

Equitable Services to Independent Schools

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Background

- Federal law allows federal education aid to be provided to children in need, regardless of whether they attend a public or eligible independent school.
- In Vermont, an eligible Independent School is an Approved or Recognized non-profit.
- The Elementary and Secondary Education Act (ESEA / ESSA) requires that eligible independent schools be invited to participate in Titles I, II, III and IV, coordinated by LEAs
- ESSA Sec. 1117 / ESSA Sec. 8501

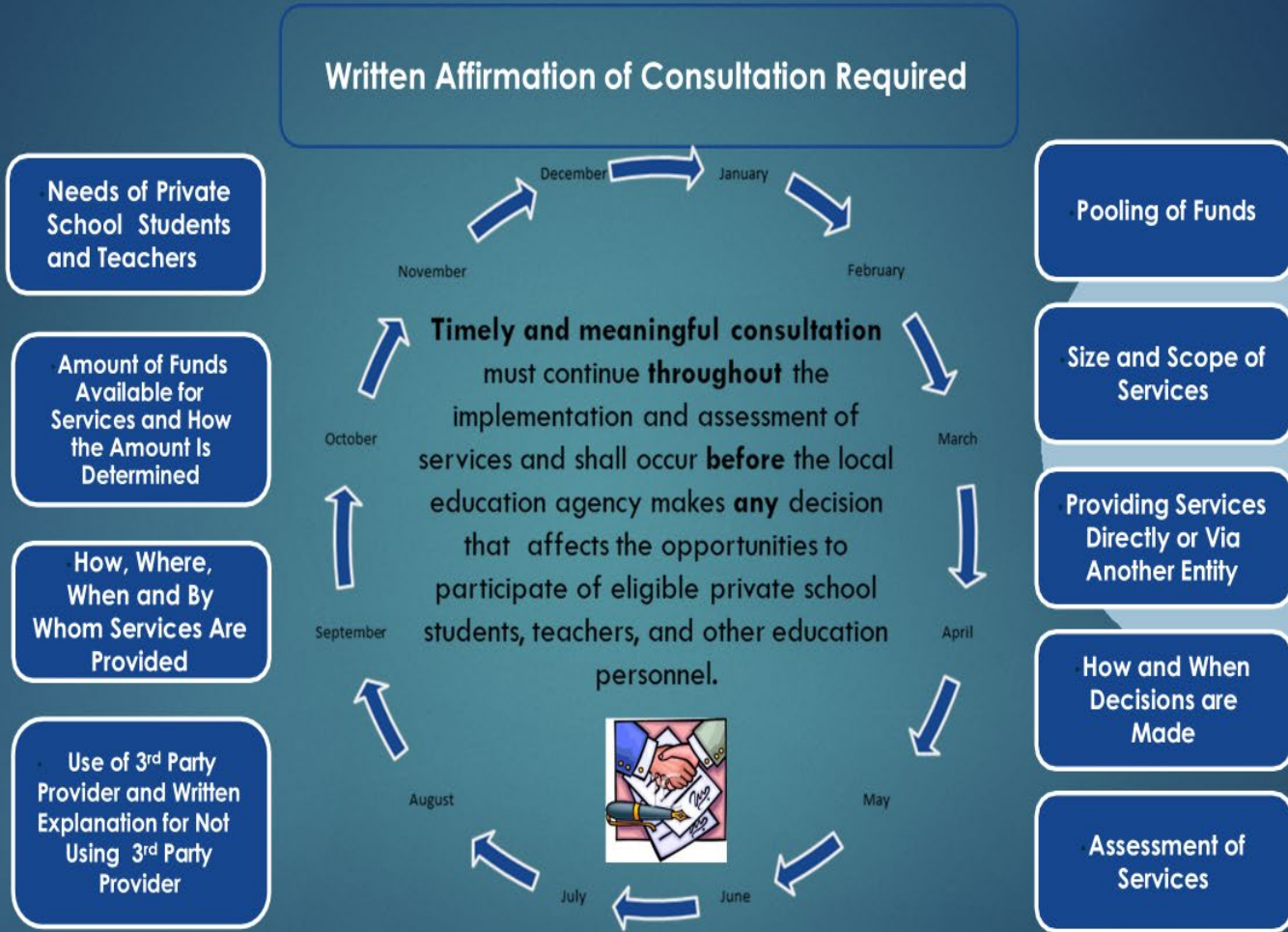
Outreach: Intent to Participate

- Review [CFP Approved or Recognized AND non-profit independent schools](#) list and on the Equitable Services resource page and [checklist](#) to create an LEA process
- Equitable Services Data Collection opens in GMS 02-01-25 Due Date 09-15-2025
- Send outreach letter(s) to all potentially eligible independent school(s). Maintain pdf, jpg documents for LEA records.
 - Outreach letter to all potentially eligible independent schools within the LEA & include as attachment intent to participate form with a specified due date
 - Outreach letter to all potentially eligible independent schools outside the LEA with noted students driving Title I funds & include as attachment intent to participate form with a specified due date

Documentation of Consultation

- Each LEA must maintain in their records and provide to the State educational agency (SEA) has or a written affirmation signed by officials of each participating independent school that the meaningful consultation has occurred.
- The written affirmation must provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible independent school children.
- If independent school officials do not provide an affirmation within a reasonable period of time, the LEA must forward documentation that consultation has, or attempts at consultation have taken place.

Timely and Meaningful Consultation



Timely & Meaningful Consultation

- An LEA is required to engage in timely and meaningful consultation with private school officials regarding the provision of equitable services.
- Consultation must occur before the LEA makes any decision that affects the opportunity of eligible private school students and teachers to participate and must continue throughout the design, development, and implementation and assessment of services.
- This requirement is predicated on the good faith efforts of all parties to have a genuine opportunity 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 children and educators.
- (ESEA sections 1117(b)(3) and 8501(c)(3))

Topics for On-going Consultation

- Funds should be obligated within the year of allocation
- Meeting LEAs state and federal deadlines for amendments
