

Equitable Participation

Providing Services to Private School Students under ESEA

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Session Objectives

Introduce participants to ESEA requirements for private school equitable participation in the following areas:

- Consultation requirements (brief overview)
- Enrollment data and how proportional shares are calculated
- Importance of collecting assessment data and conducting a needs assessment
- How the needs assessment guides the planning for services
- The LEA's responsibilities as the grant subrecipient and fiscal agent of the funds
- Provide participants with private school feedback regarding their experiences in equitable participation requirements and consultation with LEAs

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Consultation



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Consultation

- Must be timely and meaningful
- Agreement between LEA and private school on how best to provide equitable and effective services for private school children, their teachers, and families
 - Certified in Private School Affirmation Form *only after all consultation requirements* have been met.
- Must be ongoing



ESEA section 1117(b)(3) and 8501(c)(1)

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Consultation: Required Topics

- Method or sources of data used to determine low-income status
- How student needs will be identified
- Size and scope of equitable services, the proportion of funds allocated for such services, and how the proportion is determined
- Pooling (school-by-school, within LEA, across LEAs)
- Services to be provided – how, when, where, who?
- Process for evaluating effectiveness of services
- Coordination of funds across programs
- Fiscal regulations and LEA decisions that affect the private proportional share
- LEA's role in fiscal management

ESEA section 1117(b)(1) and 1117(a)(4)(A)(ii)
ESEA section 8501(a)(5)(c-d)

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Consultation: Required Topics

- Fiscal regulations and LEA decisions that affect the private proportional share
 - Administrative and Indirect Costs
 - Family Engagement
 - Carryover
 - Transferability of ESEA Funds
- An LEA's role in fiscal management

ESEA section 1117(a)(4)(A)(ii) and (b)(1)
ESEA section 8501(a)(5)(c-d)

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Working Together for Impact

Title I-A: Supporting **students with the greatest academic needs** through

- Instructional services
- Professional development for educators
- Family engagement

Title III-A: Supporting **English learners & immigrant students** through

- English language instruction
- Family & community engagement
- Professional development for school employees



Title II-A: Supporting effective instruction through

- **Professional development for teachers & principals**

Title IV-A: Supporting **academic enrichment & student support** through

- Well-rounded education
- Healthy & safe environment
- Effective use of technology

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Ensuring Consultation is Meaningful

- Put students' welfare first
- Include staff with the necessary range of expertise—both programming and fiscal—in the discussions
- Be prepared and plan ahead – provide advance notice for dates and required data elements
- Begin consultation early enough so it allows for genuine discussion, and allows for additional meetings if necessary
 - Genuine discussion = an opportunity for both LEA and private school representatives to give input
- Cover all required topics and ensure private school has time to ask questions or voice concerns
- Use deadlines when actions are required to ensure compliance with requirements (i.e. student data, or details needed to ensure services are not delayed)

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Enrollment and Poverty Data



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Enrollment Data

- LEAs are required to collect private school student enrollment counts as part of the consultation process
- Title I requires LEAs to identify and only include students who resides within their boundaries
- Title II and IV includes *all* students that attend a private school

Enrollment data is vital as it drives the amount of funding available to support the private school students, their teachers, and families in the grants.



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Poverty Data (Title I)

- Private schools are required to provide data as part of their agreement to participate under Title I
- If available, same method for measuring poverty must be used for both the LEA and private schools
- LEA has final authority to determine method used
- Regardless of method used, the poverty threshold for determining low-income status must be consistent
- Process can be completed every year or once every two years
 - Still must be the same between the LEA and private schools

ESEA section 1117(a)(4)(D) and (c)(1)

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Poverty Measures (Title I)

Option A

Using the same measure of poverty used to count public school children.

I.e. Free & Reduced Priced Lunch. (185% or lower)

Option B

Using comparable poverty data from the results of a private school parent survey (extrapolated if complete, actual data is not available.)

The private school and/or the LEA can create and administer the survey.

Option C

Comparable poverty data from a different source.

I.e. a private school has a tuition assistance program and the income threshold for the program is generally the same as the threshold used to count public school students.

