

Equitable Services to Private Schools ESSA Changes

Michelle Clement Taylor, School Choice Coordinator

Federal Directors' Training

September 21, 2016

mtaylor@sde.idaho.gov or 208.332.6963



Significant Changes Under ESSA

- Ombudsman Requirement
- Equitable Services Funding
- Consultation Requirements
- SEA Compliance Role



Ombudsman

- To help ensure that private school children, teachers and other educational personnel received services equitable to those in public schools, SEAs must designate an ombudsman to monitor and enforce Title I equitable services requirements. (ESEA section 1117(a)(3)(B))



Ombudsman

- Hear/receive concerns and complaints related to equitable services – consultation, funding, services, evaluation.
- Resolve issues between LEA and private school
- Review options for providing services



Equitable Services Funding

- Funding is determined by the district based on the total allocation.
- Funds must be used in the current year.
- State notifies the private schools of the amount of funds available.



Consultation: definition, goal, results

- LEA requirement to conduct annual “timely and meaningful” consultation.
- LEA and private school official must have the goal of reaching agreement on how to provide services.
- Results must be shared with the state.



Consultation: Additional Topics

The statutory list of topics will also include:

- Process for determining proportionate share of funding.
- Method for providing services:
 - Directly or through other means such as third party contract.
 - School-by-school basis or pooling funds.
- Timing of services – approximate time of day they will be provided.
- Funding consolidation options.



Consultation: Documentation

Affirmation of Meaningful Consultation:

- LEA must maintain written documentation
- Must provide an option for private school to indicate that meaningful and timely consultation has not occurred
- Provide documentation to state ombudsman

Note: If documentation is not provided in reasonable amount of time, LEA forwards any documentation regarding consultation it has.



Note: Will be updated to reflect ESSA Changes

AFFIRMATION OF CONSULTATION WITH PRIVATE SCHOOL OFFICIALS SAMPLE FORM for USE by LEAs *

Title IX, Part E, Section 9501 (c) and Title I, Part A, Section 1120(b) and regulation §200.63 of the No Child Left Behind Act require that timely and meaningful consultation occur between the local education agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

The following topics must be discussed during the ongoing consultation process:

- How the LEA will identify the needs of eligible private school children.
- What services the LEA will offer to eligible private school children.
- How and when the LEA will make decisions about the delivery of services.
- How, where and by whom the LEA will provide services to eligible private school children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with a third-party provider.
- How the LEA will assess academically the services to eligible private school children in accordance with §200.10 and how the LEA will use the results of that assessment to improve Title I services.
- The size and scope of the equitable services that the LEA will provide to eligible private school children and, consistent with §200.64, the proportion of funds that will be allocated to provide these services.
- The method or sources of data that the LEA will use under §200.78 to determine the number of private school children from low income families residing in participating public school attendance areas, including whether the LEA will extrapolate data, if a survey is used.

- The equitable services the LEA will provide to teachers and families of participating private school children.
- If the LEA disagrees with the views of the private school officials on the provisions of services through a contract, the LEA must provide the private schools the reasons in writing why the LEA chooses not to use a contractor.

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible private school children in the Title I, Part A program.

_____	_____	_____	_____
Public School Official	Date	Private School Representative	Date
_____		_____	
School District		Name of Private School Agency or School	

The LEA must maintain a copy of this form in its records and provide a copy to the SEA.

*This is not an official Department of Education document. It is provided only as an example.

Note: Will be updated to reflect ESSA Changes

SAMPLE

Intent to Participate and Private School Enrollment Form For Allocating Funds for School Year 2015-2016 (To be completed by each private school)

Private School Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

We do not wish to arrange to participate in federal Title programs shown below. If this box is checked, please sign below and return to the local LEA.

We would like to participate. If this box is checked, please complete the information below and place a check next to all programs in which you would like your students and teachers to take part.

