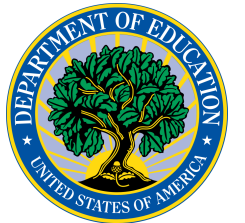
Discussion Questions

1. Are there restrictions on when and where Title I services may occur?
2. May a Title I teacher provide reading instruction in place of the classroom teacher's reading lesson?
3. May a Title I teacher provide supplemental reading instruction at the same time and in the same room as the regular classroom teacher?



Scenario 2

An LEA had purchased laptops for the use by private school students as part of implementing ESEA equitable services. Due to COVID-19, the private school is providing instruction virtually. This has led to some questions about the use of the laptops in this environment.



Discussion Questions

1. Are there any restrictions on how laptops and other supplies purchased with ESEA funds may be used?
2. Are there inventory requirements for these supplies?



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ C-14. How does the principle of supplement not supplant apply to equitable services under Title I?

CARES Act equitable services guidance

- ❖ 12. Do the requirements in 34 CFR § 200.66 apply to equitable services under the CARES Act programs?



Obligation of Funds and Carryover Scenarios



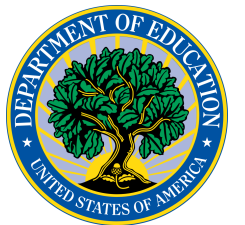
Statute and Regulations

- ❖ Under ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B), an LEA must obligate funds for equitable services in the fiscal year for which the funds are received by the LEA.
- ❖ Under ESEA section 1127(a)-(b), an LEA may carry over to the succeeding fiscal year not more than 15 percent of its Title I allocation.
 - ❖ An SEA may waive this limitation once every three years if the SEA determines that the request of an LEA is reasonable and necessary or a supplemental Title I appropriation becomes available.
- ❖ Definition of when an obligation occurs for a State-administered formula grant program. (34 CFR § 76.707)



Scenario 1

- ❖ After consultation with private school officials, an LEA determines that it will use a portion of Title I funds available for equitable services to provide a professional learning opportunity for teachers of Title I students attending private schools.
- ❖ The LEA scheduled the professional development opportunity for teachers in Private School A in April.
- ❖ Due to COVID-19, the April activity did not occur.
- ❖ As a result, the LEA wonders whether, if it carries the Title I funds that would have been used for the professional development activity over to the next fiscal year, it must use the funds for teachers in Private School A or may use the funds for equitable services in general.



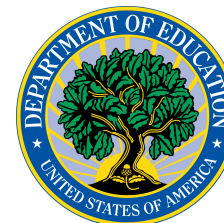
Discussion Questions: Scenario 1

1. May the LEA carry over the unused Title I professional development funds?
2. If so, how must the LEA use the funds?
3. Title I limits carryover to 15 percent of an LEA's allocation. To what extent does this requirement apply to funds from the proportional share?



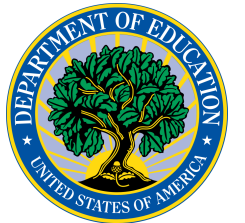
Scenario 2

- ❖ After consultation with private school officials, an LEA determines that it will use a portion of Title II funds available for equitable services to provide a professional learning opportunity for teachers in private schools.
- ❖ Based on this consultation, the LEA provides a menu of activities available throughout the school year and the following summer from which private school teachers may choose based on their specific needs and schedules.
- ❖ Under similar arrangements in the past, some private school teachers have not taken advantage of these types of opportunities.
- ❖ As a result, the LEA is concerned that it will not be able to meet the obligation of funds requirement under ESEA section 8501(a)(4)(B).



Discussion Questions: Scenario 2

1. What steps can the LEA take to help ensure it meets the obligation of funds requirement?
2. May the LEA establish a deadline? What would a reasonable deadline look like?
3. What happens if, despite these efforts, one or more private school teachers do not participate in professional learning opportunities by the deadline?
4. What if the LEA is unable to obligate the remaining funds by the end of the fiscal year? May the LEA carry over the funds?



