

Equitable Services Overview: SY 23-24

mdek12.org

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MISSISSIPPI
DEPARTMENT OF
EDUCATION

January 17, 2023





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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

EVERY School Has Effective Teachers and Leaders

4



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

5



EVERY School and District is Rated "C" or Higher

6



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 2023-24 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

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.

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)

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 23-24

Equitable Services Cycle

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

Equitable Services Timeline for School Year 2023-24 (FY24)

(download from Resources section at end of this presentation)

By Friday, February 3: Search for private schools complete, and SY23-24 (FY24) Initial Contact Letter and Intent to Participate mailed.

(download from Resources section)

By Friday, March 10: Upload all returned Intent to Participate 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 2023: Begin consultation with each participating private school, using SY23-24 Consultation Checklist. When needed to determine qualification for Title I-A funding generation. Use:

- SY23-24 Household Income, Address and Grade Survey, or
- ***Need-based financial aid data***, or
- Free/Reduced Price Lunch (FRPL) data is an option, if available

(download underlined forms from Resources section at end of this presentation)

By Friday, April 14: Low-income 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 Friday April 28: Contact any outside districts of residence for verification.

By Friday, May 26: Estimated (or actual) Equitable Services Plans uploaded to MCAPS

Summer 2023: As FY24 allocations become available, Revised Equitable Services Plans uploaded to MCAPS with correct equitable share amounts identified. SY23-24 (FY24) Equitable Services Plan and Written Affirmation (model Plan template)

(download from Resources section at end of this presentation)

Fall 2023: Equitable services begin when school begins.

Closer Look: SY 23-24 Process

With selected pitfalls highlighted in red...

By February 3, the LEA must have completed its diligent search and conveyed the Initial Contact Letter & Intent to Participate form.

How to conduct and prove your 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. Pdf prints of your google searches and email thread are evidence of your search. **Upload your search evidence to your MCAPS LEA Doc Library Intent-to-Participate folder.** This is now ready for monitoring.

The Initial Contact Letter & Intent to Participate form has been updated: School Year 2023-24 Initial Contact Letter and Intent to Participate form. **Use the updated form. Download from Resources section.**

By February 3, 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, LEAs should use "certified mail, return receipt requested" and retain proof of mailing and the signed "return receipt." **Upload these evidentiary materials to your MCAPS LEA Doc Library, Intent-to-Participate folder, for monitors.**

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).

K-5 kindergartens qualify. Pre-K (K-4 or younger) does not qualify. You are not required to send an Intent to Participate form to every day care/early childhood center lacking a K-5, but, if in doubt, send the form.

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 (upload to MCAPS)**.

A private school remaining unresponsive past the 30-day deadline will be considered non-participating for SY23-24, 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 is tentative at this point and must 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 operating entity 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, first double check with the private school.

Do not make assumptions about a private school's corporate situation before receiving back the Intent to Participate form. **Only upon return of the form can you check for the non-profit status of the operating entity.** If there is any doubt, confusion or argument, contact the Ombudsman.

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.

Let's look at the Intent to Participate portion of the form:

Initial Contact Letter and Intent to Participate

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[Name of School District]

Private School Intent to Participate for 2023-24 School Year

(to be completed by Private School and returned to School District)

Name of Private School:

Private School Address:

The business entity operating the Private School is (check the applicable box):

- ☐ A Nonprofit Corporation registered with the Mississippi Secretary of State.

If the Nonprofit Corporation's name differs from the above-stated "Name of Private School," include the Nonprofit Corporation's business name registered with the Mississippi Secretary of State, which must be findable using the MS Sec. State website's "business search" tool:

- ☐ Any other type of business entity or non-entity (not eligible for equitable services).

Private School Representative

Name:	Title:
Phone:	Email:
Signature:	Date:

*My typed name serves as my electronic signature.

