



# Educator & School Excellence

## Equitable Services Announcement

### Equitable Services Instructional Staff Certification

It has become increasingly difficult to not only fully staff instructional programs at LEAs, but also hiring appropriately certified staff able to provide instructional equitable services. To lessen the burden on LEAs as they work to provide effective instructional programs for participating private schools, the following guidance may be implemented immediately.

If employed by the LEA (coded to 6100/6200), the LEA is bound by state certification requirements and therefore it is the responsibility of LEA to ensure that staff providing equitable services has the state mandated certification requirements for what area of service they are providing.

If employed under contract (coded to 6300), the LEA is bound by the state certification requirements and therefore may use a 3<sup>rd</sup> party or contracted services to provide instructional equitable services.

The purpose of Title I remains the same: to improve the achievement of the lowest-achieving students and to close achievement gaps. Fulfilling that promise requires the most qualified personnel available. Accordingly, an LEA, in consultation with appropriate private school officials, must determine by whom equitable services will be provided to succeed in raising the achievement of eligible private school students.

- Following consultation, an LEA may provide Title I services directly or indirectly through contracts with individuals and public and private agencies, organizations, and institutions so long as those entities are independent of the private school in the provision of those services. *Title I, Part A: Providing Equitable Services to Eligible Private Sch. Children, Teachers, and Families*, [119 LRP 38894](#) (EDU 10/07/19), C-27.
- The LEA must maintain oversight of the Title I program. Again, private school officials have no authority to obligate or receive Title I funds. The control of funds and title to materials, equipment, and property purchased with Title I funds must be with the LEA, and the LEA must administer such funds, materials, equipment, and property. ESSA [Section 1117\(d\)\(1\)](#); *Title I, Part A: Providing Equitable Services to Eligible Private Sch. Children, Teachers, and Families*, [119 LRP 38894](#) (EDU 10/07/19), C-26, C-27, C-28, and C-37.
- C-31. Must teachers and paraprofessionals employed by an LEA to deliver or support the delivery of Title I equitable services meet any qualification requirements? [Non-Regulatory Guidance 2019](#)

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. If an LEA contracts with a third-party provider, must the third-party provider employ Title I teachers and paraprofessionals who meet the State's qualification requirements? [Non-Regulatory Guidance 2019](#)

ESEA section 1111(g)(2)(J) requires that teachers working in a Title I program meet applicable State certification and licensure requirements. Thus, State law would govern whether teachers or paraprofessionals hired by a contractor to provide Title I equitable services must meet a state's certification and licensure requirements. An LEA would apply any qualification requirements to a contract for equitable services that it applies to a contract for services for public school students.