

Allocations, Transferability & Carryover

The local education agency (LEA) must calculate the equitable share on a per-pupil basis to ensure that an equal expenditure is used to serve eligible public and private school students, taking into account the number and needs of eligible private school children and educators.ⁱ In Oregon, the local educational agency (LEA) is usually the district, and in this document “district” is synonymous with LEA.

In Oregon, only students enrolled in any grade K-12 should be counted when calculating the equitable share. ESEA also stipulates that the private school must be a [non-profit](#).ⁱⁱ

Title I-A

How are private school students counted for equitable services?

Private school students are essentially counted twice in Title I-A: first to calculate the equitable share and then again to determine who will receive services. Each count has its own eligibility requirements. Therefore, a student who is eligible to calculate the equitable share is not required to receive services; and a student who is not eligible to determine the equitable share can receive services.

For a private school student to be eligible to be in the first count for in calculating the equitable share calculation, they must:ⁱⁱⁱ

1. Reside within the attendance area of a Title I-A public school; and
2. Qualify based on their family’s income.

For a private school student to be eligible to receive services, they must:^{iv}

1. Reside within the attendance area of a Title I-A public school; and
2. Demonstrate academic need.

What method should be used to determine which students are counted when calculating the equitable share?

During consultation, the district and the private school should come to an agreement on the [method they will use](#) to count the number of private school students in order to calculate the equitable share. ESEA requires the district to determine an accurate account, and they are responsible for ensuring that the method used is as close to the real count as possible.^v

While the district has the final say on what method is used, it must give serious, due consideration to the private school’s preferred method. If the district disagrees with the private school about which method to use, the district must provide in writing the reasons why the district will not use the private school’s preferred method. Reasons should be fact-based and explain why the private school’s preferred method is less accurate than the district’s preferred method.^{vi}

The district and private school may choose from the following methods:^{vii}

1. The same measure of poverty as the public school uses. The district and private school must both have accurate data available from the same measure. An example would be if both the district and private school have FRPL data or Direct Certification data.
2. Comparable poverty data from a survey.
 - a. The ODE provides [Family Income Surveys](#) that the district can ask the private school to distribute and collect from private school families who reside within a Title I-A public school attendance area.
 - b. The district cannot require the private school to provide any information from the survey except verification of residence in a participating Title I public school attendance area, the grade level of the student(s), and family income.
 - c. If the survey is not returned by every private school family residing within a Title I-A public school attendance area, the district and private school may, during consultation, choose to extrapolate data from the returned surveys or use proportionality to calculate the poverty rate of the unreturned surveys.
3. Comparable poverty data from different sources. An example would be if the district used FRPL data and the private school used tuition scholarship data. The income threshold of both data sources must be similar.
4. Proportionality. The district applies the same percentage of students experiencing poverty who attend a Title I-A public school to the private school enrollment of children residing in the same Title I-A public school attendance area. For example, if the Title I school has 80% of its students' experiencing poverty, then it is assumed 80% of the students attending private school who reside in that Title I-A public school attendance area are also experiencing poverty.
5. An equated measure. The number of private school students experiencing poverty is determined by comparing the ratio of known data between public school students and private school students.
6. A combination of any of the above methods. The district must ensure that there are no duplicate counts and that the methods used have comparable income levels.^{viii}

For more detailed examples of each method, see [Module 3b](#).

[Does poverty data have to be collected from the private school every year?](#)

During consultation, the district and private school can decide how often to collect poverty data. Options include collecting data every year, or every other year.^{ix}

[How does the district know if data from the private school is accurate?](#)

From each survey, the private school is only required to give the district a student's address, grade level and household income. However, the private school must maintain all records of the collected data ([family income surveys](#), scholarship applications, etc.), and must allow any monitoring or auditing official (district, state or federal) to review the data at the private school upon request.^x

[Title I-A](#)

How is the equitable share calculated?

The equitable share must be taken off-the-top of the districts total allocation before any other set-asides are removed.^{xi} In the Continuous Improvement Plan (CIP) Budget Narrative (BN), the number of private school students experiencing poverty are entered for each Title I-A public school depending on the private school student's address and grade level.