- ☐ We do not intend to participate in any equitable services programs for school year 2023-24. (If choosing not to participate, stop here, and return this form to the school district.)
- ☐ Assuming we are determined during consultation to be eligible to participate, we intend to participate in the following 2023-24 equitable services programs identified in the contact letter as being offered:

- ☐ Title I-A ☐ Title I-C ☐ Title II-A ☐ Title III-A
☐ Title IV-A ☐ Title IV-B

List the number of students currently enrolled in each grade at the Private School (**do not include pre-K**):

K			7
1			8
2			9
3			10
4			11
5			12
6			Total
# qualifying English Learners*:			
# qualifying Immigrant* students:			

- ☐ The Private School received equitable services during the preceding school year, or
- ☐ The Private School is seeking to receive equitable services for the first time.

If participating, the Private School will be contacted when this form is returned to the District.

School District: Upload the returned form to MCAPS by March 10, 2023.

*For English Learner and Immigrant definitions see the *Glossary* at the link below.

<https://www2.ed.gov/policy/elsec/leg/essa/essatitleiiiguidenglishlearners10219.pdf>

Initial Contact Letter and Intent to Participate (SY 2023-24)

By March 10, 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. Upload search evidence with the letter.

Upload materials to: **LEA Document Library (2024 root folder) > 2024 > Equitable Services to Private Schools > FY24 Private School Intent to Participate**

If the 2024 root folder is not available, email the returned form(s) (or the “no private schools” letter), and all evidence, to the Ombudsman: BLieb@mdek12.org

I will retain, upload for you when the folder becomes available, and notify you.

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 26**.

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 SY2023-24 and is available for download. **Use the updated form**.

SY23-24 Equitable Services Consultation Checklist

(download from Resources section at end of this presentation)

Let's look at a key section:

Consultation Meeting(s): non-Title I-A services discussion checklist

For any *non*-Title I-A services (Title I-C, II-A, III-A, IV-A and/or IV-B) for which the district receives a funding allocation, and the private school seeks participation, identify the Title(s) under which the services are offered and briefly identify the proposed service in the space provided below:

Non-Title I-A services		
Title	Both Funded & Sought?	If funded in the district and sought by the private school, identify proposed service below:
I-C	Funding is not applicable; sought: Yes / No	If sought for a migrant student, the Mississippi Migrant Education Service Center must be notified. MMESC will determine qualification and provide services.
II-A	Yes / No	
III-A*	Yes / No	
IV-A	Yes / No	
IV-B*	Yes / No	

**the district must have a III-A grant, the private school must have qualifying ELs or Immigrants*

**the district must have a IV-B grant*

Equitable Services Consultation Checklist

For each Title-program marked “Yes” in the table above, discuss the following:

I-C	II-A	III-A	IV-A	IV-B	Topics and Issues for Consultation	
Contact MMESC if a migrant student is identified.	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(1)	Size and scope: Identify <u>the amount of funds available</u> , <u>any admin cost</u> , and <u>how the amount is determined</u> (see Plan).
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(2a)	Discuss whether single-school services will be provided specific to the single private school, or whether a “pooling” plan will be in place involving pooled funding for multiple private schools which all agree to pool.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(2b)	Discuss the “consolidation and coordination” of non-Title I-A program funds with Title I-A funds (if available) and whether this method might address the private school’s needs. Optional. Only possible if Title I-A funds are present.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3a)	The private school should identify and explain its students’ specific needs.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3b)	What services will be provided in response to the private school’s identified needs?
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(3c)	If a sub-set of students will receive these services, by what means are these students identified/ selected? (see Plan examples)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(4)	Where, when, by whom and how (briefly describe) will the services be provided? Identify whether services will be provided by School District personnel, third-party contractor, or otherwise. Discuss <u>other possible</u> service delivery mechanisms.
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(5)	How will the identified services be academically assessed (indicate data source); how will assessment results be used to improve the services?
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(6)	How will the school district make decisions about delivery of services? (see statement in Plan, revise if needed)
	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	(7)	Discuss that if any disagreement remains unresolved (example: <u>private school requests a contractor</u> to provide services, district disagrees) the district must document the reasons for the district’s disagreement. This documentation then becomes a permanent attachment to the finalized <i>Plan</i> .

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	

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.

Only these students may participate in I-A services.

Services may not supplant ordinary instruction time. Before or after school, or during a study period are acceptable times.

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.

School district teachers and third-party contractors can also be tutors and **can work with students during non-instructional time during school** (i.e., during a “study hall” period).

