Private School Services: A Shared Responsibility

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Agenda
- Equitable Services
- Eligible Programs
- First Steps
- Consultation
- Criteria & Eligibility
- Professional Development
- Equitable Expenditures
- Ombudsman & Compliance
- PNP Documentation
- Title I Capacity Building Initiative
- Resources
- Statutory Changes

Equitable Services
- Local educational agencies (LEAs) are required to provide services for eligible private school students.
- Services provided by the LEA for private school participants are designed to meet their educational needs and supplement the educational services provided by the private school.
Eligible Programs for Equitable Services

Title I, Part A Equitable Services, Sec. 1117

Title VIII Equitable Services, Sec. 8501
- Title I, Part C - Migrant
- Title II, Part A - Supporting Effective Instruction
- Title III, Part A - English Learners & Immigrants
- Title IV, Part A - Student Support & Academic Enrichment
- Title IV, Part B – 21st Century Community Learning Centers

Defining Nonprofit Status

- Under 34 CFR 77.1, the term "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.

Church School Nonprofit Status

- If a church that operates a school meets the definition of “non-profit”, the school does not need separate nonprofit documentation.
Initial Contact

LEA contacts PNP officials with children who reside in the LEA
• Even if the private school is not located in the LEA boundaries (Title I, Part A)

Initial Contact

LEA can ‘search’ for PNPs through
• Newspaper ads
• Google search
• Public library postings
• Post office postings
• Local convenience stores
• Neighborhood community centers

Consultation [Sec. 1117(b) & 8501(c)]

‘Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation, and serves to ensure that the services provided meet the needs of eligible [PNP] students and teachers.’

*ED: Fiscal Changes & Equitable Services Guidance
Consultation Requirements & Goals

- Consult with PNPs on design and development of program
- LEA maintains Written Affirmation of Consultation
  - Signed by PNP
  - Provides option for PNP to agree/disagree on consultation - NEW

Consultation Requirements & Goals

- Goals
  - Provide equitable programs
  - Reach agreement on effective programs
- Results
  - Transmitted to an Ombudsman - NEW

Tips for PNP Consultations

- Take an agenda
- Take ESSA statutes and guidance
- Emphasize no reimbursements to PNP
- Set expectations and due dates (i.e., time to process requests)
- Follow up with PNP after the consultation
Timely & Meaningful Consultation

- **Timely**
  - Before the LEA makes any decisions
- **Meaningful**
  - Genuine opportunity for dialogue
- **Ongoing consultation**
  - During program design
  - During development
  - During implementation

*The goal of all parties should be to reach an agreement.*

Title I, Part A: Consultation Requirements

LEA meets eligible PNP student needs thru areas such as:
- Instructional services
- Student progress evaluations
- Counseling
- Mentoring
- 1-1 Tutoring
- Dual/concurrent enrollment
- Educational radio/television
- Mobile education services/equipment

Title I, Part A: Consultation Requirements

- How children’s needs will be identified
- What services will be offered
- How, where, and by whom services will be provided
- How services will be academically assessed and results used
Title I, Part A: Consultation Requirements

- Size and scope of equitable services to be provided
- Method or source of data used to determine participating low-income families
  - 4 methods (discussed later)

Title I, Part A: Consultation Requirements

- How and when agency will make decisions on delivery of services
- How, if disagreement, LEA will provide in writing analysis of rationale - new
- Whether LEA will provide services directly or through contractor - new
- Whether LEA will provide services through pool or LEA school attendance area - new

Title I, Part A: Consultation Requirements

- Time of day services will be provided - new
- Whether LEA is pooling, or consolidating & coordinating funds - new
- How proportion of funds allocated for equitable services is determined - new
Title VIII: Consultation Requirements

- How amount of funds available for equitable services is determined
- How children’s needs will be identified
- What services will be offered
- How, where, & by whom services will be provided
- How services will be assessed & results used

Title VIII: Consultation Requirements

- Size and scope of equitable services to be provided
- How & when agency will make decisions on delivery of services
- Whether LEA will provide services directly or through contractor - new
- Whether LEA will provide services through pool or LEA school attendance area - new

Equitable Services Must Be…

- Secular, neutral, and non-ideological for all educational services, materials, and equipment
- Equitable educational services compared to public school
- Provided in a timely manner
- Monitored and enforced by an Ombudsman - new
Criteria for PNP students to receive Title I, Part A Services

