Equitable Services Overview: SY 21-22

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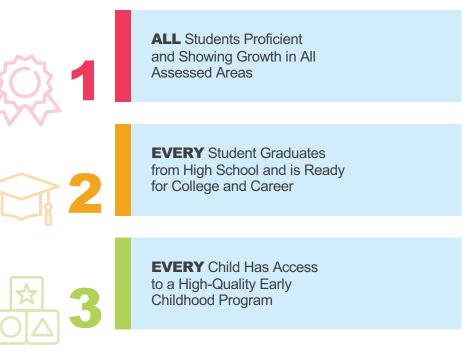
Equitable Services Ombudsman







State Board of Education STRATEGIC PLAN GOALS



EVERY School Has Effective Teachers and Leaders

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

EVERY School and District is Rated "C" or Higher







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



We will review:

Equitable Services Background

School Year 2021-22 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?

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 <u>assurances</u> 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

Major programs:

- Title I, Part A (Educational Assistance to At-risk Students)
- Title II, Part A (Professional Development)
- Title IV, Part A (Well-rounded Education / Safe and Healthy Students / Supporting the Effective Use of Technology)



Programs Requiring Equitable Services

Other potential programs:

- Title I, Part C (Education of Migratory Children); [Mississippi Migrant Education Service Center (MMESC)]
- Title III, Part A (English Learners and Immigrant Students)
- Title IV, Part B (21st Century Community Learning Centers)



Equitable Services Ombudsman duties include:

- Monitoring and enforcing the equitable services requirements of ESEA
- 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 ESEA's requirements



Educational services provided must be "secular, neutral and non-ideological," and must meet the specific needs of the private school's students. Religious instruction may not be delivered.

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.



Any equipment, property or materials provided that are not consumed during use remain the property of LEA, entered in the LEA's inventory records, and must be recovered and secured by the LEA when not in programmatic use (for example, if not used during the summer).



SY 21-22 Equitable Services Cycle



Equitable Services Process at a Glance

- Search
- Initial Contact
- Participation?
- Consultation Equitable Services Plan Affirmation (Disputes?)
- Service Provision
- Ongoing Assessment and Monitoring



Equitable Services Timeline for School Year 2021-22 (FY22)

(click to download Timeline with more detailed information)

By January 31: Search for private schools complete, and <u>SY21-22</u> (FY22) <u>Initial Contact Letter and Intent to Participate</u> mailed. If no response within two weeks, begin additional contact attempts (emails, phone calls) and retain evidence.



Timeline – Search, Initial Contact, Participation

By March 9: Upload all returned <u>Intent to Participate</u> forms to MCAPS. If no response, upload proof of contact. If no private schools in your LEA, type "No Private Schools" on LEA letterhead, and upload.



March 2021: Begin consultation with each participating private school, using <u>SY21-22 Consultation Checklist</u>. When needed to determine qualification for Title I-A funding generation. Use:

- SY21-22 Household Income, Address and Grade Survey, or
- Need-based financial aid data (*NEW*), or
- Free/Reduced Price Lunch (FRPL) data is an option, if available



Timeline – Consultation, Title I-A matters, Plan

By April 9: Qualification data should be returned to LEA; if a low-income qualifying student would have attended a Title I-A served school and grade, the student generates a share of I-A funding.

By April 30: Contact any outside districts of residence for verification.



Timeline – Revise Plan, Begin Services, Assess

By May 28: Estimated (or actual) Equitable Services Plans uploaded

Summer 2021: As FY22 allocations become available, Revised Equitable Services Plans uploaded to MCAPS with correct equitable share amounts identified. SY21-22 (FY22) Equitable Services Plan and Written Affirmation (model Plan template)



Timeline – Revise Plan, Begin Services, Assess

Fall 2021: 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 2022.



Closer Look: SY 21-22 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.



Only private schools operated by a nonprofit corporation registered with the MS Secretary of State qualify for equitable services, but do not try to make this determination during the Search phase.

Every private school gets an *Initial Contact Letter and Intent to Participate* form. When this form is received back from the private school, check for nonprofit status (more on this below).

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



In early January, LEAs were emailed the updated <u>School Year 2021-22 Initial Contact Letter and Intent to Participate</u> form. Use the updated form.

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. In addition to email, <u>LEAs should use certified mail and retain proof of mailing</u>.



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 SY21-22, absent good cause.



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.

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.



To qualify for equitable services, the business entity operating the private school must be a nonprofit corporation registered with the MS Secretary of State. This business entity might be the school itself, a church operating the school, or the operating entity for a number of churches or schools.



The nonprofit corporation should be checked on the MS Sec. of State website's business search feature. A business name that will be findable by this search must be supplied. If there is a problem, double check with the private school. Contact the Ombudsman for oversight.



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.



SY21-22 (FY22) Initial Contact Letter and Intent to Participate

(click to download)

Let's take a brief look at the form.



By March 9, 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.