- End of year follow up on services & activities, this is required of the LEA and must include tracking participation data for Title I.
- Title I Participation data

Deadlines and expectations

- **A-6. May an LEA establish reasonable deadlines for independent school officials to submit information necessary to provide equitable services?**
- Yes. An LEA may set a reasonable deadline, taking into consideration independent school schedules, for independent school officials to submit information necessary to provide equitable services. For example, an LEA may set a reasonable deadline for independent school officials to indicate their intent to participate or request services and materials. An LEA should provide clear and sufficient notice of the deadline, identify potential consequences for not meeting the deadline, and give adequate time for independent school officials to respond.

Deadlines and expectations

- **A-6. May an LEA establish reasonable deadlines for independent school officials to submit information necessary to provide equitable services?**
- If a deadline is established in consultation, it would be reasonable for the LEA to inform independent school officials that, if the deadline is not met and the independent school officials have not notified the LEA of obstacles to meeting the deadline in a timely manner, the LEA may consider the independent school officials to have declined services. Generally, however, the ongoing consultation required by the ESEA (see ESEA section 8501(c)(3)) will help prevent this situation from occurring because consultation throughout the year provides an established forum for independent school officials to alert the LEA if there are obstacles to meeting a deadline.

Deadlines and expectations

- **A-18. What is an LEA's obligation to consult with appropriate independent school officials, and provide services to eligible children and educators in a new independent school that opens after the LEA's deadline for indicating an intent to participate?**
- An LEA is generally responsible for contacting officials of a new independent school, along with officials of all independent schools, to determine their intent to participate. An LEA is not required to provide equitable services in the current year to eligible children and educators who attend or work at a new independent school if the school opens after the LEA's deadline for indicating an intent to participate in equitable services, but the LEA may do so.

Title IA

Title I Equitable Services..... the basics

ESEA Title IA, Section 1117

Federal law allows federal education aid to be provided to children in need, regardless of whether they attend a public or eligible independent school (non-profit AND approved or recognized).

