

| Face to Face                                                                                                                                                                                                                                                                                                                                                      | Webinar                                                                                                                                   | Webinar                                                                     | Webinar                                                                                                                                                                                             |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Best Practices -</b><br><b>Required Components</b><br><b>General allocation Info</b><br><b>501c3/ Population/</b><br><b>Poverty</b><br><b>Needs</b><br><b>Assessment/Developing a</b><br><b>plan/Evaluation</b><br><b>Consultation/ Complaints</b><br><b>ConApp and Budgets</b><br><b>Resources</b><br><br><b>We can develop</b><br><b>collaboratively YES</b> | LEA/ PS Procedures<br>Source Documentation<br>Prior Approval<br>Applications Sections of UGG<br><br>We can develop<br>collaboratively YES | IIA<br>Allocation<br>IIA<br>Allowability<br><br>IIA Team<br>Develops<br>YES | IA Allocations<br>IA Allowability<br>Set asides -Equitable<br>services<br>Multi-Selection Criteria<br>process and form<br>Best practices<br>Inventory<br>Program evaluation<br><br>IA Team Develops |

# Preparing for ESSA and FY18 Private School Consultation and Program Coordination

(Title I, Part A; Title I, Part C; Title II, Part A; Title III; Title IV, Part B)

*Providing Equitable Services to Eligible  
Private School Children*

Georgia Department of Education

Collaborative Training

April 17 & 18, 2017

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# FY18 Equitable Services Workshop Purpose



Richard Woods,  
Georgia's School Superintendent  
"Educating Georgia's Future"  
[ga DOE.org](http://ga DOE.org)

- To ensure uniformity in the implementation of the **ESSA** Private School Provisions **in FY18** based on what we know **NOW**:
  - Roles and responsibilities of the SEA, LEAs and Private Schools in the consultation process
  - Private School Eligibility and Allocations
  - Private school needs assessment, plan development and program coordination
  - ESSA Updates

# Polling Question

## Who is online today?

- A. Private School Officials
- B. Other Agency Supporting Private Schools
- C. Local Education Agency Officials
- D. Other Agency Supporting LEAs



# FY18 Equitable Services Hot Topics for FY18

- Consultation
- Eligibility
- Allocation of Funds
  - Proportionate Share
  - Administrative Costs
- Types and Delivery of Equitable Services
- Program Evaluation
- Ombudsman

# FY18 Equitable Services

## Equitable Services Requirements



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Georgia's School Superintendent  
"Educating Georgia's Future"  
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### Title I, Part A Sec. 1117

- Title I, Part A Academic Achievement of At-Risk Students

### Title VIII Sec. 8501

- Title I, Part C Migratory Children
- Title II, Part A Supporting Effective Instruction
- Title III, Part A English Learners & Immigrant Students
- Title IV, Part A Student Support & Academic Enrichment
- Title IV, Part B 21<sup>st</sup> CCLC



# FY18 Equitable Services Statutes and Regulations

## Authorizing Statute

- ESSA Sections 1117 and 8501

## Applicable Guidance and Regulations

- Fiscal Changes and Equitable Services Requirements (2016)
- Title IX, Part E (2009)
- Title I Equitable Services (2003)
- 2 CFR Part 200
- 34 CFR Part 76.650 - 76.677

# FY18 Equitable Services Statutes and Regulations



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Except as otherwise stated in the  
*Fiscal Changes and Equitable Services* (2016)  
Non-Regulatory Guidance,  
the existing non-regulatory guidance  
*Title IX, Part E: Equitable Services* (2009) and  
*Title I Equitable Services* (2003)  
remain applicable!

