

Equitable Services: LEA Expectations

ESSA Academy 2025

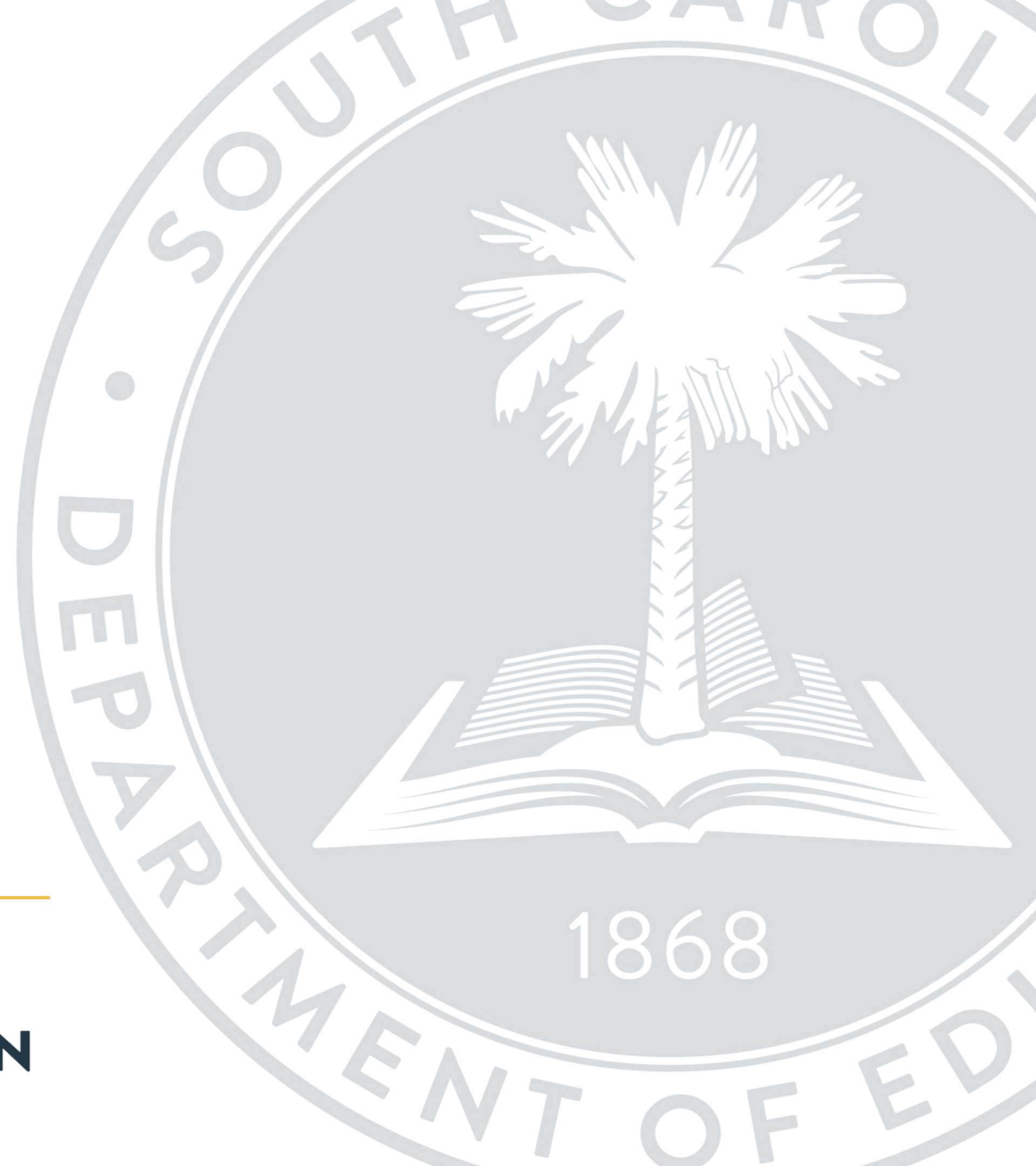
Theresa Gregory

Equitable Services Ombudsman

March 25, 2025



**SOUTH CAROLINA
DEPARTMENT OF EDUCATION**



Agenda

- **What are Equitable Services?**
- **LEA and SEA Requirements**
- **Consultation**
- **Title I, Part A – Equitable Service Basics**





Agenda

What are Equitable Services?



History

- ❖ Established in 1965, the Elementary and Secondary Education Act (ESEA)
- ❖ Reauthorized in 2002 to No Child Left Behind Act (NCLB)
- ❖ Reauthorized again in 2015 to Every Student Succeeds Act (ESSA)
- ❖ Requires local education agencies (LEAs) to provide services for eligible private school students according to Federal Guidance.



