

Private School Services: A Shared Responsibility

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Agenda

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



Equitable Services

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



Eligible Programs for Equitable Services

Title I, Part A Equitable Services, Sec. 1117

Title VIII Equitable Services, Sec. 8501

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



Defining Nonprofit Status

- Under 34 CFR 77.1, *the term “nonprofit” as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.*

- ▶ Source ED Office of General Counsel



Church School Nonprofit Status

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

▶ *Source ED Office of General Counsel



Initial Contact

LEA contacts PNP officials with children who reside in the LEA

- Even if the private school is **not** located in the LEA boundaries (Title I, Part A)



Initial Contact

LEA can '*search*' for PNPs through

- Newspaper ads
- Google search
- Public library postings
- Post office postings
- Local convenience stores
- Neighborhood community centers



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

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

**ED Fiscal Changes & Equitable Services Guidance*



Consultation Requirements & Goals

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



Consultation Requirements & Goals

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



Tips for PNP Consultations

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



Timely & Meaningful Consultation

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

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



Title I, Part A: Consultation Requirements

LEA meets eligible PNP student needs thru areas such as:

- Instructional services
- Student progress evaluations
- Counseling
- Mentoring
- 1-1 Tutoring
- Dual/concurrent enrollment
- Educational radio/television
- Mobile education services/equipment



Title I, Part A: Consultation Requirements

- How children's needs will be identified
- What services will be offered
- How, where, and by whom services will be provided
- How services will be **academically assessed** and results used



Title I, Part A: Consultation Requirements

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



Title I, Part A: Consultation Requirements

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



Title I, Part A: Consultation Requirements

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



Title VIII: Consultation Requirements

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



Title VIII: Consultation Requirements

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



Equitable Services Must Be...

- Secular, neutral, and non-ideological for all educational services, materials, and equipment
- Equitable educational services compared to public school
- Provided in a timely manner
- Monitored and enforced by an *Ombudsman - new*



Criteria for PNP students to receive Title I, Part A Services

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



Title I, Part A - Collecting Poverty Data

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

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



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

- LEA has final authority to select calculation method

Source: Sec. 1117(c)(1)



Determining Student Eligibility – Title I, Part A

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



Determining Student Eligibility

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



Title II, Part A Equitable Services

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



Change under Title I and Title VIII Eligible Programs?

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

- ▶ Source: ESSA, Non-Regulatory Guidance: Fiscal Changes & Equitable Services Requirements, Nov. 2016



Title I, Part A: Professional Development

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

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



Title II, Part A: Professional Development

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

*Source TEA NCLB Title II-A NCLB Guidance (Q. G15)



Public Control of Funds

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



Title I, Part A – Equitable Expenditures

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

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



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

- From funds reserved for professional development and parental involvement activities, an LEA must ensure that teachers and parents of participating private school students participate on an equitable basis
- The amount of funds available for services must be proportionate to the number of private school children from low income families residing in a Title I Part A public school attendance area



Obligation of Funds - **New**

[Sec. 1117(a)(4)(B) & 8501(a)(4)(B)]

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



Carryover of Unobligated Funds

Extenuating circumstances only

- Funds may remain available for the provision of equitable services under the program (i.e., Title I Part C, Title I Part IV-B) during the subsequent school year

- LEA must consult with PNP officials to determine how funds will be spent in subsequent school year

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



Notice of Allocation

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

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



Ombudsman - *NEW*

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

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



PNP Ombudsman Office

Ombudsman roles and responsibilities:

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



Title I Part A – LEA Disagreements

[Sec 1117(b)(2)]

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



Title VIII – LEA Disagreements

[Sec 8501(c)(2)]

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



PNP Compliance

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

PNP officials have the right to file a complaint with TEA asserting:

- LEA consultation was not timely and meaningful
- LEA did not give consideration to PNP views
- LEA did not make decisions treating PNP children equitably



PNP Compliance – *NEW*

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

The State may provide equitable services directly or through contracts *if*

- Requested by PNP

AND

- LEA has not met Title I equitable services requirement



PNP Documentation

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



PNP Documentation – Affirmation

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

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



PNP Documentation Affirmation

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



Affirmation of Consultation With Private Nonprofit School (PNP) Officials School Year 2017-2018

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, requires that consultation occur between the local educational agency (LEA) and private nonprofit school (PNP) officials.

Name of LEA County-District #

Name of PNP

Private Nonprofit School Participation

Select from the dropdown menu to indicate the method by which the PNP will receive program services. If the PNP is not participating in the grant program, select "Not participating."

Title I, Part A	Title I, Part C	Title II, Part A	Title III, Part A--EL	Title III, Part A--IMM	Title IV, Part A
<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>	<input style="width: 90%; height: 20px;" type="text"/>

Timely and Meaningful Consultation/Equitable Program Design

For each grant program for which the PNP will receive services, the PNP official selects "Yes" or "No" to indicate both of the following:*

- a. Timely and meaningful consultation with the LEA has occurred and is ongoing, **and**
- b. Program design is equitable with respect to eligible private school children.