Title I funds “follow” students who meet both criteria:

- would have attended a public Title I served school AND
- From low-income households (as determined during consultation)

- *ESEA section (b)(1)(F) requires an LEA to consult with appropriate private school officials regarding the method or sources of data that are used to determine the number of children from low-income families who reside in a participating Title I public school attendance area and attend a private school. ESEA section (c)(1) states that, after timely and meaningful consultation, an LEA has the final authority to calculate the number of private school children who reside in a participating Title I public school attendance area.*

Title I, Part A Proportional Share: Allowable Measures of Poverty

- To determine the number of children from low-income families that reside in a participating Title I public school attendance area and attend an independent school, the ESEA permits an LEA, based on timely and meaningful consultation, to use any or a combination of the following:
 - The same measure of poverty used to count public school children.
 - Comparable poverty data from a survey.
 - Comparable poverty data from a different source.
 - Proportionality.
 - An equated measure.
- After timely and meaningful consultation occurs, including the LEA's consideration of available sources of poverty data, the LEA has the final authority to decide which method(s) it will use.
- An LEA may determine the number of children from low-income families who attend independent schools every year or every two years.

Title I: Who is eligible for services?

- Students with a demonstrated academic needed as determined by an objective measure during consultation. (ESEA section 1115(a), (c)(1)(B)).
- A student who is on an IEP or Section 504 is eligible to receive Title I Equitable Services.
- Publicly placed students whose tuition is paid for with state and/or local funds are eligible to receive Title I Equitable Services.

Regardless of the source of funds paying an independent school student's tuition, a student is eligible for equitable services under the ESEA if the student meets the eligibility requirements of the respective program. (ONPE, 2022)

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

Clarifying points on eligibility:

- A student's IEP or Section 504 status does not exclude them from being eligible for Equitable Services.
- A foster student is eligible based on the address of the foster family.
- It's appropriate to request and obtain information on how the requested investment ties to documented academic needs of the student. Keep in mind the Title IA Allowable Uses, paying attention to examples noted under providing eligible students with a well-rounded education and Non-instructional supports like behavior and mentoring supports, and social and emotional learning.

Clarifying points on eligibility:

- Independent Schools (IS) operate a Title IA Targeted Assistance program, so it is required that the LEA request and IS document the academic needs of students being served. How the need is determined should be decided early on during consultation process with the Independent School.
- **May an LEA implement a schoolwide program in an independent school?**
- No. The provision of equitable services may not benefit an independent school or the general needs of children in the independent school and must be provided by employees of an LEA or through a contract by an LEA with an individual, association, agency, or organization that is independent of an independent school. (ESEA section 1117(d); 34 C.F.R. § 200.66(b)(2)). Therefore, an LEA could not realistically operate a schoolwide program, which is designed to upgrade the entire educational program in a school, in an independent school.

Title I: Determining an allocation

OVERVIEW	CONTACT INFORMATION	ALLOCATIONS	CONSOLIDATED ADMINISTRATION POOL	RANKING AND SERVING	SCHOOLWIDE POOL	EQUITABLE SHARE	REAP-FLEX POOL	INVESTMENTS	BUSINESS MANAGER REVIEW
ASSURANCES	SUBMIT	AMENDMENT DESCRIPTION	APPLICATION HISTORY	APPLICATION PRINT					
SCHOOL INFO	POVERTY RATES AND TOTALS	RANKING OPTIONS	SERVED SCHOOLS	SET-ASIDES AND ALLOCATIONS					
FEEDER PATTERN STEP 1	FEEDER PATTERN STEP 2	FEEDER PATTERN STEP 3	FEEDER PATTERN STEP 4						

School	Select Category	Feeder Pattern Used	CEP	Grandfather	Waiver	Public Enrollment	Participating Independent Enrollment*	Public # Low Income	Participating # Low Income**
P182 - MIDDLETOWN SPRINGS ELEM SCHOOL	Elem	<input type="checkbox"/>	<input type="checkbox"/>	None	None	55	4	34	4
P229 - POULTNEY ELEMENTARY SCHOOL	Elem	<input type="checkbox"/>	<input type="checkbox"/>	None	None	214	0	120	0
P230 - POULTNEY HIGH SCHOOL	High	<input type="checkbox"/>	<input type="checkbox"/>	None	None	239	1	127	1
P232 - PROCTOR ELEMENTARY SCHOOL	Elem	<input type="checkbox"/>	<input type="checkbox"/>	None	None	124	2	64	2
P233 - PROCTOR JR/SR HIGH SCHOOL	High	<input type="checkbox"/>	<input type="checkbox"/>	None	None	121	0	83	0
P258 - RUTLAND TOWN ELEM SCHOOL	Elem	<input type="checkbox"/>	<input type="checkbox"/>	None	None	328	0	73	0
P328 - WELLS VILLAGE SCHOOL	Elem	<input type="checkbox"/>	<input type="checkbox"/>	None	None	62	0	30	0
P331 - WEST RUTLAND SCHOOL	High	<input type="checkbox"/>	<input type="checkbox"/>	None	None	316	1	140	1
Totals						1459	8	651	8

