

addition to paying for professional development, use their Title II, Part A funds for a variety of other teacher-related activities that may or may not include professional development. Most of those, really all of those activities, are not ones that we are permitted to provide to private schools. For example, one of the things that a lot of LEAs do with their money is use it to hire additional teachers for the purpose of class size reduction.

We're not permitted at the federal level to pay salaries of teachers who work for nonpublic schools. So, that's not something that private schools can do with the Title II, Part A funds that are available for services for them. Really the only thing that nonpublic schools can do with their allowable Title II, Part A services is provide professional development for teachers and other educator personnel.

So, as I said, Title II, Part A services are aimed at improving the knowledge of the education force and that can include improving content knowledge in core academic subjects, but also improving teachers' and principals' knowledge of effective instructional teaching strategies and practices.

So, some of the kinds of services that the LEA might make available to a private school would include things like training on effectively integrating technology into the classroom; instruction on, professional development on teaching students with different needs, students with disabilities, students with limited English proficiency. It can include professional development on methods for improving student behavior in the classroom, on identifying interventions, on involving of parents in classroom instruction. For principals and some other types of administrative personnel, Title II, Part A funds can be used to provide professional development on leadership and development in management. For both teachers and principals, Title II, Part A funds can be used for professional development on using data and assessments to improve instruction and outcomes. Of course, you can also do professional development in the core content areas, such as math, reading, language arts, history, science- anything that would improve the educator's knowledge of the subjects that they teach.

Now, as I said a minute ago, LEAs can use their Title II, Part A funds for a variety of things. But the only place where they're permitted to provide equitable services to nonpublic schools is for professional development. Now LEAs are allowed to make very different decisions about what they do with their Title II, Part A funds. So, a key question that we often get in relation to equitable services for Title II, Part A is questions, both from LEAs and from private schools, about how the LEA is to determine the level of services that it needs to make available to private schools that are interested in participating.

If an LEA chooses to spend very little or none of its Title II, Part A funds for professional development, which may happen, then that has an effect on how much the LEA must

make available to the private schools for equitable services. The basic rule of thumb is that the LEA is required to make available equitable services to the extent that it spends its Title II, Part A funds for professional development.

So, if an LEA were to decide that it's not going to spend any of its Title II, Part A money on professional development that does not mean that the LEA can say to private schools, "We're not providing equitable professional development service to you." The law provides a provision that says that the LEA must set aside at least the amount that it set aside under a previous federal program for professional development in 2001-2002. And that at least that level of equitable services from 2000-2001 must be made available to eligible private schools.

If however, the LEA spends more of its Title II, Part A money on professional development, then it needs to make a commensurate amount available for equitable services for private schools. This is sort of complicated. But the main thing to keep in mind about the funds is that the LEA, not the private schools, remains in control of the federal funds and maintains ownership of any materials, equipment and property that are purchased with the funds. If any supplies or materials are purchased in association with professional development that's provided through equitable services in Title II, Part A, that stuff all belongs to the LEA. It does not belong to the private school.

So I'd like to just take a quick walk through this next slide which kind of gives you an idea of how the amount that an LEA should make available for equitable services might vary depending on the decisions that the LEA makes about what to do with its funds. We've got an Example A, and Example B here.

Remember that Title II services are made available on a per-pupil basis. So, the LEA needs to figure out how many pupils is it talking about. So, it would look at in the first line the enrollment of the district, and then the enrollment in the private schools that are participating in the Title IIA equitable services, and the total enrollment would be the sum of those two things. So in Example A and Example B, you can see there's 960 public school students and 40 private school students in this particular LEA. So, we have a nice round total of 1,000 students, and so that 1,000 is what we use in calculating the per-pupil amount for the professional development services because that includes both the private and the public school students.

Alright, for the purposes of looking at this, we've created a district that has an annual Title II allocation in this particular school year of \$150,000. Now, the difference between Example A, and Example B is looking at how a particular district might choose to use its own Title II, Part A funds. In Example A, the district is using the bulk of its available \$150,000 for things other than professional development. It's using that money for class size reduction or for recruitment activities, which are allowable uses of funds for the LEA. But its elected to spend only \$20,000 in this particular year on

professional development.