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 (2022 root folder) > 2022 > Equitable Services to Private Schools > FY21 Private School Intent to Participate

If the 2022 root folder is not available, email the returned form(s) (or the "no private schools" letter) to the Ombudsman: BLieb@mdek12.org



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 28.

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 SY2021-22 and is available for download. Use the updated form.



SY21-22 Equitable Services Consultation Checklist

(click to download)

Let's take a brief look.



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

Who are the at-risk students?

- That sub-set of students 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.



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?



Focus on: Title I-A

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. School district teachers and third-party contractors can also be tutors.



Other allowable I-A services include:

- In-school tutoring (I-A tutoring period or study period) by LEA or thirdparty contracted tutors (private school teachers cannot tutor during school time – must be before or after school).
- Computer-assisted instruction
- Instruction using take-home computers
- Counseling (but see Title IV-A)



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

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



Students who qualify for reduced-price (or free) lunch in the LEA's Title I schools 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: Low-income Student Count

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.
- **NEW** Need-based financial aid data
- If the private school uses the federal Free/Reduced Price Lunch (FRPL) program, use this data to identify qualifying students.



Focus on Title I-A: Low-income Student Count

SY21-22 Household Income, Address and Grade Survey

The form is "email-optimized" for distribution by the private school to its families, on-screen completion, and return to the private school by email. Other methods of distribution/completion are acceptable.

Per federal guidance, Household Income Surveys are anonymous, to protect the privacy of families. The student(s) residence address and grade level must be provided, but not student/family names.

Qualifying forms are provided by the private school to the LEA by April 9.



Focus on Title I-A: Low-income Student Count

Determining a low-income student count by referencing need-based financial aid data available from private schools that provide need-based financial aid is a method recognized by US ED's equitable services guidance and was introduced with success during CARES/ESSER equitable services.

The quick turnaround using centralized data already on hand is a preferred feature of this method.

Consult with the private school about whether the Family Income Surveys or the Need-Based Financial Aid Data method is preferred.



Low-income Count: Financial Aid Data Method

For the Need-based Financial Aid Data method, need-based financial aid application data available in the private school's business office or from its third-party provider handling financial aid (e.g., FACTS, FAST, etc.) is used to assemble the <u>identical anonymous income level information</u> sought in the Household Income Surveys.



Low-income Count: Financial Aid Data Method

The private school will present the LEA with <u>a table on school</u> <u>letterhead</u>, <u>signed by the school administrator</u> including the following columns for qualifying students (do not show student / family names):

- residence address,
- number of student(s) & grade level(s), residing at address
- household size
- household income



Low-income Count: Financial Aid Data Method

Students qualify as "low-income" when data shows household size and income at or below the levels in the Household Income Survey table appearing in the Survey.

The LEA's retention of the table provided by the private school is sufficient to demonstrate the low-income student identification to future monitors.



Low-income Count: Check the Map

Using the list of addresses of low-income students provided by either the Survey or Need-based Financial Aid Data method:

The LEA checks its attendance-area map (a bussing map, etc.) and verifies that:

- residence addresses are <u>inside</u> the LEA's attendance area, and
- the student(s) would be attending a Title I served school in the LEA if attending public school.

If so, the student(s) count toward the private school's low-income student total.



Low-income Count: Outside LEAs

If the address is <u>outside</u> the LEA's attendance area, <u>contact the</u> <u>outside LEA</u>.

By April 30, the LEA contacts outside LEAs for potential share contribution. The outside 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.



A Memorandum of Understanding form is available for LEAs:

SY21-22 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: Funding Calculation

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: It is only necessary to plug in the correct low-income counts in the LEA's MCAPS funding application. MCAPS performs the calculation.



Focus on Title I-A: Funding Calculation

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

Note: "Low-income" students who generate funding <u>may or may not</u> be the most at-risk students who receive services. It is the ranked-list, atrisk group that receives services.



Focus on Title I-A: Administrative Costs

An administrative cost may be deducted from the I-A equitable share 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 but must be justifiable as reasonable and necessary to perform the work involved in administering the I-A equitable services program.



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

Title II-A: What is allowable?

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 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 an allowed use for equitable services funds.



Focus on Title II-A: Paying for Services

The LEA should endeavor to pre-pay all possible costs of PD. If some cannot be pre-paid, teachers/staff may be reimbursed directly for allowable travel, hotel, meal and conference costs.

Do not reimburse the private school directly.

More-restrictive LEA requirements (such as roommates at a hotel, or carpooling) may not be enforced against private school staff engaging in otherwise allowable PD (single travel and single occupancy hotel rooms are allowable).



