

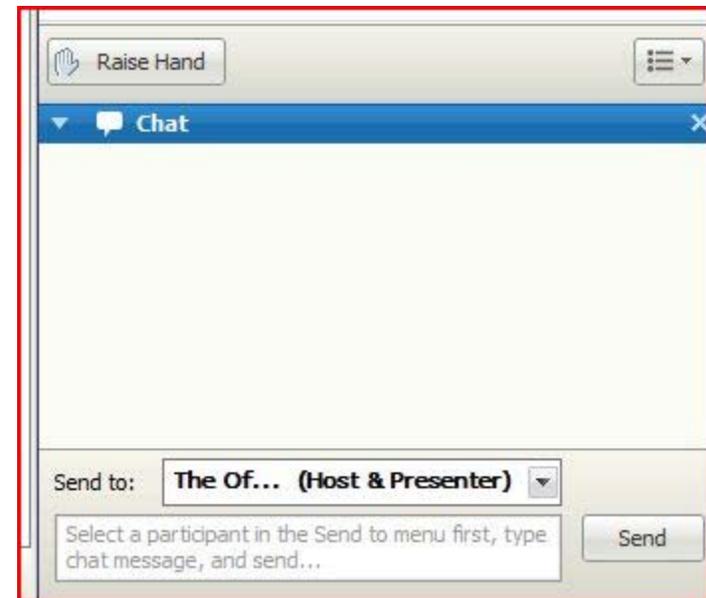


TITLE I, PART A EQUITABLE SERVICES 101

Webinar August 14, 2013

Webinar Tools

- Print Materials
- Chat: How to Make a Comment or Ask a Question
- Polling Questions



Agenda & Presenters

Agenda

- Background
- Consultation: The Foundation of Equitable Services
- Equitable Services Contracts: Using a Third-Party Provider
- Equitable Services & *ESEA* Flexibility
- Equitable Services & Community Eligibility Option
- Q & A

Presenters

- Michael Anderson, Office of General Counsel
- Amy Huber, Office of Non-Public Education
- Todd Stephenson, Student Achievement and School Accountability Programs

BACKGROUND

Background

The purpose of Title I, Part A is to ensure that all children have a fair, equal, and significant opportunity to obtain a high-quality education. Title I provides funds to improve the achievement of the lowest-achieving students – those who are failing, or are most at risk or failing, to meet challenging academic achievement standards – who reside in public school attendance areas with high concentrations of students from low-income families.

Background

Under Title I, participating local educational agencies (LEAs) must provide eligible private school students, their teachers, and their families with Title I services that are equitable to those services provided to eligible public school students, their teachers, and their families.

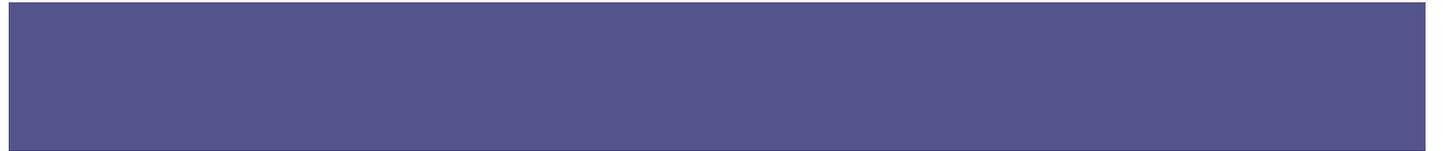
Background

- To be eligible for Title I services, a private school child must reside in a participating public school Title I attendance area **AND** be **failing or most at risk of failing** to meet high standards on the basis of multiple, educationally-related, objective criteria.
- Poverty is **NOT** a criterion in determining eligibility.
- Certain children may be identified as eligible solely by virtue of their status: Homeless, neglected or delinquent, two preceding years in Head Start, Even Start, Early Reading First, Title I Preschool or Title I, Part C (Migrant Education).
- From the pool of eligible children, the LEA, in consultation with private school officials, selects the children that will participate based on which children are most at risk.