In Example 8, we have the same allocation, but the district has made a different decision about what to do with its funds. In this case, its spending \$100,000, two-thirds of its funds on professional development and the \$50,000 is spend on other non-professional development allowable activities. Essentially what the district would need to do in calculating the per-pupil allocation for equitable service to private schools, is to figure out what the per-pupil allocation would be for professional development and the per-pupil allocation based on that hold harmless number from 2000-2001, which is what you see under the hold harmless amount in section C.

So, what the district spent on professional development under the old federal programs in 2001 was \$40,000. So essentially what the district would need to do in each of these two scenarios is calculate what the per pupil amount would be using what it's currently spending on professional development and also what it spent in 2001 on professional development.

So you take for Example A, that \$20,000 that they're spending this year as opposed to the \$40,000 that they spent in 2001. If you divide both of those numbers by the 1,000 students in our enrollment, you come up with the per-pupil allocation. Obviously, the total amount spent for Example A was higher in 2001. The per-pupil allocation for this year was \$20 per pupil. But, it was \$40 under the hold harmless. So, in the example A case, the hold harmless number, \$40 per pupil, is higher than what they're spending this year. So, that's the number that the LEA would need to make available. That's the minimum amount that they're required to make available for equitable services to the private schools. So the larger number is the 40, which came from the hold harmless and then you would multiply that 40 by the participating private school enrollment from Part A, which is 40, and that means that this district needs to make available \$1,600 for equitable services to the private schools.

In Example 8, where the district has chosen to spend a much larger percentage of its own allocation on professional development, where we're looking at \$100,000 as opposed to the \$40,000 hold harmless, clearly in this case the \$100,000 is more and we're coming up with a figure in line D of \$100 per pupil.

In this case, if the district decides to spend its Title II, Part A dollars in the example 8 method, then it needs to make \$4,000 total dollars available for equitable services to the private school.

So, the amount for the equitable services to the private schools under Title II, Part A is dependent on really two things. The first being how much of the current allocation is the district spending on professional development? And then the second thing is how much did they spend in 2000-2001 , and the per-pupil allocation of whichever of those is

>> LIBBY WITT: Yes. The LEA has to be a partner in the grant, so the LEA would know. In most states they only award a small number of these grants. The odds are there isn't going to be one in your district. But it's worth asking.

>>AMY HUBER: Good to know.

>>LIBBY WITT: And a lot of those projects focus on math and science development, so if that's something that a private school is interested in, it might want to actually ask during the consultation process if there any of those partnership grants running in the district.

>>AMY HUBER: Great.

>>LIBBY WITT: Because if there are, they can potentially participate.

>>AMY HUBER: Okay. Another question we get very frequently, "May Title II, A funds be used to pay for a private school teacher's attendance at a professional conference sponsored or conducted by a faith-based organization? And, the answer is yes, but...

>> LIBBY WITT: But. Like a lot of answers that come from the federal government, the real answer is it depends. Faith-based organizations do conferences all the time. And, obviously Amy mentioned earlier in this webinar that services that are provided through ESEA equitable services have to be secular and non-ideological. So this creates some issues when a professional development conference is actually sponsored by a faith-based organization. However, if you look at the agendas for a lot of these conferences, much of the content that's presented at those conferences is in fact secular and non-ideological.

I mean, it's about math or it's about literacy. It's not necessarily about religious education. So, to the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher, then Title II, A funds could be expended to pay for the portion of the costs of the conference, as determined by the LEA, that is secular and non-ideological.

Let's say for example a teacher at a private school wanted to attend one of these religiously, this conference that's sponsored by a faith-based organization, What the LEA would need to do in the consultation process is take a look at the conference agenda, find out what sessions is the teacher planning on going to, because there's usually a million sessions at those things and the teacher may only be able to go to ten, and are those sessions focused on secular, non-ideological professional development, or are they focused on the religious content? And what you could essentially do, let's say that 60% of the sessions that the teacher was attending were

secular and non-ideological and 40% of them were more focused on religious education.

