



BEST **FOR**
ALL

We will set all students on a path to success.

Equitable Services to Non-Public Schools: Title II, Part A

Danny Bounds | Federal Programs Ombudsman

Division of Federal Programs and Oversight | July 2021



BEST FOR ALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE
ACCESS TO A HIGH-QUALITY EDUCATION,
NO MATTER WHERE THEY LIVE

STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE
EQUIPPED TO SERVE THE ACADEMIC
AND NON-ACADEMIC NEEDS OF ALL
STUDENTS IN THEIR CAREER PATHWAYS

EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR
THE EDUCATION PROFESSION AND BE
THE TOP STATE TO BECOME AND REMAIN
A TEACHER AND LEADER FOR ALL



Agenda

- Overview
- Consultation
- Eligibility
- Complaint Process
- Title II Review
- Frequently Asked Questions
- Resources



Overview: Equitable Services for Title II, Part A



Equitable Services: Title II, Part A

- Under the Elementary and Secondary Education Act (ESEA), as authorized by the Every Student Succeeds Act (ESSA), there are a number of programs that require equitable participation of non-public school students and teachers.
 - One of these programs is Title II, Part A - Building Systems of Support for Excellent Teaching and Leading



Purpose of Title II, Part A

- To increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly effective teachers in the classroom and highly effective principals and assistant principals in schools.
- Generally, LEAs may use Title II funds for a variety of teacher-quality activities that may or may not include professional development.
 - However, services for non-public school teachers and other educational personnel must be for professional development only.



Equitable Services: Title II, Part A

- Non-Public school teachers, principals, and other educational personnel are eligible to participate in Title II, Part A. Funds awarded to state educational agencies (SEAs) and LEAs under Title II, Part A, are subject to the Title VIII, Uniform Provisions of Section 8501 of ESEA.



Equitable Services: Title II, Part A

- The LEA determines the amount of funds available for Title II, Part A equitable services for non-public school teachers and other educational personnel.
 - The allocation is determined by calculating, **on a per-pupil basis**, the amount available for all public and non-public school students enrolled in participating non-public elementary and secondary schools in areas served by the LEA (regardless of a student's residency).
 - The amount an LEA must reserve to provide equitable services for non-public school teachers and other educational personnel for Title II, Part A services is based on the LEA's total Title II, Part A allocation, less administrative costs.



Equitable Services: Title II, Part A

- LEAs must assess and meet the needs of non-public school teachers and other educational personnel when designing the professional development program for non-public school teachers.
- If the professional development needs of the non-public school teachers and other educational personnel are different from those of public school teachers and personnel, the LEA, in consultation with non-public school officials, should provide different services.



Equitable Services: Title II, Part A

- LEAs must complete the ***Title II, Part A Equitable Services Worksheet*** to determine allocations.
- This worksheet is in the ***Equitable Services*** section of the CFA under the *Equitable Services Program Details –Title II, Part A* page.

☐ N/A - The LEA certifies that no participating non-public schools are in the district.

Title II-A

Formula to Determine Amount for Title II, A Equitable Expenditures

A. Number of Students	
A1: District Enrollment (from the School Eligibility Page)	3,352
A2: Participating Private School Enrollment (Spring Private School Survey responses)	131
A3: Total Enrollment (A1 + A2)	3,483
B. Title II, Part A	
B1: District Allocation	\$ 102,210.00
B2: Administration Costs (for public and private school programs)	\$
B3: LEA Allocation Minus Admin Costs (B1 - B2)	\$ 102,210.00
C. Per Pupil Rate	
C1: B3 divided by A3	\$ 29.35
D. Equitable Services	
D1: Amount district must reserve for equitable services for participating private schools = (A2 x C1)	\$ 3,844.85
E. FY21 Non-public Carryover Amount	\$
F. Total Amount of Non-public Instructional Funds (line D1, E)	\$ 3,844.85

Consultation



Consultation: Title II, Part A

- LEAs must consult with appropriate non-public school officials during the design, development, and implementation of the professional development program, including:
 - how the needs of children and teachers will be identified;
 - what services will be offered; and
 - how, where, and by whom the services will be provided.