Other allowable I-A services include:

- Computer-assisted instruction through software or online subscription based at the private school (“Title I computer lab”).
- Instruction using take-home computers.
- Counseling (but see Title IV-A, which could apply to all students)

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'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.

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.
- 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.

Let's look at examples of:

- the Household Income, Grade and Address Survey, and
- need-based financial aid data

5. On the chart below, check the box indicating your Household Size (total adults and children who live there).

Household Income* – Qualification for Title I-A Funding (Continental U.S., D.C., Guam & territories)					
<i>Effective from July 1, 2022 to June 30, 2023</i>					
Household Size	Annual Income	Monthly Income	Twice per Month	Every 2 Weeks	Weekly Income
<input type="checkbox"/> 1	\$ 25,142	\$ 2,096	\$ 1,048	\$ 967	\$ 484
<input type="checkbox"/> 2	33,874	2,823	1,412	1,303	652
<input type="checkbox"/> 3	42,606	3,551	1,776	1,639	820
<input type="checkbox"/> 4	51,338	4,279	2,140	1,975	988
<input type="checkbox"/> 5	60,070	5,006	2,503	2,311	1,156
<input type="checkbox"/> 6	68,802	5,734	2,867	2,647	1,324
<input type="checkbox"/> 7	77,534	6,462	3,231	2,983	1,492
<input type="checkbox"/> 8	86,266	7,189	3,595	3,318	1,659
<input type="checkbox"/> ___ <i>For each additional Family member add . . .</i>	+8,732	+728	+364	+336	+168

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 14.

4. Title I-A: Low-Income Student Count

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Need-
based
financial
aid data.

PRIVATE SCHOOL LETTERHEAD



also need: Address

FAST REPORT

Grade	Student I. D. Number	Students	Household Number	Income
11th	11104627	1	2	\$12,574.00
10th and 4th	11103877 & 11103876	2	5	\$42,400.00
9th	11104489	1	3	\$11,246.00
K5	11104583	1	5	\$52,662.00
10th	11103083	1	3	\$37,613.00
4th	11104127	1	3	\$26,000.00
6th and 2nd	11104434 & 11104433	2	3	\$26,557.00
9th	11104594	1	6	\$0.00
12th	11104192	1	4	\$750.00
7th and K4	11103381 & 11104521	2	5	\$0.00
K4	11104591	1	5	\$27,821.00
1st and K4	11104295 & 11104412	2	6	\$38,475.00
10th	11104576	1	4	\$15,688.00
11th	11103517	1	2	\$11,077.00
11th, 8th, and 7th	11103948, 11103950, & 11103949	3	5	\$35,292.00
3rd	11103666	1	4	\$14,856.00
1st	11104364	1	5	\$38,129.00

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SIGNED AND DATED by Principal

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 has been used with success.

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 identical anonymous income level information sought in the Household Income Surveys.

The private school will present the LEA with a data table, on school letterhead, signed by the school administrator 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

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 that 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.

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.

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 inside 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.

If the address is outside the LEA's attendance area, contact the outside LEA.

By April 28, 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.

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.

Low-income students you are told about residing in your District but attending a I-A participating private school in an outside District, are marked in MCAPS. List the number of students in MCAPS and budget the funds to send to the pool to be managed by the fiscal agent district at the private school.

Participating Private School Allocation		
Participating Private School	# low-income students	Title I-A Allocation
<div><div></div><div></div></div>	<div>17</div>	<div>\$ 14,797.47</div>
Participating Out of District Private School(s)	<div>1</div>	<div>\$ 870.44</div>
Totals	<div>18</div>	<div>\$ 15,667.91</div>

A Memorandum of Understanding form is available for LEAs:

SY23-24 Title I-A Equitable Services Inter-District MOU

(download from Resources section at end of this presentation)

Q: How do you invoice the outside District for its budgeted pool contribution?

A: By semester or yearly, proportional to the amount of the available total pool you have obligated. Send a program assessment with the invoice.

Example:

- \$10,000 total in the I-A pool.
- \$9,000 is yours, \$1,000 is from an outside District.
- By May you have obligated \$9,000 (90%).
- Invoice the outside District for 90% of their \$1,000 contribution (\$900).
- They pay \$900 over to you.
- Their remaining \$100 carries over to the next year, along with your remaining \$900.

