

Equitable Services to Private Schools

School Year 2019-20 (FY20) Overview

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VISION

To create a world-class educational system that gives students the knowledge and skills to be successful in college and the workforce, and to flourish as parents and citizens

MISSION

To provide leadership through the development of policy and accountability systems so that all students are prepared to compete in the global community

MISSISSIPPI STATE BOARD OF EDUCATION
STRATEGIC PLAN GOALS

1

All Students Proficient and Showing Growth in All Assessed Areas



2

Every Student Graduates from High School and is Ready for College and Career



3

Every Child Has Access to a High-Quality Early Childhood Program



4

Every School Has Effective Teachers and Leaders



5

Every Community Effectively Uses a World-Class Data System to Improve Student Outcomes



6

Every School and District is Rated "C" or Higher



Session Overview

We will review:

Brief Equitable Services background.

School Year 2019-20 Equitable Services Cycle

- Timeline and deadlines
- Contact, Consultation, Plan Creation and Affirmation
- Potential pitfalls
- Special situations
- Updated MDE forms

Equitable Services: Background

What Are Equitable Services?

Federal education funding aims to increase the educational achievement of all students. Equitable services represents the portion of federal funding generated by participating private school students.

When applying for its federal program allocations, the LEA signs assurances that it will provide equitable services according to law.

For First Amendment reasons, Congress decided the LEA would act as program administrator for the equitable services provided to participating private schools in the LEA's attendance area.

Programs Requiring Equitable Services

- Title I, Part A (Educational Assistance to At-risk Students);
- Title I, Part C (Education of Migratory Children);
- Title II, Part A (Professional Development/Supporting Effective Instruction);
- Title III, Part A (Language Instruction for English Learners and Immigrant Students);
- Title IV, Part A (Well-rounded Education/Safe and Healthy Students/Effective Use of Technology); and
- Title IV, Part B (21st Century Community Learning Centers)

Ombudsman

The Every Student Succeeds Act of 2015 (ESSA) reauthorized and amended the Elementary and Secondary Education Act of 1965 (ESEA) and requires each State to establish an Equitable Services Ombudsman, whose duties include:

- Monitoring and enforcing the equitable services requirements of ESSA
- Being a neutral point of contact for LEAs and private schools
- Providing technical support to LEAs and private schools
- Facilitating the effective interaction of LEAs and private schools
- Deciding equitable services disputes according to ESSA's requirements

Growing Participation in Mississippi

Forty-four of Mississippi's 141 school districts are administering equitable services programs to 76 private schools, some of which are participating for the first time.

Educational services provided must be “secular, neutral and non-ideological,” and must meet the specific needs of the private school's students. Private school leaders are best positioned to know and express these educational needs and do so during the consultation process resulting in Plan formation.

SY2019-20 Equitable Services Cycle

Equitable Services Process at a Glance

- Search
- Initial Contact
- Participation?
- Consultation – Plans – Affirmations (Disputes?)
- Service Provision
- Ongoing Assessment (and Monitoring)

Timeline – Search, Initial Contact, Participation

[Equitable Services Timeline for School Year 2019-20 \(FY20\)](#)

(click to download Timeline with more detailed information)

By January 28: Search for private schools complete, and [SY19-20 \(FY20\) Initial Contact Letter and Intent to Participate](#) mailed. If no response within two weeks, begin additional contact attempts (emails, phone calls) and retain evidence.

By March 4: Upload all returned [Intent to Participate](#) forms to MCAPS. If no private schools in your LEA, type “No Private Schools” on LEA letterhead and upload.

Timeline – Consultation, Title I-A matters, Plan

March 2019: Begin consultation with each participating private school, using [SY19-20 Consultation Checklist](#). Use [SY19-20 Household Income, Address and Grade Survey](#) forms when needed to determine qualification for Title I-A funding generation.

By April 5: Surveys should be returned to LEA; if low-income student would have attended a Title I-A served school and grade, the student generates a share of I-A funding.

By April 19: Contact any outside districts of residence for verification.