Title I, Part A	Title I, Part C	Title II, Part A	Title III, Part A--EL	Title III, Part A--IMM	Title IV, Part A
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No



Elements of Consultation

The table below lists the elements that the consultation should include for each grant program.

Section 1117(b)(1)	Section 8501(c)(1)	
X	X	How the children's needs will be identified
X	X	What services will be offered
X	X	How, where, and by whom the services will be provided
X		How the services will be academically assessed and how the results of that assessment will be used to improve those services
	X	How the services will be assessed and how the results of that assessment will be used to improve those services
X	X	The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion/amount of funds that are allocated for such services, and how that proportion/amount of funds is determined
X		The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools
X	X	How and when the LEA will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers
X		How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such private school official an analysis of the reason why the LEA has chosen not to use a contractor



PNP Affirmation of Consultation Signatures

- PNP Officials ***must*** complete the Yes/No boxes under *Timely & Meaningful Consultation section* ***and*** electronically sign the PNP Affirmation ***prior to*** the LEA signature
- Once signed, LEA uploads the Affirmation to GFFC Reports and Data Collections

PNP Official

LEA Official

No later than September 1, 2017, the LEA must upload a copy of this completed affirmation to the secure GFFC Reports and Data Collections application, accessible through TEASE or TEAL.

The LEA and the PNP must maintain a local copy of this completed affirmation.



New PNP Schedule - PS3099

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



PS3099 - Private School Services

Part 1: Private Schools Consultation		Help
1. Are any private nonprofit schools located within the LEA's boundaries?	<input type="radio"/> Yes <input type="radio"/> No	
2. Does the LEA have any Title I, Part A eligible students attending private nonprofit schools outside the boundaries?	<input type="radio"/> Yes <input type="radio"/> No	
3. Are any private nonprofit schools participating?		

Title I, Part A	Title I, Part C	Title II, Part A	Title III, Part A-ELA	Title III, Part A-Immigrant	Title IV, Part A
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

Assurances

The LEA assures that it discussed all consultation requirements as listed in Section. 1117(b)(1) and/or Section. 8501(c)(1), as applicable, with all eligible private nonprofit schools located within the LEA's boundaries.

The LEA assures the appropriate Affirmations of Consultation will be provided to the TEA Private Schools Ombudsman in the manner and timeline to be requested.

Part 2: Equitable Services Calculation for Title I, Part A		Help
1.	Total low-income enrollment in LEA from participating Title I attendance areas	
2.	Total eligible low-income students attending private schools who reside in a participating (or skipped) Title I attendance area based on one of the following methods (select the method used): <ul style="list-style-type: none"> <input type="radio"/> a) using the same measure of low income used to count public school children; <input type="radio"/> b) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable; <input type="radio"/> c) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or <input type="radio"/> d) Using an equated measure of low income correlated with the measure of low income used to count public school children. 	
3.	Calculated total number of low-income students in the LEA (2.1 + 2.2)	

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

Help

1.	Total identified MEP student enrollment in LEA	
2.	Total identified MEP student enrollment in private schools	
3.	Total MEP enrollment (3.1 + 3.2)	
4.	Total current year Title I, Part C allocation	
5.	LEA Per-Pupil Allocation (3.4/3.3)	
6.	Calculated Private School Reservation (3.2 X 3.5)	

Part 4: Equitable Services Calculation for Title II, Part A

Help



Part 5: Equitable Services Calculation for Title III, Part A ELL[Help](#)

1.	Total identified ELL student enrollment in LEA	
2.	Total identified ELL student enrollment in private schools	
3.	Total ELL enrollment (5.1 + 5.2)	
4.	Total current year Title III, Part A ELL allocation	
5.	LEA reservation for direct administration (not to exceed 2% of allocation)	
6.	LEA Amount to calculate Private Schools Equitable Services (5.4 - 5.5)	
7.	LEA Per-Pupil Allocation (5.6/5.3)	
8.	Calculated Private School Reservation (5.2 X 5.7)	

Part 6: Equitable Services Calculation for Title III, Part A Immigrant[Help](#)

1.	Total identified immigrant student enrollment in LEA	
2.	Total identified immigrant student enrollment in private schools	
3.	Total immigrant enrollment (6.1 + 6.2)	
4.	Total current year Title III, Part A Immigrant allocation	
5.	LEA reservation for direct administration	



Texas Title I Capacity Building Initiative

Texas Education Agency
and
Region 10 Education Service Center



Toni Garrett, Program Coordinator

toni.garrett@region10.org

<http://www.region10.org/capacitybuilding>



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

<https://sites.google.com/region10.org/essaprogramcomponents/private-non-profit-schools>



Resource Documents

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



Resources

U.S. Department of Education:

<https://www2.ed.gov/about/offices/list/oii/nonpublic/index.html>

TEA – Transition to ESSA Webpage:

http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/Transition_to_ESSA

Capacity Building:

<http://www.region10.org/capacitybuilding>



Questions

- ▶ Changes in Statute [Document](#)



PNP Ombudsman's Office Contact Info

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