- Must reside in participating Title I Part A public school attendance area
- Must have an educational need as evidenced by multiple, educationally related, objective criteria
- Must be failing, or most at risk of failing, to meet high student academic achievement standards

Title I, Part A - Collecting Poverty Data

An LEA may determine the number of low income private school children in several ways:

- Using the same measure of poverty as public schools (e.g., free and reduced-price lunch data), if available
- Using comparable poverty data from a survey and allowing the results to be extrapolated if complete data are not available
- Using comparable poverty data from another source (e.g., a tuition scholarship application)
- Using proportionality

Final Authority on Title I, Part A Methodology for Equitable Services

- LEA has final authority to select calculation method

Source: Sec. 1117(c)(1)
Determining Student Eligibility – Title I, Part A

- Reside in Title I Attendance Area
- Multiple, educationally related, objective criteria
- Preschoolers thru Grade 2: teacher judgment, parent interviews, etc.
- Poverty is not a criteria

Determining Student Eligibility

- Title I Part C
  - Identified Migrant students
- Title III, Part A EL and Immigrant
  - Identified students

Title II, Part A Equitable Services

- An allowable local use of Title II-A (ESSA, Sec. 2103(b)(3))
  - Exception – No class-size reduction for PNP
- Meet specific needs of PNP students and not the school itself
- Ensures LEA retains control of funds
  - Services must be provided by LEA's employee or contractor
  - Individuals must be independent of PNP and any religious organization (ESSA, Sec. 8501(d))
Change under Title I and Title VIII Eligible Programs?

The only change is LEA must consult with PNP officials regarding whether to provide services through pooling or a school-by-school basis.


Title I, Part A: Professional Development

Professional Development activities for PNP staff should address how teachers can serve Title I students better (i.e., research-based reading and mathematics instruction)

*Source NCLB Title I Services to Equitable Private School Children Guidance (Q. B9-B15)

Title II, Part A: Professional Development

- Online Professional development subscriptions
- LEA is responsible for ensuring only secular, neutral, and non-ideological subscriptions & materials are being accessed and paid by the LEA with Title II-A dollars
- If unable to ensure specific guidelines are being met, LEA may request that Title II-A services be provided through other allowable options

*Source TEA Title II-A NCLB Guidance (Q. G15)
Public Control of Funds

- LEA is fiscal agent
- PNP receives program services - not funds
- Federally-funded purchases for approved PNP materials, equipment, and property remain in the control and supervision of the LEA

Title I, Part A – Equitable Expenditures

[Sec. 1117(a)(4)(A)]

- Equal to the proportion of funds allocated to Title I Part A school attendance areas based on the number of PNP children from low-income families attending PNPs
- Proportional share of Title I Part A funds determined based on the total amount of funds received by LEA
- Must be calculated on the total Title I Part A allocation – NEW
  - Calculation must be prior to any LEA reservations for administration, parental involvement, district-wide initiatives, etc. [ESSA Sec. 1117(a)(4)(A)(ii)]

Title I, Part A - Funding for the Equitable Participation of Teachers and Families

- From funds reserved for professional development and parental involvement activities, an LEA must ensure that teachers and parents of participating private school students participate on an equitable basis
- The amount of funds available for services must be proportionate to the number of private school children from low income families residing in a Title I Part A public school attendance area
Obligation of Funds - New
[Sec. 1117(a)(4)(B) & 8501(a)(4)(B)]

LEA funds for educational services and other benefits to eligible PNP children shall be obligated within the same fiscal year in which they are received.

Carryover of Unobligated Funds

**Extenuating circumstances only**

- Funds may remain available for the provision of equitable services under the program (i.e., Title I Part C, Title I Part IV-B) during the subsequent school year.
- LEA must consult with PNP officials to determine how funds will be spent in subsequent school year.

*Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements, N-6 & N-7*

Notice of Allocation
[Sec. 1117(a)(4)(C) & Sec. 8501(a)(3)(C)]

- **Now** - TEA shall provide timely notice to PNP officials of the allocation of funds for educational services that the LEA has determined are available for eligible PNP children.
- **Now** – Documentation must indicate how the allocation was determined.
**Ombudsman - NEW**

(Sec. 1117(a)(3)(B) & Sec. 8501(a)(3)(B))

- Responds and resolves complaints
- Helps to ensure that private school children, teachers and other educational personnel receive services equitable to those in public schools