Scenario 3

- ❖ After consultation with private school officials, an LEA plans a family engagement event with Title I funds.
- ❖ No families of private school students register to participate in the LEA's activity.
- ❖ As a result, the LEA asks, if it carries the Title I funds that would have been used for the family engagement activity over to the next fiscal year, what options it has for using the funds: (1) family engagement in Private School A; (2) family engagement in other private schools in the LEA; (3) instructional services in Private School A; or (4) instructional services in other private schools in the LEA.



Discussion Questions: Scenario 3

1. What steps can the LEA take to help ensure it meets the obligation of funds requirement?
2. What happens if, despite these efforts, the funds remain unobligated by the end of the fiscal year?



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ B-26. What is the purpose of the obligation of funds requirement given that an LEA may carry over funds from a given fiscal year and spend those funds in the succeeding fiscal year?
- ❖ B-27. May an LEA carry over unobligated funds despite the statutory requirement regarding obligation of funds?
- ❖ B-28. How does the 15 percent carryover limitation in ESEA section 1127(a) apply to equitable services carryover?
- ❖ B-29. When does an “obligation” occur?
- ❖ B-30. How long does an LEA have to meet the obligation of funds requirement in ESEA section 1117(a)(4)(B)?
- ❖ B-31. May an LEA impose reasonable deadlines on private school officials to facilitate meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B)?

CARES Act equitable services guidance



Pooling Funds



Statute and Regulations

Title I

- ❖ ESEA section 1117(b)(1)(J) authorizes an LEA to--
 - (1) Provide equitable services to eligible children in each private school with the Title I funds generated by the children from low-income families who reside in participating Title I public school attendance areas and attend that private school; or
 - (2) Create a pool or pools of Title I funds generated by children from low-income families who reside in participating Title I public school attendance areas and attend a private school in a group of schools and provide equitable services to eligible children in any school in the group.

- ❖ Whether to pool funds must be done in consultation with, and the agreement of, appropriate private school officials.
 - ❖ ESEA section 1117(b)(1) requires private school officials and LEA officials to “have the good-faith reaching agreement” on how to provide equitable and effective programs for eligible private school children.



Statute and Regulations (continued)

Section 8501(c)(1)(H)(i) of Title VIII provides similar authority for programs covered by Title VIII of the ESEA.

Funds for equitable services under a CARES Act program may also be pooled by virtue of the reference to section 1117 in section 18005(a) of the CARES Act.



Discussion Questions

1. What options does an LEA have to provide equitable services to eligible children?
2. Are there any steps the LEA needs to take before it pools funds to provide equitable services?
3. May there be multiple pools?
4. Must all schools be part of a pool?
5. May pooling occur with funds carried over to the subsequent fiscal year?



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ B-8. What are the options available for providing equitable services to private school children?
- ❖ B-9. May an LEA make a unilateral decision to pool funds among several private schools to provide equitable services?
- ❖ B-16. If an LEA and appropriate private school officials agree to establish a pool or pools of Title I funds allocated for private school children and, later, one or more private schools in the pool decline services for eligible students enrolled in the school, what happens to the funds generated by children from low-income families in the private school(s)?

CARES Act equitable services guidance

- ❖ 7. How does an LEA that receives funds under the CARES Act programs provide equitable services “in the same manner as provided under section 1117 of the ESEA”?

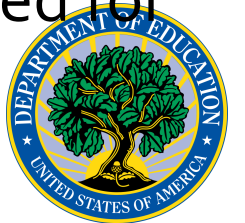


Proportional Share for Equitable Services



Proportional Share: Title I

- ❖ ESEA section 1117(a)(4)(A) requires expenditures for equitable services to be equal to the proportion of Title I funds based on the number of children from low-income families who reside in a participating Title I public school attendance area and attend a private school.
- ❖ The proportional share must be determined based on an LEA's total Title I allocation prior to any allowable expenditures or transfers by the LEA (e.g., prior to reservations for Title I administration).
- ❖ ESEA section 1117(b)(1)(E) requires an LEA to consult with appropriate private school officials regarding the proportion of Title I funds that is allocated for equitable services and how that proportion of funds is determined.