By May 31: Estimated (or actual) Equitable Services Plans uploaded.

Timeline – Revise Plan, Begin Services, Assess

Summer 2019: As FY20 allocations become available, Revised Final Equitable Services Plans uploaded to MCAPS with correct equitable share amounts identified.

[SY19-20 \(FY20\) Final Equitable Services Plan and Written Affirmation](#)
(model Plan template)

Fall 2019: Equitable services begin when school begins. Brief assessment period for ranking at-risk students at any I-A participating private school. Continuing periodic assessment with final assessment in May, 2020.

Closer Look: SY19-20 Process

With selected pitfalls highlighted in red...

By January 28, the LEA must have completed its diligent search.

Perform multiple internet searches – including for the county and municipalities – and tap district office personnel knowledge of the region. **Save evidence of searches** for monitoring.

Though only non-profit private schools qualify, **do not try to make that determination at this stage**. A school's status may have changed. The profit/non-profit determination is made on the *Intent to Participate* form, or at the first consultation meeting.

Kindergarten qualifies. Pre-K (K-4 or younger) does not qualify, but **do not overlook church early childhood programs that include a qualifying kindergarten class**.

Initial Contact Letter and Intent to Participate

LEAs were emailed the **updated** *School Year 2019-20 Initial Contact Letter and Intent to Participate* form on December 19, 2018, with instructions.

By January 28, each private school identified in the LEA's diligent search must be mailed this form, requesting return of the *Intent to Participate* portion. LEAs should use certified mail and retain proof of mailing.

Initial Contact Letter and Intent to Participate

If a private school has not responded within two weeks of mailing, **the LEA must begin additional contact attempts**, including phone calls and emails, and **retain phone log and email evidence**. A private school remaining unresponsive past the 30-day deadline will be considered non-participating for SY19-20, absent good cause.

Initial Contact Letter and Intent to Participate

The *Initial Contact Letter* gives the private school an overview of equitable services, including brief snapshots of the various Title programs that require equitable services and for which the LEA is receiving an allocation.

The private school is invited to participate in programs of its choice, and asked to return the last page of the form – the *Intent to Participate* portion – indicating whether or not it will participate, and in which programs. Program choice may be discussed in more detail during consultation.

Initial Contact Letter and Intent to Participate

If the private school is participating, it should indicate the number of students in each grade level. These attendance numbers can be adjusted if needed during March consultation to match March attendance, from which equitable shares are calculated.

Initial Contact Letter and Intent to Participate

[SY19-20 \(FY20\) Initial Contact Letter and Intent to Participate](#)
(click to download)

Let's take a brief look at the form.

Initial Contact Letter and Intent to Participate

By March 4, LEAs must have uploaded all returned *Intent to Participate* forms to MCAPS.

If a private school never responded, the LEA must upload proof of mailing and scanned documentation of additional contact attempts.

Initial Contact Letter and Intent to Participate

If an LEA's search has revealed no private schools in its district, the LEA must type "no private schools in district" on the LEA letterhead and upload to MCAPS. Search evidence may also be uploaded with the letter.

Upload materials to:

LEA Document Library (2020 root folder) > 2020 > Equitable Services to Private Schools > FY20 Private School Intent to Participate

Consultation

By March, the LEA will know which private schools have elected to participate. **Promptly** begin consultation with each individual private school, in order to have *Equitable Services Plans* **completed by May 31**.

Consultation is the discussion between the LEA and private school with the goal of reaching agreement on how to provide equitable services.

OFP's *Equitable Services Consultation Checklist* has been updated for SY2019-20, and is available for download.

Equitable Services Consultation Checklist

[SY19-20 Equitable Services Consultation Checklist](#)

(click to download)

Let's take a brief look.

Focus on: Title I-A

What is Title I-A? ... Educational Assistance to At-risk Students.

Who are the at-risk students?

- That sub-set most at-risk of failing. This subset is determined when school starts, based on a ranking system applied to all students. A logical cut-off is chosen. The private school and the LEA collaborate in the ranking system design.