Purpose

The purpose of ESEA is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. Each LEA that receives ESEA funds must make funds available for education support authorized by each title to qualified students in compliance with Federal Law Federal Regulations and Non-Regulatory Guidance.



Title I

This program aims to provide all children with significant opportunity to receive a fair, equitable, and high-quality education and close educational achievement gaps.

ESSA, SEC. 1117(3)(A) explains that to the extent consistent with the number of eligible children who are enrolled in private elementary schools and secondary schools, an LEA shall be equitable in comparison to services and other benefits for public school children participating under this part and shall be provided in a timely manner.



Title VIII

ESEA section 8501 requires an LEA participating in a covered ESEA program, in consultation with appropriate private school officials, to provide eligible private school children and educators with services or other benefits that are equitable to those provided to eligible public-school children and educators.



General Rule – Grant Eligibility

- All Private Schools are eligible to participate
- Private Schools must be non-profit
- Consultation should happen for Title I, Part A, and Title VIII, Part F
- Title VIII, Part F:
 - Title I, Part C - Education of Migratory Children
 - Title II, Part A - Supporting Effective Instruction
 - Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement
 - Title IV, Part A - Student Support and Academic Enrichment Grants
 - Title IV, Part B - Nita M. Lowey 21st Century Community Learning Centers (21st CCLC)
 - Title IV, Part F, section 4631 - Project SERV.



LEA Responsibility

- List all available services
 - Important – Set specific deadlines
 - Ensure all services are secular, neutral, and non-ideological
 - Ensure services go to low-achieving students at participating schools
 - Maintain control of ALL funds, materials, equipment, and property purchased
 - Maintain ongoing communication with the private schools
- Identify and reach out to all private schools inside and outside of the geographic boundaries (Title I, Part A Only)
 - Reach out to all private schools in the geographic boundaries (Title VIII, Part F)
 - Invitations sent to attend the meeting
 - Verify the physical location of the school
 - Invitations should have indicators to ask for “Acceptance” or



SEA Ombudsman Role

- ❖ The equitable services ombudsman is the state's primary point of contact for addressing questions and concerns pertaining to the equitable services requirements under Title I and Title VIII of ESEA, as amended by ESSA.
- ❖ Ensure that monitoring protocols are being followed and take an active role in the monitoring process
- ❖ Serve as a general resource regarding equitable services requirements for both LEAs and private school officials
- ❖ Establish a process for receiving documentation of agreement from LEAs consistent with the consultation requirement that the results of such agreement shall be transmitted to the ombudsman. (ESEA section 1117(b)(1).)
- ❖ Participate in the State's Title I Committee of Practitioners (ESEA section 1603(b)) and, as applicable, nonpublic schools working group.



SEA Responsibilities

- ❖ Assisting in preparing local educational agencies, community-based organizations, colleges, universities, and private schools to implement ESSA equitable services requirements effectively.
- ❖ Providing technical assistance to the department subrecipients by attending consultations as needed, generating templates and best practices, educating all parties about the legal requirements of the consultation process, etc.
- ❖ Proposing appropriate policies and procedures for adoption by the department for implementing, monitoring and enforcing ESSA requirements for equitable participation.



SEA Responsibilities

- ❖ Ensuring proper implementation of ESSA laws and regulations and resolving complaints using a timely and well-defined process.
- ❖ Monitoring and reviewing SEA and subrecipient consultation paperwork and proportionate share budgets.
- ❖ Preparing and widely distributing annual reports on private school participation in ESSA programs in their state, analyzing and interpreting trends, and proposing solutions to issues identified.
- ❖ Visitations with LEAs and Private School officials





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Consultation



Consultation –Title I, Part A and Title VIII, Part F

Timely and Meaningful:

- How the needs of the children and educators will be identified
- What services will be offered
- How, where, and by whom the services will be provided
- How the services will be assessed and how the results of the assessment will be used to improve those services
- The size and scope of the equitable services to be provided to eligible private school children and educators, the amount of funds available for those services, and how that amount is determined



Consultation Continued

- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers
- Whether the LEA will provide services directly or through a separate government agency, consortium, or entity or through a third-party contractor
- Whether to provide equitable services to eligible private school children and educators
 - (1) by creating a pool or pools of funds with all the funds allocated under a program or
 - (2) on a school-by-school basis based on the equitable share of funds available to provide services in each



Complaint Process

- Should first discuss this matter with the LEA official responsible for coordinating the consultation, the LEA superintendent, or Federal Programs director
- If the response at the local level is unsatisfactory, the private school official may contact the ombudsman and the responsible SEA official
- If the problem is not resolved through those means, private school officials have the right to file a formal written complaint with the SEA

Link to form:

https://scde.formstack.com/forms/complaint_form_for_equitable_services_to_private_school_students_and_teachers