1. Calculate the total equitable share: On the targeting page, multiply the "Percent of SWP/TAS Poverty Students in Private Schools" by the "Title I-A grant allocation for [SY] CIP Budget Narrative."

Total equitable share = (Percent of SWP/TAS Poverty Students in Private Schools) x (Title I-A Grant Allocation for [SY] CIP Budget Narrative)

2. To calculate the per-pupil allocation: On the targeting page, divide the total equitable share by "SWP/TAS Poverty Students in Private Schools."

Per-pupil allocation = (total equitable share) / (SWP/TAS Poverty Students in Private Schools)

3. To calculate the Equitable Share for each Private School: Multiply the per-pupil allocation by the number of students in poverty for the private school.

Equitable share for each private school = (per-pupil allocation) x (# of students in poverty for the private school)

Make sure to include your calculations on the CIP BN Set-Aside page along with a description of how the funds will be obligated for each private school. If pooling, see [Module 3d, STEP 6](#).

Administrative and indirect costs

[Administrative and indirect costs](#) can be taken from the equitable share if agreed to during consultation. This includes administrative costs incurred by a third-party contractor. All such costs must be agreed to during consultation and be reasonable and necessary.^{xii}

Parent and Family Engagement

Districts are required to discuss private school parent and family engagement during consultation. If the private school has a need for parent and family engagement, the district must meet this need if their total Title I-A allocation is over \$500,000. Parent and family engagement activities can only be provided to private school families whose student(s) are eligible for Title I-A services (i.e.: live in a Title I-A public school attendance area and demonstrate academic need). If applicable and in agreement with the private school, the district may invite private school families to participate in public school parent and family engagement activities.^{xiii}

[Title VIII \(includes Titles I-C, II-A, III-A, IV-A, IV-B and IV-F\)](#)

How is the equitable share calculated for Title VIII?

For Titles [II-A](#) and [IV-A](#), the equitable share can be determined by the relative enrollments of public and private school students. For Titles [I-C](#), [III-A](#), [IV-B](#) and [IV-F](#), specific program eligibility requirements must be considered.^{xiv} The enrollment numbers that are used should be from the same school year for both the district and the private school.^{xv} Only students enrolled in grades K-12 should be counted in a private school's enrollment.^{xvi}

1. Calculate the total number of eligible students: add the total number of eligible public school students to the total number of eligible private school students

Total # of eligible students = (total # of eligible public school students) + (total # of eligible private school students)

2. Calculate the net district allocation: minus the administrative costs and indirect costs from the total district allocation.

Net district allocation = (total district allocation) – (administrative + indirect costs)

3. Calculate the per-pupil rate: divide the net district allocation by the total number of eligible students.

Per-pupil rate = (net district allocation) ÷ (total # of eligible students)

4. Calculate the equitable share: multiple the per-pupil rate by the total number of eligible private school students.

Equitable share = (per-pupil rate) x (total # of eligible private school students)

Administrative and indirect costs

For all Title VIII programs, [administrative and indirect](#) costs cannot be taken from the equitable share. This is because all administrative and indirect costs are taken off-the-top from the district's total allocation before calculating the equitable share.^{xvii}

Title I-A and Title VIII

How can a district distribute the equitable share?

During consultation, the district and the private school should decide how the equitable share will be distributed. There are three options.^{xviii}

1. School-by-school. Individual districts provide equitable services to eligible individual private schools. *For example: both District A and District B provide their own Title I-A services to eligible students from only their district who attend Private School 1. District A also provides Title VIII services to Private School 1 since the private school resides within District A's geographic boundaries.*
2. Pooling within a district. Two or more private schools located in the same district form a pool to combine their equitable shares for any Title I-A or Title VIII program, thus allowing any eligible participant from either private school to access equitable services. *For example: In District C, Private School 2 and Private school 3 become a pool to combine their Title I-A equitable shares and their Title II-A equitable shares. The pooled equitable shares for Title I-A are used to provide only students from Private School 2 with Title I-A services, and the pooled Title II-A equitable shares are enough to create a mentoring program accessible to educators from either private school.*
3. Pooling across districts. Two or more districts combine equitable shares to one private school for any Title I-A or Title VIII program. An advantage is that the administrative costs are lowered since only one district will run the equitable service program. *For example: District D and District E combine their Title I-A equitable shares to Private*

School 4. The pooled Title I-A equitable shares can be used to serve students residing in either participating district.

