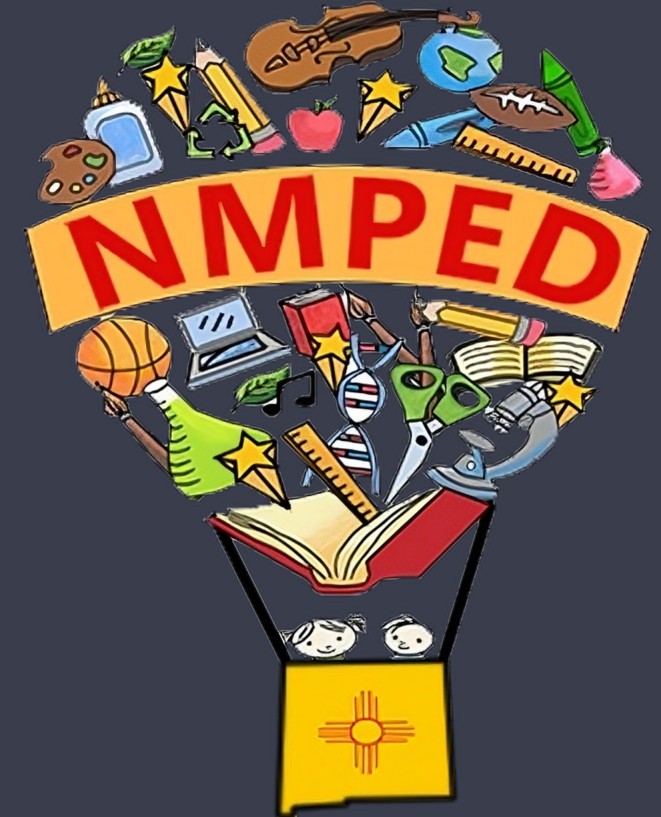


Presentation for ...

Title II, Part A Equitable Services and Consultation

Anna DeLay, Title II, Part A Liaison
Mark Curran, Title II, Part A Liaison
Rebecca Elicio, Title II, Part A Liaison

March 19th, 2025



Purpose of Title II, Part A

- Increase student achievement consistent with challenging the state academic standards.
- Improve the quality and effectiveness of teachers, principals, and other school leaders.
- Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools.
- Provide students from low-income families and students of color greater access to effective teachers, principals, and other school leaders.



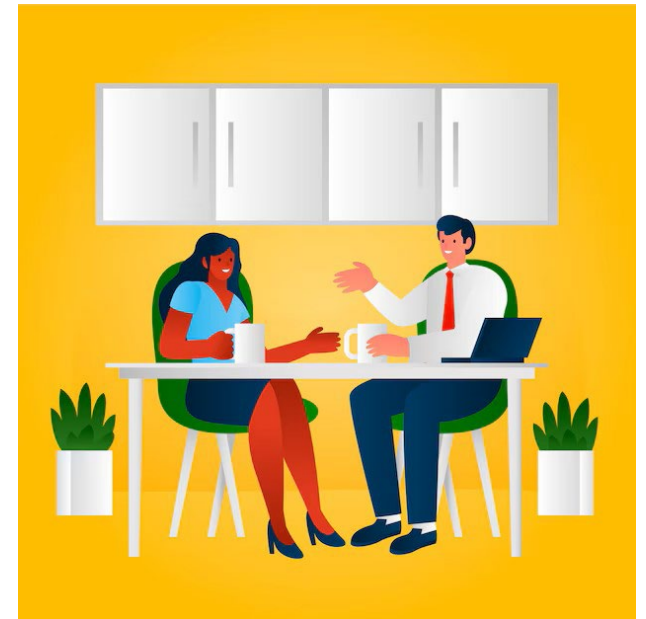
Non-Public School Participation in Federal Programs

Initial Contact:

- Districts must contact all non-public schools within their boundaries to ensure completion of the application ([link](#)) to be uploaded in SharePoint or the Unified Application if part of the pilot program