Consultation: Title II, Part A

- Additionally, LEAs must consult with appropriate non-public school officials on other issues such as:
 - 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;
 - the amount of funds available for those services; and
 - how and when the LEA will make decisions about the delivery of services.



Expanded Consultation, Part 1

- Topics subject to consultation have also been expanded to include the following:
 - how the amount of funds available for equitable services is determined,
 - whether the LEA responsible for providing equitable services will provide those services directly, through a separate LEA, or through a third-party contractor,



Expanded Consultation, Part 2

- whether to provide equitable services to eligible non-public school participants:
 - by creating a pool or pools of funds with all of the funds allocated under programs covered under ESEA § 8501(b), or
 - on a school-by-school basis based on each the proportionate share of funds available to provide services in each school.



Consultation: Title II, Part A

- Consultation on the delivery of services must include thorough consideration and analysis of the views of the non-public school officials on the provision of the provision of contract services through potential third-party providers.



Allowable Use of Funds



Allowable Use of Funds: Title II, Part A

- Improving the knowledge of teachers, principals, and other educational personnel in effective instructional teaching strategies, methods, and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging state academic standards.
- The term well-rounded education refers to areas, including:

English/Reading or Language Arts/Writing	Career and Technical Education
Mathematics	Health, Nutrition, and Physical Education
Science, STEM, and STEAM	History and Geography
Foreign Languages	Character Education
Civics and Government	Arts and Music
Economics	Technology, Engineering, and Computer Science

Allowable Use of Funds: Title II, Part A

- Professional development activities for non-public schools may include:
 - Improving the knowledge of teachers, principals, and other educational personnel **in effective instructional teaching strategies, methods, and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards**
 - Training in **effectively integrating technology** into curricula and instruction
 - Training on **how to teach students with different needs**, including students with disabilities or limited English proficiency, and gifted and talented students



Allowable Use of Funds: Title II, Part A

- Additionally, other professional development activities may include:
 - Training on **methods to improve student behavior, identifying early and appropriate interventions, and involving parents more effectively in their children's education**
 - **Leadership development and management** training to improve the quality of principals and superintendents
 - Training in the **use of data and assessments** to improve instruction and student activities



Complaint Process



Complaints: Title II, Part A

- Pursuant to ESEA §§ 1117 and 8501, as amended by the Every Student Succeeds Act (ESSA), a non-public school official has the right to file a written complaint with the state education department ombudsman asserting:
 - a school district/ LEA did not engage in consultation that was meaningful and timely;
 - did not give due consideration to the views of the non-public school;
 - or did not make a decision that treats non-public school students equitably.



Complaints: Title II, Part A

- If non-public school officials believe timely and meaningful consultation has not occurred, they should discuss this with the LEAs, then if needed, with the SEA's ombudsman.
 - SEA Ombudsman is the Federal Programs Ombudsman
- In the event the issue is unresolved, non-public school officials have the right to file a formal written complaint to the ombudsman.
- A formal complaint must include: a statement that a violation of the equitable services requirement has taken place, the facts on which the statement is based, and the signature of the complainant (non-public school official).



Complaints: Right to File a Complaint

- A [complaint form](#) is available in [ePlan > TDOE Resources > ESSA/IDEA Non-Public / non-public Schools Information & Documents > ESSA Non-Public/non-public Schools Information & Documents > Samples & Templates for Providing Equitable Services to Non-Public / non-public Schools & Complaint Form / Procedures > Equitable Services Complaint to the Ombudsman](#)



Procedures for Complaint to the Ombudsman Every Student Succeeds Act (ESSA)

Statutory Requirement

Pursuant to §§ 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), a private school official has the right to file a written complaint with the state education department ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school, or did not make a decision that treats private school students equitably.

What must be included in a complaint?

Private school officials filing a complaint with the ombudsman concerning equitable services under ESSA must do so in writing and utilize the form provided with this document that requires the following information:

- full name, address, email address, and telephone number of individual(s) or organization(s) filing the complaint;
- a description of the situation or allegation, including whether or not the school district engaged in consultation that was meaningful and timely, gave due consideration to the views of the private school officials, or made decisions that treated private school students equitably;
- the name of the school district the complaint is being filed against and the names of any other agencies or employees involved;
- a statement identifying which title requiring equitable services has been allegedly violated;

Complaints: How to File a Complaint

- Once a complaint is completed by the non-public school official, it must be signed by the individual(s) or organization(s) filing the complaint.
- After the complaint is completed and signed, the non-public school official must submit the complaint, as well as any additional documentation, via email to the Federal Programs Ombudsman, Danny Bounds (Danny.Bounds@tn.gov), with the LEA Representative copied on the email.
- Once the LEA receives the signed complaint, the LEA must upload the complaint to the current year's LEA Document Library in the applicable program's Equitable Services Complaint folder.



