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Equitable Services to Independent Schools

Overview

Since the passage of the Elementary and Secondary Education Act in 1965, local educational agencies (LEAs) have been required to provide equitable services to private school students, teachers, and, in some cases, other education personnel and parents under a number of ESEA programs.

ESEA was reauthorized in December, 2015 as the “Every Student Succeeds Act (ESSA). New provisions under ESSA both strengthen and enhance equitable services to non-profit independent schools and provide for more State and LEA accountability.

To help ensure that independent school children, teachers and other educational personnel receive services equitable to those in public schools, state educational agencies (SEAs) must now designate an Ombudsman to monitor and enforce ESSA equitable services requirements. In addition, the Ombudsman should serve as the primary point of contact for addressing questions and concerns from independent school officials and LEAs. [ESEA sections 1117(a)(3)(B) and 8501(a)(3)(B)]

General Requirements under Title I & Title VIII

- Funding for equitable services is only available to non-profit independent schools.
- The LEAs may provide services directly to the independent school or through contracts with public and independent agencies, organizations and institutions.
- Funds cannot be used to reimburse independent schools for services or other program costs. The statute clearly states that the LEA must maintain control of funds and no funds may be paid directly to the independent school.
- Title I services for independent school students shall be equitable in comparison to Title I services and other benefits for public school students and shall be provided in a timely manner. The services are provided in a targeted assistance manner with only those eligible students receiving Title I services.
- The LEA is owner and maintains control of any equipment and supplies purchased with Title I, Title III, and Title IV funds. Equipment purchased needs to be inventoried by the LEA in a timely manner. No equipment can be purchased with Title IIA funds.
- For Title I, expenditures for equitable services to eligible independent school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend independent schools. (ESEA sections 1117(a)(4)(B) and 8501(a)(4)(A))

- For Title II, Part A, and Title IV, Part A under ESSA, the expenditures for equitable services for independent schools must be equal to the per pupil amounts allocated to the public schools in the LEA.

Assurances

The LEA assures to provide for the equitable participation of students and professional staff in non-profit independent schools in all Titles covered under ESSA. The LEA must contact officials of independent schools and provide an opportunity to participate and develop the programs authorized in the Consolidated Federal Programs (CFP) application.

The LEA shall:

- a. Provide for the equitable participation of students and professional staff in non-profit independent schools in all Titles covered under ESSA.
- b. Identify and consult with appropriate independent school officials to determine eligibility for participation under all available Titles. Consultation must be timely, on-going and meaningful, as well as, to monitor progress toward key issues relevant to equitable participation. In addition, LEA CFP Team Leaders must consult with independent school officials prior to making decisions that affect opportunities for eligible students.
- c. Determine the share of all applicable Title funds available for equitable services prior to any expenditures or transfer of funds. The LEA must determine the need for administrative costs of equitable services under all allowable Titles.
- d. Assure that all services, materials, and equipment provided to independent schools will be used to provide only secular, neutral, and non-ideological educational services to students and school personnel.
- e. Keep all required documentation.

Calculations - Title I

An LEA shall determine the proportionate share of Title I funds available for equitable services as follows:

1. Based on prior year's data, determine the total number of children from low-income families residing in each participating public school attendance area and who attend public and independent schools.
2. Determine the overall proportion of these children who attend independent schools.
3. Apply this proportion to the current year's allocation to determine the amount of funds available for equitable services.

Example of Determining the Amount of Proportional Title I Funds for Equitable Services in SY 2017- 2018

Served Public School Attendance Area in SY 2016- 2017	Number of Public School Low-Income Children in SY 2016- 2017	Number of Independent School Low-Income Children in SY 2016- 2017	Total Number of Low-Income Children in SY 2016- 2017
School A	500	120	620
School B	300	9	309
School C	200	6	206
School D	350	15	365
Total	1,350	150	1,500
Proportion	90%	10%	

Total Title I Allocation to the LEA	Proportional Share from Calculations Above	Total Amount of Title I Funds for all Independent Schools in the LEA
\$1,000,000	10%	\$1,000,000 × 10% = \$100,000