*The number of students who would otherwise attend this school but are enrolled in approved or recognized non-profit independent schools participating in equitable services, both within and outside of the LEA.

**The number of qualifying low income students who would otherwise attend this school but are enrolled in approved or recognized non-profit independent schools participating in equitable services, both within and outside of the LEA.

Title I: Determining an allocation

OVERVIEW	CONTACT INFORMATION	ALLOCATIONS	CONSOLIDATED ADMINISTRATION POOL	RANKING AND SERVING	SCHOOLWIDE POOL	EQUITABLE SHARE	REAP-FLEX POOL	INVESTMENTS	BUSINESS MANAGER REVIEW
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SCHOOL INFO	POVERTY RATES AND TOTALS	RANKING OPTIONS	SERVED SCHOOLS	SET-ASIDES AND ALLOCATIONS					

Independent 8.00

	Independent
	8.00
	1.37%
	12,216.22

Title IIA, IVA & III

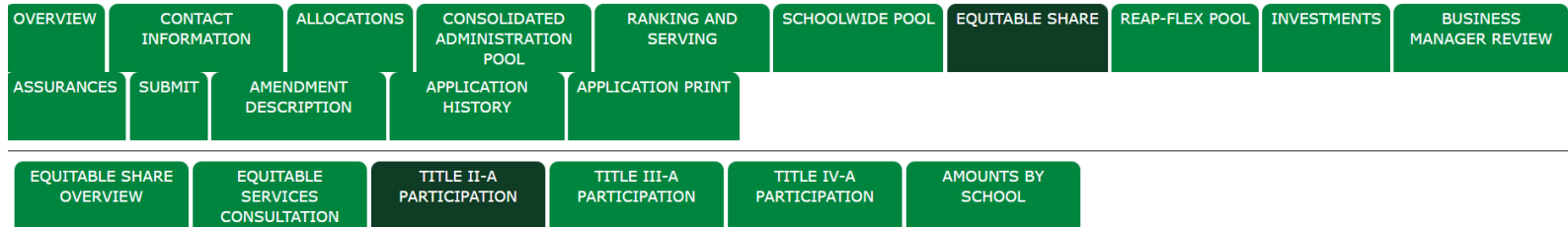
Title II & IV: Determining an allocation

- Based on total enrollment. Economic status and residence are not considered.
- Enrollment should be confirmed during consultation based on a point in time count.

Title III: Determining an allocation

Please read the [guidance document](#) on the AOE site and contact Deborah Bloom at Deborah.Bloom@Vermont.gov

Title II & IV: Determining an allocation



Under Section 8501 of the Elementary and Secondary Education Act (ESEA), non-profit, approved or recognized independent schools within the boundaries of an LEA are eligible for equitable participation in Title II Part A funds. Calculations are based on total enrollments of public and eligible independent schools within the LEA.

Number of K-12 Students Enrolled

2396	In public schools
533	In independent schools
2,929	Total number of eligible children

Calculating Equitable Share from Federal Allocation and Enrollment Counts

231,767.00	Current Year Title II-A Federal Allocation
0.00	Consolidated Admin (for public and independent school programs)
0.00	Amount transferred TO Title II-A
0.00	Amount transferred FROM Title II-A
231,767.00	Balance to Calculate Proportionate Share
79.13	Balance divided by Total Students = Per Student Amount
42,176.29	EQUITABLE SHARE RESERVATION = Per Student Amount multiplied by # of Eligible Children in independent schools

Questions?

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