Complaints

- More information about the complaint process and other equitable service topics can be found in ePlan in TDOE Resources.
- *eplan.tn.gov > TDOE Resources > Federal Programs Professional Development > 2020-21 Federal Programs Webinar Series > Equitable Services > **ESEA Equitable Services Overview Webinar***



Title II Review



Title II Review



Please feel free to scan
the QR code for mobile
access.



Frequently Asked Questions



Frequently Asked Questions: Title II, Part A

Does the professional development program for non-public school teachers have to be the same as the professional development program for public school teachers?

No. *LEAs must assess the needs of non-public school teachers in designing the professional development program for non-public school teachers. If the professional development needs of the non-public school teachers are different from those of public school teachers, the LEA, in consultation with non-public school representatives, should develop a separate program.*



Frequently Asked Questions: Title II, Part A

May Title II, Part A funds be used to pay for a non-public school teacher's attendance at a professional conference sponsored or conducted by a faith-based organization?

Yes. *To the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher, then Title II, Part A funds may be expended to pay for the portion of the costs of the conference that, as determined by the LEA, represent the secular professional development in which the teacher participated. In this case, the LEA would pay or reimburse the teacher for attendance at the conference.*



Frequently Asked Questions: Title II, Part A

May funds be used to pay stipends to non-public school teachers participating in a Title II, Part A professional development program?

Yes. *For example, if the professional development activity is conducted during after-school hours or in the summer, stipends may be needed to compensate teachers for their participation outside their regular employment hours. Stipends for non-public school teachers must be available on the same basis as those for public school teachers and the stipends must be paid directly to the non-public school teachers for their own use, and not to the non-public school*



Frequently Asked Questions: Title II, Part A

May Title II, Part A funds be used to pay for substitute teachers who replace teachers from non-public schools while they attend professional development activities?

No. *The Title II, Part A program does not authorize payments to non-public schools to be used for hiring substitute teachers.*



Frequently Asked Questions: Title II, Part A

May an LEA require non-public school representatives to submit an application in order to receive services for the teachers in a non-public school with Title II, Part A funds?

Yes, but LEAs should be cautious about the form and content of an application as it may constitute an **administrative barrier** that is inconsistent with the LEA's responsibility to ensure equitable participation of non-public school teachers. A better practice is for LEAs to request documentation, as needed, from non-public school officials that can help the LEAs identify services that may be appropriate to the needs of non-public school teachers.



Frequently Asked Questions: Title II, Part A

Must the LEA administer and retain control over the Title II, Part A funds used to serve non-public school teachers?

Yes. *LEAs must administer control over the funds and, therefore, may not provide program funds directly to non-public schools. Before determining the amount of funds to be provided for services to non-public school teachers, a LEA could pay reasonable and necessary administrative costs of providing those services from its Title II, A allocation.*



Resources



Resources



- United States Department of Education Non-Regulatory Guidance and Resources
 - [ESSA Non-Regulatory Guidance: Fiscal Changes & Equitable Services](#)
 - [ESEA Non-Regulatory Guidance: Title I - Equitable Services for Eligible Private School Students](#)
 - [ESEA Non-Regulatory Guidance: Title IX \(ESSA Title VIII\) - Equitable Services for Eligible Private School Students/Teachers](#)
 - [ESSA Non-Regulatory Guidance: Title II, Part A - Building Systems of Support for Excellent Teaching and Leading](#)

Contact Information

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We want your feedback!

Please complete the evaluation survey found at <https://stateoftennessee.formstack.com/forms/fpoevaluation> or use the camera/QR code reader on your phone to scan the survey QR code below. Thank you!



Thank you for watching

- For the webinar recording and slide deck please see ePlan.tn.gov > **TDOE Resources**



Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

<http://www.comptroller.tn.gov/hotline>