



**U.S. Department of Education  
Office of Safe and Healthy Students**

**Title IV, Part A, Student Support & Academic Enrichment (SSAE) Program  
State Coordinators Kick-Off Meeting  
Washington, DC  
January 9 – 10, 2018**

**QUESTIONS AND ANSWERS FROM THE  
TITLE IV, PART A STATE COORDINATORS' MEETING**

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- 1. May an LEA transfer Title IV, Part A funds into Title III to get the LEA above the \$10,000 minimum grant required for Title III?**

A: In response to your question, as Title III, Part A funding is based on an LEA's number of English Learners (ELs), a local educational agency (LEA) may not transfer funds from other programs into Title III, Part A with the purpose of meeting the \$10,000 threshold. However, an LEA that would not otherwise qualify for a subgrant under section 3114(b) of the ESEA because it does not qualify for an award of at least \$10,000 may submit a joint application with one or more other LEAs in order to qualify.

More information on the consortium requirements for Title III can be found in A-15 of the September 2016 English Learner guidance (available here: <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguideenglishlearners92016.pdf> and pasted below).

***A-15. How can LEAs form a consortium to receive a Title III EL formula subgrant?***

*An LEA may join with other LEAs to form a consortium of LEAs to receive Title III formula funds under the ESEA. This option is the same as under the previous version of the ESEA. Under this arrangement, one of the LEAs must serve as the fiscal agent for the consortium, and is legally responsible to the Department for the grant. See generally 34 CFR § 76.303. The option of joining a consortium may be especially relevant to a small LEA that does not, on its own, have a sufficient number of ELs to meet the requirement in ESEA Section 3114(b) that a Title III subgrant be at least \$10,000. Such a small LEA could, for example, form a consortium with other small LEAs to receive Title III funds or enter into an agreement with a neighboring larger LEA to receive services provided by the larger LEA. Some examples of consortia models in place in various States include:*

- *The LEA fiscal agent provides consortium-wide services, such as professional development and supplemental instructional materials, directly to all LEAs in the consortium.*
- *The LEA fiscal agent enters into a contract with another entity to provide services to all of the member LEAs.*
- *The LEA fiscal agent distributes a portion of the consortium's allocation to each member LEA based on the number of ELs in each LEA.*

**2. If our state's Title IV, Part A allocation triggered ratable reduction and all districts received less than \$10,000, may they join a consortium?**

A: Yes. LEAs have the option of joining a consortium regardless of the amount of their Title IV, Part A subgrant.

**3. What kind of training will there be for auditors on Title IV, Part A?**

A: As far as we know, Title IV, Part A will be included in the U.S. Department of Education Compliance Supplement for 2018. Each year the Office of Management and Budget (OMB) issues the Single Audit Compliance Supplement, previously known as OMB Circular A-133 Compliance Supplement, which acts as a guidebook for single audits for all non-Federal entities that expend \$750,000 or more in Federal funds in a single year.

**4. Must LEAs engage in timely and meaningful consultation BEFORE transferring funds out of Title IV, Part A?**

A: Yes. This answer is provided in the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (available here: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf> and pasted below).

***U-4. What are the responsibilities of an SEA or LEA for the provision of equitable services to private school children and teachers with respect to funds being transferred?***

*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 or VIII, which may not be waived. (ESEA section 8401(c)(5).) Before an SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. (ESEA section 5103(e)(2).) With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.*

However, the final decision about whether to transfer funds remains with the LEA.

**5. Can we get estimated allocations for states at the fully funded level? This will be helpful when visiting with State reps regarding the need for Title IV, Part A.**

A: No. The Department does not generally provide allocation simulations.

**6. How should states ensure LEAs address equitable services requirements in a competitive grant process?**

A: In order to ensure timely consultation for competitive grants that are subject to equitable services requirements, LEAs should begin the consultation process early enough in the decision-making process to allow for participation of private school students and teachers. Therefore, the LEA should engage in a process of timely and meaningful consultation with private school officials and provide them with information related to the projected and/or final funding amounts for programs and services, including on the process the LEA will use in preparing its competitive grant application. The LEA should also develop a process for determining mutual expectations for implementation and assessment of programs. Please consult the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act, as amended by the Every Student Succeeds Act (available here: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>) and the Guidance on the Transferability Authority [available at <http://www2.ed.gov/programs/transferability/finalsummary04.doc>] which remains applicable except as otherwise indicated in the Fiscal Guidance, and addresses consultation in competitive grants.

**7. If a State distributes funds by formula this year, can it change to a competitive process next year (provided it's allowed)?**

A: The answer to this question will depend on the actual legislation that authorizes future competitive processes in Title IV, Part A.

**8. Regarding transferability of funds: Can LEAs calculate the nonpublic share first in Titles II or IV and then do transfers out of those programs into each other or into Title I? In other words, can LEAs leave just the nonpublic share in its original program while transferring out all other LEA funds?**

A: LEAs must calculate equitable service shares based on the total amount of funds available under a program *after* a transfer. Just as an LEA may not transfer funds to a particular program solely to provide equitable services, it may not retain funds solely for this purpose. Section 5103(e)(1) of the ESEA, as amended by ESSA, is clear that funds

transferred under this section are subject to each of the rules and requirements applicable to the funds under the provision to which the transferred funds are transferred. Thus, if an LEA chooses to transfer 100% of its Title IV, Part A funds to Title I, it may not provide equitable services under Title IV, Part A. Please keep in mind that 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. For more information, please see the Department's guidance, [Fiscal Changes and Equitable Services Non-Regulatory Guidance](#), U-4 and U-5:

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*With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.*

***U-5. May an SEA or LEA transfer only those funds that are to be used for equitable services to private school students or teachers?***

*No. An SEA or LEA may not transfer funds to a particular program solely to provide equitable services for private school students or teachers. Rather, an SEA or LEA, after consulting with appropriate private school officials, must provide equitable services to private school students and teachers based on the rules of each program and the total amount of funds available to each program after a transfer. (See ESEA section 5103(e).)*