The LEA could fund up to 60% of the costs associated with the teacher attending the conference. Essentially what the LEA is doing is prorating the amount that's secular and the amount that's not.

What the private schools need to keep in mind about this is remember that the LEA is the steward of the funds. So, if the LEA - if you say I want to send my teachers to this conference- it's incumbent on the LEA to ask for that additional information. You know, they're going to ask you for the conference agenda. They may need some help in terms of figuring out what's secular and what's not. But, you know, what they're not going to do is just blanket say, "Yes, we're going to pay 100% of the cost." So, the private school needs to expect that the LEA is going to ask questions and the reason the LEA is asking the questions is that they're required to do that. They're not picking on you.

>>AMY HUBER: And we would also like to note that each LEA will have a different perspective on the amount of funds allowed or the amount of funds that the teacher may use to go to this conference. They have different budgetary things to keep in mind or, you know, so one LEA might pay 75% and a teacher going to the same conference in a different state may only get 30% paid. It could be that the participants are choosing different courses; it could be the discretion of the LEA. So keep that in mind as well when you're at these conferences comparing notes that, you know, there's not a blanket rule. There's not a blanket-- there will be 75% paid, 85% or 35%, this is all done during timely and meaningful consultation. Thank you, Libby.

All right. Moving onto the next one.

>>AMY HUBER: "May an LEA use Title II, Part A funds to write a reimbursement check to a private school?"

>> LIBBY WITT: This is one of my favorite questions.

>>AMY HUBER: I like this question, too.

>> LIBBY WITT: It's one of the few questions we get where the answer isn't "it depends." The answer is no. The LEA is never permitted to write a check directly to a private school.

We provide, well first of all, the LEA has to administer and retain control over the funds and so they're not permitted by statute and by regulation to provide program funds directly to the private school. In terms of Title II, Part A, they are providing service to the private school teachers, not to the private school. So, any reimbursement needs to happen by reimbursing the teachers. Or, alternatively if a service is being provided by a

wanted professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented or aspiring or current principals and superintendents become outstanding managers and educational leaders. That's straight out of the statute and it's not the most clear statement in the world. But, basically professional development that helps principals and superintendents become better managers, better instructional leaders is going to be allowable.

The one caution I would put in here is this allowable use of funds does not necessarily extend to other administrative personnel. And that's true for LEAs and other private schools. If you've got a curriculum director or something like that, those folks you can't use Title II, Part A funds. It's simply not allowable. But principals and superintendents, yes. We've occasionally gotten questions about training board members at private schools and they don't quite fall under that.

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>>AMY HUBER: They don't quite make the definition. This will be our last FAQ before we move onto another topic. And this is one we've received a lot lately. May Title II, Part A funds be used to purchase equipment and other materials? Now I just want to point out that this question goes over two slides. So we're just going to explain it a little bit more in detail. But the question is may Title II, Part A funds be used to purchase equipment and materials?

>> LIBBY WITT: This is, and as Amy said, we've been getting this question a lot lately. Particularly around the -- and not just from equitable services, we've been getting this a lot from LEAs in regard to the purchase of technology equipment particularly. Remember that for equitable services purposes, the only allowable use of Title II, Part A funds is professional development.

Now there may be supplies and materials that would be necessary for carrying out that allowable professional development. And such materials, if they're directly associated with carrying out the Title IIA funded professional development can be an allowable use of the funds provided that it's reasonable and necessary.

If you remember back earlier in the webinar, Amy talked about you know the sort of three-level criteria for determining whether you can use federal funds for something. It has to be allowable. But it also has to be reasonable and necessary. It's allowable to send somebody to professional development in a foreign country. But it's probably not reasonable or necessary. You can probably find something similar closer to home for a lot less money.

