



U.S. Department of Education

National Title I Conference

Frontiers of Opportunity

January 2016

Houston, TX



U.S. Department of Education

Title I

Equitable Services Overview

Isadora Binder, Office of Non-Public Education

Michael Anderson, Office of General Counsel

Todd Stephenson, Office of State Support

January 28, 2016



Before We Begin...

Make sure you're ready to engage in today's presentation!

Poll Everywhere

1. Navigate to our Poll Everywhere URL on your preferred device:
www.pollev.com/used
2. When we activate polls throughout the presentation, join the conversation by placing your vote!





Agenda

Overview

- Office of Non-Public Education
- Equitable Services and Title I, Part A
- Every Student Succeeds Act (ESSA)

Selected Equitable Services Requirements

- Consultation
- Funding for Equitable Services
- Identifying Children for Services
- Delivery of Services
- Third-Party Providers
- Other Key Requirements

ESSA Highlights

- Ombudsman
- Funding Title I Equitable Services
- Consultation
- New SEA Compliance Role

Questions



U.S. Department of Education Check-In

Who is in our audience today?

- ☐ School administrator
- ☐ Local educational agency administrator
- ☐ State educational agency administrator
- ☐ Third-party provider
- ☐ Other



OVERVIEW



Office of Non-Public Education

- ED's liaison office to nonpublic school communities.
- Helps to maximize the participation of private school students in federal education programs, such as those authorized under the Elementary and Secondary Education Act.
- Provides resources, technical assistance, and participate in the development of regulations and guidance related to federal education programs.



Elementary and Secondary Education Act

- Since 1965, the *Elementary and Secondary Education Act* (ESEA) has required local education agencies (LEAs) to provide equitable services to private school students, teachers and, in some cases, other education personnel and parents in numerous *ESEA* programs, including Title I, Part A.
- Title I equitable services are provided through the LEA in the form of direct services to eligible students, teachers, and, in some cases, parents.
- In providing equitable services no Title I funds may be paid to a private school.



U.S. Department of Education Check-In

How much experience do you have with Title I, Part A requirements?

- ☐ Not experienced
- ☐ Experienced
- ☐ Highly experienced



Purpose of Title I, Part A

- Ensure all children have a fair, equal, and significant opportunity to obtain a high-quality education.
- Provide services to improve the achievement of students who are failing or most at risk of failing to meet challenging academic achievement standards and who reside in public school attendance areas with high concentrations of students from low-income families.



Title I Equitable Services

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.



Every Student Succeeds Act (ESSA)

- On December 10, 2015, the President signed into law the *Every Student Succeeds Act* (ESSA), amending the Elementary and Secondary Education Act of 1965 (ESEA).
- There are numerous changes to equitable services requirements.
- The Title I equitable services provisions can be found in sections 1117 of the ESEA, as amended by the ESSA.



SELECTED EQUITABLE SERVICES REQUIREMENTS



Check-In

How often do you participate in consultation meetings during an average 12-month period?

- ☐ 0 times
- ☐ 1-2 times
- ☐ 3-4 times
- ☐ 5-6 times
- ☐ 7 or more times



Consultation

- LEAs are required to consult with private school officials regarding the provision of equitable services.
- Consultation is an essential requirement in an LEA's implementation of an effective Title I program for eligible private school children (including English learners and children with disabilities), 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

Required Consultation Issues (continued):

- 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.



Allocating Funds for Equitable Services

- An LEA calculates Title I funds based on the number of children from low-income families residing in a participating public school attendance area.
- Low-income public and private school students residing in the same Title I attendance area generate the same per pupil allocation (PPA).
- The PPA multiplied by the number of low-income private school students residing in a Title I public school attendance area determines the funds generated to provide equitable service to eligible private school students.



Collecting Poverty Data

An LEA may determine the number of low income private school children in several ways:

- If available, using the same measure of poverty as public schools (e.g., free and reduced-price lunch data).
- Using comparable poverty data from a survey and allowing the results to be extrapolated if complete data are not available.
- Using comparable poverty data from another source (e.g., a tuition scholarship application).
- Using proportionality.



Funding for the Equitable Participation of Teachers and Families

- From funds reserved for professional development and parental involvement activities, an must ensure that teachers and parents of participating private school students participate on an equitable basis.
- The amount of funds available to provide these services must be proportionate to the number of private school children from low income families residing in a Title I public school attendance area.



Identifying Children to be Served

- To be eligible, students must reside in a participating public school Title I attendance area and be failing or most at risk of failing to meet high standards.
- Students are selected on the basis of multiple, educationally-related, developmentally-appropriate criteria.
- Certain children may be identified as eligible solely by virtue of their status, including homeless children and children who at any time in the preceding two years participated in Head Start, a Title I preschool program, or a Title I, Part C migrant education program.
- A student need not be low-income to receive services.
- 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.



Characteristics of Services

- Secular, neutral, and non-ideological.
- Supplemental in nature, not supplanting what the private school would otherwise provide absent the Title I services provided by the LEA.
- Allowable, reasonable, and necessary in meeting the educational needs of Title I private school students and teachers.



Examples of Services

- Instruction outside the regular classroom
- Extended learning time
(before and after school and in the summer)
- Family literacy programs
- Early childhood education programs
- Counseling
- Home tutoring
- Instruction using take-home computers
- Computer-assisted instruction
- Combination of services listed above



LEA Responsibility

- The LEA in which an eligible child resides is responsible for providing Title I equitable services regardless of whether the private school the child attends is located in the LEA.
- An LEA may arrange to have services provided by the LEA in which the private school is located and reimburse the LEA for costs.