Background

Equitable services for eligible private school students must be developed in consultation with private school officials. These services must be designed to meet the students' educational needs and supplement the educational services provided by the private schools. The services may be provided by the LEA or contractor.

CONSULTATION:
THE FOUNDATION OF
EQUITABLE SERVICES



Consultation

- LEAs are required to consult with private school officials regarding the provision of equitable services. This consultation is an essential requirement in an LEA's implementation of an effective Title I program for eligible private school children, their teachers, and their families.
- Consultation must occur during the design, development, and implementation of the Title I program.
- Consultation must include meetings between the LEA and private school officials and must occur before the LEA makes decisions that affect the opportunity of eligible private school children to participate in Title I programs.

Consultation

Timely and meaningful consultation between the LEA and private school officials during the design and development of the services is required on such issues as:

- How children's **needs** will be identified;
- What **services** will be offered;
- How and when decisions** about the delivery of services will be made;
- How, where, and by whom services** will be provided;
- How services will be **assessed** and **improved** based upon assessment results;
- Size and scope** of services;

Consultation

- Proportion of **funds** allocated for services;
- Method for **determining poverty**;
- Equitable services to **teachers and parents** of participants; and
- Whether a **third-party contractor** will be used.

EQUITABLE SERVICES CONTRACTS: USING A THIRD-PARTY PROVIDER



Contracts

Background

- Title I equitable services must be provided by either an employee of a public agency (i.e., the LEA) or through a contract by the public agency with an individual, association, agency, or organization. ESEA section 1120(d)(2)(A).
- A contractor selected to provide equitable services must be independent of the private school and of any religious organization in the provision of those **services.** ESEA section 1120(d)(2)(B).

Contracts

To Contract or Not to Contract?

- As part of consultation an LEA must discuss service delivery mechanisms, including consideration of the views of private school officials regarding the use of a third-party contractor. ESEA section 1120(b)(1)(G).
- Ultimately, the LEA makes the final decision as to whether to use a third-party contractor.
- If the LEA disagrees with the views of the private school officials, it must provide a written explanation why it has chosen not to use a third-party contractor. ESEA section 1120(b)(1)(H).

Contracts

Designing the Title I Program

Section 1120(b)(1) of the ESEA requires that an LEA consult with private school officials during the design and development of the Title I equitable services programs.

Once the LEA has determined that a third-party contractor will be used, consultation must occur regarding the full range of issues related to the Title I program. The LEA should use the information gathered during the consultation process to inform the procurement (e.g., to develop a request for proposals for the equitable services contract, establish the requisite deliverables).

Contracts

Procurement Requirements

Under section 80.36(a) of the Education Department General Administrative Regulations (EDGAR), when procuring services under a grant, a State and its subgrantees must follow the same policies and procedures used for procurements from non-Federal funds.

Contracts

Maintaining Control of the Title I Program

Under section 9306(a) of the ESEA an LEA must provide assurances that:

- The program will be administered in accordance with all applicable statutes and regulations; and
- The subgrantee will maintain control of the program.

Contracts

Important Considerations

- All equipment purchased with Title I funds is the property of the LEA, not the contractor. ESEA section 1120(d)(1)
- The contractor must comply with all Title I statutory and regulatory requirements governing equitable services.
- The LEA must ensure that it continues to maintain compliance with applicable fiscal requirements.

Contracts

Applicability of Highly Qualified Personnel Requirements

The highly qualified personnel requirements under section 1119 of the ESEA only apply to teachers and paraprofessionals who are directly employed by the LEA.

Contracts

Documenting Contract Expenditures

Section 443(a) of General Education Provisions Act (GEPA) requires subrecipients to maintain records that fully disclose:

- How the funds were used;
- Total cost of the activity for which the funds were used; and
- Other records that will facilitate an effective audit.

Consequently, the LEA must be able to document the amount charged by the contractor for instructional services, parental involvement, professional development, and administration.