The same thing applies for purchasing supplies that go along with providing and funding professional development. But anyway, the basic premise is to the extent that the purchase is necessary and reasonable to carry out the professional development

-fr activity and the professional development activity is an allowable professional development activity, not every kind of professional development is allowable under Title II, Part A, it may be permissible to use the Title II, Part A funds for the LEAs to use the Title II, Part A funds to provide some supplies and materials for the private school.

However, there are limits to this. And that's where our continuation comes in. There are some kinds of supplies that are not going to work. And we do have some examples of things that are allowable and things that are not. Some of the allowable, and these are based on real questions from people.

We've had questions about the purchase of DVDs. If the DVDs are part of an allowable professional development program and they serve to reinforce the professional development provided, you know, the teacher needs the DVD to do the thing that the professional development is teaching him or her to do, then that would be considered an allowable supply.

Some texts that might be associated with providing the professional development, you know, reference texts. However, what we're not permitted to spend the funds on is buying a bunch of books to set up your professional development library. The books have to be associated with the funded professional development. Student textbooks are never an allowable use of Title II, Part A funds. Ever. The same would be true for LEAs as well as for private schools.

>>AMY HUBER: So once again, to kind of clarify on the books. A reference book that is part of the professional development, yes. Books that are going to go to a reference library or a library, no. Textbooks to students, no. That's another ESEA program that we can talk about later.

>> LIBBY WITT: Basically student services are never an allowable use of Title II, Part A funds. Any supplies that are meant for use by students are probably not going to be okay.

>>AMY HUBER: Title II is for teachers ...

>>LIBBY WITT: ...principals and teachers, primarily.

>>AMY HUBER: Now, this last bullet we've been getting a lot of questions about. We've talked about some items that may not be techno savvy. DVDs maybe books are definitely no tech savvy. But what about the purchase of technology?

>>LIBBY WITT: And we have had a lot of questions recently particularly around purchasing things like iPads. And we understand that iPads can be a way of providing professional development. And the argument we usually get, and I want to stress that

this is not just a question we get in relation to equitable services. We get this with everything associated with Title II, Part A. And we say the same things to LEAs that we say to private schools.

The problem with expensive technology equipment like computers, laptops, and iPads, we get that those items can be part of providing professional development. Where you get into trouble is around the reasonable and necessary. And the reason that this is problematic is all of those items can also be used for a whole lot of things that aren't allowable Title II, Part A uses.

Take the iPads for example. Yes, that may be a way of pushing out professional development to teachers. It might be a way for teachers to track what they're doing in their classroom while they're doing it. But the teacher can also take it home and do e-mail and watch movies on it and play Angry Birds and do whatever else fun things you can do with an iPad. None of that other stuff is related to Title II, Part A.

So what we suggest that people do when it comes to a professional development on using technology in the classroom is to buy the actual technology with their own funds and pay for the professional development on how to use it in the classroom with the Title II, Part A funds.

I think part of the reason that we're getting a lot of these questions, first of all, these items are, you know, things like iPads particularly, they weren't available 10 years ago when Title II, Part A, the current version of Title II, Part A was written. But also there used to be the Title II, Part D program where people could purchase the actual technology.

>>AMY HUBER: It was also known as E2T2.

>>LIBBY WITT: And also Title V, which a lot of private schools participated in. But both Title II and Title V have been defunded by Congress. And while you could purchase actual stuff with those funding streams, you can't with Title II, Part A. So basically purchasing those kinds of equipment is going to be a problem.

But, I mean I think what the LEA needs to consider in making determinations about this, and we've had a question about providing instructional coaches with cameras to record teacher lessons to improve instruction. My question would be is that the only thing that the camera is going to be used for? If that's the only purpose of the camera, then yeah, that might be considered part of the professional development. I think it's a lot harder to make that argument with iPads and laptops. The other thing to keep in mind about what makes purchasing technology with, for equitable services purposes is, remember that the materials purchased technically belonged to the LEA.

>>AMY HUBER: This is true.

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>> LIBBY WITT: So if the LEA is purchasing technology for use by the private school, even if it's allowable technology, there either has to be arrangements made for the LEA to keep physical control of those things. Those things don't belong to the private school. They belong to the LEA. Or there has to be some kind of use agreement

between the LEA and private school. Frankly, that can get dicey quickly.

