



Equitable Services Under Every Student Succeeds Act (ESSA)

Presented by Barbara Scherr and Veronica Simmons
Title I – Program Improvement and Family Support



Title I Administrative Briefing
May 15-16, 2019



Session Outcomes

By the end of the session, participants will receive an overview of Equitable Services under Section 1117 and Section 8501 on the following:

- Timely and Meaningful Consultation
- Role of State Ombudsman
- Complaint Process
- Issues Addressed and Updates



Equitable Services, a.k.a “Private Schools”

Federal law allows federal education aid to be provided to eligible children in need, regardless of whether they attend a public or private school.

General principle of the Elementary and Secondary Education Act (ESEA) dating back to 1965.

Section 1117 and Section 8501

(Note, this provision does not apply to State funds).

Equitable Services

For purposes of equitable participation, a private school is defined as a **nonprofit** institutional day or residential school...that provides elementary and/or secondary education as determined under State law.

To participate in Federal Programs, a private school must either:

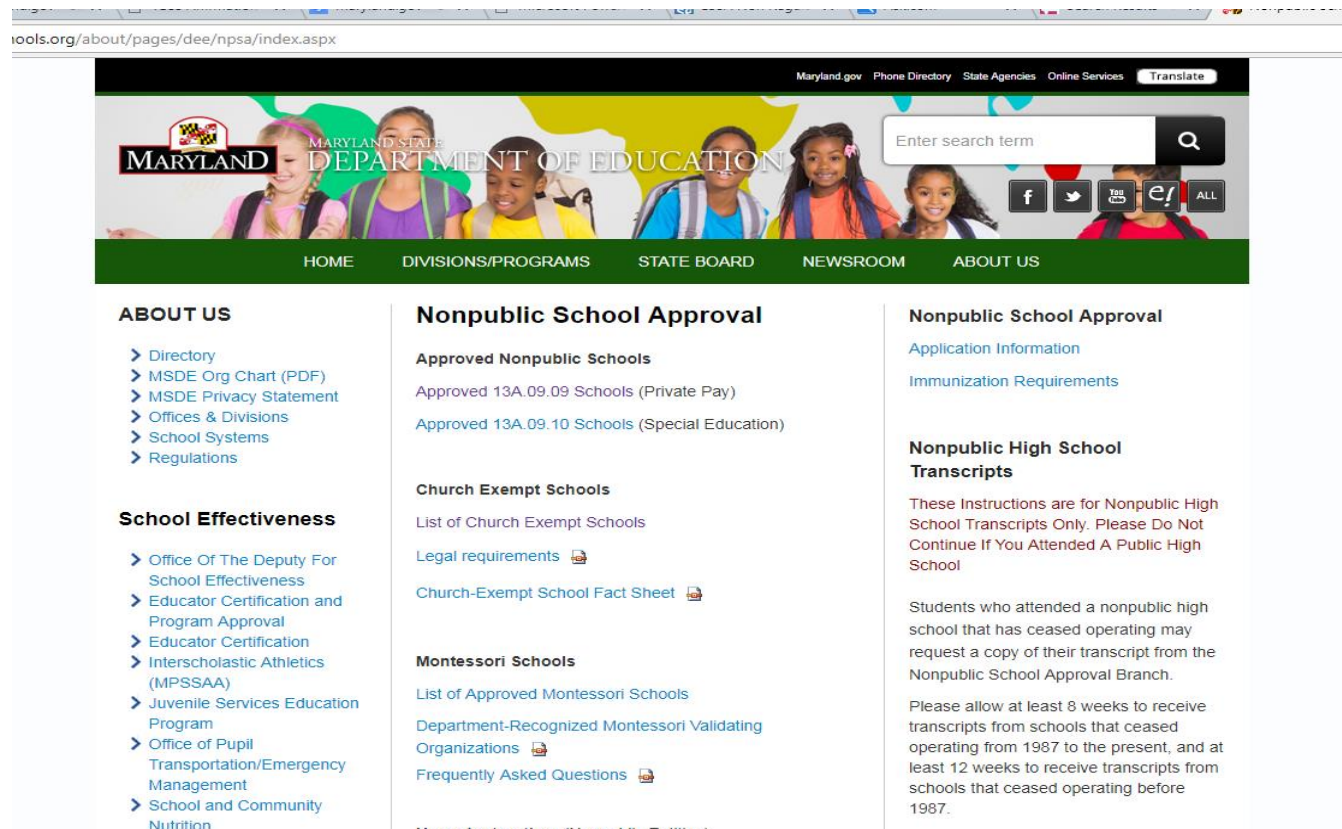
➤ Hold a Certificate of Approval from the Maryland State Board of Education