Contracts

Administrative Costs

- An LEA may reserve an amount that is reasonable and necessary to administer Title I programs for both public and private school children.
- This reservation is taken “off the top” of the LEA’s allocation and not from the funds allocated for Title I services for private school children.
- An LEA may not use funds allocated for instructional services, parental involvement, or professional development for the administrative costs of a third-party contractor.

Contracts

Administrative costs usually include costs the contractor incurs to administer the program, including but not limited to:

- Salaries and fringe benefits for the Director, assistants as needed, area supervisors, and support staff;
- Office rent and utilities, office equipment and supplies, postage and mailings, telephone, travel, special capital expenses;
- Professional development for Title I teachers and supervisors who are employees of the contractor; and
- The contractor's fee (profit).

Contracts

Instructional costs usually include:

- Teacher and instructional aide salaries, including fringe benefits.
- Instructional materials, including such items as books, computers and software for student use, workbooks, and supplies.

Contracts

Professional Development Costs:

- Costs the contractor incurs to provide professional development activities to private school teachers of participating children attending a private school.

Parental Involvement Costs:

- Costs the contractor incurs to provide parental involvement activities to parents of participating children attending a private school.

Contracts

Reminder



Section 9306(a) of the ESEA requires that an LEA provide assurances that:

- The program will be administered in accordance with all applicable statutes and regulations; and
- The subgrantee will maintain control of the program.

EQUITABLE SERVICES & ESEA FLEXIBILITY



ESEA Flexibility

Overview of ESEA flexibility initiative:

- Waivers of ten provisions of the ESEA and optional waivers of three provisions.
- 40 State educational agencies (SEAs) have been approved as of August 3, 2013.

ESEA Flexibility

Provisions waived:

1. **2013–2014 Timeline for Adequate Yearly Progress**
Flexibility to develop new Annual Measurable Objectives in reading/language arts and mathematics.
2. **Implementation of School Improvement Requirements**
Flexibility from the requirement for LEAs to identify schools for improvement, corrective action, or restructuring, and take the required steps that accompany such identification.
3. **Implementation of LEA Improvement Requirements**
Flexibility from requirement for SEAs to identify LEAs for improvement or corrective action, and take steps to address such identification.

ESEA Flexibility

Provisions waived (continued):

4. Rural LEAs

Flexibility to use Rural and Low-Income School Program funds or Small, Rural School Achievement Program for any authorized purpose regardless of AYP status.

5. Schoolwide Programs

Flexibility to operate a schoolwide program in a Title I school that does not meet the 40 percent poverty threshold if the SEA has identified the school as a **priority school** or a **focus school**, and the LEA is implementing interventions consistent with the turnaround principles.

ESEA Flexibility

Provisions waived (continued):

6. Support School Improvement

Flexibility to allocate ESEA section 1003(a) funds to an LEA in order to serve any **focus** or **priority** school.

7. Reward Schools

Flexibility to use funds reserved under ESEA section 1117(c)(2)(A) to provide financial rewards to any **reward** school.

8. Highly Qualified Teacher (HQT) Improvement Plans

Flexibility from the requirements regarding HQT improvement plans.

ESEA Flexibility

Provisions waived (continued):

9. Transfer of Certain Funds

Flexibility to transfer up to 100 percent of the funds received under the authorized programs among those programs and into Title I, Part A.

10. Use of School Improvement Grant (SIG) Funds to Support Priority Schools

Flexibility to award SIG funds available under ESEA section 1003(g) to an LEA to implement one of the four SIG models in any **priority** school.

ESEA Flexibility

Optional flexibility:

11. Flexibility in the Use of Twenty-First Century Community Learning Centers (21st CCLC) Program Funds

Flexibility for community learning centers to use 21st CCLC funds to support expanded learning time during the school day in addition to activities during non-school hours or periods when school is not in session (i.e., before and after school or during summer recess).

12. Flexibility Regarding Making AYP Determinations

Flexibility for an SEA and its LEAs to no longer make AYP determinations for LEAs and schools, respectively.