Additionally, in the same manner two or more districts can combine equitable shares to two or more private schools. For example, District D and E combine their Title II-A equitable shares to Private Schools 4 and 5 to provide one comprehensive professional development program to private school educators from one or both private schools.

For more information on pooling, see [Module 3c](#).

If a district chooses to transfer funds among Titles, must they ask the private school?

Under ESEA, a district must consult with private schools before they make any decision regarding the amount of money available for equitable services. This includes the decision to transfer funds. While the district has the final say in the decision to transfer funds, the district may not enter into consultation having already made a unilateral decision to transfer funds.^{xxix} The district must give serious, due consideration, to the private school's views.^{xxx} In considering the private school's views, the district may not move funds into a Title program for the sole purpose of providing equitable services;^{xxxi} or retain funds in a Title program from which it transfers funds for the sole purpose of providing equitable services.^{xxxii}

What is the difference between allocating the equitable share and obligating the equitable share?

Allocating the equitable share is when the district calculates the amount of funds that can be spent on equitable services for each participating private school. The equitable share should be allocated by the beginning of the school year in which services will be provided.^{xxxiii}

Obligating the equitable share is when all or some of the equitable share has been committed to a specific purpose. For some services, obligation occurs when a written commitment is signed, and for other services obligation occurs when the service is purchased, used or delivered.^{xxxiv}

Excepting some circumstances, the equitable share must be obligated during the federal fiscal year for which it was allocated. For example, the equitable share for the 2022-2023 school year must be fully obligated during the time frame July 1, 2022 – September 30, 2023.^{xxxv}

In order to ensure that funds are obligated in the fiscal year in which they are allocated, during consultation the district and private school can establish a reasonable deadline by which a private school submits relevant data and participates in creating budgets. If the agreed upon deadline is not met, if specified when setting the deadline, the district may consider the private school to have declined services.^{xxxvi}

Can the equitable share be carried-over?

In general, the equitable share must be obligated in the school year for which it is allocated. This means it should not be carried over. However, in reality there may be circumstances that make it difficult or impossible for a district to obligate the equitable share during the school

year it is allocated. In these circumstances, the equitable share must be carried over. Examples of circumstances in which carryover is required include:^{xxvii}

- Services are delayed due to a natural disaster; or
- Services are delayed due to the district initiating late consultation; or
- Services are delayed due to the district’s inability to employ qualified personnel; or
- Services are delayed due to unexpected district procurement challenges; or
- The invoiced amount for a service provided by a third-party contractor is less than expected.

ⁱ [Title I-A Equitable Services NRG \(2023\) Part B. Allocations, ESEA section 1117\(a\)\(4\)\(A\), \(c\)\(1\), 34 CFR § 200.64\(a\)\(1\)-\(2\)](#); [Title VIII Equitable Services NRG \(2023\) Part B. Allocations, ESEA section 8501\(a\)\(4\)\(a\), 34 CFR § 299.7\(a\)](#)

ⁱⁱ [ESEA 8101 \(19\), \(45\), Title I-A Equitable Services NRG \(2023\) Introduction, ESEA section 1115\(c\), section 1117\(a\)\(1\)\(A\), Title VIII Equitable Services NRG \(2023\) Introduction, C-1, C-5, ESEA section 8501\(a\)](#)

ⁱⁱⁱ [Title I-A Equitable Services NRG \(2023\) B-4, ESEA section 1117\(a\)\(4\)\(A\), \(c\)\(1\)](#)

^{iv} [Title I-A Equitable Services NRG \(2023\) C-1, ESEA sections 1115\(c\)\(1\)\(B\), \(c\)\(2\)\(B\)-\(E\), 1117\(a\)\(1\)](#)

^v [Title I-A Equitable Services NRG \(2023\) B-11, ESEA sections 1117\(c\)\(1\)\(B\), \(c\)\(1\), 34 CFR § 200.64\(a\)\(3\)\(i\)](#)

^{vi} [Title I-A Equitable Services NRG \(2023\) A-11, B-11, B-11a, B-11b, ESEA sections 1117\(c\)\(1\), \(b\)\(2\)](#)