# FY18 Equitable Services

## NEW ESSA State Ombudsman



Richard Woods,  
Georgia's School Superintendent  
"Educating Georgia's Future"  
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### Definition:

- a government official appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials
- one that investigates, reports on, and helps settle complaints and tries to deal with problems fairly

# FY18 Equitable Services

## NEW ESSA State Ombudsman



Richard Woods,  
Georgia's School Superintendent  
"Educating Georgia's Future"  
[ga DOE.org](http://ga DOE.org)

What we currently know about the role of the ESSA ombudsman:

- To ensure **such equity for such private school** children, teachers, and other educational personnel, the State educational agency involved shall designate an Ombudsman **to monitor and enforce the requirements of this part.**
- State educational agencies are to designate one person to fulfill the Ombudsman's obligations for all of the relevant programs. Moreover, that statutory language vests the Ombudsman with the authority to "monitor and enforce" the relevant portions of the law.
- **The Ombudsman's purview will not be limited to only Title I, but all federal programs having private school participation. The Ombudsman will be involved with and work across all federal programs.**

# FY18 Equitable Services

## NEW ESSA State Ombudsman



Richard Woods,  
Georgia's School Superintendent  
"Educating Georgia's Future"  
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What we currently know about the role of the ombudsman:

- Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the Ombudsmen designated under subsection (a)(3)(B)
- Private schools were involved in developing the roles and responsibilities for the Ombudsman.

# FY18 Equitable Services Private School Complaints



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Georgia's School Superintendent  
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- A private school official shall have the right to file a complaint with the Ombudsman (SEA) asserting that the LEA did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section
- If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the LEA to the Ombudsman, and the LEA shall forward the appropriate documentation to the Ombudsman

# FY18 Equitable Services Private School Complaints



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- The SEA shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have-
  - (i) requested that the SEA provide such services directly;AND
  - (ii) demonstrated that the LEA involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the SEA

# Polling Question

**If a private school has questions about equitable services who should it contact first?**

- A. State Ombudsman**
- B. GaDOE Program Specialist**
- C. Office of Non-Public Education**
- D. Local Education Agency**





# Consultation Timeline

## Carly Covic Ambler

# FY18 Equitable Services Consultation Requirements

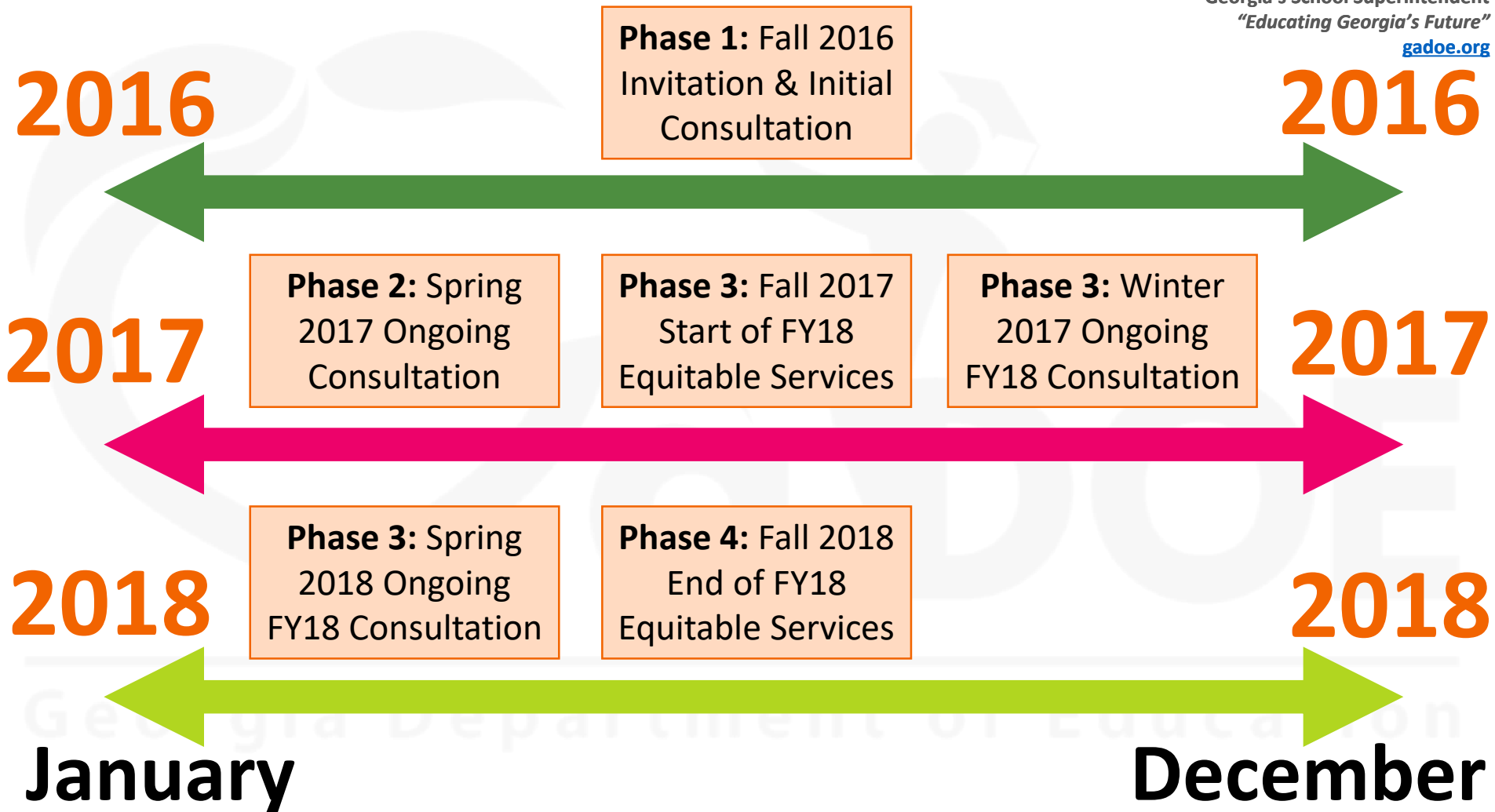
- The goal of all parties should be to reach an agreement on how to provide equitable and effective programs for eligible private school children.
- LEA must provide **"timely and meaningful"** consultation with appropriate private school officials
- The LEA is responsible for **planning, designing and implementing** the Federal program and **shall not delegate** that responsibility to the private school
- Through the consultation process, the district must design a coordinated Federal program with services that meet the needs of the private school and its students

