



# Equitable Services

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10:30 am - 12:00 pm

# Meaningful Consultation Checklist

An LEA must consult with appropriate private school officials during the design and development of the LEA's Title I program. The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. (ESEA section 1117(b)(1)).

Checklist ~

<https://docs.google.com/spreadsheets/d/1ivKW-PN2XXiOPzwJfb6NSM1rH7aLeRbwVoUVfFgyQe8/edit#gid=617691331>






# Low-Income Eligibility

<https://docs.google.com/document/d/1msrvfginGKzcUDO3tDz5ZyiW9blRlaoYEHhCtoLpKU/edit>





**B-10. How does an LEA determine the number of children, ages 5 through 17, who are from low-income families residing in participating public school attendance areas, and attend private schools?**

After consultation with private school officials occurs, ESEA section 1117(c)(1) provides an LEA the final authority to decide which option it will use to calculate the number of children who are from low-income families and attend private schools:



# Affirmation of Consultation

**LEA Federal Program Official:** Select what is applicable from the following statements. LEAs might check more than one.

- Check if there are no eligible private schools located within the LEA's boundaries
- Check if LEA has students residing within the LEA but are providing services to students attending a private school outside of LEA boundaries.
- Check if the private school has not responded to LEA's repeated, good-faith attempts (3) for consultation.

**Private School Official:** Complete the following chart showing private school participation **for each** funding source.

LEA providing Title I-A		LEA providing Title I-C - Migrant		LEA providing Title II-A		LEA providing Title III-A		LEA providing Title IV-A	
<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No	<input type="checkbox"/> Yes	<input type="checkbox"/> No



# Affirmation of Consultation

## **Part 1: Timely and Meaningful Consultation Affirmation – Ongoing Consultation – Due date: June 30, 2019**

Official	Yes	No	Consultation Requirements (ESSA Sections 1117 and 8501)
Private School			Timely and meaningful consultation occurred regarding the needs and services of eligible children and their teachers and families. Consultation Dates _____
Public School			
Private School			The local education agency gave due consideration to the views of the private school official.
Public School			
Private School			The program design/provision of services agreed upon by the local education agency and private school is equitable.
Public School			

## **Part 2: Equitable Provision of Services**

Official	Yes	No	Consultation Requirements (ESSA Sections 1117 and 8501)
Private School			Services will begin at the time requested and agreed upon by the private school official. Date _____
Public School			
Private School			The local education agency gave due consideration to the views of the private school official.
Public School			
Private School			Satisfactory services were provided during the school year.
Public School			

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# Academically At-risk

<https://docs.google.com/document/d/1KxnLwlaXsaT4z5WreeJWw-l7bbXcA4vEs0gZm8c25ll/edit>

**C-3. What are some of the educationally related criteria that an LEA may use to identify the lowest achieving private school children for Title I services?**

The criteria may include achievement tests, teacher referrals and recommendations based on objective, educationally related criteria, grades, and more.





## C-1. What private school students are eligible for Title I services?

In general, to be eligible for Title I services, a private school child must reside in a participating public school attendance area and must be identified by the LEA as low achieving on the basis of multiple, educationally related, objective criteria. (ESEA sections 1115(c)(1)(B) and 1117(a)(1)).

In addition, children may be identified as eligible solely by virtue of their status as follows: homeless children; children who in the preceding two years had participated in Head Start, a literacy program under Title II, Part B, Subpart 2, a Title I preschool program, or a Title I, Part C (Migrant Education) program; and children in a local institution for neglected or delinquent children and youth or attending a community day program for such children. (ESEA section 1115(c)(2)(B)-(E)).

**Poverty is not a criterion for eligibility for services.**





## C-2. How are the criteria determined?

In consultation with private school officials, an LEA must establish multiple, educationally related, objective criteria to determine which private school children are eligible for Title I services, and, within the eligible group, which children will be served. To the extent appropriate, the LEA must select private school children who are low achieving. (ESEA section 1115(c)(1)(B)).



# Equitable Instructional Services 3E

**Checklist: Side by Side: Item K.** Decide whether the LEA will provide services directly or through a separate government agency, consortium entity or third-party contractor.

*Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel:  
Non-Regulatory Guidance Office of Non-Public Education; March 2009*



## C-11. Who is responsible for planning and designing equitable services?

After meaningful consultation with appropriate private school officials, the LEA is responsible for planning, designing, and implementing the Title I program and may not delegate that responsibility to the private schools or their officials. (ESEA section 1117(a)(1)(A), (b)(1) and (d)).



## C-14. What types of services are available for private school participants?

Services for participating private school children may include, but are not limited to, the following:

- Instructional services provided by public school employees or third-party contractors;
- Expanded learning time, including before-and after-school programs;
- One-on-one tutoring;
- Summer school programs;
- Family literacy programs;
- Counseling programs;
- Mentoring programs;
- Computer-assisted instruction;
- Home tutoring;
- Instruction using take-home computers; and
- Any combination of the above.

Title I services or other benefits, including materials and equipment, **must be secular, neutral, and non-ideological.** (ESEA section 1117(a)(2)).