OR

➤ Be a church exempt school operated by a bona fide religious organization registered with MSDE (Annotated Code of Maryland Education Article §2-206(e))

Approved Non-Public Schools List

<http://marylandpublicschools.org/about/pages/dee/npsa/index.aspx>



The screenshot shows the website's header with navigation links: Maryland.gov, Phone Directory, State Agencies, Online Services, and Translate. Below the header is a banner image of diverse students with the text 'MARYLAND STATE DEPARTMENT OF EDUCATION'. A search bar and social media icons are also present. The main navigation bar includes: HOME, DIVISIONS/PROGRAMS, STATE BOARD, NEWSROOM, and ABOUT US.

ABOUT US

- › Directory
- › MSDE Org Chart (PDF)
- › MSDE Privacy Statement
- › Offices & Divisions
- › School Systems
- › Regulations

School Effectiveness



- › Office Of The Deputy For School Effectiveness
- › Educator Certification and Program Approval
- › Educator Certification
- › Interscholastic Athletics (MPSSAA)
- › Juvenile Services Education Program
- › Office of Pupil Transportation/Emergency Management
- › School and Community Nutrition

Nonpublic School Approval



Approved Nonpublic Schools

- Approved 13A.09.09 Schools (Private Pay)
- Approved 13A.09.10 Schools (Special Education)

Church Exempt Schools

- List of Church Exempt Schools
- Legal requirements 
- Church-Exempt School Fact Sheet 

Montessori Schools

- List of Approved Montessori Schools
- Department-Recognized Montessori Validating Organizations 
- Frequently Asked Questions 

Home Instruction (Nonpublic Entities)

Nonpublic School Approval

- [Application Information](#)
- [Immunization Requirements](#)

Nonpublic High School Transcripts

These Instructions are for Nonpublic High School Transcripts Only. Please Do Not Continue If You Attended A Public High School

Students who attended a nonpublic high school that has ceased operating may request a copy of their transcript from the Nonpublic School Approval Branch.

Please allow at least 8 weeks to receive transcripts from schools that ceased operating from 1987 to the present, and at least 12 weeks to receive transcripts from schools that ceased operating before 1987.

What is CONSULTATION?



Consultation involves communication and discussions between LEAs and private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers, and other education personnel in ESEA programs.

Meaningful consultation provides a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of private school students, teachers, and other education personnel.

TITLE IX, PART E: UNIFORM PROVISIONS SUBPART 1—PRIVATE SCHOOLS *Equitable Services for Eligible Private School Students, Teachers, and Other Educational Non-Regulatory Guidance, D-1, page 3*

Goal of Consultation

ESSA Sec. 1117(a)(1)(A) and (b); 8501(c)

The goal of all parties should be to reach an agreement on how to provide equitable and effective programs for eligible private school children.

The LEA must provide “timely and meaningful” consultation with appropriate private school officials.