Example of Determining the Amount of Funds Available for Instruction for Eligible Students in Specific Independent Schools – Step 1

Amount of funds (as determined from above calculation) for equitable services for all independent schools for instruction, administration, and professional development	After consultation, amount reserved by LEA for administration and professional development for the independent schools.	Amount available for instruction in SY 2017 - 2018
\$100,000	\$10,000	\$90,000 (\$100,000 - \$10,000)

Example of Determining the Amount of Funds Available for Instruction for Eligible Students in Specific Independent Schools – Step 2

Independent School	Number of low-income independent school students in served public school attendance area in SY 2016 – 2017	Amount per-pupil generated by low-income independent school student (\$90,000/150)	Amount available for instruction to eligible students in independent schools (number of students x per-pupil)
School 1	75	\$600	\$45,000
School 2	50	\$600	\$30,000
School 3	25	\$600	\$15,000
Total	150	\$600	\$90,000

Title IIA Calculation

For purposes of determining the amount of Title II, Part A funds that must be reserved for equitable services for professional learning provided to independent school teachers, principals, and other appropriate staff, the LEA must determine a per pupil amount before transferring funds. The Title IIA equitable services amount is calculated by multiplying the per-pupil rate by the number of enrolled students in the participating independent school(s).

Example of Formula to Determine Amount for Title II, Part A Equitable Expenditures for SY 2017- 2018

A. Number of Students	
A1: LEA Enrollment from SY 2016-2018	900
A2: Participating Independent Schools Enrollment from SY 2016-2017	100
A3: Total Enrollment= A1 + A2	1000
B. Title II, Part A Allocation	
B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (for public and independent school programs)	\$50,000
B3: LEA Allocation Minus Administrative Costs= B1-B2	\$950,000
C. Per Pupil Rate	
C1: B3 divided by A3	\$950
D. Equitable Services	
Amount LEA must reserve for equitable services for independent school teachers and other educational personnel = A2 x C1	\$95,000
E. Equitable Service per Specific Independent School	
For each independent school, multiple the per pupil amount (C1) x the number of students at that school.	School 1 has 75 students (75 x \$950) = \$71,250 School 2 has 25 students (25 x \$950) = \$23,750

Consultation

Meaningful consultation involves discussions between LEA and independent school officials on key issues that affect the ability of eligible independent school students and teachers to participate equitably in ESSA programs. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered. Successful consultation establishes positive and productive working relationships that make planning easier and ensure that the services provided meet the needs of eligible students and teachers.

An unilateral offer of services by an LEA with no opportunity for discussion is not considered adequate consultation. Only after discussing key issues relating to the provision of services should the LEA make its final decisions with respect to the services to be provided.

Consultation must cover issues such as:

- How the children's needs will be identified (Title I);
- What services will be offered (Titles I, IIA);
- How, where, and by whom the services will be provided (Titles I, IIA);
- How the services will be assessed and how the results of that assessment will be used to improve those services (Titles I, IIA);
- The size and scope of the equitable services to be provided to the eligible independent school students, and the proportion of funds that is allocated for services and how that proportion will be determined (Title I);
- The method or sources of data that will be used to determine the number of children from low-income families in the participating school attendance area and who attend independent schools (Title I);
- How and when the LEA will make decisions about the delivery of services to such children, including thorough consideration and analysis of the views of the independent school officials on the provision of services through a contract with potential third-party providers (Title I);
- Whether the school district shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor (Titles I, IIA);
- Whether to provide services by pooling funds or making funding considerations on a school-by-school basis prior to the disbursement of grant funds (Titles I, IIA);
- Include information regarding approximate time and dates, services will be provided (Titles I, IIA); and
- Include a discussion of service delivery mechanisms that the LEA could use to provide equitable services to eligible independent school children, teachers, administrators, and other staff.

Suggested Consultation Timeline

January, February & March

- LEA will extend an invitation to independent school officials to discuss participation in equitable services under all ESSA Titles.
- Initial consultation meeting may include discussions concerning: type of ESSA services available, how the services could be provided, and upcoming timelines.
- LEA determines which independent schools will participate in each Title.