*ESSA- Sec. 1117(a)(1)(A) and (b); Sec. 8501(c)*

# FY18 Equitable Services Planning & Provision of Services



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Georgia's School Superintendent  
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# FY18 Equitable Services

## FY18 Timeline

- **Mid-Late Fall 2016**– The District contacts all private schools eligible for equitable services.
- **Late Fall 2016 – Winter 2017**– The District hosts an information session about equitable services and begins consultation process.
- **Late Spring – Summer 2017**– The District and Participating Private School engage in ongoing consultation to determine needs and develop a program for the provision of equitable services.
- **The following school year 2017-2018** –The District and Participating Private School engage in ongoing consultation to monitor program implementation and effectiveness (adjusting as needed).The Private School program should start at the same time as the public
- **The end of the grant October 2018** – The private school confirms receipts of equitable services.

# FY18 Equitable Services Consultation Phases

- **Phase 1 (Fall):** Initial Consultation & Notification of Intent
- **Phase 2 (Spring):** Planning & Program Development ongoing consultation sessions
- **Phase 3 (School Year):** Implementation and evaluation ongoing consultation sessions
- **Phase 4 (End of Grant):** Final Feedback – Confirmation of receipt of satisfactory equitable services that began at the time requested and which were agreed upon by both parties.

# FY18 Equitable Services Consultation Check-Up

- At this time in the year, initial FY18 Consultation meetings should be completed.
- The Intent to Participate Document should have been signed by all parties.
- The requested enrollment data and poverty data requested from the private schools who intend to participate in services in FY18 should have been provided to the public school.
- DUE June 30, 2017: Form verifying ongoing consultation for FY18
- DUE October 2018: Form verifying receipt of satisfactory FY18 Services

# FY18 Equitable Services Timely and Meaningful Sec. 1117(b)(3) and 8501(c)



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## Timely Consultation

- Before the LEA makes any decisions
- During the design and development of the program
- Throughout the implementation and assessment of services

## Meaningful Consultation

- Genuine opportunity for parties to express their views
- Views seriously considered
- The LEA may initiate consultation with a proposal for services
- Final Decisions made by the LEA after consultation

***Successful consultation establishes positive and productive working relationships***

# Polling Question

Where are you **NOW** in the  
consultation process?