Focus on: Title I-A

Example of a ranking system (decide on point values):

Tier I (1-5 points per)	Tier II (5-10 points per)	Tier III (20 points each)
Parent Request	Prior Year Retention	Multiple Retentions
Teacher Referral (observation)	Teacher Referral (term grades)	Performs two+ years below grade level on screening results
Weekly Progress Report	Year-end Assessment Results	
	Beginning-of-year screening	

Focus on: Title I-A

A letter should be sent home by the private school, describing the I-A program and allowing parents of children on the at-risk list to opt-in for services.

What kinds of services are available?

Tutoring is a major feature of Title I-A equitable services.

Private school teachers – contracted and paid by the LEA – can tutor before or after school (or home tutoring).

Focus on: Title I-A

Also feasible are:

- In-school tutoring (in-class and/or study period) by LEA or third-party contracted tutors
- Computer-assisted instruction
- Instruction using take-home **computers**
- Counseling (but see Title IV-A)

Focus on: Title I-A

How is the private school's equitable share funding proportion calculated? (What is the funding level?)

- Title I-A funding is unique in its funding generation method.
- Funding is generated exclusively by low-income qualifying students enrolled in the LEA and at the private school, and then divided proportionally.

Students who qualify for reduced-price (or free) lunch in the LEA form the school district's proportion. Low-income qualifying students at the private school must be identified to form the private school's proportion.

Focus on: Title I-A

How are low-income students at the private school identified?

- Household Income, Address and Grade Level Survey sent home during March consultation. If a student's household income would qualify her for (at least) a reduced-price lunch under the federal parameters, she is a low-income qualifying student, the key element for generating Title I-A funding.

Let's look at this Survey form ...

Focus on: Title I-A

SY19-20 Household Income, Address and Grade Survey

- One-page form is as anonymous as possible, **returned by April 5.**
- For those surveys returned meeting the low-income threshold, the student(s) must also reside in a Title I-A served public school attendance area, including grade level. This includes students who reside in an “outside LEA,” and commute in to the private school.

Focus on: Title I-A

- The LEA verifies that if the child went to public school - based on address and grade - he would attend a Title I-A served school and grade. **By April 19, the LEA contacts outside LEAs for potential share contribution.**
- Students meeting these three elements (low-income, I-A served address, and I-A served grade level) form the private school's proportion resulting in a share of Title I-A funding.

Focus on: Title I-A

Funding calculation example:

Small LEA: 1200 total public school students. 990 qualify as low-income. All schools and grade levels are Title I-A served.

One private school. 10 of its 100 total students qualify as low-income. All 10 would have attended a Title I-A served school and grade level if attending public school.

Focus on: Title I-A

990 public low-income + 10 private low-income = 1000 total low-income.

\$500,000.00 Title I-A allocation to the LEA / 1000 total low-income students = \$500.00 per pupil.

\$500 per pupil x 10 private school low-income = \$5,000.00 Title I-A equitable share

Focus on: Title I-A

An administrative cost may be deducted either by the cost-pooling technique (same percentage from public and equitable shares), or distinctly from the equitable share **(but not both cost pool and a distinct cost)**. Admin costs are relatively small – the percentage typically mirrors (or is less than) the LEA's own administrative costs taken from its own Title I-A funding.

***Students who generate funding may or may not be the most at-risk students who receive services (ranked list group receives services).**

Title II-A & IV-A equitable share calculation

For Titles II-A (professional development) and IV-A (well-rounded education, safe & healthy students, and supporting the effective use of technology), the equitable share calculation is straightforward. Unlike Title I-A's low-income counting, II-A and IV-A use total public attendance and total private attendance as the proportions to divide the Program Allocation funds.

Title II-A & IV-A equitable share calculation

In our example LEA with **one private school**:

- 1200 public school K-12 students + 100 private school K-12 students = 1300 total attendance
- \$100,000.00 Title II-A allocation / 1300 = \$76.92 per pupil x 100 private school students = \$7,692.00 equitable share
- \$25,000.00 Title IV-A allocation / 1300 = \$19.23 per pupil x 100 private school students = \$1,923.00 equitable share
- ~2-5% (II-A) and 2% (IV-A) administrative cost may be assessed.