Check-In

Does your work with Title I equitable services involve in some respect the use by an LEA of a third-party provider to provide equitable services to eligible students?

☐ Yes

☐ No



Third-Party Provider

In general:

- 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.
- 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.



Third-Party Provider

Deciding whether 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.
- 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.



Third-Party Provider

Designing the Title I Program:

- 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).



Third-Party Provider

Procurement Standards:

- Under 2 CFR § 200.317 of the Uniform Guidance, when procuring services under a Federal grant, including Title I, Part A, a subgrantee such as an LEA must follow the standards in §§ 200.318 through 200.326.
- Change from the prior EDGAR requirement.



Third-Party Provider

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 equitable services to pay the administrative costs of a third-party contractor.



LEA Control of Program

- The LEA must maintain control of the Title I funds, materials, equipment, and property.
- The LEA must provide assurances that it will administer the program in accordance with all applicable statutes and regulations and maintain control of the program.



Formal Complaint

- A private school official has the right to complain to the SEA that the LEA did not engage in timely and meaningful consultation or did not give due consideration to the views of the private school official.
- A formal written complaint must include: A statement that the SEA, LEA, or other entity receiving federal financial assistance has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation; The facts on which the statement is based and the specific statutory or regulatory requirement allegedly violated; and the signature of the complainant.



ESSA HIGHLIGHTS



Changes to Equitable Services Under ESSA

Under the ESSA, significant changes to Title I equitable services requirements have been made in the following areas:

- Ombudsman
- Funding Equitable Services
- Consultation
- Compliance



Ombudsman

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



Funding Equitable Services

- The proportional share of funds for equitable services must be determined based on the total amount of Title I funds received by an LEA prior to any allowable expenditures or transfers by the LEA. (ESEA section 1117(a)(4)(A)(ii)).
- Funds allocated to LEAs for Title I equitable services must be obligated in the fiscal year in which the funds are received. (ESEA section 1117(a)(4)(B)).
- Each SEA must provide timely notice to appropriate private school officials in the State of the allocation of funds for Title I equitable services that LEAs have determined are available for eligible private school children. (ESEA section 1117(a)(4)(C)).



Consultation

The statutory list of consultation topics has been expanded to include: (ESEA section 1117(b)(1)).

- How the proportionate share of funds is determined;
- Whether services will be provided directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to pool funds for equitable services;
- When, including the approximate time of day, services will be provided; and
- Whether to consolidate Title I equitable services funds with funds available for services to private school children under other ESEA programs.



Consultation

Other requirements related to consultation added to the statute :

- If an LEA disagrees with the view of private school officials regarding any of the issues subject to consultation, it must provide private school officials written reasons why it disagrees. (ESEA section 1117(b)(2)).
- The results of consultation between the LEA and private schools must be transmitted to the SEA ombudsman. (ESEA section 1117(b)(1)).
- LEAS must maintain a written affirmation of meaningful consultation, signed by private school officials. It must provide the option for private school officials to indicate their belief that timely and meaningful consultation has not occurred or that the program design is not equitable. (ESEA section 1117(b)(4)).



Compliance

An SEA must provide Title I equitable services directly or through contract if appropriate private school officials have—

- Requested the SEA to provide such services; and
- Demonstrated that the LEA has not met the Title I equitable services requirements.

(ESEA section 1117(b)(6)(C)).



Check-In

When do the equitable services requirements in the ESEA, as amended by the ESSA, take effect?

- ☐ Immediately
- ☐ Beginning with the 2016-2017 school year
- ☐ Beginning with the 2017-2018 school year



Timeline

- The Consolidated Appropriations Act, 2016, provides that for the 2016-2017 school year, formula grant programs authorized by the ESEA, including Title I, must be administered in accordance with the ESEA as in effect on the day before the date of enactment of the ESSA.
- As a result, the new Title I equitable services provisions will not take effect until the 2017-2018 school year.



QUESTIONS



RESOURCES AND CONTACT INFORMATION



ESSA Resources

- Please direct your questions to: ESSA.Questions@ed.gov
- Visit the website for more information: www.ed.gov/essa
- Read the Every Student Succeeds Act [here](#).
- Sign up for ESSA news and updates

U.S. Department of Education

Student Loans Grants Laws Data

Every Student Succeeds Act (ESSA)

President Obama Signs the Every Student Succeeds Act

"With this bill, we reaffirm that fundamentally American ideal—that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make of their lives what they will." — President Barack Obama

A New Education Law

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015, and represents good news for our nation's schools. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.

The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country.

For example, today, high school graduation rates are at all-time highs. Dropout rates are at historic

How Do I Find...?

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098-E Tax Form
- More...

Information About

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- K-12 Reforms
- More...

Resources

- [White House Fact Sheet on House Passage of ESSA](#)
- [Read excerpts from U.S. Secretary Arne Duncan's remarks on ESSA](#)



Additional Resources

- NCLB Title I equitable services guidance:
<http://www.ed.gov/programs/titleiparta/psguidance.doc>
- NCLB Title I equitable services toolkit:
<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>
- Title I Community Eligibility Provision guidance:
<http://www2.ed.gov/programs/titleiparta/15-0011.doc>



Contact Information

- Isadora Binder: Isadora.Binder@ed.gov
- Michael Anderson: Michael.Anderson@ed.gov
- Todd Stephenson: Todd.Stephenson@ed.gov