- A. Phase 1: Information Gathering
- B. Phase 2: Planning Our FY18 Program
- C. Not Applicable





# Consultation Topics

## Marijo Pitts-Sheffield

# FY18 Equitable Services Required Consultation Topics



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13 ESSA statutory requirements for consultation which MUST be included on the initial agenda and that must be addressed in planning throughout the year.

1. How the LEA will determine which students are eligible. How the LEA will identify the needs of eligible private school students (EL, Migrant), teachers and parents.
2. What services the LEA will offer to eligible private school children, their teachers and parents.
3. How, when, where and by whom the LEA will provide services to eligible private school children.
4. How the LEA will academically assess the services and how the LEA will use the results to improve the federal program services.

# FY18 Equitable Services Required Consultation Topics



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Georgia's School Superintendent  
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5. The size and scope of the equitable services that the LEA will provide to eligible private school children and the proportion of its federal funds that is allocated under ESSA for such services, and how that proportion of funds is determined.
6. The method/sources of poverty data used to determine the number of private school children from low income families residing in participating public school attendance areas.
7. Delivery of services: Must give consideration to the views of the private school officials regarding the provision of services through a contracted third-party providers
8. How, if the LEA disagrees with private school officials regarding provision of equitable services through a contracted third-party provider, the LEA will provide notice, an analysis, and reasons to the private school officials

# FY18 Equitable Services Required Consultation Topics



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9. Whether the agency shall provide services to eligible students directly or through third-party contractor.
10. Whether to provide funding through a "pool of funds" or with the proportion of funds allocated under this section
11. When services will be provided (*Title I, Part A only*)
12. (NEW) Whether to consolidate and use Title I, Part A funds in **coordination** with funds from other eligible federal programs that are dedicated to providing equitable services to private school students. (Title I only)
13. Determining LEA Administration costs.

# FY18 Equitable Services Non-Profit Status 34 CFR 75.51



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(a) Under some programs, an applicant must show that it is a nonprofit organization.

- **DEFINITION:** Nonprofit, as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity. (34 CFR 77.1.)

(b) An applicant may show that it is a nonprofit organization by any of the following means:

- (1) Proof that the Internal Revenue Service currently recognizes the applicant as an organization to which contributions are tax deductible under section 501(c)(3) of the Internal Revenue Code;

# FY18 Equitable Services Non-Profit Status 34 CFR 75.51



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- (2) A statement from a State taxing body or the State attorney general certifying that:
  - (i) The organization is a nonprofit organization operating within the State; and
  - (ii) No part of its net earnings may lawfully benefit any private shareholder or individual;
- (3) A certified copy of the applicant's certificate of incorporation or similar document if it clearly establishes the nonprofit status of the applicant; or
- (4) Any item described in paragraphs (b) (1) through (3) of this section if that item applies to a State or national parent organization, together with a statement by the State or parent organization that the applicant is a local nonprofit affiliate.

# FY18 Equitable Services Non-Profit Status - Georgia



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- School districts in Georgia must ensure that services to be provided are to non-profit private schools.
- A copy of the Office of Georgia's Secretary of State report approving your non-profit status will be one way of verifying your documentation of non-profit status.
- Georgia law requires all corporations, limited liability companies, and limited partnerships to file annual registrations with the Secretary of State's Corporations Division and pay the associated renewal fee. If a business fails to renew by the deadline, it must pay a \$25.00 late filing penalty fee or risk administrative dissolution.

