

20 | **ON TRACK**
24 | *with Federal Programs*

Federal Programs Institute

SEPTEMBER 10-12 • Chattanooga Convention Center





Equitable Services for ESSA

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2024 Federal Programs Institute:
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Agenda

- Background and Overview
- Title VIII, Part E Uniform Provisions
- Title I, Part A (Improving Basic Programs)
- Title I, Part C (Education of Migratory Children)
- Title II, Part A (Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders)
- Title III, Part A (Language Instruction for English Learners and Immigrant Students)
- Title IV, Part A (Student Support and Academic Enrichment)
- Title IV, Part B (21st CCLC)

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Background and Overview

Background and Overview

- The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires local education agencies (LEAs) to provide for the equitable participation of private school students, teachers and, in some cases, parents and other education personnel in some of its major programs.

See 20 U.S.C. § 7881; 34 C.F.R. §§ 200.62 through -.68.



Programs and Statutory Requirements

20 U.S.C. § 6320 - Participation of Children Enrolled in Private Schools (Title I, Part A)

Program Included:

- Title I, Part A

20 U.S.C. § 7881 - Participation of Private School Children and Teachers (Title VIII)

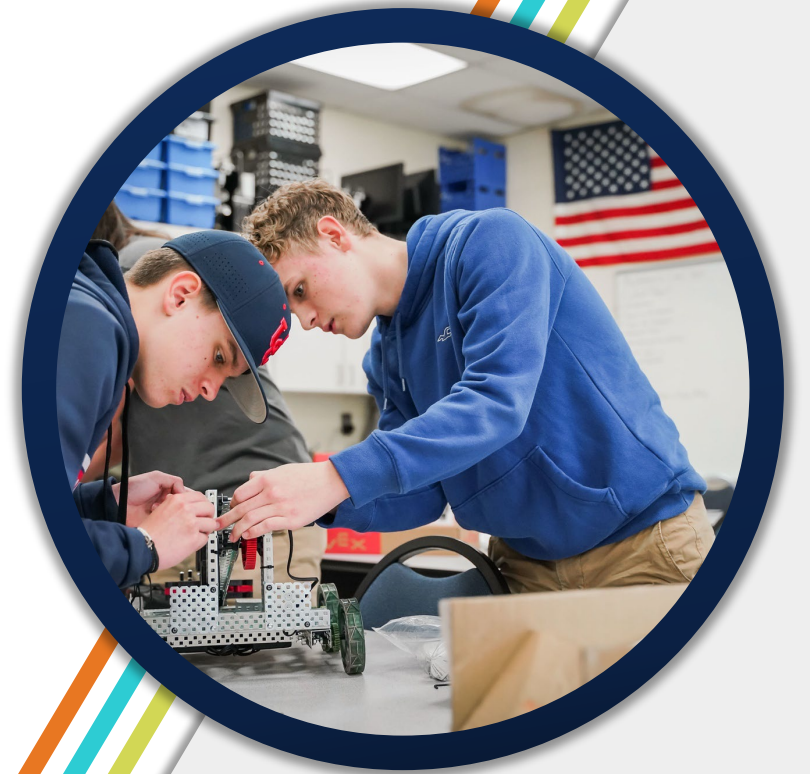
Programs Included:

- Title I, Part C
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B



Private Schools Requesting Equitable Services

- **109,480** students enrolled in **574** private schools eligible for equitable services.
- **209** eligible private schools requested services for FY25.
- **49,627** private school students will benefit from these federally-funded services.



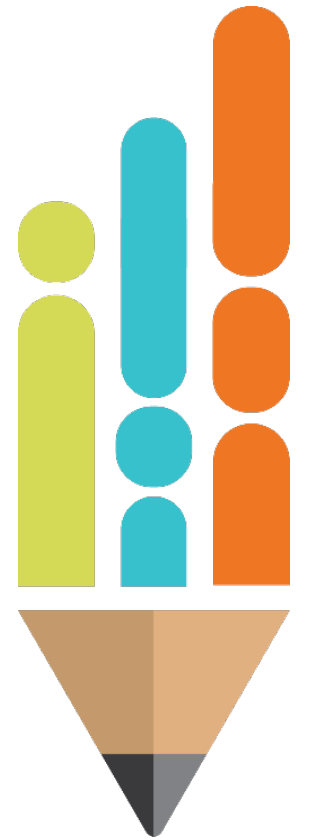
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Title VIII, Part F— Uniform and General Provisions

Equitable Services Requirements

- For all ESSA programs, LEAs are required to:
 - engage in **timely and meaningful consultation** with private school officials; and
 - provide private school students and teachers with an opportunity to participate in activities **equivalent** to the opportunity provided to public school students and teachers.
- Additionally, LEAs are required to:
 - **assess** and address the needs of private school students and teachers;
 - provide benefits and services that **meet the needs** of private school students and teachers; and
 - spend an **equitable amount of funds** per student to provide services.

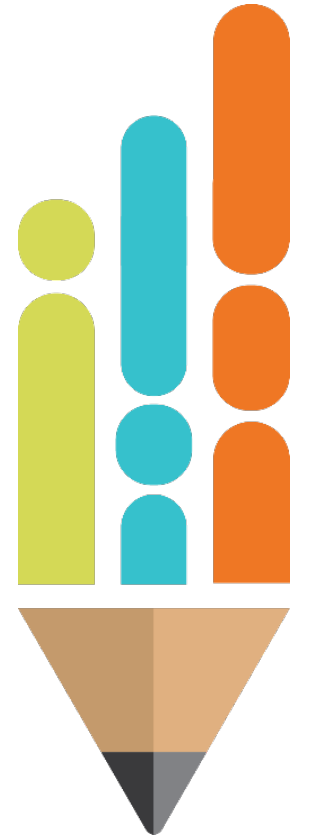
See 20 U.S.C. § 7881; 34 C.F.R. § 299.7.



Eligible Schools and Students

- Private school students, enrolled in **nonprofit** private elementary and secondary schools, including those in religiously affiliated schools are generally eligible to receive services.
- Some ESEA programs restrict eligibility or participation to a particular group of students, in which case the eligibility or participation of private school students likewise is restricted.

See 20 U.S.C. § 7881(b)(2).



Determining Allocations

- Allocations must be based on the LEA's total allocation of the participating program, less administrative costs.
- LEAs must ensure that expenditures for equitable services for eligible private school children and educators 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.

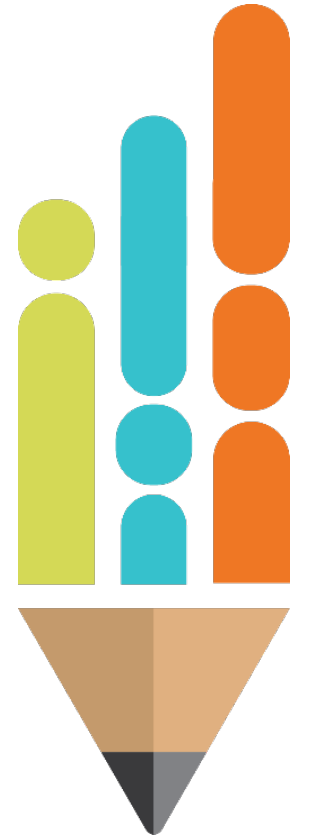
See 20 U.S.C. § 7881(a)(4); 34 C.F.R. § 299.7(a).



Control of the Program

- The **LEA remains in control of the federal funds** and maintains ownership of materials, equipment, and property purchased with such funds.
 - **No funds may be directly paid to the participating non-public school.**
- Any services provided to an eligible private school or student must be provided by an employee of the LEA or a third party contracted by the LEA.
- The LEA must provide assurances that it will:
 - administer the program in accordance with all applicable statutes and regulations; and
 - maintain control of the program.

