

Title IV, Part B - 21st Century Community Learning Centers (21st CCLC) Equitable Services Questions and Answers

1. Are private school students eligible to participate in 21st CCLC activities carried out in public schools?

Yes. A subgrantee under the 21st CCLC program must, after timely and meaningful consultation with appropriate officials of private schools located in the areas served by the subgrant, provide to eligible private school children and educators educational services and other benefits that are equitable in comparison to such services and other benefits provided with program funds to public school children and educators. (ESEA § 8501(a)(1), (3)(A)).

How equitable services are provided to eligible private school children and educators may differ, depending on the type of entity receiving a subgrant and the focus of the program. For example, if a 21st CCLC program serves only public school children in schools identified for comprehensive support and improvement (CSI), it must offer comparable educational services and other benefits to private school children who are enrolled in private schools within the geographical area of the public schools being served.

On the other hand, if a 21st CCLC program serves a broader swath of public school children, it must offer comparable educational services and other benefits to private school children who attend schools within the service area of the subgrantee. If the 21st CCLC program is open to all children within a subgrantee's service area, the program would likely meet the requirement to provide equitable services by ensuring that eligible private school children have an equitable opportunity to participate in the program.

2. Does this requirement apply to both school districts and community-based organizations?

Yes. The requirement to provide for the equitable participation of eligible private school children and educators applies regardless of whether a subgrantee is a school district, community-based organization (CBO), or other eligible entity.

3. What private schools are eligible to participate?

Private nonprofit elementary and secondary schools that are located within the attendance area served by the grant may participate in equitable services. A list of Tennessee non-public schools, including locations can be found [here](#). CBOs applying for a subgrant may reach out to the state ombudsman (Michelle.Harless@tn.gov) for assistance in identifying the appropriate private school officials with whom to consult.

4. What are the requirements for “timely and meaningful” consultation?

Timely and meaningful consultation and open communication is key to developing collaborative and effective relationships with non-public school officials. Timely and meaningful consultation provides ample time and 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 eligible private school students, teachers and other education personnel, and families. Consultation must occur *before* the fiscal agent makes any decision that affects the opportunity of eligible private school students and teachers to participate. Awarded agencies may not establish a blanket rule that precludes private school students and teachers from receiving certain services authorized under the 21st CCLC program. An offer of services by the fiscal agent, without an opportunity for timely and meaningful consultation with private school officials, does not meet the requirements under ESSA.

5. What topics must be covered in consultation?

Statutory requirements for consultation topics include:

- How the subgrantee will identify the needs of eligible private school students;
- What services the subgrantee will offer to eligible private school children, their teachers, and parents;
- How, where and by whom the subgrantee will have provide services to eligible private school children;
- How the subgrantee will assess academically the services provided and how the grantee will use the results of that assessment to improve services;
- The size and scope of the equitable services that the subgrantee will provide to eligible private school children;
- The method or data that will be used to determine the eligibility of students;
- How and when the agency 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; and
- How to address in writing when a school district/community-based organization, and private school have a disagreement with contractors or other services. (ESSA § 8501(c))

6. When must consultation take place?

As noted above, consultation must occur *before* the fiscal agent makes any decision that affects the opportunity of eligible private school students and teachers to participate. Therefore, consultation with eligible private schools must occur during the design and development of the initial grant application, documented through the [Documentation of Private School Consultation](#) form. The goal is to develop a program that will serve public and private school children and educators in the service area served by the grant. Such consultation might also include a brief survey of non-public schools or other information gathering to indicate the schools' interest in participating and the population to be served. This consultation will allow the agency to consider the needs of all students and educators—both public and private—in developing its application, and to include the projected costs for equitable services in the application.

If an applicant is successful in receiving a 21st CCLC grant, it must annually, and on an ongoing basis, consult with officials of private schools within the geographic area the program serves to determine:

1. If private school officials wish for their eligible children and educators to participate, or continue to participate;
2. If students participating in the program will change; and
3. to resolve any implementation concerns.

See the recommended consultation timeline table on later pages for more information.

7. What is an Intent to Participate form?

An Intent to Participate form is a document that a school district or CBO sends to private school officials annually inquiring about their interest in having their students and teachers participate in the 21st CCLC program. The department provides two sample forms that includes a brief description of the program as well as a request for the private school's intent.

- [Intent to Participate for all ESSA programs](#): This form is best used by school districts who wish to combine the consultation process for 21st CCLC with the consultation process for all other ESSA programs
- [21st CCLC Intent to Participate](#): This form is best used by CBOs and school districts who do not wish to combine the consultation process for 21st CCLC with the consultation process for all other ESSA programs.

Some school districts and CBOs send intent form by registered mail to document receipt of the form by the private schools. This form should be shared with all eligible private schools annually, even if the private school has declined services in the past. While the Tennessee Department of Education (department) does not collect completed intent forms outside of the initial (i.e., competition year) grant application, grantees should maintain documentation of the intent to participate process for audit and monitoring purposes.