Focus on: Title II-A

Title II-A: What is it?

II-A: Professional development for teachers and educational / administrative staff. Examples:

- Improving the knowledge of teachers, principals, and other educational personnel in core academic subjects and in effective instructional teaching strategies, methods, and skills;
- Training in effectively integrating technology into curricula/instruction (but see Title IV-A)

Focus on: Title II-A

- Training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;
- Training in methods of improving student behavior, identifying early and appropriate interventions, and effectively involving parents in their children's education;
- Leadership development and management training to improve the quality of principals; and
- Training in the use of data and assessments to improve instruction and student outcomes

Focus on: Title II-A

The foregoing list is not exclusive.

Activities must have evidence-based expectations of improving student performance and be targeted to address specific student needs. In-house PD, outside PD and imbedded in-class PD are all possible, including reasonable travel costs. Class-size reduction is not allowed, nor is PD outside of secular, neutral, non-ideological parameters.

Focus on: Title IV-A

Title IV-A provides funding for three categories of activity:

- Well Rounded Educational Opportunities
- Safe and Healthy Students
- Supporting the Effective Use of Technology

[U.S. Dept. of Education - Title IV-A Guidance](#)

(Excellent IV-A guidance for idea-generation, with detailed treatment of the many possibilities in each category of activity.)

Focus on: Title IV-A

Technology poses difficulties in equitable services. Ownership remains in the LEA, who must inventory, control and finally collect devices.

Wide-open use is not allowed due to the inability of the LEA to regulate internet use, etc. Possibilities for focused programmatic use exist.

Titles I-C, III-A and IV-B

Though possible in theory, equitable services will be rare in these Title programs.

I-C: There are no known children of migrant farm or fishery workers enrolled in private schools in Mississippi. If a private school enrolls such a student, call the Ombudsman.

III-A: In LEAs that receive a III-A grant, any English Learner (EL) students enrolled in local private schools can receive III-A equitable services. In this case, the LEA will make EL services available on an equitable basis to the EL students at the participating private school.

Titles I-C, III-A and IV-B

IV-B: An LEA or other entity qualifying for a IV-B grant and establishing a 21st Century Community Learning Center program (often, an after-school program) must offer equitable participation to private school students, including the opportunity for individual students to qualify for first-tier spots, or otherwise attend as space permits if the private school elects to participate.

Final Equitable Services Plan and Written Affirmation

Deadline for LEA upload is May 31. Upload to LEA Documents Library.

Let's look at the form...

[SY19-20 \(FY20\) Final Equitable Services Plan and Written Affirmation](#)
(model Plan template)

Service Provision, Assessment

Equitable services should begin when the school year begins, independent of whether the LEA's latest funding application is approved. If a funding application is pending, funds expended for equitable services can be reimbursed when new funds are available.

In Mississippi, the compressed funding application schedule and critically low levels of some LEAs' remaining funding have delayed equitable services. For SY19-20, these extenuating circumstances appear to have receded, and should be behind us.

Service Provision, Assessment

Assessment of equitable services should occur quarterly through the school year, and any needed changes implemented. A final assessment at year end should inform the next round of equitable services.

Carryover

Though the goal of Equitable Services Plan formation is to methodically expend funds in the year in which allocated, if any funds remain unspent due to extenuating circumstances, the funds will carry over for a single additional year, to be first in line for spending on the private school's equitable services program in addition to newly incoming funds. If any carryover funds remain unspent after the single bonus year, the unspent funds revert to the federal government.

Partial Participation

Partial Participation is an elective option for a private school not desiring to use its entire equitable share.

- If a private school determines its educational needs are met by using a certain portion of its equitable share, it may elect to participate to the partial extent of the dollar amount it desires to use.
- The remainder is reverted to LEA use, with a proportional distribution into the programs of any other participating private schools.
- The [required form](#) is available for download in the MDE Documents Library. Contact the Ombudsman, who must approve this transaction.

