



estimates are based on the provisions of current law and do not take into account any future actions that might be taken by Congress and the Trump administration.

*Changes In How LEA Allocations Are Determined:*

Under NCLB, LEAs were afforded “hold harmless” protections under Title II Part A. **Under ESSA, the LEA-level hold-harmless provision is eliminated immediately, starting with 2017-18 allocations.** Due to this change, NYSED must now distribute Title II, Part A funds based on a district’s share of the census population ages 5 through 17 (20% of funds), and based on a district’s share of census poverty population ages 5 through 17 (80% of funds).

NYSED has not yet received 2017-18 allocation information from USDE in order to begin making allocation determinations for LEAs. However, NYSED anticipates that the changes described above may cause LEA allocations for 2017-18 to vary significantly from past years, depending on an LEA’s population and poverty count changes and the removal of the “hold harmless” component. NYSED strongly encourages LEAs to take these factors into consideration when planning and budgeting for the 2017-18 school year to ensure that critical activities supported with Title II, Part A funds can continue in the event that an LEA’s allocation decreases.

*Changes In How Nonpublic School Allocations for Services Are Determined:*

ESSA also introduces an important change to the way the Title II, Part A “set-aside” for private school educators is calculated. Under NCLB, the proportionate share of funds was calculated based only on the amount of an LEA’s Title II, Part A allocation that was earmarked for professional development. That methodology allowed LEAs to eliminate from the proportionate share formula any budgeted amounts for administrative costs, class size reduction, recruitment activities, transferability, or indirect costs.

Starting in 2017-18, an LEA must determine the proportionate share of Title II funds available for equitable services based on the LEA’s **total** Title II, Part A allocation, less only administrative costs. LEAs **may not** reduce their Title II, Part A allocation amount by the amount of funds allocated for class size reduction, recruitment activities, transferability, or indirect costs before calculating proportionate share amounts for nonpublic schools.

LEAs must determine the amount of funds available for Title II, Part A equitable services for private school teachers and other educational personnel by calculating, on a per-pupil basis, the amount available for all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student’s residency), taking into consideration the number and needs of the children, their teachers and other educational personnel to be served.

The chart below provides an example of this new process:

**EXAMPLE OF FORMULA TO DETERMINE AMOUNT FOR TITLE II, PART A  
EQUITABLE EXPENDITURES FOR NON-PUBLIC SCHOOLS**

|  |             |
|--|-------------|
| <b>A. Number of Students</b>   |             |
| A1: LEA Enrollment   | 900         |
| A2: Participating Private School Enrollment                                    | 100         |
| A3: Total Enrollment (A1 + A2)   | 1,000       |
| <b>B. Title II, Part A Allocation</b>  |             |
| B1: Total LEA Allocation   | \$1,000,000 |
| B2: Administrative Costs (For Public and Private School Programs) <sup>1</sup> | \$50,000    |
| B3: LEA Allocation Minus Administrative Costs (B1 – B2)                        | \$950,000   |