Needs of Private School Students and Teachers

How & When Decisions are Made

Amount of Funds Available for Services

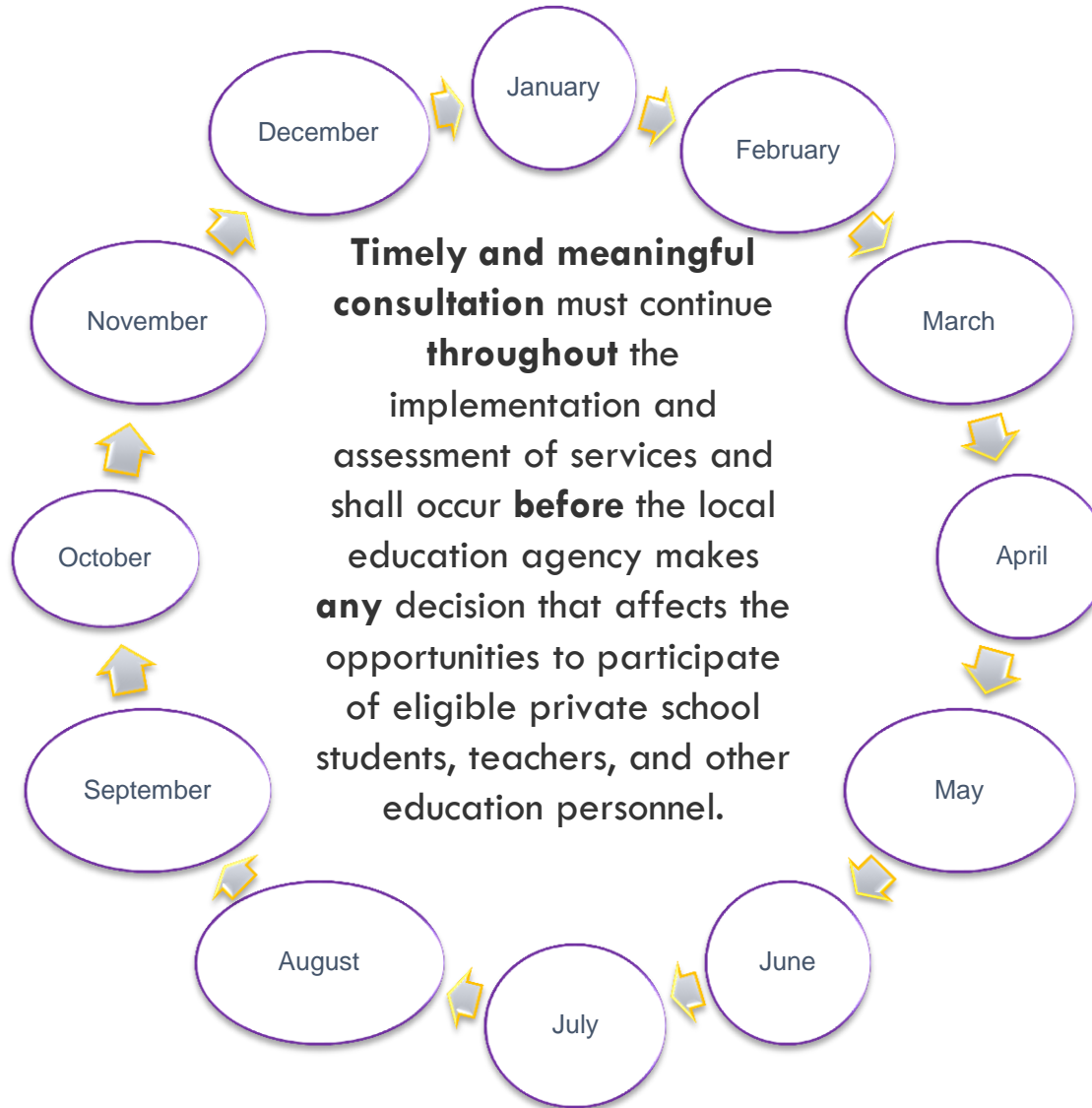
Size and Scope of Services

Services Offered and Delivery of Services

3rd Party Providers

Assessment of Services

CONSULTATION



NEW

Pooling of Funds

Providing Services Directly or Via Another Entity

How Amount of Funding is Determined

Requires Written Affirmation

What is Timely and Meaningful Consultation?

ESSA § 1117(b)(3) and 8501(c)

Timely Consultation

- Before the LEA makes any decisions
- During the design and development of the program
- Throughout the implementation and assessment of services

Each winter, the LEA invites private schools to participate.

Recommend certified letter with return receipt.



LEA follows up (at least twice) to those private schools which have not responded. The district may set a deadline.