## C-30. May an LEA hire a private school teacher to provide Title I services to private school participants?

Yes, provided certain conditions are met. An LEA may hire a private school teacher to provide Title I services only if the teacher is independent of the private school in the provision of Title I services. The private school teacher must be employed by the LEA for Title I purposes outside of the time he or she is employed by the private school, and the private school teacher must be under the direct supervision of the LEA with respect to all Title I activities. (ESEA section 1117(d)(2)).




## C-29. May an LEA employ a third-party contractor to provide equitable services?

Yes. Following consultation, an LEA may provide Title I services directly or indirectly through contracts with public and private agencies, organizations, and institutions so long as those entities are independent of the private school and of any religious organization in the provision of those services. (ESEA section 1117(d)(2)). Under these circumstances, the LEA remains responsible for the oversight of the Title I program.




# **Fiscal Allowability and Accountability**



**C-18. To meet the equitable services requirements under Title I, may an LEA just provide a private school with instructional materials and supplies paid for with Title I funds?**

**No.** Simply providing the private school with instructional materials and supplies does not meet the LEA's obligation to provide equitable services because it is neither a proper Title I program implemented by the LEA nor does it meet the requirement that services be equitable. (ESEA section 1117(a)(1)(A), (3)(A)).





## C-25. May private school officials order or purchase materials and supplies needed for the Title I program and be reimbursed by an LEA?

**No.** Private school officials have no authority to obligate or receive Title I funds. The ESEA requires the LEA to maintain control of Title I funds, materials, equipment, and property. (ESEA section 1117(d)(1)). Thus, no Title I funds may be paid to a private school, even as reimbursement.



## C-34. What are an LEA's responsibilities regarding professional development for teachers of private school participants?

An LEA must ensure that teachers of participating private school students have the opportunity to participate, on an equitable basis, in Title I services and activities (ESEA section 1117(a)(1)(B)). An LEA must determine, in consultation with appropriate private school officials, the professional development needs of private school instructional staff who teach Title I participating private school students in order to improve the academic outcomes for those students and use funds from the proportional share to provide those services. In providing professional development opportunities, an LEA must ensure that they are focused on improving the academic achievement of participating private school students and do not benefit the general instructional program of the private school. (34 C.F.R. § 200.66(b)(2)(ii)).




# Let's Review



## A-9. What is entailed in achieving “the goal of reaching agreement” between an LEA and appropriate private school officials?

The “goal of reaching agreement” between an LEA and appropriate private school officials is predicated on the good faith efforts of all parties to reach an agreement regarding the provision of equitable services. **Meaningful consultation** that results in agreement begins well before the decisions are made or services are implemented, and provides a genuine opportunity for all parties to express their views, to have their views given serious, due consideration, and to discuss viable options for ensuring equitable participation of eligible private school students, teachers and other education personnel, and families.



### **C-31. Must teachers and paraprofessionals hired by an LEA to deliver or support the delivery of Title I equitable services meet any qualification requirements?**

**Yes.** The ESEA requires that teachers working in a Title I program must meet applicable State certification and licensure requirements. (ESEA section 1111(g)(2)(J)). In addition, ESEA section 1111(g)(2)(M) requires each State to ensure that its LEAs and schools continue to comply with the paraprofessional requirements in place on December 9, 2015, including those requirements under 34 C.F.R. § 200.58, and any State-specific requirements that were in place on that date.




## C-32. How does an LEA provide equitable services for parents and families of private school students participating in the Title I program?

An LEA must ensure that parents and families of eligible children participate, on an equitable basis, in services and activities developed pursuant to ESEA section 1116. (ESEA section 1117(a)(1)(B)). Activities for the parents of private school participants must be planned and implemented after meaningful consultation with private school officials and parents, and can include parent meetings, communication between the Title I teachers and parents on students' academic progress, parent-teacher conferences, parent education, and more.



## C-33. May funds for Title I instructional services be used for parental engagement if the one percent set aside is insufficient?

Based on consultation with private school officials, an LEA may use more than the one percent required to be set aside for parent and family engagement activities . Examples of parent and family engagement include parent meetings; parent-teacher conferences; parent training activities on how to work at home with children on content and skills; reasonable access to Title I staff to receive information about their child's progress; and private school parent representation on a district-wide private school working group.



**C-15. If the funds allocated for private school children are not sufficient to provide instructional services, may the funds be used to provide other services?**

Yes. After consultation with private school officials, an LEA may provide Title I services other than direct instruction if the provision of services, such as counseling, staff professional development, and parental involvement, is appropriate to assist those children identified as low achieving. **The LEA must measure the effect of the services on the academic achievement of participating children.** (ESEA section 1117(a)(1)(A)).





**C-35. May private school officials arrange for professional development services for staff who provide instruction to Title I participants and submit the invoice to the LEA for reimbursement?**

No. Private school officials are not authorized to obligate or receive Title I funds.



## **C-36. May Title I funds be used to pay stipends to private school instructional staff who participate in Title I professional development?**

**Yes.** Title I funds may be used to pay for stipends for private school instructional staff, if reasonable and necessary (e.g. time outside regular employment hours). Stipends for private school instructional staff must be available on the same basis as public school instructional staff, and the stipends must be paid directly to the private school instructional staff and not to the private school.



**Questions?**



# Contact Us

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**Resources:** <https://www.azed.gov/titlei/privateschools/>