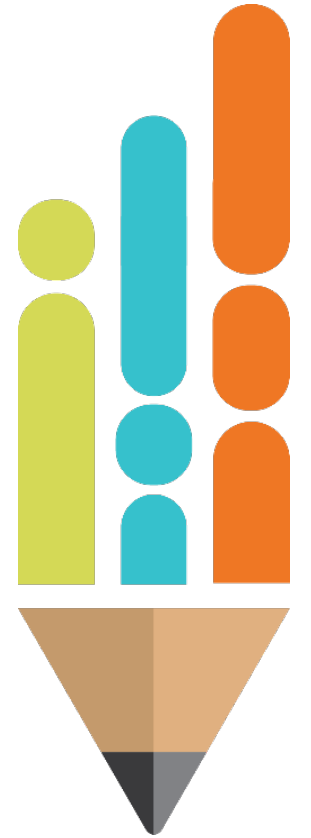
See 20 U.S.C. § 7881(d)(1); 34 C.F.R. § 299.9.



Services Provided

- Must be secular, neutral and non-ideological
 - Equipment, supplies, and materials to be removed if not used appropriately
- Must be supplement and not supplant, the level of services provided.

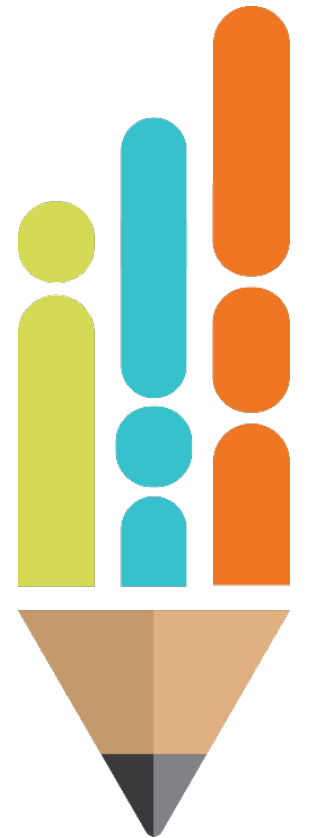
See 20 U.S.C. § 7881(a)(2), -(d)(2)(C); 34 C.F.R. § 299.8(a).



“Timely and Meaningful” Consultation

- Consultation must:
 - include **early discussions** to prepare for the next school year so that there is a timely start of ESSA programs;
 - occur **during** the design and development of the programs;
 - occur **before** the LEA makes any decision that affects the opportunity for eligible private school children, their teachers, and their families to participate in Title I programs; and
 - must be **ongoing** throughout the school year to help ensure effective implementation, service delivery, and assessment of equitable services.

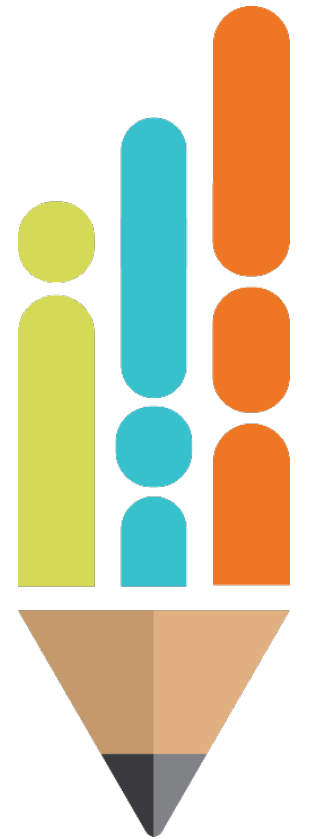
See 20 U.S.C. § 7881(c).



Consultation

- **Timely and meaningful consultation** between the LEA and private school officials must include:
 - how children’s **needs** will be identified;
 - what **services** will be offered;
 - **how and when decisions** about the delivery of services will be made;
 - **how, where, and by whom services** will be provided;
 - how services will be **academically assessed** and **improved** based upon assessment results;
 - **the size and scope** of services; and
 - proportion of **funds** allocated for services and how the amount of funds is determined

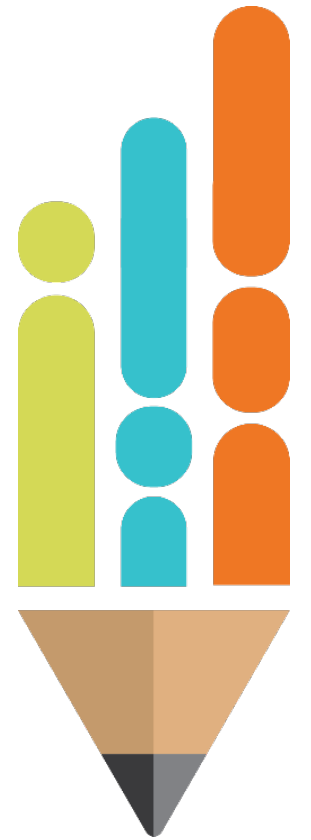
See 20 U.S.C. § 7881(c)(1).



Consultation

- **Timely and meaningful** consultation between the LEA and private school officials should also include:
 - the method of **determining poverty** (Title I, Part A only);
 - how and when the LEA will make decisions about the **delivery of services** to eligible 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**;
 - how if the LEA disagrees with the views of the private school official on the provision of services through a contract, the LEA shall provide to the official a **written explanation** of the reasons why the LEA has chosen not to use a contractor.

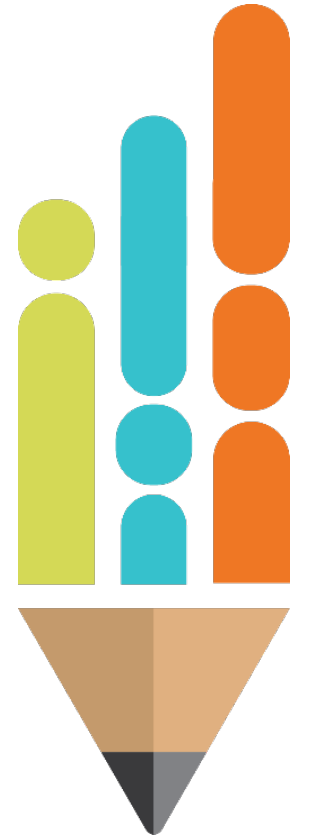
See 20 U.S.C. § 7881(c)(2), -(c)(4).



Consultation

- **Timely and meaningful** consultation between the LEA and private school officials must also include:
 - Whether the LEA will provide **services** directly or through a separate government agency, consortium, entity, or third-party contractor;
 - Whether to provide equitable services to eligible private school children:
 - by creating a **pool** or pools of funds with all of the funds allocated under a program; or
 - on a **school-by-school basis** based on the proportionate share of funds available to provide services in each school; and
 - When, including the approximate time of day, services will be provided.

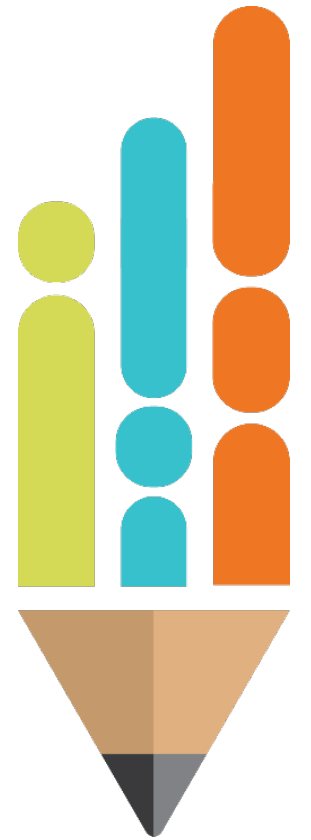
See 20 U.S.C. § 7881(c)(1).