Transferability (ESEA Title V-A)

Title V-A Transferability is a tool by which LEAs can transfer funding from Title II-A or IV-A to other Title programs (I-A, I-C, I-D, II-A, III-A, IV-A, and V-B). If equitable services are not involved, transfers pose no problems.

When equitable services are involved, the private school's equitable share(s) would be affected. The LEA is required to conduct consultation with the private school prior to the transfer. If dissatisfied with the proposed transfer, the private school has the right to file a complaint and have the dispute resolved by the Ombudsman (with appeals possible to the State Superintendent of Education, the U.S. Secretary of Education, and the federal courts).

Transferability (continued)

The U.S. Department of Education has given the following guidance for transfers involving equitable services:

“[W]e encourage LEAs to carefully consider the views of private school officials prior to making decisions regarding transfers. By engaging in timely and meaningful consultation and developing positive relationships with private school officials, an LEA can facilitate creation of a cooperative environment and minimize problems and complaints.”
(“Answers from ED,” Ombudsman Update, January 2018.)

Transferability (continued)

MDE Office of Federal Programs echoes this guidance, and advises Mississippi LEAs as follows:

- Prior to completing a funding application incorporating transfer(s), the LEA must first engage in the required consultation with affected private schools, in order to further inform the LEA's transfer decision.
- The [SY19-20 \(FY20\) Affirmation of Consultation for Transfer](#) form (available for download) must be correctly completed and conveyed to the Ombudsman as evidence of the pre-transfer consultation and satisfaction of its written affirmation requirement. The private school is entitled to disagree.

Transferability (continued)

- LEAs should consider the possibility that a dispute resolution decision adverse to the LEA's proposed transfer would necessarily result in the complete restructuring of any LEA budgetary work efforts. Only after resolving the transfer situation should long hours be spent formulating the district's budget.
- LEAs should not transfer habitually just because it has been done in the past. Consider the available programmatic uses of the various Title funds, and avoid transferring out of a program only to use that funding for an identical purpose in Title I-A.

Disputes and Dispute Resolution

An Equitable Services Dispute Resolution Policy has been created, adopted by the Mississippi State Board of Education, and entered into the Mississippi Administrative Code at [*Title VII, Part 3, Chapter 80, Rule 80.4.*](#)

Disputes and Dispute Resolution

Procedures include:

Private school indication of “disagreement” on the *Affirmation of Consultation* form signed by the private school triggers the dispute resolution process.

Step 1: Informal settlement conference, attempting to resolve the dispute with technical assistance from MDE experts.

Step 2: Formal Complaint and Response.

Step 3: Consideration and written decision by Ombudsman.

Step 4: Appeals are possible.

Resources

Resources

MDE Forms available in MCAPS MDE Documents Library (SY2019-20 folder)

- [School Year 2019-20 \(FY20\) Equitable Services Timeline](#)
- [School Year 2019-20 \(FY20\) Initial Contact Letter and Intent to Participate](#)
- [School Year 2019-20 \(FY20\) Equitable Services Consultation Checklist](#)
- [School Year 2019-20 \(FY20\) Household Income, Address and Grade Survey](#)
- [School Year 2019-20 \(FY20\) Equitable Services Plan and Written Affirmation](#)
- [School Year 2019-20 \(FY20\) Transferability Affirmation of Consultation](#)
- [School Year 2019-20 \(FY20\) Private School Partial Participation and Waiver](#)

Resources

[U.S. Dept. of Education - Title IV-A Guidance](#)

Excellent IV-A guidance for idea-generation, with detailed category uses

[Equitable Services in Action](#)

June '18 presentation detailing a hypothetical equitable services “consultation process” (focus on Title I-A)

[Mississippi Administrative Code at Title VII, Part 3, Chapter 80, Rule 80.4](#)

Equitable Services Dispute Resolution Policy

[Federal Program Allocations](#)

School Year 2018-19 (FY19)

Questions

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