8. What is a school district or CBO's obligation with respect to providing equitable services if a private school declines to participate in 21st CCLC or does not respond to a request to consult regarding the provision of services under such program?

A school district or CBO must be able to demonstrate that it made a good faith effort to contact all the private schools in the grant service area. If a private school official declines services or does not respond to a school district's or CBO's request to consult in the given timeframe regarding the provision of services in a particular year, the school district or CBO has no further responsibility to provide equitable services to children in that school during that school year. The school district or CBO must contact each private school every year, however, to determine the private school official's intent to have their eligible children participate in the 21st CCLC program. If a private school does not respond to a school district's or CBO's attempts to engage in consultation, the school district or CBO should maintain a record of all attempted communication.

9. What is an Affirmation of Meaningful Consultation and Final Agreement form?

An Affirmation of Meaningful Consultation and Final Agreement form is a document that a school district or CBO completes with participating private school officials annually to document the consultation process and outline the services to be delivered to private school students through the 21st CCLC program. The department provides a [sample form](#) that includes required consultation topics as well as prompts to help outline the final agreement. This form should be completed with private school officials during the consultation process and must be uploaded to the 21st CCLC funding application in ePlan by **Oct. 1** of each year.

The department has developed sample templates for awarded agencies to utilize during consultation. Links to these forms as well as a suggested timeline for 21st CCLC non-public consultation are included in the table below.

Grant Year	Month	Event	Documentation
Competition (i.e., time period when the agency is completing an application for a new five-year 21st CCLC grant)	Feb. - March ¹	<ul style="list-style-type: none"> Contact all eligible private schools to offer services. Provide meaningful and timely consultation to interested private schools. 	Consultation with Private Schools form included in the competition's Request for Applications document.
Years 1-5	July - Sept.	Consult with participating private schools to finalize programming for the year	21st CCLC Affirmation and Final Agreement form. Upload completed forms to the <i>Related Documents</i> section of the 21st CCLC application by Oct. 1
	Ongoing	Continue timely and meaningful consultation throughout the provision of services	Maintain proof of consultation internally (e.g., emails, phone logs, meeting invites and agendas, sign-in sheets, etc.)
	Nov. - Dec.	Contact <u>all</u> eligible private schools to offer/re-offer services	21st CCLC Intent to Participate form. Maintain this form internally for documentation of consultation
	Feb.	School district grantees should complete the annual Non-Public Survey in ePlan	Utilize information from completed Intent to Participate forms to complete the survey in ePlan
	May - June	Consult with participating private schools to assess and make improvements to the program	Maintain proof of consultation internally (e.g., assessments, emails, phone logs, meeting invites and agendas, sign-in sheets, etc.)

10. How does a 21st CCLC grantee determine the equitable share of funds to make available for equitable services?

A 21st CCLC grantee must ensure that expenditures for equitable services for eligible private schools are equal on a per-pupil basis to the expenditures for participating public school children and educators, taking into account the number and educational needs of the eligible private school children and educators. (ESEA § 8501(a)(4); 34 C.F.R. § 299.7(a)). After timely and meaningful consultation with appropriate private school officials, a grantee could:

- choose to calculate equal expenditures strictly on the basis of the relative enrollment of students in public schools and private schools, assuming the needs are similar, that have indicated their willingness to participate in the 21st CCLC program on the assumption that these numbers accurately reflect the relative needs of children and educators in public and private schools, or
- choose to use other factors relating to the needs of public and private school children and not base its equal expenditures only on relative enrollments.

¹ This step may also occur at the same time a school district completes private school intents for other ESSA programs (typically in Nov./Dec. of the preceding school year).

- For example, if a grantee targets its program on a specific subgroup of students (e.g., ELs, low-achieving students from low-income families), the LEA would use the number of eligible children in the defined subgroup enrolled in both public and private schools.
- In the case of a 21st CCLC program that is open to all children within the CBO's service area and has sufficient funding to serve all children interested in participating, the equal expenditures requirement would be met because the program is open to all eligible students and each participating student would receive the same amount of services.

11. Where may 21st CCLC activities be provided?

Services of a 21st CCLC program may be provided in a public school, private school, or other facility that is safe and easily accessible. (ESEA § 4204(b)(2)(A)(i)).

12. What types of services may be provided to eligible private school children in a 21st CCLC program?

Services and benefits provided to private school students must be secular, neutral, and non-ideological.

Examples of allowable activities in 21st CCLC programs include:

- Academic enrichment learning programs, mentoring programs, remedial education activities, and tutoring services that are aligned with challenging State academic standards;
- Literacy education programs;
- Programs that support a healthy and active lifestyle;
- Drug and violence prevention programs;
- Programs that build skills in science, technology, engineering, and mathematics (STEM), including computer science, and that foster innovation in learning by supporting nontraditional STEM education teaching methods; and
- Programs that partner with in-demand fields of the local workforce or build career competencies and career readiness. (ESEA § 4205).

13. Who can I contact with questions?

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