Proportional Share: Title I (continued)

- ❖ ESEA section 1117(b)(1)(F) requires an LEA to consult with appropriate private school officials regarding the method or sources of data that are used to determine the number of children from low-income families who reside in a participating Title I public school attendance area and attend a private school.
- ❖ ESEA section 1117(c)(1) and 34 CFR § 200.64(a)(3) list the methods an LEA may use to obtain a count of private school children from low-income families who reside in a participating Title I public school attendance area. ESEA section 1117(c)(1) states that, after timely and meaningful consultation, an LEA has the final authority to calculate the number of private school children who reside in a participating Title I public school attendance area.
- ❖ Method may vary by private school or within a private school based on consultation.



Proportional Share: Title VIII

- ❖ ESEA section 8501(a)(4) and 34 CFR § 299.7(a) require an LEA to ensure that its expenditures for equitable services under covered ESEA programs (e.g., Title II, Part A and Title IV, Part A) are equal on a per-pupil basis to the expenditures for participating public school children and educators, taking into account the number and educational needs of those children and educators.
- ❖ An LEA determines the proportional share after reserving funds to administer its public and private school programs.
- ❖ An LEA determines the proportional share after consultation with appropriate private school officials based on relative enrollments of public and private school children and may also consider other factors that pertain to educational need.



Proportional Share: Title VIII (continued)

Examples of determining the proportional share for programs covered by Title VIII:

- ❖ Title II, Part A and Title IV, Part A: Relative enrollment of public and private school children and any other factor that pertains to educational need.
- ❖ Title III, Part A: Relative enrollment of English learner (EL) public and private school children and any other factor that pertains to the educational need of ELs.
- ❖ Title I, Part C: Relative enrollment of migratory public and private school children and any other factor that pertains to the educational need of migratory children.
- ❖ Title IV, Part B: Determination of proportional share might differ based on the type of grantee and program focus.



Proportional Share: CARES Act

An LEA that receives funds under a CARES Act program must provide equitable services to students and teachers in a non-public school in the same manner as provided under section 1117 of the ESEA, as determined in consultation with representatives of non-public schools. (Section 18005(a) of the CARES Act.) In particular, the proportional share for a CARES Act program must be determined in accordance with section 1117(a)(4)(A) of the ESEA.

- ❖ An LEA must use the total allocation it receives under each CARES Act program to determine the proportional share available for equitable services before reserving funds for other purposes.
- ❖ An LEA may use the proportional share it calculated under section 1117(a)(4)(A) of the ESEA for Title I purposes in either school year 2019–2020 or 2020–2021.
- ❖ An LEA determines the proportional share for each CARES Act program separately.



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ B-11. How does an LEA determine the number of children, ages 5 through 17, who are from low-income families, reside in participating Title I public school attendance areas, and attend private schools?
- ❖ B-12. How often must an LEA collect poverty data?
- ❖ B-13. May an LEA use more than one method of collecting poverty data on private school children?
- ❖ B-14. If private school officials assist an LEA in obtaining data necessary for the LEA to determine the proportional share, how do LEA officials or auditors determine the accuracy of information retained by the private school officials?
- ❖ B-15. If an LEA has poverty data for children in a private school, regardless of whether the private school participates in Title I, does the LEA include the poverty data in calculating the proportional share?



Non-Regulatory Guidance

CARES Act equitable services guidance

- ❖ 7. How does an LEA that receives funds under the CARES Act programs provide equitable services “in the same manner as provided under section 1117 of the ESEA”?
- ❖ 10. How does an LEA determine the proportional share of funds that must be reserved to provide equitable services to non-public school students and teachers under the CARES Act programs?