April & May

- LEA will meet with each independent school (separately or in a group) to determine how they will identify the number of poverty students for the Title I calculation (VTAOE CFP staff may have data to assist).
- Estimated calculations are shared to determine equitable services for all Titles the independent school(s) are participating in.
- Determinations are made as to the criteria used to select the Title I students served and the professional learning needs of the school(s).
- A written agreement to participate is reached, the LEA will determine equitable services based on number of eligible students and per-pupil allocations and student & staff needs.

August & September

- Independent school officials will receive a copy of equitable services amounts from the SEA Ombudsman (copy sent to CFP leader).
- Independent school officials and the LEA will agree upon dates and times for student services and any parent & family engagement activities.
- Finalize roster of participating students
- Begin educational services to students
- Determine processes for evaluating student progress towards academic achievement
- Finalize the plan for Title IIA professional learning for the independent school(s).
- After grant agreement is computed, conduct procurement if needed and contract with service providers.

October – June

- Regular visits by LEA to communicate with independent school teachers and officials about student progress and program compliance.
- Assess student progress and evaluate program effectiveness for both Title I and Title IIA services. Use the results for planning for the next fiscal year.

Use of Funds Under Title I & Title II-A

Determining Title I Students

To be eligible for Title I services, an independent school student must be under the age of 21, reside in a participating public school attendance area, use multiple, educationally related, objective criteria in selecting students to participate in the Title I program. Certain students are eligible by virtue of their status- homeless students, neglected and delinquent students, migrant students, and students who in the preceding two years had participated in a Title I preschool or other Title I program. Other independent school students are selected by objective criteria that indicates the student is failing, or at risk of failing, to meet student academic achievement standards. The selection criteria may include such data as achievement tests results; teacher referrals based on objective, educationally related criteria; and student grades. Once the student caseload has been determined, those students are the only ones who may benefit from the Title I equitable services. These students may receive instructional services, tutoring, and other services to address the needs of the students as decided after meaningful consultation with the independent school. Title I services may be provided in subject areas or at grade levels that are different from those provided public school students, as long as these services are provided in the same grade-span as the services provided to public school students. These services must hold reasonable promise that the academic performance of independent school participants will improve.

Funds can pay for costs associated with:

- supplemental instructional services provided by public school employees or third-party contractors
- extended-day services
- family literacy programs
- computer-assisted instruction
- home tutoring
- instruction using take-home computers

Funds cannot pay for:

- services, including supplies and materials, for students who are not on the Title I caseload
- services required in an IEP or EL program
- costs associated with identifying the Title I caseload

Title I Parent and Family Engagement

LEAs that receive allocations over \$500,000 must reserve and spend at least 1% of their Title I allocation for parent and family engagement and Independent Schools are entitled to receive equitable services from that set-aside. To determine the amount, an LEA must calculate 1% of its total Title I allocation. The LEA then applies the proportionate share percentage as calculated above, for parent and family engagement services to the parent and families of the independent school Title I students. Only the parents and families of the Title I students may receive the benefits of the equitable services amount.

Example of Equitable Services for Parents and Families of Eligible Independent School Children

LEA's Title I Allocation (From example above)	1% for parent and family engagement for the LEA	Proportionate share for equitable services for parents and families
\$1,000,000	\$10,000	\$10,000 x 10% = \$1,000

Once the equitable services amount is determined, the LEA may conduct these activities independently or in conjunction with the LEA's regular parental involvement activities.

Funds can pay for costs associated with parental engagement activities that will assist the Title I independent school students in achieving high academic standards, including:

- A written agreement between the LEA and parents of Title I independent school students regarding the responsibilities of the LEA and parents in the Title I program
- Meeting for parents of Title I students
- Communication between the Title I teachers and parents of Title I students on students' academic progress
- Parent education for the parents of Title I students
- Lite meals and refreshments during Title I parent activities, according to LEA policies

Funds cannot pay for:

- Stipends for parents
- Gift cards or gas cards

Professional Learning with Title I or Title IIA

Once the equitable services amounts are calculated above, all the leadership and instructional staff in the independent school may benefit from the equitable services from Title IIA funds. For Title I, however, the funds, after agreement is reached with the independent schools, set aside by the LEA for administration and professional development may only be used for the instructional staff providing the Title I services or for independent school teachers that have a significant number of eligible Title I students in their class. The Title I professional learning must be focused on how to better serve those struggling students.