Consultation

- Other topics of consultation must include, as appropriate:
 - **administrative costs**, including indirect costs;
 - any funds available for **carryover**; and
 - **transferring funds** from Title II, Part A and Title IV, Part A under the transferability authority in 20 U.S.C. § 7305b(a)(1).


See U.S. Dep't of Educ., [“Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance,”](#) Question A-11 (July 17, 2023).



Intent to Participate

- LEAs must maintain documentation of consultation, including annual outreach to eligible private schools. An Intent to Participate form is available:
 - The data collected on the intent form should inform the completion of the annual Non-Public School Survey and Consolidated Funding Application (CFA).
 - LEAs are not required to submit intent forms to the state; forms and other documentation should be maintained for monitoring and audit purposes

See 20 U.S.C. § 7881(c)(5).



TN Department of
Education

Non-Public School Intent to Participate Form
ESEA Programs for the 2024-25 School Year

I. The local educational agency (LEA) should complete this section and send this form to non-public schools within their boundaries or, for Title I, to those schools whose students reside in the LEA. Information collected should be used to complete the non-public survey and the Consolidated Funding Application.

Name of LEA: _____
 Address of LEA: _____
 LEA Federal Programs Contact Person: _____
 LEA Federal Programs Contact Title: _____
 Phone: _____ Email: _____

II. Each non-public school should complete this section and return this form to the LEA at the address listed in Section I.

Non-Public School Name: _____
 Address of School: _____
 Name of School Administrator: _____
 Administrator Title: _____ Email: _____
 Phone: _____ Fax: _____

School Profit Status: NON-PROFIT FOR PROFIT (*Note: For-profit private schools cannot participate.*)

Non-Public School Category: I I-SP (formally VII) II III IV V

For the 2024-25 school year: Our school elects to participate. * Our school elects not to participate.

School Administrator's Signature: _____ Date: _____

III. Each participating non-public school should complete this section (and pages 2-4) and return this form to the LEA at the address listed in Section I.

Total school enrollment based on the third month of the **2023-24** school year: _____

		Enrollment Counts by Grade:							
Pre-K	_____	K	_____	1	_____	2	_____	3	_____
4	_____	5	_____	6	_____	7	_____	8	_____
9	_____	10	_____	11	_____	12	_____		

RETURN THIS FORM TO THE LEA FEDERAL PROGRAMS DIRECTOR LISTED ABOVE BY **JAN. 2, 2024.**

Division of Federal Programs and Oversight
710 James Robertson Parkway • Andrew Johnson Tower • Nashville, TN 37243
tn.gov/education

1 | October 2023

Written Affirmation & Private School Agreement Forms

- LEAs must maintain documentation of consultation and submit final agreements with private schools to the ombudsman. *See* 20 U.S.C. § 7881(c)(5).

Traditional Forms		Combined Form	
	Due Date		Due Date
Affirmation of Timely and Meaningful Consultation Form	Due in May with the CFA	Affirmation of Meaningful Non-Public Consultation and Agreement form	Due in May with the CFA
Non-Public School Agreement Form	Due by Sept. 15 in ePlan		

- All forms are available in [ePlan](#) > TDOE Resources > ESSA Non-Public/Private Schools Information & Documents

Equitable Services Carryover

- Funds allocated to an LEA for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the LEA. *See* 20 U.S.C. § 7881(a)(4)(B).
- If an LEA is providing equitable services as required and meeting the obligation of funds requirement, it generally **should not have any, and certainly not significant, carryover.**
- ESEA *does not* prohibit carryover of funds for equitable services and, in most cases, requires it.

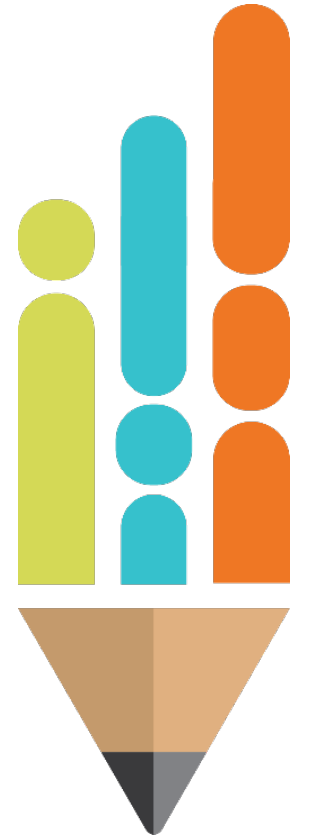
See U.S. Dep't of Educ., "[Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance](#)," Question B-10 (July 17, 2023).



Equitable Services Carryover

▪ Reasonable Deadlines

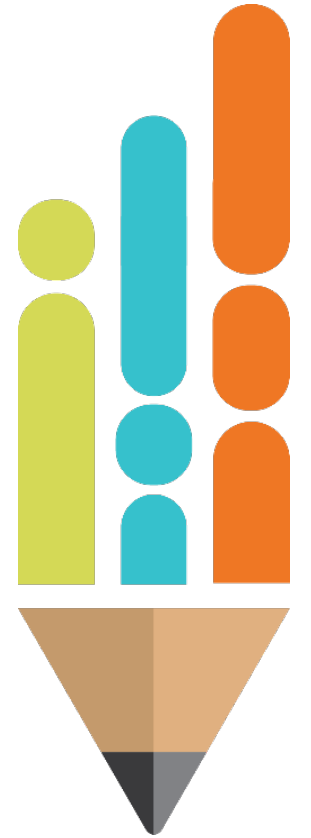
- As referenced in the Title I, Part A Equitable Services [Non-Regulatory Guidance](#) (Question B-31), an LEA may set a **reasonable deadline for usage of funds** by a private school.
- If a deadline is established in consultation and **in the context of the requirement to obligate funds generated for equitable services in the current fiscal year**, it would be reasonable for the LEA to inform private school officials that, if the deadline is not met and the private school officials have not notified the LEA of obstacles to meeting the deadline in a timely manner, the LEA may consider the private school to have declined services.



Equitable Services Carryover

▪ Reasonable Deadlines

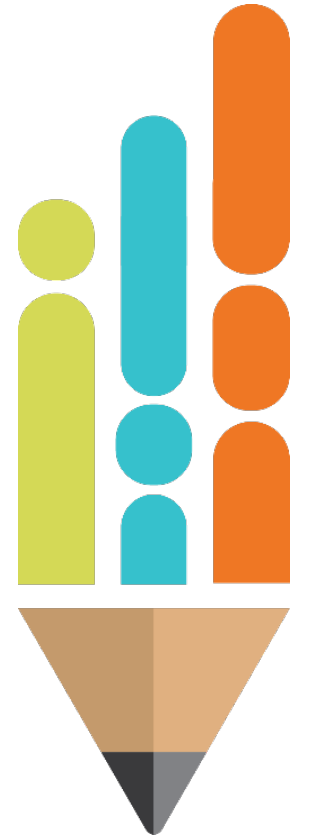
- If a private school is determined to have declined services, the LEA may allocate the excess funds to provide equitable services to eligible children in other participating private schools.
- **Note:** Unless there are no other participating private schools in the LEA, the LEA would not allocate any of the excess funds for services to public school students because the ESEA requires that all funds generated for equitable services remain a part of the overall private school proportional share. *See 20 U.S.C. § 7881(a)(4)(A).*



Complaints

- A private school may file a complaint with the state’s ombudsman if it believes that:
 - timely and meaningful consultation did not occur;
 - the LEA did not give due consideration to the views of the private school officials; or
 - the funds generated or services to be provided are not equitable.
- The complaint process is outlined in the Official Equitable Services Complaint to Ombudsman form:
 - [ePlan](#) > TDOE Resources > ESSA/IDEA Non-Public/Private Schools Information and Documents > ESSA Non-Public/Private Schools Information and Documents > Samples and Templates for Providing Equitable Services to Non-Public/Private Schools & Complaint Form /Procedures > [Equitable Services Complaint to the Ombudsman](#)

See 20 U.S.C. § 7881(c)(6)(A).