Option D

Proportionality

An LEA applies the low-income percentage of each participating Title I public school attendance area to the number of private school students who reside in that attendance area.

Option E

Equated measure

An LEA uses what data they have available for private schools, for example, TANF data and correlates sources of data to determine a proportional relationship.

ESEA section 1117(c)(1)

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Funding



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Proportional Share Calculations

- Title I-A Equitable Share Calculator
- Title II-A Equitable Share Calculator
- Title IV-A Equitable Share Calculator

- Title III-A Calculation:

$$\begin{array}{|c|} \hline 2021-2022 \\ \text{State's Allocation} \\ \hline \$6,555,800.00 \\ \hline \end{array} \div \begin{array}{|c|} \hline \text{Total \# of} \\ \text{Students} \\ \text{Administered} \\ \text{the ACCESS Test} \\ \text{in *2019-20:} \\ \hline 45,000 \\ \hline \end{array} = \begin{array}{|c|} \hline 2021-2022 \\ \text{Per Pupil} \\ \text{Amount} \\ \hline \$145.68 \\ \hline \end{array}$$

* As a result of the pandemic, and limited 2020-21 ACCESS Test data, 2019-20 ACCESS Test data was used to calculate the 2021-22 Per Pupil Amount.

Official proportional shares are calculated in WISEgrants as part of the Title application process.



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Fiscal Factors that Affect Funding

- Reservations
 - Family Engagement
 - Administrative
 - Indirect Costs
- Carryover
- Transferability of ESEA Funds



ESEA section 1117(b)(1) and 1117(a)(4)(A)(ii)
ESEA section 8501(a)(5)(c-d)

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Needs Assessment



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Needs Assessment

Title funding must be used to support the students with academic needs and support the private school in meeting these needs.

Because of this requirement, a **needs assessment** is:

- Necessary to determine the educational needs of private school students, their teachers, and families
- A required part of the consultation process
- Determines what services will provide the most benefit

ESEA sections 1115(a), 1115(c)(1)(B), and 1117(a)(3)(A)

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Collecting Assessment Data

So, what type of data should be considered for the needs assessment?

Private schools may not always have the same data available as the LEA, so the LEA and private school need to discuss what data is available.

Data can include:

- Scores on standardized tests (e.g. Forward Exam, IOWA, STAR, PALS, etc.)
- Classroom assessments, including formative and summative (e.g. iReady, MAPS, etc.)
- A portfolio of student work
- Writing samples
- Teacher recommendations
- Input from families
- Report card grades

** Data from private schools can and may be different from the data collected and used in the assessment process for the LEA's public schools.*

ESEA sections 1115(a), 1115(c)(1)(B), and 1117(a)(3)(A)

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Determining Educational Need for Title I

As part of the needs assessment, the LEA and private school select multiple criteria to determine educational need, which

- Helps identify students who are at risk of failing to meet the academic standards
- Allows eligible students to be ranked in these areas of greatest need and really prioritize those who should receive services
- Ensures services align with the actual needs of the students.

Remember, the areas of greatest need identified for the private school students may vary from those identified for the public-school students in the LEA. **This is okay and may result in Title I services varying between the public school and even between different private schools.*

ESEA sections 1115(a), 1115(c)(1)(B), and 1117(a)(3)(A)

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Determining Needs for Other ESEA Titles

Title II and Title IV

- Review available data for *all* students to prioritize areas of greatest need for the students at the school
- Title II - targeted professional development for teachers and instructional staff
- Title IV - services and benefits covered under well-rounded education, safe and healthy schools, and effective use of technology

Title III

- Review ESL student ACCESS test results, as well as available data for each ESL student
- Direct instruction for ESL students *should always* be considered first

ESEA sections 1115(a), 1115(c)(1)(B), and 1117(a)(3)(A)

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Planning for Services



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Factors to Consider

There are many factors to consider when planning for services under equitable participation. These factors include:

- Needs assessment data
 - The amount of available funding
 - The number of identified eligible private school students
 - What services will be provided
 - Location of private school compared to LEA's public schools
 - When, how, by whom, and where the services will be provided
 - Preferences of private school participants
 - An evaluation of the prior year's services (what worked and what didn't)
 - How services provided can be evaluated for effectiveness
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Title I Services

What types of services can be considered?