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 (see next slide).



| Well-Rounded Educational Opportunities (ESEA section 4107) | Safe and Healthy Students (ESEA section 4108) | Effective Use of Technology (ESEA section 4109) |
|---|--|---|
| Improving access to foreign language instruction, arts, and music education Supporting college and career counseling, including providing information on opportunities for financial aid through the early FAFSA Providing programming to improve instruction and student engagement in science, technology, engineering and mathematics (STEM), including computer science, and increasing access to these subjects for underrepresented groups Promoting access to accelerated learning opportunities including Advanced Placement (AP) and International Baccalaureate (IB) programs, dual or concurrent enrollment programs and early college high schools Strengthening instruction in American history, civics, economics, geography, government education, and environmental education | Promoting community and parent involvement in schools Providing school-based mental health services and counseling Promoting supportive school climates to reduce the use of exclusionary discipline and promoting supportive school discipline Establishing or improving dropout prevention Supporting re-entry programs and transition services for justice-involved youth Implementing programs that support a healthy, active lifestyle (nutritional and physical education) Implementing systems and practices to prevent bullying and harassment Developing relationship building skills to help improve safety through the recognition and prevention of coercion, violence, or abuse Establishing community partnerships | Supporting high-quality professional development for educators, school leaders, and administrators to personalize learning and improve academic achievement Building technological capacity and infrastructure Carrying out innovative blended learning projects Providing students in rural, remote, and underserved areas with the resources to benefit from high-quality digital learning opportunities Delivering specialized or rigorous academic courses and curricula using technology, including digital learning technologies and assistive technology |



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

I-C: There is only one (1) known child of migrant farm or fishery workers enrolled in a private school in Mississippi. If a private school enrolls such a student, contact the Ombudsman and ask the LEA to alert the Mississippi Migrant Education Service Center (MMESC), so that the student can receive I-C services.



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. If so, qualifying private school ELs will receive proportional funding on a per-student basis, relative to the number of public school district ELs.



IV-B: An LEA or other entity qualifying for a IV-B grant and establishing a 21st Century Community Learning Center program (often, an afterschool 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.



Equitable Services Plan and Written Affirmation

Consultation culminates in a written Equitable Services Plan. Though not unalterable, the Plan should be as specific as possible.

Deadline for LEA upload is May 28, 2021. Upload to LEA Documents Library.

Let's look at the **NEW, CONSOLIDATED** model Plan template.

SY21-22 (FY22) Equitable Services Plan and Written Affirmation



Equitable services begin when the school year begins.

With the 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

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 <u>individual teachers/staff</u> for expenses arising from professional development activities. These reimbursements can be handled in the same manner that LEA employees are reimbursed for PD expenses.

LEA staff must perform the administrative work of the program.



To the extent possible, private school staff must not be delegated administrative tasks, for example, the task of finding multiple quotes for requested services / equipment / materials. Such delegation would represent both unfunded work, and a loss of administrative control by the LEA.

LEA staff must handle all aspects of quotes and ordering in accordance with LEA policies and procedures. A reasonable and necessary admin cost to cover time spent may be assigned if desired.



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

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 remainder amounts, 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.

The new, consolidated Equitable Services Plan template provides clarity on the amount of remaining carryover funds.



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 <u>elect</u> 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 <u>required form</u> 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.



Transferability (continued)

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)

Appeals on transferability issues from three Mississippi private schools are under consideration at the United States Department of Education. A decision is expected any day on whether ESEA statutes require:

- That, after consultation, an LEA may transfer funds leaving little or no remaining equitable shares for a private school, or
- That an LEA may not so reduce a private school's equitable shares, or
- That the private school's entire equitable share may be set aside, freeing the LEA to transfer remaining funds (i.e., pre-2018 practice).

A party aggrieved by US ED's decision may appeal to the federal courts.



Transferability (continued)

MDE Office of Federal Programs 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.
- Request the <u>Affirmation of Consultation for Transfer</u> form from the Ombudsman, complete, and discuss with the private school.
- The private school will sign and <u>agree or disagree</u>. If disagreeing, the private school's Complaint will be put through the dispute process in a summary manner and join the appeals pending at US ED.



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*, *Pt. 3*, *Ch. 80*, *Rule 80.4*.



Disputes and Dispute Resolution

Procedures include:

- Private school indication of "disagreement" on the <u>Affirmation of Consultation</u> 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



MDE Forms are available on the OFP Website (Private Schools section) and the MCAPS MDE Document Library in the subsection: Equitable Services to Private Schools (SY2021-22 folder), or download here:

- School Year 2021-22 (FY22) Equitable Services Timeline
- School Year 2021-22 (FY22) Initial Contact Letter and Intent to Participate
- School Year 2021-22 (FY22) Equitable Services Consultation Checklist
- School Year 2021-22 (FY22) Household Income, Address and Grade Survey
- School Year 2021-22 (FY22) Title I-A Equitable Services Inter-District MOU
- School Year 2021-22 (FY22) Equitable Services Plan and Written Affirmation
- Private School Partial Participation and Waiver (1-2020)



U.S. Dept. of Education - Title IV-A Guidance

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

Mississippi Administrative Code at Title VII, Part 3, Chapter 80, Rule 80.4 Equitable Services Dispute Resolution Policy

Federal Program Allocations

School Year 2020-21 (FY21) (Preliminary) – SY 21-22 should be similar



Questions?



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