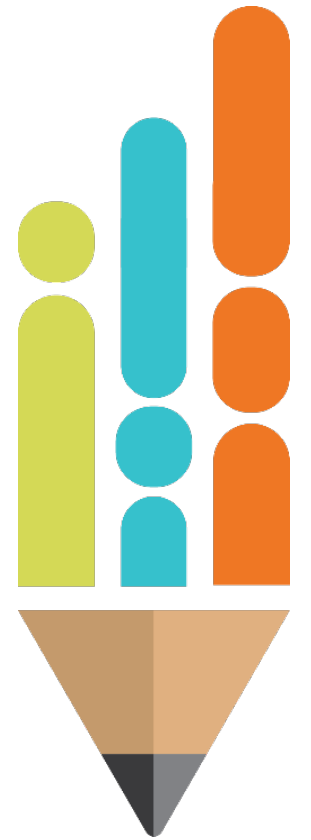


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Title I, Part A Equitable Services

Purpose of Title I, Part A

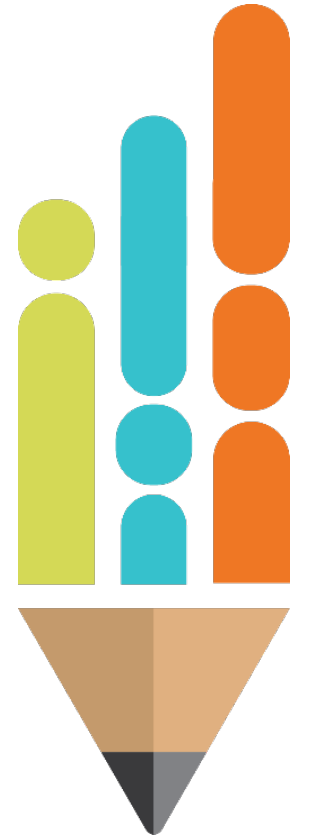
- “To provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps.” 20 U.S.C. § 6301.
- Title I of the ESEA requires LEAs, in consultation with appropriate private school officials, to provide eligible children attending private non-profit elementary and secondary schools, their teachers, and their families with Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families. *See* 20 U.S.C. § 6320.



Equitable Funding for Students

- The total amount expended by the LEA for services to eligible public school children must be proportionate to the amount of funds generated by private school students.
- Private school students generally must receive an equitable amount "off the top" of the Title I allocation **before** calculating funds for public school students.

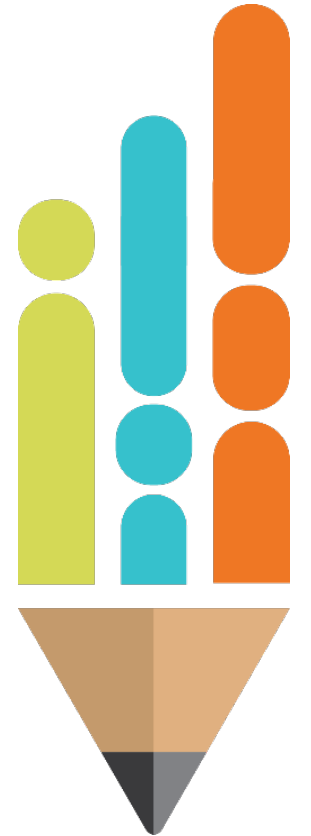
See 20 U.S.C. § 6320(a)(1); 34 C.F.R. § 200.64(a)(1), -(a)(2).



Title I, Part A Eligibility and Student Residency

- ESEA sets forth a *student residency requirement*, rather than a school location requirement, for receipt of equitable services under Title I, Part A.
- **Only low-achieving students who live in a participating Title I public school attendance area are eligible for services** and, therefore, the LEA where students reside is responsible for providing equitable services.
 - In short: eligible private school children are children who reside in a participating Title I public school attendance area and are low achieving.

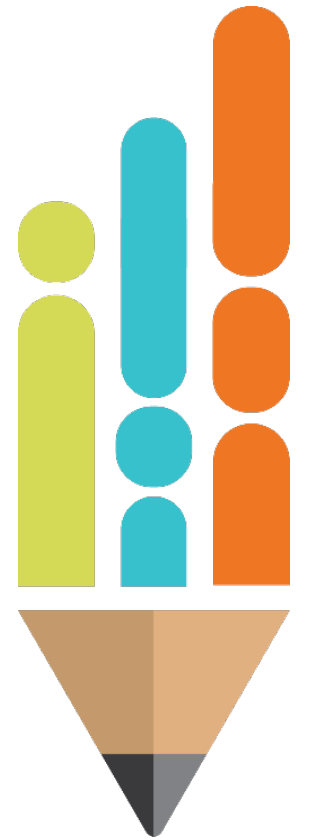
See 34 C.F.R. § 200.62(b)(1).



Title I, Part A Eligibility and Student Residency

- In addition, children may be identified as eligible solely by virtue of their status as follows:
 - homeless children;
 - children who in the preceding two years had participated in Head Start, 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 for such children.

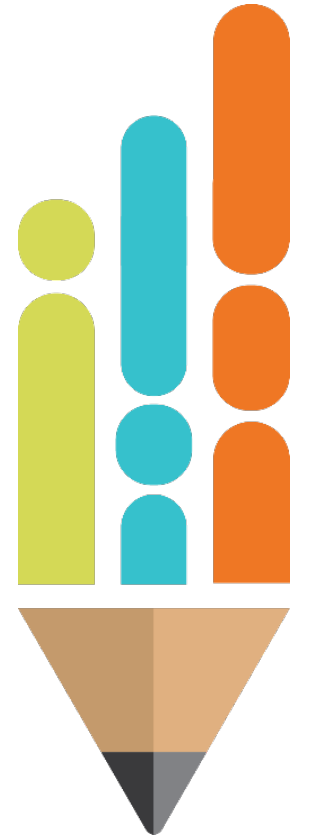
See 20 U.S.C. § 6315(c)(2); 34 C.F.R. § 200.62(b)(1)(ii).



Title I, Part A Eligibility and Student Residency

- An LEA must only use Title I funds to meet the needs of the Title I participants.
 - An LEA cannot use Title I funds to meet the needs of the private school or the general needs of the private school children.
 - Private schools cannot have schoolwide programs; services must be targeted and only provided to eligible private school students.

See 34 C.F.R. § 200.66(b).



Funding vs. Services

Title I Fund Generators Used to Determine Proportionate Share

Private school children who are from low-income families and live in a participating Title I school attendance area

Private School Students who are Eligible for Title I Services

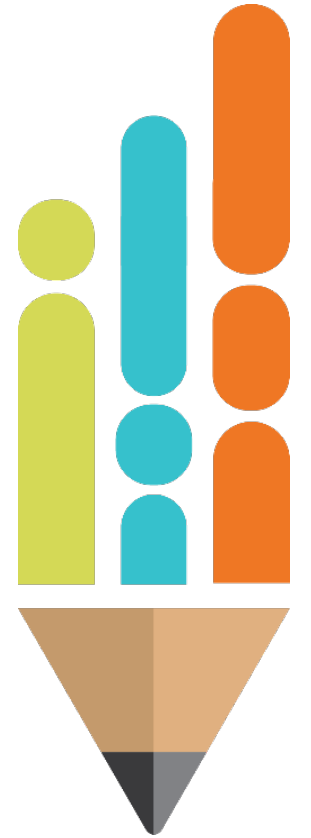
- Private school students who live in a participating Title I public school attendance area and are low-achieving
- Private school student noted in 20 U.S.C. 6315(c)(2).