Services can support students in core subjects, as well as other areas that impede a student's academic achievement such as:

- Reading
- Math
- Science
- Social Studies
- Behavioral Health
- Socio-emotional Health
- For programs that include foreign language immersion, instruction in the primary language used during the school's academic program.

Other uses include professional development, family engagement activities, and any necessary materials, supplies, or equipment to support the services.

**Direct instruction for eligible students should always be considered first.*

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TI Services Across LEAs

Under Title I, the LEA where a student resides (Student Resident LEA) is responsible for ensuring eligible students receive services. This requirement requires **collaboration** and **communication** between LEAs and the private school.

When consulting with their private schools, an LEA must:

- Identify students who reside in an outside LEA; and
- Contact the LEA and provide enrollment, including poverty, data.

LEAs should contact neighboring LEAs to confirm whether they have any resident students in private schools.

If an LEA does have resident students in a private school outside the LEA, what then?

- Determine the services that will be provided and how by considering the following:
 - Can the Student Resident LEA provide services?
 - Can the LEA where the private school is located provide services?
 - Will a third-party vendor provide services?
 - Does the private school have a preference when considering all the above options?
- Ensure all necessary contracts are in place, if applicable.
- Confirm services are provided as planned.

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Title II Services

What types of services can be considered?

Services support the greatest needs of students in core subjects as well as other areas that impede students' academic achievement through high quality professional development provided to teachers and private school staff (including paraprofessionals, principals, and other school leaders).

Professional Development

- Improve content knowledge or classroom practice
- Address student behavior in the classroom and identify early interventions to help students with special needs
- Conference registration for professional learning activities
- Expenses for transportation and lodging

Stipends to Private School Staff – must be in excess of staffs' contracted time

Supplies and Materials

- Books or instructional resources for professional learning
- Supplies (i.e. chart paper, pens, binders, and easels) to support professional learning activities
- Printing or copying for professional learning activities

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Title III Services

What types of services can be considered?

Services support English as a Second Language Learners (ESLs) in core subjects, as well as other areas that impede a student's academic achievement through one or more of the following :

- Direct Instruction
- Professional Development
- Family Engagement

Services for ESLs must supplement and not supplant services that would need to be provided to meet these students needs in the absence of federal funds.

**Direct instruction for eligible students should always be considered first.*

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Title IV Services

What types of services can be considered?

Funds may be used to provide supplemental services that address one or more priorities of this grant within the private school. These supported priorities include:

- Well-Rounded Educational Opportunities
- Safe and Healthy Students
- Effective Use of Technology

Funds may be used for, but not limited to the following: direct services, professional development, and materials/supplies

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How Services will be Provided

How do you determine when, how, by whom, and where services will be provided?

How and **when** will services take place?

- What services can the LEA provide? How do these services work for the private school?
- Will services be provided before or after school? In a pull-out model? On weekends? In the summer?
- Are there certain days of the week that work best?
- How will the LEA ensure the students aren't repeatedly being pulled out of the same classes?

Where will services be provided?

- Where is the private school located in relation to the LEA's public schools?
- Will distance be a barrier for who can provide services or how often?

Who will provide the services?

- What is the LEA's staff capacity?
- Will the LEA contract with a third-party provider?
- Will the LEA contract with a teacher at the private school?

ESEA section 1117(b)(3) and 8501(c)(1)

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Learning from Prior Year Services

What can be learned from any prior year services?

Evaluating past services helps identify successes and address challenges or areas for improvement. Consider the following:

- Are the same students receiving services every year?
- Were students successfully exited from the program?
- What kind of progress did these students make?
- Were there any barriers impeding students from making progress?
- Are there long-term goals for the private school students that should be considered?
- How successful were past years' services in meeting these long-term goals?
- What could make the services more effective?
- Is there need for additional professional development for teachers and staff to make programs more effective?

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Evaluating Services throughout the Year

How can the services be evaluated for effectiveness throughout the school year?