State Ombudsman



Statute and Regulations

- ❖ ESEA sections 1117(a)(3)(B) (Title I) and 8501(a)(3)(B) (Title VIII) require an SEA to designate an ombudsman to help ensure equity for private school children, teachers, and other educational personnel.
- ❖ The ESEA requires the ombudsman to monitor and enforce equitable services requirements.
- ❖ Section 18005(a) of the CARES Act, in referencing ESEA section 1117, charges the ombudsman with helping to ensure equity for private school children and teachers under CARES Act programs operated by an LEA.



Documentation

- ❖ What documentation must an LEA provide to the ombudsman and when?
 - ✓ Affirmation of consultation (ESEA 1117(b)(5), 8501(c)(5))
 - ✓ Results of consultation agreement under Title I, Part A(ESEA 1117(b)(1)). There are no comparable requirements under Title VIII programs or CARES Act programs.
 - ✓ Other information that the ombudsman requests to monitor and enforce equitable services (e.g., information needed for an SEA to provide notice of allocations to private school officials)



Non-Regulatory Guidance

Title I equitable services guidance

- ❖ A-11. What documentation of consultation must an LEA maintain?
- ❖ E-1. What are the roles and responsibilities of an ombudsman?
- ❖ E-2. What specific monitoring and enforcement responsibilities does an ombudsman have?
- ❖ E-3. Who may serve as an ombudsman?
- ❖ E-4. What funds are available to support an ombudsman?

CARES Act equitable services guidance

- ❖ 7. How does an LEA that receives funds under the CARES Act programs provide equitable services in the same manner as provided under section 1117 of the ESEA”?



Public Control of Funds



Statute and Regulations

- ❖ Under ESEA sections 1117(d)(1) (Title I) and 8501(d)(1) (Title VIII) and section 18005(b) of the CARES Act, an LEA must keep title to materials, equipment, and property purchased with Federal funds to provide equitable services to private school students and that agency must exercise continuing administrative control of the resources.
- ❖ An LEA may place materials and equipment in a private school for the period of time needed for the program.
 - ❖ May only be used for Federal purposes.
 - ❖ Must be able to be removed from the private school without remodeling the private school facility. (34 CFR §§ 200.67(c) (Title I), 299.9(c) (Title VIII), 76.661(c) (CARES Act).)
- ❖ An LEA must remove materials and equipment from a private school if—
 - ❖ Removal is necessary to avoid unauthorized use of the materials and equipment for other than Federal purposes; or
 - ❖ The LEA no longer needs the materials and equipment to provide services under the Federal program. (34 CFR §§ 200.67(d) (Title I), 299.9(d) (Title VIII), 76.661(d) (CARES Act).) However, the LEA may continue to use the equipment or supplies in the private school to the extent they are needed for other allowable purposes under another Federal education program. The LEA retains title to, and must maintain administrative control over, the equipment and supplies. An LEA must keep an inventory of the materials and equipment placed in each private school in order to maintain control.
- ❖ An LEA may not use Federal funds for repairs, minor remodeling, or construction of a private school facility. (34 CFR §§ 200.67(e) (Title I), 299.9(e) (Title VIII), 76.662 (CARES Act).)



Reimbursement of Private School Costs

- ❖ As required under ESEA sections 1117(d)(1) (Title I) and 8501(d)(1) (Title VIII), an LEA must maintain control of funds used to provide equitable services and must keep title to any materials, equipment, or property purchased with Federal funds. Therefore, reimbursement of private schools is generally not an issue.
- ❖ Under the CARES Act, an LEA may reimburse itself for costs it incurred to combat COVID-19 beginning on March 13, 2020—the date the President declared a national emergency—even though that date is prior to when the LEA received CARES Act funds.
- ❖ Because private schools also incurred costs prior to the onset of equitable services, an LEA may reimburse a private school for necessary expenditures the non-public school incurred in response to COVID-19 under these limited circumstances. In doing so, the LEA must ensure those activities, materials, or equipment are allowable under the CARES Act and are secular, neutral, and non-ideological.
 - ❖ For example, an LEA may use CARES Act funds to reimburse a non-public school for costs related to cleaning and sanitizing a school facility that occurred on or after March 13, 2020, in response to the COVID-19 pandemic, but before the LEA and non-public school officials engaged in timely and meaningful consultation.
- ❖ To maintain control over the CARES Act funds, an LEA must ensure that the non-public school's expenditures represent allowable expenses, that the non-public school has sufficient documentation supporting such expenditures, and that the school received the services or assistance related to those expenditures.