Eligible students include:

- Those who attend a private school within the LEA in which they reside *and*
- Those who attend a private school outside of the LEA in which they reside

Funding vs. Services

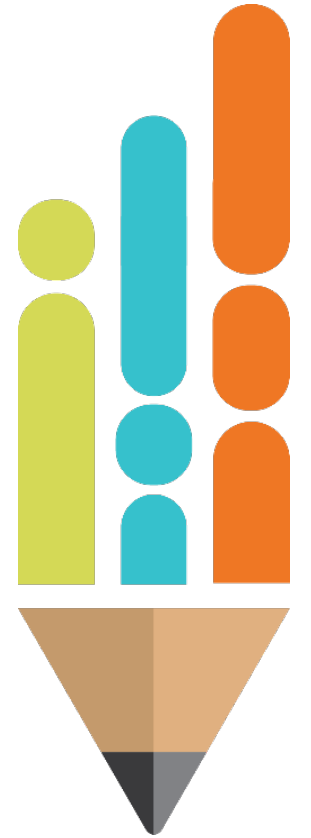
- To calculate the proportionate share, the LEA will need:
 - addresses and
 - low-income data for the private school students.
- To determine which students are eligible to be served under Title I, the LEA will need:
 - addresses,
 - grade levels, and
 - information on the academic performance of the private school students.



What counts as low-income data?

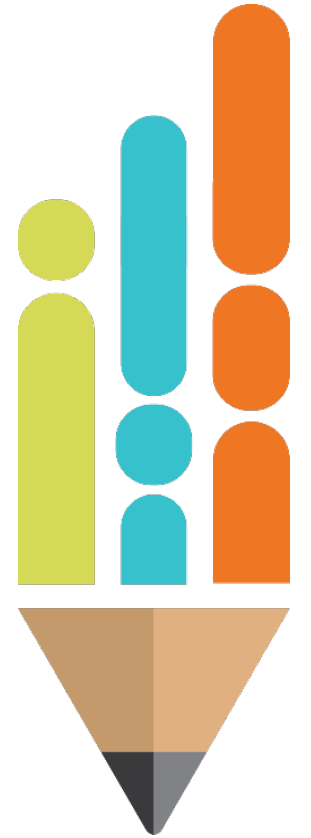
- ESEA permits an LEA, based on timely and meaningful consultation, to use:
 1. The same measure of poverty used to count public school children
 2. Comparable poverty data from a [survey](#)
 3. Comparable poverty data from a different source
 4. Proportionality
 5. An equated measure
- For more information see U.S. Dep't of Educ., [“Title I, Part A Equitable Services Non-regulatory Guidance,”](#) (Oct. 7, 2019).

See 20 U.S.C. § 6320(c)(1); 34 C.F.R. § 200.64(a)(3)(i).



How do you determine which students are at-risk?

- In consultation with private school officials, an LEA must establish multiple, educationally related, objective criteria to determine which private school children are eligible for Title I services, and, within the eligible group, must identify those children in greatest academic need who will be served. *See 20 U.S.C. § 6315(a), (c)(1)(B)*
- Criteria may include achievement tests, teacher referrals and recommendations based on objective, educationally related criteria, grades, and more.
 - These criteria may differ from the criteria an LEA uses to identify public school students for services.



Title I Scenarios

- Student A:
 - Attends a private school **within** the LEAs boundaries,
 - Lives in a Title I school attendance area,
 - Is determined to **not** be low-income, and
 - Is determined to **not** be at-risk.

- Is this student?
 - a) A fund generator
 - b) Eligible for services
 - c) Both a fund generator and eligible for services
 - d) None of the above

Answer:
D - None of the above

- The student is not a fund generator because they are not low-income.
- They are not eligible for services because they are not at risk.

Title I Scenarios

- Student B:
 - Attends a private school **within** the LEA's boundaries,
 - Lives in a Title I school attendance area,
 - Is determined to be **low-income**, and
 - Is determined to **not** be at-risk academically.

- Is this student?
 - a) A fund generator
 - b) Eligible for services
 - c) Both a fund generator and eligible for services
 - d) None of the above

Answer:
A - Fund generator

- The student is a fund generator because are low-income.
- They are not eligible for services because they are not at risk.

Title I Scenarios

- Student C:
 - Attends a private school **outside** of the LEA's boundaries,
 - Lives in a Title I school attendance area,
 - Is determined to be **low-income**, and
 - Is determined to be **at-risk** academically.

- Is this student?
 - a) A fund generator
 - b) Eligible for services
 - c) Both a fund generator and eligible for services
 - d) None of the above

Answer:
C - Fund generator and eligible for services

- The student is a fund generator because they are low-income.
- They are eligible for services because they are at risk.

Title I Scenarios

- Student D:
 - Attends a private school **outside** of the LEA's boundaries,
 - Lives in a Title I school attendance area,
 - Is determined to **not** be low-income, and
 - Is determined to be **at-risk** academically.

- Is this student?
 - a) A fund generator
 - b) Eligible for services
 - c) Both a fund generator and eligible for services
 - d) None of the above

Answer:

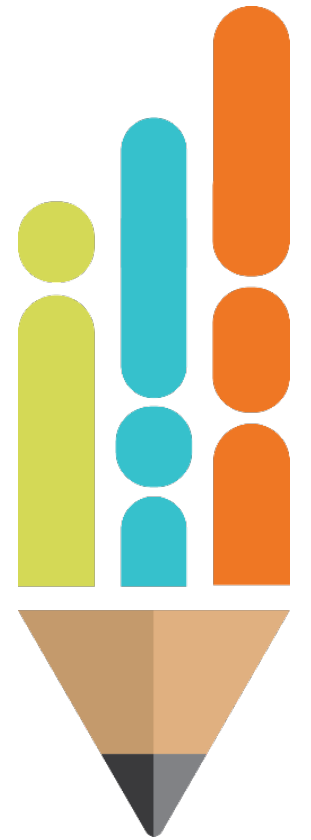
B- Eligible for services

- The student is not a fund generator because they are not low-income.

- They are eligible for services because they are at risk.

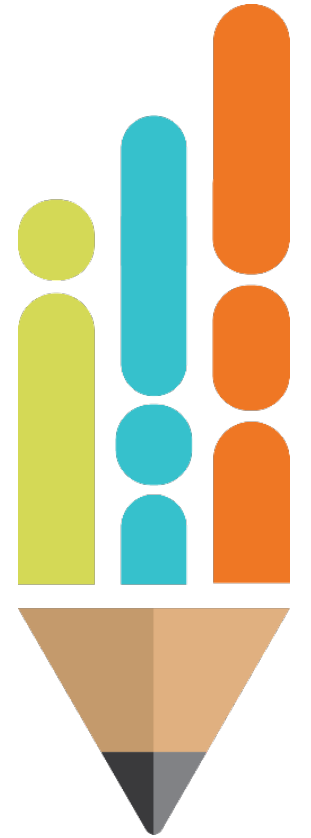
Parent and Family Engagement

- LEAs who receive more than \$500,000 in Title I funds must reserve at least one percent (1%) of its allocation to carryout mandatory parent and family engagement activities. *See* 20 U.S.C. § 6318(a)(3)(A).
- Such LEAs are also required to reserve at least one percent (1%) of the proportionate share allocated for equitable services for parent and family engagement activities. *See* 20 U.S.C. § 6320(a)(1)(B).
- If an LEA's Title I allocation does not exceed \$500,000, the LEA may still reserve a portion of the proportional share to provide engagement activities for the parents and families of participating private school students. *See* 20 U.S.C. § 6318(a)(3)(A).
 - The amount reserved by the LEA would be based on timely and meaningful consultation with private school officials.