The LEA and private school must determine how services can be evaluated and modified for effectiveness as they are provided. Consider the following:

- Who should be included in the evaluation process?
- What information is vital for evaluating program outcomes (i.e. teacher observations, grades, assessment data)?
- What kind of assessments will be used?
- How will evaluation results be shared?
- Is there firm exit criteria in place for students receiving services?
- What is the process for making decisions related to modifying services?

ESEA section 1117(b)(3) and 8501(c)(1)

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Developing a Services Plan



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Developing a Plan for Services

- The LEA and private school should document discussions around all aforementioned factors when planning for services.
- As decisions around services are made, document the final decisions.
- Documentation of discussions and final decisions serves the interest of both the LEA and private school, so make it accessible.
 - Written evidence of any final decisions allows for easy confirmation and verification regarding the agreement reached by both parties.

LEAs should incorporate written evidence of the plan for services into their consultation process. When monitoring equitable participation, the LEA will be required to submit such documentation to DPI.



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Plan for Ongoing Consultation

Incorporate ongoing consultation and deadlines into the plan for services:

- Consultation is ongoing – schedule additional dates for LEA and private school staff to connect
- Remember, an LEA has the authority to establish deadlines for a private school to meet equitable participation requirements:
 - Discuss deadlines during initial consultation(s) and include them in the plan for services
 - Deadlines can help ensure requested data is provided or follow-up occurs in a timely manner, so as not to impede the application process and services

(Item B-31, USDE, Providing Equitable Services to Eligible Private School Children, Teachers, and Families Non-Regulatory Guidance, October 7, 2019)

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Ensuring Services Are Provided

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Delivery of Services

An LEA is responsible for ensuring the agreed upon services are provided and that funds are obligated in the fiscal year in which they are received (Obligation of Funds).

- To help an LEA meet this responsibility, active participation by the private school is necessary.
- An LEA can help foster the participation of their private school(s) through:
 - Ongoing consultation – including scheduled and as needed
 - Utilization of deadlines
 - Referencing written evidence of the services plan

ESEA section 1117(a)(4)(B) and 8501(a)(4)(A)

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Obligation of Funds

Funds available for equitable services must be obligated in the fiscal year for which the funds are received by the LEA

- LEA maintains all control of Title funds
- Private schools do not have the authority to obligate funds:
 - Cannot be reimbursed for purchases
 - Invoices cannot be in the private school's name
 - Cannot enter into contracts for services to be applied to the grant
- Responsibility of meeting this requirement is the LEA's

ESEA section 1117(a)(4)(B) and (d)(1)

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Universal Monitoring

- LEAs who do not claim any funds for private school services in the prior year for a specific Title are identified
- Terms and conditions are added to the grant subaward
 - Ex: December 31, 2021, claim requirement for expenditures obligated and liquidated July 2021 through Fall 2021
- DPI staff and ESSA Ombudsman connect with LEA staff for meaningful discussions around requirements and processes
 - Written plan for services may be requested during these discussions

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ESSA Ombudsman

- The purpose of the Ombudsman is to monitor and enforce equitable participation of private schools in federal education programs covered by the ESEA;
- Provide technical assistance to LEAs and private schools in consultation for the goal of reaching agreement; and
- Engage public and private stakeholders in how best to support their relationships.

(Item E-1, USDE, Providing Equitable Services to Eligible Private School Children, Teachers, and Families Non-Regulatory Guidance, October 7, 2019)

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Equitable Participation Resources

- [USDE Providing Equitable Services to Eligible Private School Children, Teachers, & Families Non-Regulatory Guidance \(Title I\)](#)
- [ESEA Equitable Participation Webpage](#)
- [Providing Services for Equitable Participation Under the Federal Every Student Succeeds Act \(Roles and Responsibilities\)](#)
- [Equitable Participation: Important Facts Regarding Requirements for ESEA and CARES Act \(ESSER and GEER\)](#)
- [Equitable Participation in Title I for Private School Students](#)
- [Title I Services for Private School Students Attending a Private School Located in a Different LEA](#)
- [Title II Part A Webpage](#)
- [English Learners in Private Schools \(Title III\)](#)
- [Title IV Equitable Participation Webpage](#)
- [When a Private School Does Not Respond to an LEA's Attempts to Consult](#)

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