

# Equitable Services Overview

School Year 2020-21 (FY21)

January 21-22, 2020



MISSISSIPPI  
DEPARTMENT OF  
EDUCATION

Ensuring a bright future for every child

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## VISION

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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

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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

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We will review:

Equitable Services background

School Year 2020-21 Equitable Services Cycle

- Timeline and deadlines – Where are we now?
- Contact, Consultation, Plan Creation and Affirmation
- Potential pitfalls
- Special situations
- Updated MDE forms

# Equitable Services: Background

# What Are Equitable Services?

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

When applying for its federal program allocations, the LEA signs assurances promising to 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

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- Title I, Part A (Educational Assistance to At-risk Students);
- Title I, Part C (Education of Migratory Children); [MMESC]
- Title II, Part A (Professional Development);
- 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 (21<sup>st</sup> Century Community Learning Centers)

# Ombudsman

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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



# Basic Parameters

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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 ideally positioned to know and express these educational needs and do so during the consultation process resulting in Equitable Services Plan formation.

# SY2020-21 Equitable Services Cycle

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# Equitable Services Process at a Glance

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- 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 2020-21 \(FY21\)](#)

(click to download Timeline with more detailed information)

**By January 31:** Search for private schools complete, and [SY20-21 \(FY21\) 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 6:** 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 2020:** Begin consultation with each participating private school, using [SY20-21 Consultation Checklist](#). Use [SY20-21 Household Income, Address and Grade Survey](#) forms when needed to determine qualification for Title I-A funding generation. FRPL is also an option.

**By April 10:** Surveys should be returned to LEA; if a 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 24:** Contact any outside districts of residence for verification.

**By May 29:** Estimated (or actual) Equitable Services Plans uploaded.

# Timeline – Revise Plan, Begin Services, Assess

**Summer 2020:** As FY21 allocations become available, Revised Final Equitable Services Plans uploaded to MCAPS with correct equitable share amounts identified.

[SY20-21 \(FY21\) Final Equitable Services Plan and Written Affirmation](#)  
(model Plan template)

**Fall 2020:** Equitable services begin when school begins. Brief assessment period for ranking at-risk students at any I-A participating private school. Continuing periodic assessments with final program assessment in May 2021.

# Closer Look: SY20-21 Process

With selected pitfalls highlighted in red...

By January 31, 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 by circulating an office email. **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.

“Non-profit” means a registered Non-profit Corporation ([MS Sec. of State](#)).

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

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On December 20, 2019, LEAs were emailed the **updated** *School Year 2020-21 Initial Contact Letter and Intent to Participate* form and instructions.

By January 31, 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

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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 SY20-21, 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

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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

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[SY20-21 \(FY21\) 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

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By March 6, 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 attendance area, 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 (2021 root folder) > 2021 > Equitable Services to Private Schools > FY21 Private School Intent to Participate**

If the 2021 root folder is not available, email the returned form(s) (or the "no private schools" letter) to the Ombudsman: [BLieb@mdek12.org](mailto:BLieb@mdek12.org)



# Consultation

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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 29**.

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 SY2020-21, and is available for download.

# Equitable Services Consultation Checklist

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[SY20-21 Equitable Services Consultation Checklist](#)

(click to download)

Let's take a brief look.

# Focus on: Title I-A

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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

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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), but not during school. If a state teacher's license is required for LEA tutors, the same requirement applies to private school teachers contracted to tutor.

# Focus on: Title I-A

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Other allowable I-A services include:

- 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.
- Note: If the private school uses the federal FRPL program, use this measure instead – it already contains the same information.

Let's look at the Survey form ...



# Focus on: Title I-A

## SY20-21 Household Income, Address and Grade Survey

- One-page form is as anonymous as possible; to be **returned by April 10.**
- 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 same consideration applies to students who reside in an “outside LEA” and commute 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 24, the LEA contacts outside LEAs for potential share contribution.**
- A Memorandum of Understanding form is available for LEAs: [SY20-21 Title I-A Equitable Services Inter-District MOU](#)
- Students meeting these three elements (low-income, I-A served address, and I-A served grade level) form the private school's proportion generating its share of Title I-A funding.

# Focus on: Title I-A

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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.

**Note: All that is necessary is to plug the correct low-income counts into the LEA's MCAPS funding application. MCAPS performs the calculation.**

# 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 the LEA's own administrative costs taken from its own Title I-A funding.

Note: “Low-income” students who generate funding may or may not be the most at-risk students who receive services. It is the ranked-list, at-risk group that 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 K-12 public attendance and total K-12 private attendance as the proportions for dividing the Program Allocation funds.

When correct total attendance numbers are entered, MCAPS calculates the equitable share.

# 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

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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

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- 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

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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

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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

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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, contact 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

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**IV-B:** An LEA or other entity qualifying for a IV-B grant and establishing a 21<sup>st</sup> 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

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Deadline for LEA upload is May 29, 2020. Upload to LEA Documents Library.

Let's look at the form...

[SY20-21 \(FY21\) Final Equitable Services Plan and Written Affirmation](#)  
(model Plan template)

# Service Provision, Assessment

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Equitable services begin when the school year begins.

With regular spring release of new funding applications now normalized, there should be no delays. If an LEA anticipates a problem with funding application approval that could delay the start of equitable services, contact the Ombudsman.



# Service Provision, Assessment

The private school's portion of funds – the equitable share – is not spent by the private school, but by the LEA to fund the activities and services provided.

The LEA must maintain control of the federal funds. Thus, reimbursement of a private school is never proper, and it is important to emphasize this to the private school.

The sole exception is the reimbursement of individual teachers/staff for expenses arising from professional development activities. These reimbursements can be handled in the same manner that LEA employees are reimbursed for PD expenses.

# Service Provision, Assessment

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

# Carryover

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The goal of Equitable Services Plan formation is to methodically expend the equitable share during the year in which allocated. If funds remain unspent due to delays or small remainders, the funds will carry over for a single additional year.

These carryover funds must be first in line for spending on the private school's equitable services program, followed seamlessly by 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 re-distributed; however, new guidance indicates that under certain circumstances the remainder may go entirely to other participating private schools, if present – so contact the Ombudsman.
- The [required form](#) is available for download in the MDE Document 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 [SY20-21 \(FY21\) 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 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

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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 are available in the MCAPS MDE Document Library in the subsection: Equitable Services to Private Schools (SY2020-21 folder).

- [School Year 2020-21 \(FY21\) Equitable Services Timeline](#)
- [School Year 2020-21 \(FY21\) Initial Contact Letter and Intent to Participate](#)
- [School Year 2020-21 \(FY21\) Equitable Services Consultation Checklist](#)
- [School Year 2020-21 \(FY21\) Household Income, Address and Grade Survey](#)
- [School Year 2020-21 \(FY21\) Title I-A Equitable Services Inter-District MOU](#)
- [School Year 2020-21 \(FY21\) Equitable Services Plan and Written Affirmation](#)
- [School Year 2020-21 \(FY21\) Transferability Affirmation of Consultation](#)
- [Private School Partial Participation and Waiver \(1-2020\)](#)

# Resources

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## [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 2019-20 (FY20) (Preliminary) – SY 20-21 should be similar

# Questions

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Equitable Services Ombudsman

MDE Office of Federal Programs

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