Title I, Part A Eligible Activities

- Targeted instructional services provided by public school employees or third-party contractors
- Extended learning time (before and after school and in the summer)
- Family literacy programs
- Early childhood education programs
- Counseling
- Home tutoring
- Instruction using take-home computers
- Computer-assisted instruction
- A combination of services listed above

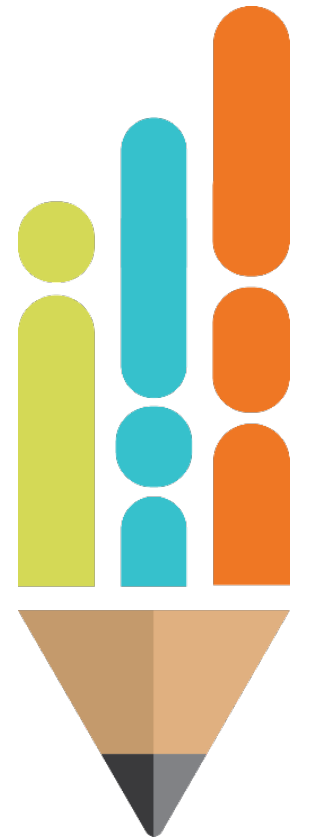


Program Evaluation

- An LEA must annually evaluate the Title I equitable services it provides to determine the progress being made in meeting participating students' academic needs.
- As part of this process, each year the LEA must consult with appropriate non-public school officials to determine how the services will be **academically** assessed and how the results of that assessment will be used to improve those services.
- If the Title I program for the private school participants does not make the expected annual progress, the LEA must make modifications to the Title I program.

Note: The Title I requirements for states to test all students annually does **not** apply to students who are parentally placed in non-public schools.

See 20 U.S.C. § 6320(b)(1)(D).



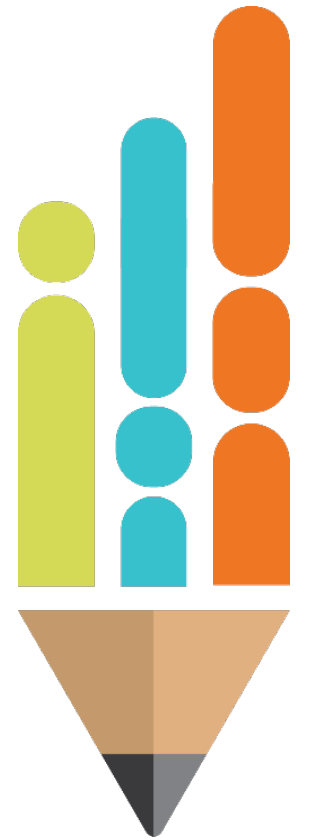
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Title I, Part C— Education of Migratory Children

Purpose of Title I, Part C

- The purpose of the Title I, Part C Migrant Education Program (MEP) is to provide high-quality, comprehensive supplemental educational programs and services during the school year and, as applicable, during the summer or intersession periods, that address the unique educational needs of eligible migratory children who have not attained either a high school diploma or High School Equivalency Diploma (GED).

See 20 U.S.C. § 6391.



Eligible Schools and Students

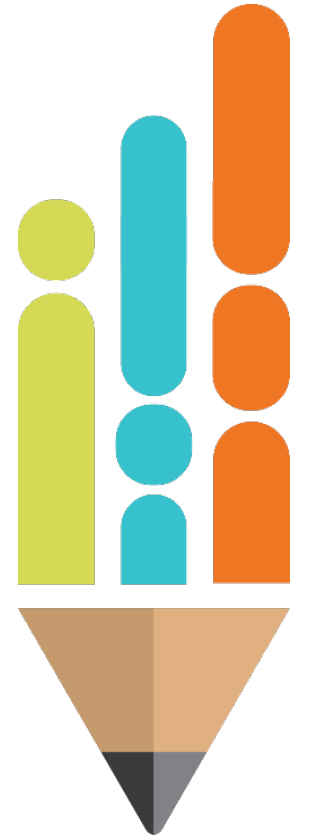
- Under Title I, Part C, **the LEA in which a private school is located** is responsible for providing equitable services to students and teachers in the school. See 34 C.F.R. § 299.6(a), (b)(1).

- For private schools to receive equitable services from the LEA, eligible children must meet the statutory definition of a migrant child:
 1. The child is between 3 and 21 years of age; and
 2. The child is entitled to a free public education (through grade 12) under state law or is below the age of compulsory school attendance; and
 3. The child is a migratory agricultural worker or a migratory fisher, or the child has a parent, spouse, or guardian who is a migratory agricultural worker or a migratory fisher; and
 4. The child or child's parent(s) moved within the preceding 36 months in order to seek or obtain qualifying work, or to accompany or join the migratory agricultural worker or migratory fisher.

See 34 C.F.R. §§ 200.81(g), -.103(b).

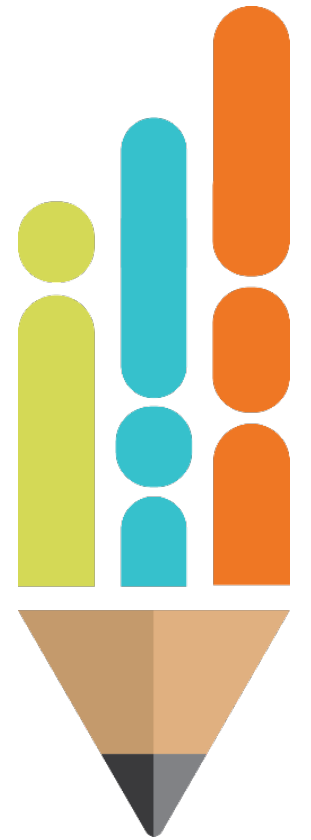
Title I, Part C Equitable Services

- If a private school indicates on the intent to participate form that they would like to participate in Title I, Part C, the LEA should contact private school officials to discuss the program and eligibility requirements.
 - This discussion should include an explanation of the [Occupational Survey \(OS\)](#) which is used as a preliminary screener in the identification of migrant students.
- If the private school indicates that they believe they have eligible migratory students, the OS must be administered to all students of the private school.
- As outlined in the Occupational Survey Protocol, after families complete the OS, forms should be forwarded to the LEA for submission and documentation.
- Further instructions for the OS can be found [here](#).



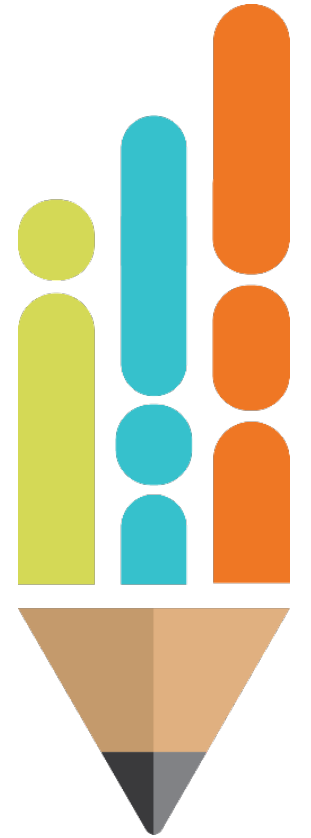
Title I, Part C Eligible Activities

- Allowable uses of funds include but are not limited to:
 - Providing appropriate instructional services which may include evaluation services to determine progress, counseling, tutoring, special education services, or other benefits (such as dual or concurrent enrollment, technology devices, etc.) that address the student needs; and
 - Ensuring that teachers and families of these children participate on an equitable basis in services and parent and family engagement activities.