**PNP Ombudsman Office**

Ombudsman roles and responsibilities:
- Address PNP questions and concerns
- Serve as general resource for LEAs and PNPs
- Develop monitoring protocols
- Provide technical assistance for LEAs and PNPs
- Establish process for receiving PNP Affirmation
- Participate in TEA’s Title I Committee of Practitioners
- Participate in TEPSAC meetings

**Title I Part A – LEA Disagreements**

(Sec 1117(b)(2))

If LEA and PNP disagree during consultation on how to provide equitable and effective programs for eligible PNP children, LEA must provide written rationale to PNP officials. - NEW
### Title VIII – LEA Disagreements

[Sec 8501(c)(2)]

If the LEA, consortium, or entity disagrees with the views of the PNP officials on the provision of services through a contract, it shall provide written explanation of why the LEA has chosen not to use a contractor. - **NEW**

### PNP Compliance

[Sec. 1117(b)(6)(A) & 8501(c)(6)(A)]

PNP officials have the right to file a complaint with TEA asserting:
- LEA consultation was not timely and meaningful
- LEA did not give consideration to PNP views
- LEA did not make decisions treating PNP children equitably

### PNP Compliance – **NEW**

[Sec. 1117(b)(6)(C) & 8501(c)(6)(C)]

The State may provide equitable services directly or through contracts if
- Requested by PNP
- AND
- LEA has not met Title I equitable services requirement
PNP Documentation

- *New* Affirmation of Consultation with Private School Officials
- *New* PNP Schedule - PS3099

PNP Documentation – Affirmation

[Sec. 1117(b)(2)(5) & Sec. 8501(5)(c)(5)]

- Affirmation of Consultation with Private School Officials
- *NEW* consultation form and requirements for ESSA include the following programs
  - Title I, Part A
  - Title I, Part C
  - Title II, Part A
  - Title III, Part A
  - Title IV, Part A
  - Title IV, Part B

PNP Documentation Affirmation

- ESSA Requires
  - Written Affirmation signed by LEA and PNP officials
- Affirmation posted in GFFC Reports and Data Collections
- LEA keeps documentation of PNP outreach
- PNP must indicate on Affirmation if timely and meaningful consultation occurred or not - *NEW*
PNP Affirmation of Consultation Signatures

- PNP Officials must complete the Yes/No boxes under Timely & Meaningful Consultation section and electronically sign the PNP Affirmation prior to the LEA signature.

- Once signed, LEA uploads the Affirmation to GFFC Reports and Data Collections.

PNP Affirmation of Consultation Signatures

No later than September 1, 2017, the LEA must upload a copy of this completed affirmation to the secund GFFC Reports and Data Collections application accessible through TISBN or TIAA. The LEA and the PNP must maintain a local copy of this completed affirmation.
New PNP Schedule - PS3099

- Replaces the Equitable Services Worksheet
- Starts 2017-2018 school year
- Located in eGrants Consolidated Application as a schedule

**Part 3: Equitable Services Calculation for Title I, Part C (Migrant)**

1. Total Identified Migrant student enrollment in LEA
2. Total Identified Migrant student enrollment in private school
3. Total Migrant enrollment (1 + 2)
4. Total current year Title I, Part C (Migrant)
5. LEA Non-Pupil Allocation (5405)
6. Calculated Private School Allocation (5411.5)

**Part 4: Equitable Services Calculation for Title II, Part A**
Texas Title I Capacity Building Initiative
toni.garrett@region10.org
http://www.region10.org/capacitybuilding

Texas Title I Capacity Building Initiative:
Sample LEA/PNP Consultation Video

https://sites.google.com/region10.org/essaprogramcomponents/private-non-profit-schools
Resource Documents

- ESSA Non-Regulatory Guidance Fiscal Changes and Equitable Services Requirements (Nov 2016) – New
  - Provides guidance and discusses specific Title I Part A and Title VIII changes to support LEAs in implementing ESSA
- NCLB Title I Services to Eligible Private School Children (Oct 2003)
- NCLB Title IX, Part E Uniform Provisions Subpart 1 – Private Schools (Mar 2009)

Resources

U.S. Department of Education:
https://www2.ed.gov/about/offices/list/oii/nonpublic/index.html

TEA – Transition to ESSA Webpage:
http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/Transition_to_ESSA

Capacity Building:
http://www.region10.org/capacitybuilding

Questions

- Changes in Statute Document
PNP Ombudsman’s Office Contact Info

PNP Ombudsman: Cory Green  
Department of Grants Compliance & Oversight

Contact Person:  Gean Wilkerson  
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