^{vii} [Title I-A Equitable Services NRG \(2023\) B-11, ESEA sections 1117\(c\)\(1\)\(B\), \(c\)\(1\), 34 CFR § 200.64\(a\)\(3\)\(i\)](#)

^{viii} [Title I-A Equitable Services NRG \(2023\) B-13](#)

^{ix} [Title I-A Equitable Services NRG \(2023\) B-12, ESEA sections 1117\(a\)\(4\)\(D\), \(b\)\(1\)\(F\)](#)

^x [Title I-A Equitable Services NRG \(2023\) B-14](#)

^{xi} [Title I-A Equitable Services NRG \(2023\) B-2, ESEA section 1113](#)

^{xii} [Title I-A Equitable Services NRG \(2023\) B-10, B-36, B-37, B-40, 2 CFR § 200.403\(a\), 200.404, ESEA section 1117\(b\)\(1\)\(E\)](#)

^{xiii} [Title I-A Equitable Services NRG \(2023\) B-7, B-10, C-34, C-35, ESEA section 1116\(a\)\(3\)\(A\), 1117\(a\)\(1\)\(B\), 2 CFR § 200.403\(a\), 200.404](#)

^{xiv} [Title VIII Equitable Services NRG \(2023\) B-1](#)

^{xv} [Title VIII Equitable Services NRG \(2023\) B-2](#)

^{xvi} [Title I-A Equitable Services NRG \(2023\) B-3, ESEA section 8501\(a\)\(4\), 34 CFR § 299.7\(a\)](#)

^{xvii} [Title VIII Equitable Services NRG \(2023\) B-8, 34 CFR § 299.7\(a\), 2 CFR Part 200 Subpart E – Cost Principles](#)

^{xviii} [Title I-A Equitable Services NRG \(2023\) B-8, ESEA section 1117\(b\)\(1\)\(J\), Title VIII Equitable Services NRG \(2023\) B-4, ESEA section 8501\(c\)\(1\)\(H\)](#)

^{xix} [Title I-A Equitable Services NRG \(2023\) Part B. Allocations, ESEA section 5103\(e\)\(2\), Title VIII Equitable Services NRG \(2023\) B-17, B-18](#)

^{xx} [Title I-A Equitable Services NRG \(2023\) A-1, ESEA section 1117\(b\)\(1\), Title VIII Equitable Services NRG \(2023\) A-12, ESEA section 8501\(c\)\(1\), \(2\)](#)

^{xxi} [Title I-A Equitable Services NRG \(2023\) B-24, Title VIII Equitable Services NRG \(2023\) B-18, ESEA section 5103\(e\)\(1\)](#)

^{xxii} [Title I-A Equitable Services NRG \(2023\) B-25, Title VIII Equitable Services NRG \(2023\) B-18, ESEA section 5103\(e\)\(1\)](#)

^{xxiii} [Title I-A Equitable Services NRG \(2023\) A-9, B-26, B-35, C-20, ESEA 1117\(a\)\(3\)\(A\), \(b\)\(1\)\(E\), Title VIII Equitable Services NRG \(2023\) B-9, B-16, C-11, ESEA section 8501\(c\)\(1\)\(E\), \(C\)](#)

^{xxiv} [Title I-A Equitable Services NRG \(2023\) B-11, Title VIII Equitable Services NRG \(2023\) B-29, 34 CFR § 76.707, 2 CFR Part 200 Subpart E – Cost Principles](#)

^{xxv} [Title I-A Equitable Services NRG \(2023\) B-30, ESEA 1117\(a\)\(4\)\(B\), Title VIII Equitable Services NRG \(2023\) B-12, ESEA section 8501\(a\)\(4\)\(B\)](#)

^{xxvi} [Title I-A Equitable Services NRG \(2023\) B-31, ESEA section 1117\(a\)\(4\)\(B\), Title VIII Equitable Services NRG \(2023\) A-6, ESEA section 8501\(a\)\(4\)\(B\), \(c\)\(3\)](#)

^{xxvii} [Title I-A Equitable Services NRG \(2023\) B-27](#), [ESEA 1117\(a\)\(4\)\(B\)](#), [Title VIII Equitable Services NRG \(2023\) B-10](#), [ESEA section 8501\(a\)\(4\)\(B\)](#)