After complaint has been filed:

- SCDE has forty-five (45) calendar days to investigate and send a written finding of the fact to the complainant and the LEA
- If the private school does not agree with the decision, they have thirty (30) days to appeal to the USDE
- USDE will have ninety (90) days to respond to their appeal





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Title I, Part A – Equitable Service Basics



Eligibility

- **To be eligible for services, a child must:**
 - Reside in a participating Title I public school attendance area and
 - Be identified by the LEA as low achieving based on multiple, educationally related, objective criteria.
- **A child may be identified as eligible solely by their status as follows:**
 - Homeless children;
 - Children who in the preceding two years had participated in Head Start, a literacy program under Title II, Part B, Subpart 2, a Title I preschool program, or a Title I, Part C (Migrant Education) program; and
 - Children in a local institution for neglected or delinquent children and youth or attending a community day program.



Identifying Low-Income Students

To determine the number of children from low-income families that reside in a participating Title I public school attendance area and attend a private school, the ESEA permits an LEA, based on timely and meaningful consultation, to use any or a combination of the following:

1. The same measure of poverty is used to count public school children.
2. Comparable poverty data from a survey.
3. Comparable poverty data from a different source.
4. Proportionality.
5. An equated measure

Remember: Poverty is not a criterion for services.



Terms/Timelines of Grant



- Discussed during initial consultation
- Private Schools **CAN** use the funds past 1 year
- Allowed to use the entire time of the grant
- Private Schools can deny the funds after they receive their allocation
- Must be offered to all the remaining participating Private Schools first
- If they accept, recalculation must be completed
- If they deny additional funds, LEA may use them in Public Schools
- **NOTE:** Must be communicated during the consultation



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Title VIII – Equitable Services



Eligibility

- Students **enrolled in private schools located in the area** served by the ESEA program are eligible to participate.
- May be restricted based on the purpose of the ESEA program (e.g., Title III, Part A).
- Where funding and resources may limit the number of children who can participate in the program, LEAs must consult with private school officials on this matter.

(ESEA sections 8501(a)(1) and 8501(b)(2))



Determining Private School Allocations

EXAMPLE OF FORMULA TO DETERMINE AMOUNT FOR EQUAL EXPENDITURES
BASED ON TOTAL ENROLLMENT OF CHILDREN

A. Number of Eligible Children

| | |
|---|--------------|
| A1: LEA Enrollment | 900 |
| A2: Participating Private Schools' Enrollment | 100 |
| A3: Total Enrollment = A1 + A2 | 1,000 |

B. LEA program (e.g., Title II, Part A) Allocation

| | |
|---|------------------|
| B1: Total LEA Allocation | \$1,000,000 |
| B2: Administrative Costs (for public and private school programs) | \$50,000 |
| B3: LEA Allocation Minus Admin Costs = B1 - B2 | \$950,000 |

C. Per Pupil Rate

| | |
|-----------------------------|--------------|
| C1: B3 divided by A3 | \$950 |
|-----------------------------|--------------|

D. Equitable Services

| | |
|---|-----------------|
| Amount LEA must reserve for equitable services for private school children and educators = A2 x C1 | \$95,000 |
|---|-----------------|



Terms/Timelines of Grant



- Discussed during initial consultation
- Private Schools **CAN** use the funds past 1 year
- Allowed to use the entire time of the grant
- Private Schools can deny the funds after they receive their allocation
- Must be offered to all the Public and Private Schools (B-7)
- **NOTE:** Must be communicated during the consultation



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SEA / LEA Responsibilities



What's New

- **Forms**

- Seven new forms
- Submit to SCDE – Affirmation of Consultation
- New request - Private School documentation placed in “Related Documents” for all grants

- **Private School Documentation**

All private school documentation must be submitted with all grant applications in GEMS



New Forms

Private School Forms

- Intent to Participate Letter
- Affirmation of Consultation for Title I, Part A, Title II Part A, and Title IV Part A
- Needs Assessment for Equitable Services
- Private School to Parent Letter and Family Income Letter
- Evaluation of Equitable Services
- Complaint Process Forms



Private School Forms

Intent to Participate

- The initial source of contact
- Establish the date, time, and place of the meeting
- Maintain at the district level

Affirmation of Consultation

- Only for participating private schools
- Part of the first step to meaningful consultation
- Completed form emailed to SCDE at equitable.services@ed.sc.gov
- Deadline: Submitted by July 1st



Private School Forms

Affirmation of Consultation Title I, Part A

- Eligible students in and outside of geographical area
- Determining private school students in poverty count
- Pooling of the Equitable Share
- Equitable Service Agreements