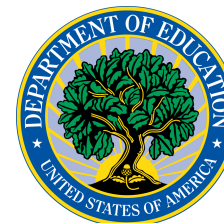


Administrative Costs



Administrative Costs

- ❖ An LEA may charge a Federal program for reasonable and necessary administrative costs that the LEA incurs to provide equitable services to private school students. (ESEA section 8203)
 - ❖ There is no Federal definition of administrative costs. Costs might include, for example, costs of consultation, including an administrator's time; mailing costs; meeting costs; costs related to scheduling services; procurement costs; transportation, if necessary.
 - ❖ An LEA may use any reasonable definition that it applies consistently. (2 CFR §§ 200.403-200.405.)



Administrative Costs (continued)

Title I and CARES Act programs

- ❖ After an LEA determines the proportional share of funds available for equitable services, the LEA may reserve reasonable and necessary administrative costs prior to determining the amount of services students in each private school receive.

Title VIII programs

- ❖ An LEA may reserve off the top of its allocation under a Federal program reasonable and necessary administrative costs, which would include administrative costs necessary to provide equitable services.



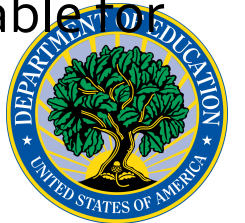
Non-Regulatory Guidance

Title I equitable services guidance

- ❖ B-36. How does an LEA reserve Title I funds for its administration of the Title I program to provide equitable services for private school students?
- ❖ B-37. May a third-party contractor hired by an LEA incur administrative costs?
- ❖ B-40. May an LEA charge indirect costs associated with providing equitable services to the proportional share of Title I funds available for equitable services?

CARES Act equitable services guidance

- ❖ 11. After an LEA has determined the proportional share of funds for equitable services under each CARES Act program, how does it then determine the amount of funds available for services to students and teachers in individual non-public schools?



Third-Party Provider



Statute and Regulations

- ❖ ESEA sections 1117(a)(5) (Title I) and 8501(a)(5) (Title VIII) allow for the provision of equitable services to be provided directly or through contract with a public or private agency, institution, or organization. Section 18005(b) of the CARES Act authorizes an LEA to contract with a public or private agency to provide equitable services.
- ❖ ESEA sections 1117(b)(1)(I) (Title I), 8501(c)(1)(G) (Title VIII), and section 18005(a) of the CARES Act require an LEA to consult with private school officials whether to provide services directly or through a separate government agency, consortium, entity, or third-party contractor. (See also ESEA sections 1117(b)(4) (Title I) and 8501(c)(4) (Title VIII) (discussion required about service delivery mechanisms).)
- ❖ ESEA sections 1117(d)(2) (Title I) and 8501(d)(2) (Title VIII) require an individual, agency, institution, or organization that provides equitable services to be independent of the private school it serves.
- ❖ 2 C.F.R. Part 200 (Uniform administrative requirements, cost principles, and audit requirements for federal awards) (procurement standards).



Discussion Questions

- ❖ Do the procurement requirements in 2 C.F.R. Part 200 apply to a third-party contract for equitable services?
- ❖ What are the procurement requirements in 2 C.F.R. Part 200?
- ❖ If the third-party contractor charges administrative expenses what restrictions, if any, apply?
- ❖ What documentation should an LEA require of a third-party contractor when the contractor is submitting invoices?