When it comes to things like computers and laptops and iPads and smart boards and projectors, my first response is pay for the PO, not for the technology, with the Title II, Part A funds. Just so you know. We say exactly the same thing to the LEA about purchasing this kind of technology for use in the LEA. This is not something we only say in relation to equitable service to private schools.

>>AMY HUBER: Great. Well, those are maybe what we would call our top ten FAQs that we get in. Before we get ready to take some of your questions now that you've sent in on the chat or the chat feature, I just want to share with you a slide that we put together on resources. The top two slides are links. Or, sorry. They're not links. They're the titles of the non-regulatory guidance for the Title II, Part A and for the Title IX non-regulatory guidance. If you go to ...all of these documents are located on Ed.gov and you can put in the titles in the search engine and they'll bring up those documents for you.

Both documents are very handy to have for both the public and the private school officials going into timely -and meaningful consultation. They're done in a format that's like an FAQ-type format. And they're very easy to understand.

And a lot of the questions that you may have that we might have discussed just briefly during the webinar will be addressed further in detail in the non-regulatory guidance. So, I encourage all of you to take note of those. You could take a little screen shot right now of that slide and then go back here a little bit later and go to ed.gov and download those. The Title II, Part A web page is also listed.

And as we get ready to move on, we're going to do another polling question real quick and let Libby and I take a quick water break. And the question I'm asking right now, after participating in this webinar, please rate how your knowledge and understanding of Title II, Part A equitable services has been enhanced? Has there been no change? Has it been slightly enhanced? Or has it been significantly enhanced? We're going to pause for one minute while those results are coming in.

We're closing the poll right now. And I'm going to share those results with you. With one click. And it looks like most people feel that their knowledge has been slightly enhanced. Okay. That means Libby and I get to go home early today. And we

>> LIBBY WITT: Yes. And my first question is if somebody were to send me that question is what is this literacy coach actually doing? If the literacy coach is coaching students, you know, providing additional reading instruction to students, then no. It's not a professional development activity.

But if the literacy coach is working with teachers on improving how they do instruction in literacy, then yes. That's a professional development expense and it needs to be figured into the calculation that the LEA makes in determining to the extent that they spend their Title II, Part A funds on professional development, that's the base for figuring out the per-pupil allocation for equitable services.

You know, I think 11 years ago when the current version of ESEA first passed, we were not seeing a lot of Title IIA being spent on that kind of professional development. It was more conferences and we're going to bring a professional developer into our district to do PD. And so the professional development could be calculated in nice packages. But over the last ten years, we've seen a move among LEAs of spending larger portions of their Title IIA funds on that coaching model of professional development. And what occasionally happens is they forget that that's still professional development and needs to be part of that calculation for equitable services. What is the literacy coach doing? Is that person working with students or teachers? If they're working with teachers, then it's PD.

>>MAUREEN DOWLING: One last question here, because I think it's an important one and everything we've talked about this afternoon speaks to it. At the end of the day, who makes the decision? Does the LEA have the responsibility to make judgments about it? As was stated earlier, at the end of the day, the local educational agency is the responsible agent for implementing these programs for professional development and private school teachers. In that consultation process, private school officials bring to the table the needs of their teachers. They know the needs of their teachers best. They can assess those needs through various ways. And then they bring that information to the discussion table with suggestions for how the local educational agency could meet those needs.

The LEA is going to bring to the table some of things it's already doing with its own teachers, because there could be some overlap there. The amount of funding that's available. And then the discussion should ensue as to what should be the best way to expend those funds to meet the professional development needs of the teachers. The LEA remains obligated to expend those funds to meet the professional development needs of those teachers per the allowable and reasonable requirements within the law. But the LEA makes that final decision. But the hope would be that the timely and meaningful consultation has been adequate and satisfactory such that at the end those funds are used to provide top quality professional development that will meet those needs so that the students' academic performance is impacted for the better.