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.

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 may or may not be the most at-risk students who receive services. It is the ranked-list, at-risk group that receives services.

An administrative cost may be deducted from the I-A equitable share.

An admin-cost 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.

If taking an administrative cost, mention this during consultation and include in the Equitable Services Plan.

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.

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.

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)

- 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

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.

To be allowable, activities selected must:

- Be reasonable, necessary and evidence-based
- Address the specific needs of the private school children
- Supplement, not supplant, PD that would otherwise have been provided to private school staff
- Be secular, neutral and nonideological (cost breakout is possible)
- Meet Title II-A's definition of PD: If delivered through a conference or workshop, does the PD "integrate into a comprehensive plan for PD?"

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)
<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 	<ul style="list-style-type: none"> 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 has only ever been 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. The Consultation Checklist is designed to draw out this information.

III-A: In LEAs that receive a III-A grant, any English Learner (EL) and/or Immigrant students enrolled in local private schools can receive III-A equitable services. If so, qualifying private school ELs/Immigrants will receive proportional funding on a per-student basis, relative to the number of public school district ELs/Immigrants.

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.

Consultation culminates in a written Equitable Services Plan. Though not unalterable, the more specific the Plan is, the more helpful it will be to the process unfolding smoothly.

If program allocations have yet to be released, use an estimate to facilitate planning (85% of the prior year's amount is suggested).

Deadline for LEA upload is **May 26, 2023**. Upload to LEA Documents Library, Equitable Services Plan section.

Let's look at key portions of the **consolidated** model Plan template.

[Name of School District – Name of Private School]

EQUITABLE SERVICES PLAN
for School Year 2023-24 (FY24)

Instruction: Planning for equitable services in all Title Programs in which the private school elects to participate will be consolidated into this single Plan document.

School district: Check the box(es) indicating the ESEA Title Program(s) the private school has selected for participation.					
<input type="checkbox"/> Title I-A	<input checked="" type="checkbox"/> Title I-C ¹	<input type="checkbox"/> Title II-A	<input type="checkbox"/> Title III-A ²	<input type="checkbox"/> Title IV-A	<input type="checkbox"/> Title IV-B ³

Parties to this EQUITABLE SERVICES PLAN

School District	Private School
District name:	Private School name:
District address:	Private School address:
District Representative:	Private School Representative:
Phone:	Phone:
Email:	Email:

Equitable Services Plan and Written Affirmation

(1) Size and scope: Identify the amount of <i>new equitable share funds available</i> and <i>carryover funds available</i> for services in each Title Program, and how the new amount was determined.						
The “New” amounts below are: <input type="checkbox"/> estimates based on prior year’s amount; <input type="checkbox"/> updated current amounts						
					(SY20-21) FY21 Carryover was specially allowed this year only	Spend oldest funds first, followed seamlessly by newer funds.
TITLE PROGRAM	SY23-24 (FY24) New Equitable Share	SY22-23 (FY23) Carryover (obligate by 9/30/2024)	SY21-22 (FY22) Carryover (obligate by 9/30/2023)	SY20-21 (FY21) Carryover (obligate by 9/30/2023)	TOTAL	
Title I-A						
Title II-A						
Title III-A						
Title IV-A						
Title IV-B*	(not applicable)	n/a	n/a	n/a	n/a	

Additional *Plan* sections include:

- Pooling, consolidation & coordination of funds (optional)
- Identified specific student needs, services in response
- Service details: where, when, by whom and how
- How services will be assessed, how the District will correct problems
- Any written disagreements about the *Plan*.
- Secular Use Assurance and Written Affirmation/Disagreement

Private School's Secular Use Assurance (REQUIRED)

Private school representative: To indicate agreement, check the box (REQUIRED).

- ☐ In consideration of equitable participation in ESEA Title Programs, and as a requirement thereof, the private school, through its representative identified below, agrees and assures that all use derived therefrom will be secular, neutral and nonideological in accordance with ESEA section 1117(a)(2) [20 U.S.C. 6320(a)(2)] and ESEA sec. 8501(a)(2) [20 U.S.C. 7881(a)(2)].