Procurement Standards

What are the procurement requirements in 2 C.F.R. Part 200?

2 C.F.R. § 200.320 Methods of procurement to be followed. These requirements apply to third-party contracts for equitable services.

An LEA must use one of the following methods of procurement, depending on the cost of the procurement:

- ❖ \leq \$3,000: Procurement by micro-purchases.
- ❖ $>$ \$3,000 and \leq \$250,000. Procurement by small purchase procedures.
- ❖ $>$ \$250,000: Procurement by sealed bids (formal advertising).



Procurement Standards

Procurement by micro-purchases:

Acquisition of supplies or services, the aggregate dollar amount of which does not exceed the micro-purchase threshold **(\$3,000)**. To the extent practicable, the non-Federal entity must distribute micro-purchases equitably among qualified suppliers. Micro-purchases may be awarded without soliciting competitive quotations if the non-Federal entity considers the price to be reasonable.



Procurement Standards

Procurement by small purchase procedures:

Relatively simple and informal procurement methods for securing services, supplies, or other property that do not cost more than the Simplified Acquisition Threshold **(\$250,000)**. If small purchase procedures are used, price or rate quotations must be obtained from an adequate number of qualified sources.



Procurement Standards

Procurement by sealed bids (formal advertising):

Bids are publicly solicited and a firm fixed price contract (lump sum or unit price) is awarded to the responsible bidder whose bid, conforming with all the material terms and conditions of the invitation for bids, is the lowest in price.



Cost Principles

If the third-party contractor charges administrative expenses, what restrictions, if any, apply?

❖ **2 C.F.R. Part 200, Subpart E- Cost Principles**

- ❖ **§ 200.404 Reasonable costs:** A cost is reasonable if, in its nature and amount, it does not exceed that which would be incurred by a prudent person under the circumstances prevailing at the time the decision was made to incur the cost. The question of reasonableness is particularly important when the non-Federal entity is predominantly federally-funded.
- ❖ **§ 200.405 Allocable costs:** A cost is allocable to a particular Federal award or other cost objective if the goods or services involved are chargeable or assignable to that Federal award or cost objective in accordance with relative benefits received.



Invoices

What documentation should an LEA require of a third-party contractor when the contractor is submitting invoices?

- ❖ Sufficient information to comply with 2 C.F.R. Part 200 (Uniform administrative requirements, cost principles, and audit requirements for federal awards)
- ❖ Separation of programmatic and administrative costs.
- ❖ All costs, including administrative costs, must be reasonable and necessary and comply with 2 C.F.R. Part 200.



Invoices

For example, an invoice might include separate charges for:

- ❖ instructional services
- ❖ family engagement
- ❖ staff development
- ❖ administration
- ❖ profit
- ❖ as applicable, other services and fees



Non-regulatory Guidance

Title I equitable services guidance

- ❖ **C-27.** May an LEA use a third-party contractor to provide equitable services?
- ❖ **C-28.** May an LEA contract with a religious organization to provide equitable services?
- ❖ **C-30.** May an LEA or a third-party contractor employ a private school teacher to provide Title I services to private school participants?
- ❖ **C-32.** If an LEA contracts with a third-party provider, must the third-party provider employ Title I teachers and paraprofessionals who meet the State's qualification requirements?
- ❖ **B-37.** May a third-party contractor hired by an LEA incur administrative costs?
- ❖ **F-5.** Under what circumstances is an SEA required to provide equitable services directly or through a third-party provider?



Resources

General ESEA Resources:

Webpages:

- ❖ OESE: <https://oese.ed.gov/>
- ❖ ONPE: <https://www2.ed.gov/about/inits/ed/non-public-education/index.html>

Resources include:

- ❖ *Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families – Updated Non-Regulatory Guidance (October 7, 2019)*
- ❖ *Providing Equitable Services to Students and Teachers in Non-Public Schools under the CARES Act Programs (October 9, 2020)*

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