If there is no response, the district is under no obligation to proceed further. Maintain documentation!

What is Timely and Meaningful Consultation?

ESSA § 1117(b)(3) and 8501(c)

Private schools need to **know and fully understand** what their responsibilities will be should the private school decide to participate.



Meaningful Consultation

- Genuine opportunity for parties to express their views
EDGAR 76.652
- Views seriously considered
- The LEA may initiate consultation with a proposal for services
- Final Decisions are made by the LEA after consultation

Consultation Topics

ESSA Sec. 1117(a)(1)(A) and (b); 8501(c)

Consultation must include:

1. How the LEA will identify the needs of eligible private school children;
2. What services the LEA will be offered;
3. How, **when**, where, and by whom the services will be provided;
4. How the LEA will academically assess the services and how the LEA will use the results to improve services;
5. The size and scope of the equitable services that the LEA will provide;

Consultation Topics (cont.)

ESSA Sec. 1117(a)(1)(A) and (b); 8501(c)

6. The method/sources of poverty data used (Title I only);
7. Delivery of Services:
Must give consideration to the views of the private school officials regarding the provision of services through a contract with third-party providers
8. How, if the LEA disagrees with private school officials regarding the provision of equitable services through a contracted third-party provider, the LEA will provide notice, an analysis, and reasons to the private school officials;
9. Whether the LEA shall provide services through a separate government agency, consortium, or third-party contractor;

Consultation Topics (cont.)

ESSA Sec. 1117(b)(1)

10. **(New)** How the **proportion (Title I)/amount (Title VIII)** of funds for equitable services is determined;
11. **(NEW)** Whether to provide funding through a “pool of funds” or with the proportion of funds allocated under this section;
12. **(NEW)** Whether to consolidate and use Title I Part A funds in coordination with funds from other eligible programs that are dedicated to providing equitable services to private school students. *(Title I only)*



Disagreement: What Happens?

- If an LEA disagrees with the views of private school officials with respect to any consultation topic, the LEA must provide in writing to such private school officials the reasons why the LEA disagrees.
- Final decision rests with the LEA.

ESSA Section 1117(b)(2)/Section 8501(c)(2)

The Ombudsman

ESSA Sec. 1117(a)(3)(B) and 8501(b)(3)



Equitable Services State Ombudsman

State Role and Responsibilities

- ❖ To help **ensure** equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families SEA must designate an ombudsman to **monitor** and **enforce** ESEA **equitable services requirements** under ESEA Sections 1117(a)(3)(B) and 8501(a)(3)(B):
 - **Title I, Part A - Improving Academic Achievement of the Disadvantaged**
 - **Title I, Part C – Migrant Education**
 - **Title II, Part A – Support Effective Instruction**
 - **Title III, Part A – Language Instruction for English Learners and Immigrant Students**
 - **Title IV, Part A – Student Support and Academic Enrichment Grants**
 - **Title IV, Part B – 21st Century Learning Communities**

Contact Information:

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Equitable Services Ombudsman

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410-767-0291

State Complaint Process

- The timeframe that an SEA has for responding to a complaint from parents, teachers, or other individuals concerning violations of ESEA section 8501 regarding the participation by private school children and teachers is 45 days.
- The Secretary of Education must investigate and resolve an appeal of an SEA's resolution of a complaint within 90 days.



Equitable Services...

Issues Addressed

Timely and Meaningful Consultation

- **Private Schools:** receiving information in a timely manner, i.e., invitation to informational meeting, consultation meetings, and allowable use of funds for services.
- **LEAs:** Private schools not submitting required information on time, i.e., intent to participate and poverty data.

Consistency in Practices

- **Intent to Participate Form**
- **Consultation Form**

Equitable Services Updates

Updated Non-Regulatory Guidance: Providing Equitable Services to Eligible Private School Children, Teachers and Families

- 1% of Parent and Family Engagement comes off AFTER the equitable services proportional share is taken.
- Funds must be obligated to avoid carryover unless there are extenuating circumstances



Title I, Part A

Equitable Services Point of Contact

Title I, Part A Equitable Services

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Questions?