Title I, Part C Equitable Services Resources

- [Title I, Part C Migrant Education Program: Equitable Services to Non-Public Schools](#)
- Hannah Gribble, Title I, Part C Grant Manager: Hannah.Gribble@tn.gov
- Terry Garrett, MEP Consultant: Terry.Garrett@tn.gov



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Title II, Part A— Supporting Effective Instruction State Grants

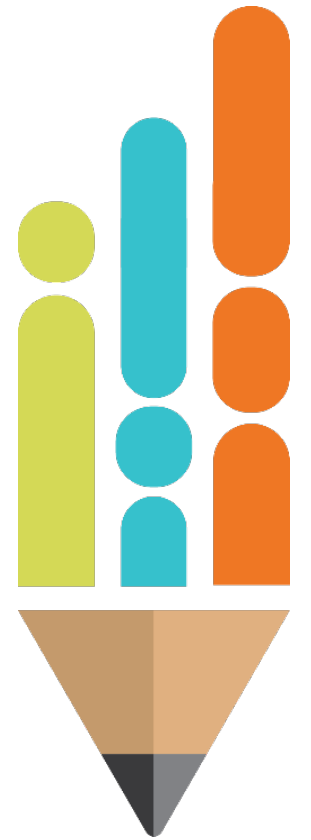
Purpose of Title II, Part A

- 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. *See 20 U.S.C. § 6601.*
- 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 private school teachers and other educational personnel **must** be for professional development. *See 34 C.F.R. § 299.8(b)(1).*



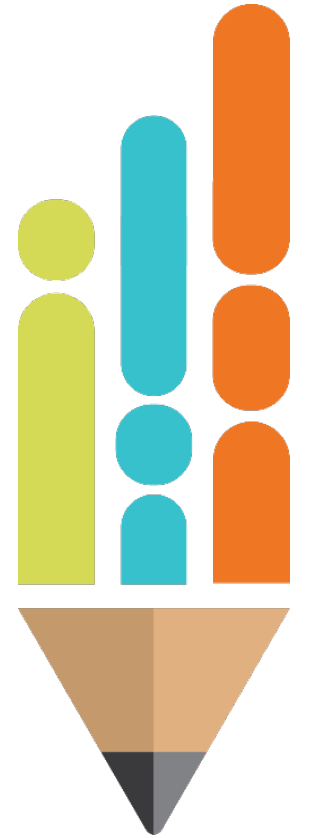
Eligible Non-Public Schools

- Under Title II, **the LEA in which a private school is located** is responsible for providing equitable services to students and teachers in the school. See 34 C.F.R. § 299.6(a), (b)(2).



Title II, Part A Eligible Activities

- Improving the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods, and skills;
- Training in effectively integrating technology into curricula and instruction;
- Training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;
- Training in methods of improving 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; and
- Training in the use of data and assessments to improve instruction and student outcomes.

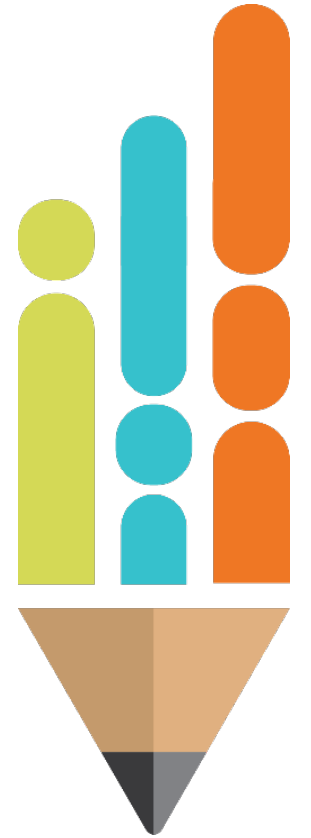


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Title III, Part A— Language Instruction for EL and Immigrant Students

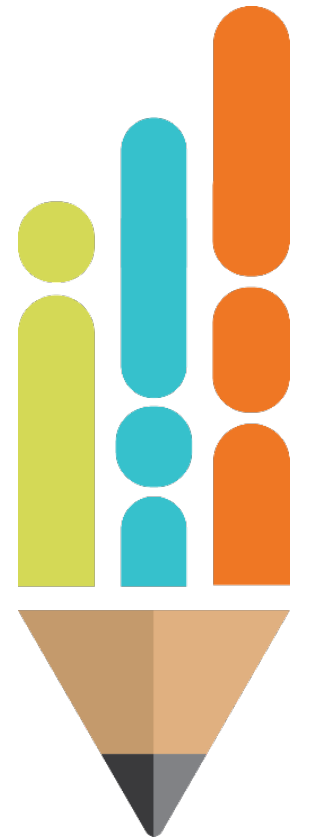
Purpose of Title III, Part A

- The purpose of the Title III, Part A program is to improve the education of English learners (ELs) by helping them learn English and meet challenging state academic standards. *See* 34 C.F.R. § 6812.
- Services are provided to private school students, their teachers, and other education personnel and are considered assistance to students and teachers rather than private schools themselves.



Eligible Non-Public Schools

- Under Title III, **the LEA in which a private school is located** is responsible for providing equitable services to students and teachers in the school. See 34 C.F.R. § 299.6(a), (b)(3).

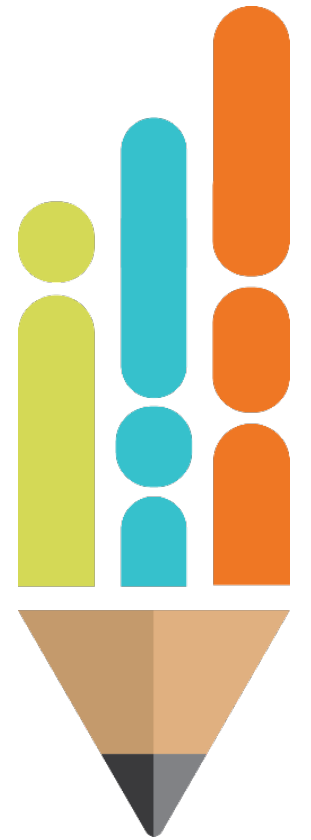


Eligible Non-Public Students

- To be eligible for Title III services, a private school student must be enrolled in a nonprofit private school in the geographic area served by an LEA that receives a Title III subgrant and must meet the definition of an “English learner” (EL) under 20 U.S.C. § 7801(20):
 - aged 3 through 21;
 - who was not born in the United States or whose native language is a language other than English;
 - who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
 - who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
 - whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - the ability to meet the challenging State academic standards;
 - the ability to successfully achieve in classrooms where the language of instruction is English; or
 - the opportunity to participate fully in society.

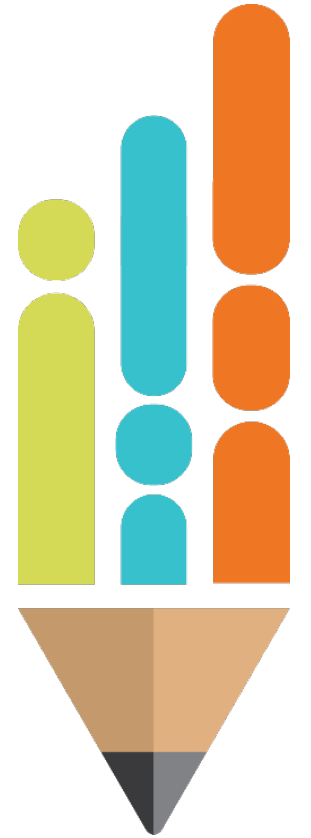
How do you identify potential ELs in a private school?