Timely & Meaningful Consultation:

- Simply inviting non-public schools to LEA's professional learning is not sufficient
- Districts must provide consultation with appropriate non-public school officials



Planning Timeline

- Beginning of Fiscal Year
- Early Fall (August – September)
- Fall to Early Winter (September – December)
- Winter to Spring (January – April)
- Spring – Summer (May – July)



Funding for Non-Public Schools

Fund Allocation:

- Funds for non-public schools must be obligated within the same fiscal year the district received them
- Refer to the carryover requirements below

Carryover Funds:

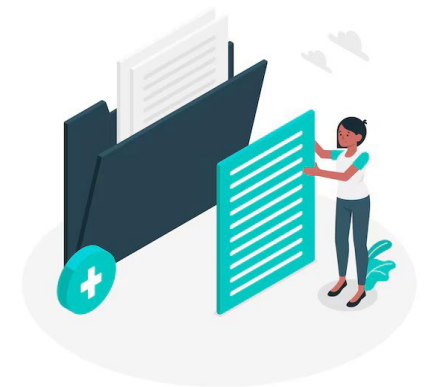
1-year allowed if funds are left over, unless:

- The non-public school informed LEA of no unmet professional learning needs
- The non-public school was unresponsive to multiple consultation attempts (email, phone, certified letter).

(If not entitled to carryover, funds return to the general fund for redistribution)

Accurate Records:

- LEA is responsible for maintaining accurate records



Funding for Non-Public Schools

Control of Funds:

- Monitoring of Services
- Administrative Control
- Public Fund Usage
- Simultaneous Service Start



Responsibilities of LEAs under Title II, Part A

- 1. Meaningful Consultation** LEAs will consult with teachers, principals, school leaders, paraprofessionals, specialized instructional support personnel, charter school leaders (if applicable), parents, community partners, and other stakeholders.
 - a. Results will inform the LEA's professional growth plan, fund prioritization under sections 1111(d) and 1124(c), and ongoing plan updates.
 - b. Activities will be coordinated with community strategies, programs, and initiatives. *(20 USC §6612; PL 114-95, §2102(b)(2)(B–D), §2102(b)(3)(A, C))*
- 2. Private School Participation** LEAs will ensure compliance with equitable participation requirements for private school students and teachers. *(20 USC §6612; PL 114-95, §2102(b)(2)(E))*
- 3. Coordination of Professional Development** Professional development activities will align with other Federal, State, and local programs. *(20 USC §6612; PL 114-95, §2102(b)(2)(F))*



Responsibilities of LEAs under Title II, Part A (cont'd)



5. **Alignment with Title II, Part A Goals** LEA programs will address the needs of all students, including children with disabilities, English learners, and gifted students, as per authorized activities. *(20 USC §6613; PL 114-95, §2103(b))*
6. **Addressing Teacher Equity** Plans will outline strategies to resolve disparities where low-income and minority students are taught disproportionately by ineffective, inexperienced, or out-of-field teachers. *(20 USC §6312; PL 114-95, §1112(b)(2))*
7. **Use of Funds** Funds will supplement (not supplant) non-Federal funds and comply with all Title II, Part A and ESEA provisions. LEAs will provide documentation to the New Mexico Department of Education upon request. *(20 USC §6613, §6614, §6691; PL 114-95, §2103(b), §2104(b), §2301)*
8. **Certification Requirements** Teachers and paraprofessionals in federally funded programs must meet applicable State certification and licensure standards, including alternative certification routes. *(In New Mexico, non-public schoolteachers are not required to hold a state teaching license unless the specific school or organization mandates it.)*

[Title VIII, Part F of the ESEA Act Equitable Services Non-Regulatory Guidance 2023](#)

Unresponsive Partners & Equitable Services

If partners become unresponsive, formal communication must be attempted at least three different times, via three different methods:

- (1) Email, (2) Phone Call, (3) Certified Letter
- Certified letters must clearly outline that the other party has two weeks to respond

Copies or logs of all communication must be maintained for ESEA monitoring purposes and could provide evidence of:

- Refusal to participate in equitable services by the non-public school; or
- Non-compliance with statutory requirements by the LEA, which would be grounds for complaint to the State Ombudsman
- [PED - ESEA Equitable Services](#)



Fiscal Oversight

General Cost Requirements

Reasonable	Not excessive and based on prudent purchasing practices and policies
Necessary	Essential for carrying out the resulting programs and services to meet student needs
Allocable	Costs incurred specifically for the program or service approved in the ESEA application
Documented	Costs are supported by sufficient and appropriate documentation
Neutral	All costs must be secular and non-ideological in nature
Allowable	Costs must be allowable for non-public schools under the applicable ESEA program(s)

[Title 2 of the Code of Federal Regulations \(CFR\)](#)

Increasing Teacher and Principal Quality

Allowable Use of Funds

- Supplemental programs and services that provide professional development for teachers, principals, and other building-based school leaders that are, “sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job embedded, data-driven, and classroom-focused”
- Travel expenses, stipends for work done outside of contractual hours, and supplies & materials that are all related to professional development



Increasing Teacher and Principal Quality



Unallowable Uses of Funds

- Teacher Salary
- Staffing costs, such as paying for substitute teachers or class-size reduction projects
- Recruitment and retention activities
- Curriculum writing and the purchase of curricular materials for classroom use
- PD tied to the needs of the school or based on ideological concepts, instead of the needs of the students

Unallowable Uses – All ESEA Funds

- Direct payment to the non-public school
- Base pay for administrative and central office staff
- Construction, renovation, and remodeling
- Textbooks and general education materials for the school
- Advertising, public relations, and fundraising



Unallowable Uses – All ESEA Funds



- Awards, award ceremonies, or other celebrations
- Gift cards and certificates
- Food (unless instructional supplies for students)
- Alcoholic beverages
- Non-educational trips, games, or other costs
- Any costs that are non-secular or ideological in nature

Unallowable Uses – All ESEA Funds



- Services must be supplemental; and costs must be allowable, necessary, and reasonable
- A public-school entity must control funds; non-public schools do not receive funds
- The SEA reimburses the LEA school district for equitable services after services have been delivered
- Any materials purchased remain property of the LEA school district and should be labeled accordingly

Consultation Best Practices

- Hold periodic check-in meetings throughout the year monitor progress, the effectiveness of services, and funding that supports the delivery of equitable services
- Establish shared plans for collecting and reporting required program data for ESEA applications, performance reports, and monitoring processes, which may include:
 - Data on progress made towards established goals
 - Project-based expense reporting
 - Producing evidence of meeting various statutory requirements for the use of federal funds
 - Discussion and documentation of extenuating circumstances that may have led to unspent funds
- Meet at least once or twice before the end of the current school year to discuss equitable services for the upcoming school year

Resources

- [Title II, Part A Equitable Services and Consultation Sample Docs](#)
- [Title II Part A Private School Equitable Services Instructions and Requirements](#)
- [Title II Part A Equitable Services Consultation Form](#)
- [Title VIII, Part F of the Elementary and Secondary Education Act Equitable Services Non-Regulatory Guidance 2023](#)
- [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1967 \(ESEA\), As Amended by the Every Student Succeeds Act \(ESSA\) - November 2016](#)
- [Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading – September 2016](#)

Questions



Title II Staff Contact Information

Educator Growth and Development Bureau

Birgit Maurer, Director birgit.maurer@ped.nm.gov

Mark Curran, Education Liaison mark.curran@ped.nm.gov

Anna DeLay, Education Liaison annaj.delay@ped.nm.gov

Rebecca Elicio, Education Liaison rebecca.elicio@ped.nm.gov

Dr. Candice Flint, Division Director candice.flint@ped.nm.gov