Affirmation of Consultation Title II, Part A

- Pooling of the Equitable Share
- Equitable Service Agreements
- Allocation
- Identified Needs
- Area(s) of in need of supplemental PD
- Targeted grade levels for PD
- Services provided – where and by who

Affirmation of Consultation Title IV, Part A

- Pooling of the Equitable Share
- Equitable Service Agreements
- Allocation
- Identified Needs
- Area(s) of in need of supplemental PD
- Targeted grade levels for PD
- Services provided – where and by who

IMPORTANT: Establish the deadline and communicate it



Needs Assessment

- Services provided meet the needs identified
- Writing a needs assessment should
 - It is important to identify and collect data that supports each identified need
 - Supplement the private school (34 CFR §299.0(C))
 - holds reasonable promise of effectiveness (34 CFR §200.64(b)(2)(ii)(B))
 - Reasonable and necessary (2 CFR Part 200)
 - Secular, neutral and nonideological ((ESEA section 1117(a)(2), 8501(a)(2), 34 CFR §299.0(c))

IMPORTANT: Establish the deadline and communicate it



Needs Assessment – Sample Forms

Six example forms:

- Needs Assessment
- Professional Development (PD) Plan
- Professional Development (PD) NA
- Professional Development (PD) Technology NA Survey
- Professional Development (PD) Request Form
- Material/Equipment Request Form



Private School Parent Letters

- Title I, Part A – Private School to Parent Letter – Version 1
- Title I, Part A – Private School to Parent Letter – Version 2
- Title I, Part A – Family Income Survey

NOTE: These letters are examples, and SCDE does not require you to use them.



Evaluation of Equitable Services Programs

- At the beginning of the year, data will be collected to establish the need for the programs
- During the program, it is recommended that an informal evaluation be completed
- Completion of the program – evaluation must be performed to determine if the programs met the identified needs
- Three samples are provided

NOTE: SCDE is providing these as samples for your evaluations. We are not expecting you to use these specific forms to complete your evaluation



Complaints

- Private school officials have the right to file a complaint
- Ensure their officials understand the process
- Discuss during consultation



Equitable Services Handbook

- New tool to assist with guidance for Title I, Part A; Title II, Part A; and Title IV, Part A
- Simplify your search
 - Forms
 - FAQ
- Save time



South Carolina Department of Education

Equitable Services Guidance

Title I, Part A

Title II, Part A

Title IV, Part A





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Frequently Asked Questions



A-4. May an LEA set a deadline for private school officials to indicate their intent to participate?

Yes. An LEA may set a reasonable deadline, considering private school schedules, for private school officials to indicate their intent to participate. An LEA should provide clear and sufficient notice of the deadline, identify potential consequences for not meeting the deadline, and give adequate time for private school officials to respond.



B-1. May an LEA reserve funds off the top of its Title I allocation before it determines the proportional share for equitable services?

No. The ESEA requires an LEA to determine the proportional share of Title I funds available for providing equitable services prior to any expenditures or transfers of funds. (ESEA section 1117(a)(4)(A)(ii)).



U-4. What are the responsibilities of an SEA or LEA for the provision of equitable services to private school children and teachers with respect to funds being transferred?

Excluding Title I, Part D and Title V, Part B, each program covered by the transferability authority is subject to the equitable services requirements under Title I or VIII, which may not be waived. (ESEA section 8401(c)(5).) Before an SEA or LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. (ESEA section 5103(e)(2).) With respect to the transferred funds, the SEA or LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer.



A-4. What happens if an LEA does not participate in a program requiring equitable services and a private school in that LEA expresses a desire for their students and educators to receive services?

An LEA is not required to provide equitable services if it does not receive funds under a covered ESEA program (e.g. if it chooses not to participate in such a program). (ESEA section 8501(a)(1)). The ESEA does not authorize an SEA to reallocate funds to another LEA for the purpose of providing equitable services in a non-participating LEA.



C-18. May an LEA pay for out-of-state professional development for private school educators?

There is no Federal prohibition on paying for out-of-state professional development for private school educators.

However, an LEA must ensure that costs associated with professional development, whether within or outside of the State, are reasonable and necessary for the provision of equitable services. (2 C.F.R. §§ 200.403(a) and 200.404).



Resources

- Title I Equitable Services Guidance:
<https://oese.ed.gov/files/2023/05/Title-I-ES-guidance-revised-5-2023.pdf>
- Title VIII Equitable Services Guidance:
<https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>



Wrap-Up



- Our responsibility
 - Timely and Meaningful Consultation
 - Ensure SCDE deadlines are met
 - Complete evaluations
-
- ABOVE ALL, DUE DILIGENCE



Contact Information

Theresa Gregory

Email: tgregory@ed.sc.gov

Phone Number: (803) 734-3749

Equitable Services

Email: equitableServices@ed.sc.gov





ed.sc.gov