# FY18 Equitable Services Non-Profit Status - Georgia



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- The private school must be listed on the Letter 947 from the IRS as a trade name
- The private school must have an EIN number linked to a 501(c)(3)
- The school did not register as "DBA" (Doing business As) with the Secretary of State's Corporations Division if applicable and required
- LEAs and Private Schools can verify non-profit status:
  - Exempt Organization Select Check Tool link  
<https://apps.irs.gov/app/eos/pub78Search.do?ein1=270554194&names=&city=&state=All...&country=US&deductibility=all&dispatchMethod=searchCharities&submitName=Search>
  - Exempt Organizations Business Master File Extracts (by state) link <https://www.irs.gov/charities-non-profits/exempt-organizations-business-master-file-extract-eo-bmf>



# Polling Question

**Private Schools** – Does the school hold current, valid non-profit status?

**LEAs** – Do all participating private schools hold current, valid non-profit status?

- A. Yes
- B. No
- C. I Don't Know



# Allocations

## Dr. Ken Banter

# FY18 Equitable Services Title I, Part A Allocations



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- Title I, Part A is a federal formula grant
- LEA Allocations are based on poverty and population
- Private School Allocations are based on the number of eligible children of poverty that live in a Title I attendance area. *\*\*While these children determine allocations, they may not be the children who receive services.*
- Program participation is based on multiple, educationally-related, objective criteria

# FY18 Equitable Services Title II, Part A Allocations



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## Sec. 8501(a)(4)(A)

- Title II, Part A, Building Systems of Support for Excellent Teaching and Learning, is a federal formula grant.
- LEA allocations are based upon poverty and population.
- Administrative costs are set aside off the top.
- Allocations are calculated on a per-pupil basis, the amount available for all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency) takes into consideration the number and needs of the children, their teachers and other educational personnel to be served.

# FY18 Equitable Services

## Title III Equitable Services



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Services must be provided to eligible students. Participation is considered to be equitable if the LEA:

- (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner;
- (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs;
- (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and
- (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

# FY18 Equitable Services

## Title I, Part C Equitable Services

Services must be provided to eligible students. Participation is considered to be equitable if the LEA:

- (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner;
- (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs;
- (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and
- (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

# FY18 Equitable Services Equitable Services Funding Options



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The LEA may choose one or both of the following options for expending the funds reserved for equitable services :

- **Individual School by School Option\***

\* most widely used

- **Pooling Option & Consolidating**

Georgia Department of Education

# FY18 Equitable Services

## Equitable Services - Pooling



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- Combine funds allocated for private school students and teachers for the two or more private schools interested in participating in this option.
- Create a pool of funds from which the LEA provides equitable services to private school students and teachers **in some or all** of these schools.
- LEA may NOT pool funds across multiple ESSA programs for this purpose.
- The LEA, in consultation with private school officials, establishes criteria to determine how services will be allocated among the private schools that are pooling funds .
- The services provided to private school students and teachers in any particular school are not dependent on the amount of funds generated by students and teachers in that school, but rather by the amount of funds generated in total and the criteria developed for allocating services among the private school students and teachers.
- The only change with ESSA is that the statute now specifies that an LEA must consult with private school officials regarding the decisions related to pooling of funds.



# FY18 Equitable Services Title Administrative Costs



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- May not have been a part of previous discussions
- **LEAs and Private Schools should discuss:**
  - Administrative Costs – Costs associated with administering the grant in public and private schools
  - Costs must be reasonable and necessary – GaDOE will not question percent up to 10%. Any program exceeding 10% administrative costs MUST have a written justification for why the costs are reasonable and necessary and must have agreement from the private school officials. \*Title III law has a 2% administrative cap
- **Reminder:** Focus of all federal funds is students; Public and Private School officials are charged with maintaining good fiscal practices.
- Contact presentation leaders with questions about administrative costs

## Administrative Activities required

- ☐ Grant management
- ☐ Processing purchase orders
- ☐ conference registrations
- ☐ negotiating contracts – 3<sup>rd</sup> party
- ☐ conducting meetings
- ☐ accounting activities
- ☐ collecting travel documentation
- ☐ processing reimbursements
- ☐ file maintenance
- ☐ onsite inventory of equipment
- ☐ Program implementation and monitoring

# FY18 Equitable Services Carryover



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## Unobligated Funds

*ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B)*

Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the funds are received by the LEA.