Administrator's Signature: _____ Date Signed: _____

Private School Administrator: _____

Phone: _____ Fax: _____ E-mail: _____

Federal Education Programs Contact: _____

Phone: _____ Fax: _____ E-mail: _____

Enrollment: Pre-K _____ K _____ 1 _____ 2 _____ 3 _____ 4 _____ 5 _____ 6 _____
7 _____ 8 _____ 9 _____ 10 _____ 11 _____ 12 _____

Total enrollment: _____

School Status: (Check appropriate designation) NON-PROFIT _____ FOR PROFIT _____

Below is a brief description of each federal Title program. (Private school students and teachers may receive benefits, services, and materials from these programs. Private schools do not receive direct funding from these programs. The LEA always maintains control of the funds.)

_____ Title I, Part A - Improving Basic Programs Operated by LEAs (Regular & American Recovery & Reinvestment Act Funds)

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards and who live in participating public school attendance areas.

RETURN THIS FORM TO YOUR LOCAL SCHOOL DISTRICT OFFICE

SAMPLE

Intent to Participate and Private School Enrollment Form For Allocating Funds for School Year 2015-2016 (To be completed by each private school)

_____ Title I, Part C – Migrant Education

Migrant Education provides financial assistance to improve education for migrant children.

_____ Title II, Part A – Preparing, Training and Recruiting High Quality Teachers and Principals

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high quality teachers. Private school teachers, principals, and other educational personnel are eligible to participate in professional development activities to the extent that the LEA uses funds to provide for professional development, but at least to the FY 2001 levels for private school teachers' professional development.

_____ Title II, Part B – Mathematics and Science Partnerships

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities.

_____ Title III, Part A – Language Instruction for Limited English Proficient and Immigrant Students

The Language Instruction for Limited English Proficient (LEP) and Immigrant Students program provides funds for helping LEP students attain English proficiency and meet the same challenging State academic standards required of all students.

If Title III, Part A is selected, please indicate the number of eligible ESL Students _____.

_____ Title IV, Part B – 21st Century Community Learning Centers

The 21st Century Community Learning Centers (21st CCLC) program provides before- and after-school services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet State and local student performance standards in core academic subjects.

Note: Some of the programs listed above are discretionary programs and the LEA may not necessarily participate in them.

RETURN THIS FORM TO YOUR LOCAL SCHOOL DISTRICT OFFICE

Consultation: Disagreements

- If the LEA disagrees with the private school officials regarding any of the issues subject to consultation, it must provide a written explanation why it disagrees.
- If there is still disagreement, there is a complaint process.



Right to Complain

- Private school officials have the right to complain to the SDE
 - Must provide basis of noncompliance with the law
- LEA must forward all appropriate documentation to the state
- SDE does have a Complaint procedure



SEA Compliance Role

The state must provide equitable services directly or through a contract if appropriate private school officials have:

- Requested the state provide the services and
- Demonstrated that the LEA has not met the equitable services requirements



Timeline

- New equitable services provisions will apply beginning with 2017-18 school year
- Consultation process should start in the late winter, early spring.
- Webinars and updated documentation will be available early 2017



Resources for Equitable Services

Idaho Equitable Services for Private School Students

- <http://www.sde.idaho.gov/federal-programs/basic/>

US Department of Education Resources:

- [NCLB, Sec. 1120 Participation of Children Enrolled in Private Schools;](#)
- [§200.62; §200.63; §200.64; §200.65; §200.77; §200.78;](#)
- U.S. Department of Education [Title I Services to Eligible Private School Children, Non-Regulatory Guidance, October 17, 2003;](#)
- U.S. Department of Education [Title IX Guidance on Equitable Services to Eligible Private School Students and Teachers, Sec. 9101\(34\).](#)
- U.S. Department of Education [Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit](#)



Questions Contact Information

For questions or additional clarification please
contact me!

Michelle Clement Taylor, School Choice
Coordinator

mtaylor@sde.idaho.gov or 208.332.6963

