



New York State  
EDUCATION DEPARTMENT  
Knowledge ➤ Skill ➤ Opportunity

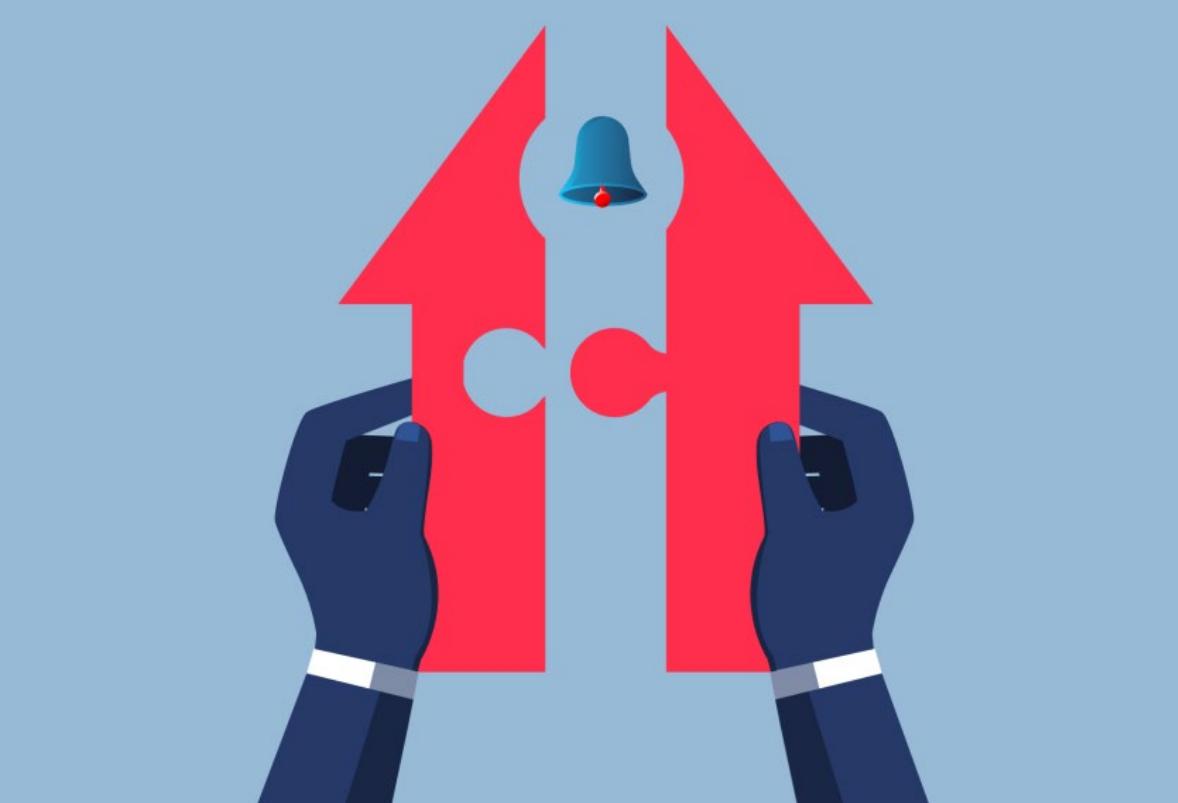
# Transferability and Equitable Services

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Funded Programs





# What is transferability?

- Transferability is a flexibility authority under the Every Student Succeeds Act (ESSA) which allows Local Educational Agencies (LEAs) to transfer up to 100% of the funds they receive under Title II, Part A and Title IV, Part A to other programs to better address the needs of their unique student populations and to ensure the capacity of delivering a meaningful program.



# What is transferability?

- In transferring funds, an LEA transfers the use of funds, but does not actually have to move funds from one account to another so long as it maintains adequate documentation to account for the transfer.
- The LEA must maintain records demonstrating how a program's total funds, including transferred funds, were spent.

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# What is transferability?

- Transferred funds are subject to all the rules and requirements of the programs to which the funds are transferred, including equitable services.
- The transferred funds should be treated as if they were included in the initial allocations of the programs to the LEA transfers funds.
- Spend transferred funds in accordance with requirements of the receiving program, including statutory set-asides.

# LEAs must consult with private schools

- Regarding the impact of the transfer to the equitable services programs
- Before any transfers are made

- 1
  - Engage in timely and meaningful consultation to provide for the equitable participation of private school students and staff.
- 2
  - Discuss service implications
- 3
  - Calculate proportional shares using allocations *after* transfers

# FAQs

*The LEA has final decision-making authority regarding all Federally-funded programs, including equitable services.*

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?

- 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. These equitable services obligations cannot be waived. Before an 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.

# FAQs

## How are equitable services treated?

- With respect to the transferred funds, the 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. For example, if an LEA transfers 100% of funds received in Title IV, Part A into Title I, Part A, 4 the LEA would provide equitable services under Title I, Part A, since no funds are remaining under the Title IV, Part A program.

# FAQs

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

- No. The LEA may not transfer funds to a particular program solely to provide equitable services for private school students or teachers. Rather, an 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.

# Contact Information

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