All professional learning paid for with Title I or Title IIA funds must be high quality professional learning and meet the ESSA definition of professional development (§8101(42)):

- Address how teachers can best serve students who are struggling academically by providing information on evidenced-based reading, mathematics and science instruction;
- Are an integral part of the school's strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet academic standards; and

- Are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused.

Professional learning activities for independent school teachers must address one or more of the following objectives:

- improve and innovate teaching practices (i.e., technology literacy) in core academic subjects - English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography
- increase teacher capacity to meet needs of students with different learning styles/needs (including behavioral)
- ensure that teachers are able to effectively use standards and assessments to improve instructional practices to impact student academic achievement
- provide regular opportunities for teachers to collaborate to examine student work and teaching practices
- develop an understanding of how to use data and assessments to improve classroom practice and student learning
- involve parents in their child's education

Professional learning activities must be planned and implemented with meaningful consultation with independent school officials and teachers. After this consultation takes place, the LEA may conduct these activities independently or, when appropriate, in conjunction with the LEA's professional development activities.

Funds can be used for:

- costs associated with the direct training – for example, registration fee, trainer fee, and travel costs, if necessary
- consultant fees
- stipends for independent school teachers, if reasonable and necessary. The stipends must be used for work that is beyond teacher contractual obligations (BCO). For example, if the professional learning activity is conducted during after-school hours, stipends may be needed to compensate teachers for their participation outside their regular employment hours. Stipends for independent school teachers must be available on the same basis as those for public school teachers *and* the stipends must be paid directly to the independent school teachers.
- professional learning that has a documented evidence-base

Funds cannot be used for:

- upgrading the instructional program in the regular classroom of the independent school
- substitutes for independent school teachers
- professional learning that is directly linked to a program's certification and or requirement (i.e., Montessori...)
- attendance at a professional conference sponsored or conducted by a faith-based organization (costs may be allowable for secular topics at the conference but the costs would be pro-rated if deemed allowable, reasonable, necessary, and advisable)
- "placeholders" for professional learning activities that are not yet developed

- purchase of material, texts or supplies for student use
- purchase of teachers texts, materials or supplies unless part of Title II, Part A – funded professional learning activity
- equipment (this includes iPads and other electronic devices)
- teaching staff salaries
- remedial instruction
- developing and disseminating information to the public
- planning
- data systems to manage student assessment data
- general conferences

Required Documentation

- Documentation: Written affirmation of consultation with each independent school in your LEA's geographical area or documentation of attempts to consult. If the independent school chooses not to participate, then a signed document indicating so. If the independent school is participating, include the agreement for equitable services for each Title the independent school is receiving equitable services.

When	Submitted to LEA	Auditable Records at LEA
Before school starts	Yes	Yes

- Documentation: Calculations for each Title for equitable service amounts for each participating independent school.

When	Submitted to LEA	Auditable Records at LEA
During Consultation	No	Yes

- Documentation: Evaluation of the effectiveness of the equitable services given done in coordination with the independent school.

When	Submitted to LEA	Auditable Records at LEA
At the end of the service or at the end of the school year	No	Yes

- Documentation: End of year satisfaction determination that states if the independent school was satisfied with the equitable services received. The determination must also include the amount of the original equitable service amount, the actual amount spent, and amount, if any, to be carry forward into the next fiscal year

When	Submitted to LEA	Auditable Records at LEA
By June 15 th	Yes	Yes

Additional Resources

Every Student Succeeds Act (ESSA) Section 1117, Participation of Children Enrolled in Private Schools & Section 8501

Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), As Amended by The Every Student Succeeds Act (ESSA) U. S. Department of Education, November 21, 2016.

[Improving Teacher Quality, State Grants, ESEA II, Part A, Non-Regulatory Guidance, October 5, 2006](#) (See Section G – Private School Participation)

[Ensuring Equitable Services to Private School Children: A Title I Resource Kit](#). U.S. Department of Education, September 2006.