Georgia Department of Education

# FY18 Equitable Services Planning Topics

- Address original consultation topics
- Plan for consultation meetings throughout the year
- Establish LEA and Private School contacts and respective roles/responsibilities
- Exchange applicable LEA and Private School policies
  - Fiscal - staffing, contracts, purchasing, inventory, stipends, travel
  - Program – evaluation, monitoring, evidence-based, allowable/reasonable
- Access existing resources to guide collaborative
- Multiple selection criteria (will be addressed in detail in Title I webinar)
- Applicable staff - (will be addressed in detail in Title II webinar)
- Allowable Use of Funds (will be addressed in TI and TII webinar; For TIII and TIC look at website and supplemental resources)

# FY18 Equitable Services Record Keeping



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## Equitable Services

*Sec. 8501(a)(2), Sec. 8501(a)(3)(A)*

Services and other benefits to private school students must be secular, neutral, and nonideological must be provided in a timely manner, and must be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel.

# FY18 Equitable Services Federal Program Services



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## Title I, Part A

Services to best meet the needs of the private school students, their teacher and families may include: **instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), professional learning counseling, mentoring**, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs

## Title II, Part A

- Private school teachers, principals, and assistant principals are eligible to participate to the extent that the LEA uses funds for services for teachers and other school personnel.
- Provide private school children, their teachers, and other educational personnel with educational services on an equitable basis and in a timely manner.

# FY18 Equitable Services Record Keeping



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As the agency fiscally responsible for the management of funds, a LEA may require the private school to submit enough documentation to determine that the expense is allowable, reasonable, defensible and necessary in accordance with any and all Federal requirements. This may include, but is not limited to, a participant's name and position, an agenda and receipts.

LEAs who serve private schools expend funds on behalf of the private school, thus all private school expenditures must also comply with LEA procurement procedures. LEAs entering into contracts on behalf of private schools must adhere to the same procedures and have the primary responsibility for maintaining documentation.

***ESSA Sec. 8501; Title II, Part A Non-Regulatory Guidance; Title IX, Part E Non-Regulatory Guidance***

# FY18 Equitable Services FAQs and Monitoring Look-fors



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- Did the LEA send out annual invitations to all eligible private schools? Title I invitations follow students; Title II invitations are in geographic boundaries of LEA.
- Have multiple selection criteria been met.
- Expenditures will be questioned if they are
  - Unallowable expenditures
  - No prior approval
  - Inadequate documentation
  - Not reasonable and necessary
  - Paid directly to private school

# Polling Question

Which of the following is true?

- A. LEAs may reimburse private schools
- B. Every allocation is calculated the same way
- C. LEAs may reserve private school carryover funds if extenuating circumstances exist
- D. Private Schools must maintain all records





# Questions and Contacts

## Shaun Owen

# FY18 Equitable Services Questions



Richard Woods,  
Georgia's School Superintendent  
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[ga DOE.org](http://ga DOE.org)



Please type  
questions into  
the chat box.

Georgia Department of Education

# FY18 Equitable Services Resources

- Private School Resources on GaDOE's Title I Website – <http://www.gadoe.org/School-Improvement/Federal-Programs/title-i/Pages/PrivateSchools.aspx>
- Timeline for Private School Consultation and Implementation - <http://www.gadoe.org/School-Improvement/Federal-Programs/title-i/Documents/Title%20I%2c%20Part%20A/Timeline%20Private%20School%20Consultation%20and%20Coordination.pdf>
- CAPE – Private Schools and the Every Child Succeeds Act <http://www.capenet.org/pdf/ESSACAPE.pdf>
- Private School Toolkit from USED - [www2.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf](http://www2.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf)
- The All Important Ombudsman – [www.capso.org/the-all-important-ombudsman/](http://www.capso.org/the-all-important-ombudsman/)
- CAPSO - ESSA for Beginners: A Guide for Private School Officials - [www.capso.org/legislation/essa/](http://www.capso.org/legislation/essa/)

# FY18 Equitable Services Title I Area Specialists



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| Name                   | Office Telephone | Email                                                                          |
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# Preparing for ESSA and FY18 Private School Consultation and Program Coordination

(Title I, Part A; Title I, Part C; Title II, Part A; Title III; Title IV, Part B)

*Providing Equitable Services to Eligible  
Private School Children*

Georgia Department of Education

Collaborative Training

April 17 & 18, 2017