*

Private School's Written Affirmation of Consultation and Agreement, or Declaration of Disagreement

Private school representative: Complete this portion to indicate Agreement or Disagreement with this Plan, and sign.

AGREEMENT

- ☐ The private school, through its undersigned representative, hereby agrees that timely and meaningful consultation occurred, and the program design represented in the foregoing *Equitable Services Plan* appears equitable.

- or -

DISAGREEMENT

- ☐ The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services did not occur and/or the program design is not equitable in accordance with the requirements of the Elementary and Secondary Education Act of 1965, as amended.

If the private school declares a disagreement, contact the Equitable Services Ombudsman to begin dispute resolution.

*

Private School Representative's Signature

Private School Name	Print Representative's Name	Representative's Signature*	Date

*My typed name is adopted as my electronic signature

Equitable services begin when the school year begins.

Substantial approval of an LEA's funding application allows an LEA to spend, including on equitable services as needed. The lack of *final* approval of an LEA's application does not block or delay spending on equitable services.

When the LEA's application receives final approval, the LEA can then file requests for funds for all budgeted items, including equitable services.

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.

LEA staff must perform the administrative work of the program.

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. If a private school presents two quotes, the LEA can verify.

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 (discussed earlier).

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

Retain documentation of assessments. Something as simple as a short narrative may cover many situations. More complex assessments, such as the documentation tracking progress (grades/test results) of tutored students, may be appropriate in those more complex cases.

It is important to avoid having no program assessment whatsoever.

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

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

- 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, 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 from the OFP website (Private Schools section). Contact the Ombudsman, who must approve this transaction.

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.

Administrative decisions issued by the U.S. Dept. of Ed. indicate that the LEA's desired transfer will survive a private school complaint if consultation was conducted about the transfer with the affected private school, and that consultation:

- (1) was timely – conducted before the transfer decision was made,
- (2) was meaningful, and
- (3) shows due consideration of the private school's views

LEAs consulting about transfers should be mindful of documentation establishing the fact of pre-decision consultation:

- Prior to deciding to submit a funding application incorporating transfer(s), first engage in the required consultation with affected private schools in order to further inform the LEA's transfer considerations. Document the meeting/communications.
- Consider the private school's views. Consider and discuss alternative courses of action. Document this process.

- Use the Affirmation of Consultation for Transfer form when the final decision is made, showing the funding consequences of the transfer.
Attach all documentation of pre-decision discussions.
- The private school will sign this form and agree or disagree with the transfer decision represented on the Affirmation of Consultation for Transfer form. If disagreeing, the private school's complaint will be resolved using the Dispute Resolution Procedure.
- Upload the form and all attached documentation to your LEA Doc Library in MCAPS, to the Equitable Services Plan subfolder.

A private school's complaint about a transfer decision will initiate the Equitable Services Dispute Resolution Procedure, and a fact-based examination of the "timely," "meaningful," and "due consideration" criteria will occur, with the Ombudsman issuing a written decision.

Appeals may be taken (consecutively) to the State Superintendent, US ED, and to the federal courts.

For all equitable services matters, 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.](#)

Procedures include:

- Private school indication of “disagreement” on an Affirmation of Consultation form (Plan or Transfer), or other private school complaint concerning equitable services, triggers the dispute resolution process.
- Step 1: Informal settlement conference, attempting to resolve the dispute in an OFP-moderated setting (virtual meeting, etc.).
- Step 2: Formal Complaint and Response.
- Step 3: Consideration and written decision by Ombudsman.
- Step 4: Appeals are possible.

Resources

Equitable Services forms are available for download from the MCAPS MDE Document Library, Equitable Services to Private Schools (SY2023-24 folder), here: <https://mcaps.mdek12.org/documentlibrary> (Scroll to “Equitable Services for Private Schools” and open the folder. Then open the School Year 2023-24 (FY24) folder.)

Forms also available on the Office of Federal Programs website, Private Schools section, here: <https://www.mdek12.org/OFP/private-schools>

*

Be sure to use FY24 forms, not FY23 or older forms. If you cannot find the FY24 forms, contact the Ombudsman. Updated forms will be available for download either by, or shortly after, the presentation of this webinar.

[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

Questions?



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