ESEA Flexibility

Optional flexibility (continued):

13. Flexibility Regarding Within-District Title I Allocations

Flexibility for an LEA to serve with Title I funds a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school even if that school does not rank sufficiently high to be served based solely on the school's poverty rate.

ESEA Flexibility

ESEA Flexibility and Equitable Services

- Equitable services provisions not waived.
- Certain ESEA flexibility waivers may affect specific consultation topics and the amount of funds generated for equitable services: LEA improvement, school improvement, and transferability.

ESEA Flexibility

Transferability

- Under ESEA flexibility, an SEA may transfer up to 100 percent of its non-administrative funds allocated for State-level activities under Title II, Part A; Title II, Part D; and/or 21st Century to its allocations for those programs and/or to Title I, Part A.
- Funds may not be transferred from Title I, Part A to other programs.

ESEA Flexibility

Transferability – State Level

- Improving Teacher Quality State Grants - Title II, Part A.
- Educational Technology State Grants - Title II, Part D.
- 21st Century Community Learning Centers - 21st Century.

ESEA Flexibility

Transferability – State Level

State Responsibilities

The SEA must:

- Engage in timely and meaningful consultation before making any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel, if applicable, to participate in the programs affected by the transfer of funds; and
- Provide private school students and teachers equitable services under the program to which the funds are transferred (if applicable), based on the total amount of funds available to each program after the transfer.

ESEA Flexibility

Transferability – LEA Level

- Under ESEA flexibility, an LEA may transfer 100 percent of its allocation under Title II, Part A and/or Title II, Part D into its allocation under the other program or into its allocation under Title I, Part A of the ESEA.
- Funds may not be transferred from Title I, Part A to other programs.

ESEA Flexibility

Transferability – LEA Level

- Improving Teacher Quality State Grants - Title II, Part A.
- Educational Technology State Grants - Title II, Part D.

ESEA Flexibility

Transferability Exception:

If transferring funds from Title II, Part A:

- Section 9501(b)(3)(B) requires an LEA to provide, at a minimum, equitable services to private school teachers based on an amount of the LEA's allocation under Title II, Part A, that is not less than the aggregate amount of FY 2001 funds that an LEA used for professional development under the Eisenhower and Class Size Reduction program.

ESEA Flexibility

Transferability Example

FY 2001 – LEA reserved \$30,000 for professional development
(Eisenhower Professional Development Program and the Class-Size Reduction Program)

The LEA must use the \$30,000 for calculating the minimum amount that it must provide for equitable services for private school teachers and other educational personnel.

ESEA Flexibility

Transferability Example (continued)

Minimum amount available under Title II, Part A – proportionate to the number of private school children compared to the total number of public and private school children in the LEA based on the most current enrollment data.

2012-2013 school year

100 children enrolled in private schools

900 children enrolled in public schools

$900 + 100 = 1,000$ $100 \text{ divided by } 1,000 = 10\%$

10% of \$30,000 = \$3,000 – minimum amount the LEA is required to spend to provide equitable services in the form of professional development to private school teachers and other educational personnel.

ESEA Flexibility

Transferability Example (continued)

The LEA could transfer all but \$3,000 of Title II, Part A funds to another authorized program, BUT ...

... the LEA would need to make the \$3,000 of Title II, Part A funds available for equitable services in the form of professional development to private school teachers and other educational personnel.

ESEA Flexibility

Transferability

Responsibilities of an LEA for the provision of equitable services to private school children and teachers with respect to funds being transferred include:

- Engaging in timely and meaningful consultation.
- Providing private school students and teachers equitable services under the program(s) to which the funds are transferred, if applicable, based on the total amount of funds available to each program after the transfer.

ESEA Flexibility

Calculating the amount generated for equitable services

- Allocations to schools and reservations.
- Within-district allocation waiver.

ESEA Flexibility

Calculating the amount generated for equitable services ...reminders:

- Private school children who reside in Title I public school attendance areas and are from low-income families generate the same per-pupil amount as they would have had they attended their neighborhood or zoned Title I public school.

ESEA Flexibility

Calculating the amount generated for equitable services...reminders:

- Section 200.65(a)(1) and (2) of the Title I regulations requires LEAs to calculate from funds reserved under sections 1118 [parent involvement] and 1119 [professional development] of the ESEA the amount of funds available for these activities based on the proportion of private school children from low-income families residing in Title I participating public school attendance areas.

ESEA Flexibility

Calculating the amount generated for equitable services...reminders:

- Section 200.64(a)(2)(i)(A) of the Title I regulations requires that, if an LEA reserves funds for instructional activities at the LEA level, it must calculate the proportionate share for private school children.

ESEA Flexibility

Allocations to schools and reservations: Responsibility to provide equitable services depends on how an LEA uses those funds.

- Allocates under per pupil: **Yes.**
- Reserves funds to implement interventions in its **priority** and/or **focus** schools: **No.**
- Reserves funds to provide activities to all its Title I schools, or all its Title I schools at a particular grade level: **Yes.**

ESEA Flexibility

Allocations to schools and reservations: Responsibility to provide equitable services depends on how an LEA uses those funds.

- Provides professional development activities for all Title I elementary schools: **Yes.**
- Provides professional development activities for all Title I **priority** schools: **No.**
- Within-district allocation waiver: **Yes.**

ESEA Flexibility

Allocations to schools and reservations: Within-district allocation waiver.

- Waiver allows an LEA to serve out of rank order a Title I-eligible high school with a graduation rate below 60 percent that the SEA has identified as a priority school.
- School becomes a Title I school.
- Title I requirements, including equitable services, then apply.

EQUITABLE SERVICES & COMMUNITY ELIGIBILITY OPTION



Community Eligibility Option (CEO)

- Section 104 (a) of the Healthy, Hunger Free Kids Act of 2010.
- An alternative to collecting household applications for free and reduced price meals in high poverty local educational agencies (LEA) and schools.
- Eligible LEAs/schools agree to serve all students free lunches and breakfasts for 4 successive school years.

Community Eligibility Option (CEO)

- LEAs may elect CEO for the entire district, individual schools, or a group of schools.
- To be eligible; the LEA, individual school, or group of schools must have an identified student percentage of at least 40%.
- Identified students are those certified for free meals NOT through individual household applications (example: directly certified through the Supplemental Nutrition Assistance Program (SNAP)).

Community Eligibility Option (CEO)

- The identified student percentage multiplied by a factor of 1.6 equals the percentage of total meals served reimbursed at the Federal free rate.
- The remaining percentage of total meals is reimbursed at the Federal paid rate.
- Any meal costs in excess of the total Federal reimbursement must be covered through non-Federal sources.

Community Eligibility Option (CEO)

- An LEA's collection of poverty data on private school students may be impacted by CEO.
- Factors include choice of poverty data by LEA after consultation and whether a private school elects CEO.
- Note: If an eligible private school elects CEO, this does not necessarily mean that every private school student generates funds for equitable services.

SELECTED RESOURCES



Selected Resources

- U.S. Department of Education (ED) Web Site: www.ed.gov.
- Office Student Achievement and School Accountability Programs (SASA) Web Site:
<http://www2.ed.gov/about/offices/list/oese/sasa/index.html>.
- Office of Non-Public Education (ONPE) Web Site:
<http://www2.ed.gov/about/offices/list/oii/nonpublic/index.html>.
- Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit:
<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>.

Selected Resources

- Title I Services to Eligible Private School Students:
<http://www.ed.gov/programs/titleiparta/psguidance.doc>.
- ESEA Flexibility website:
<http://www.ed.gov/esea/flexibility>.
- *ESEA Flexibility* and *ESEA Flexibility FAQs*, are located on ED's [ESEA Flexibility website](http://www.ed.gov/esea/flexibility), under the *ESEA Flexibility Documents* heading.
- Inquiries about the *ESEA Flexibility* should be directed to:
ESEAFlexibility@ed.gov.