- In consultation with private school officials, an LEA must establish objective criteria to determine which private school children are eligible for Title III services. *See* 20 U.S.C. § 7881(c)(1).
- For example, an LEA and a private school official may decide to identify ELs based on:
 - responses to a primary home language survey (HLS), and
 - scores on English language proficiency (ELP) assessment or screener.
- An LEA is responsible for ensuring that private school students are appropriately identified as ELs and cannot require a private school to administer an ELP assessment as a condition for the school's ELs to receive equitable services under Title III. *See* 20 U.S.C. § 7881(c)(1).



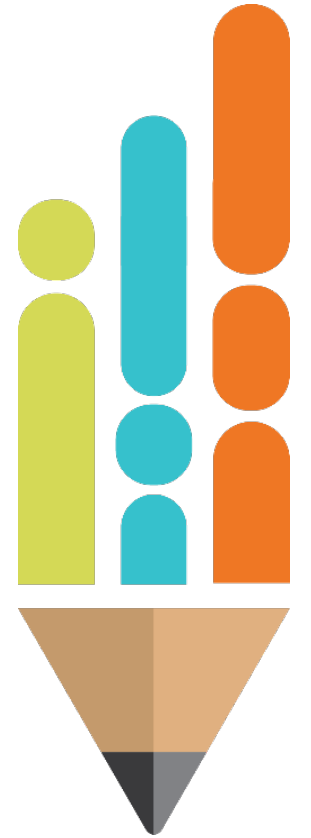
Title III, Part A Eligible Activities

- Some examples of Title III services an LEA may provide to private school ELs, their teachers, and other educational personnel include:
 - administration of English language proficiency (ELP) assessments for identification and/or for the purpose of evaluating the effectiveness of services (test booklets, teacher training, stipends to teachers to administer assessments).
 - participation in LEA sponsored professional development (PD), or PD organized specifically to meet the needs of the private school teachers.
 - tutoring for students before, during, or after school hours.
 - participation of private school ELs in summer school and weekend programs.
 - purchase of supplemental instructional materials and supplies.



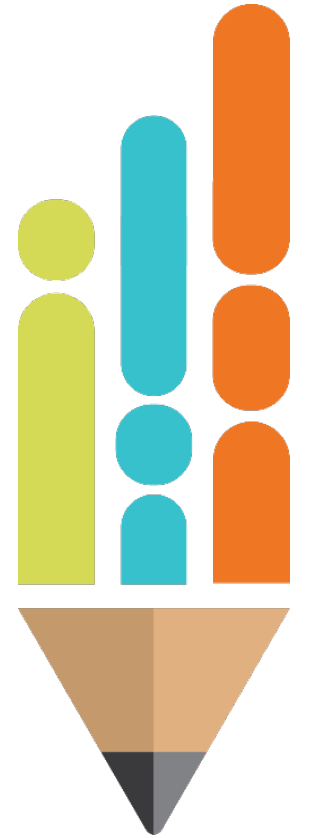
Supplemental Program

- For public schools, the Title III program is supplementary to civil rights obligations and must be used to supplement, and not supplant, state, local, and federal funds. *See* 20 U.S.C. § 6825(g).
- Title III services to private school students and teachers must be supplementary to what the private school would have provided to ELs in the absence of the Title III services. *See* 34 C.F.R. § 299.8(a).
- LEAs cannot provide Title III funds directly to private schools; rather, LEAs provide services to private school students and teachers. *See* 34 C.F.R. § 299.8(a).



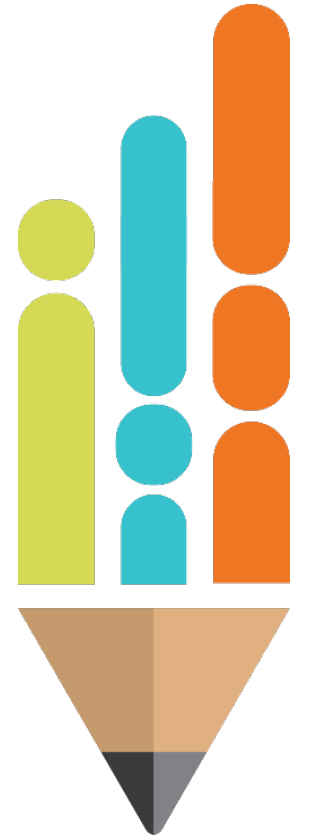
Eligible Activities: Assessment Clarification

- Title III does not require LEAs to administer their state's annual EL assessments for identified ELs in private schools.
 - Many LEAs prefer a screening assessment for private schools to standardize the process for qualifying the student for ESL or immigrant services.
- LEAs are required under Title VIII to consult with the private school official regarding:
 - how the Title III services provided to private schools and teachers will be assessed and;
 - how the results of the assessment will be used to improve those services.
- LEAs may use Title III funds to pay for initial EL assessments for private school students in cases where the use of funds would not supplant other federal, state, and/or local funds.



Eligible Activities: Assessment Clarification

- The LEA is ultimately responsible for covering the cost of administering these assessments.
- LEA and private school officials are advised to ensure that EL assessment(s) are:
 - the most appropriate instrument(s) to administer to the target students, and
 - valid and reliable for these students.



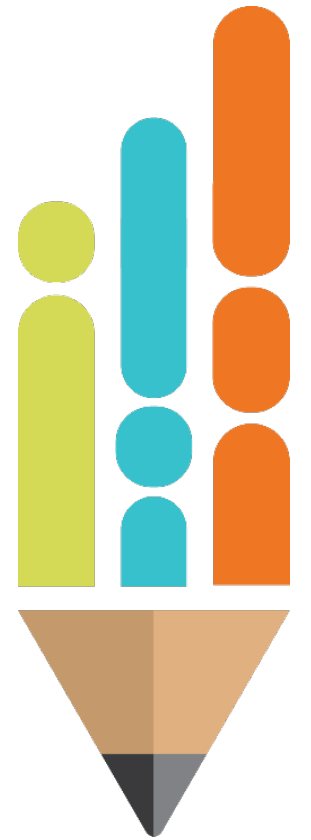
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Title IV, Part A— Student Support & Academic Enrichment

Purpose of Title IV, Part A

- Title IV, Part A is intended to improve students' academic achievement by increasing the capacity of SEAs, LEAs, and local communities to:
 - provide all students with access to a well-rounded education,
 - improve school conditions for student learning, and
 - improve the use of technology in order to improve the academic achievement and digital literacy of all students.

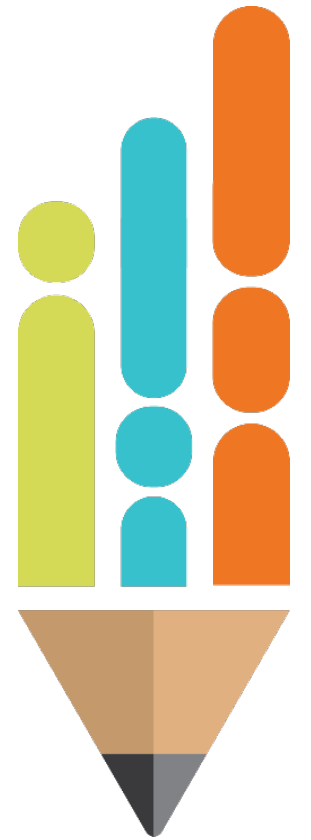
See 20 U.S.C. § 7111.



Title IV, Part A Equitable Services

- When designing a program, LEAs must provide comparable opportunities for the participation of both public and private school students in the area served by the grant.
- LEAs must consult with private school officials during the design and development of the Title IV, Part A program and **before** making any decision that will impact the participation of private school students.

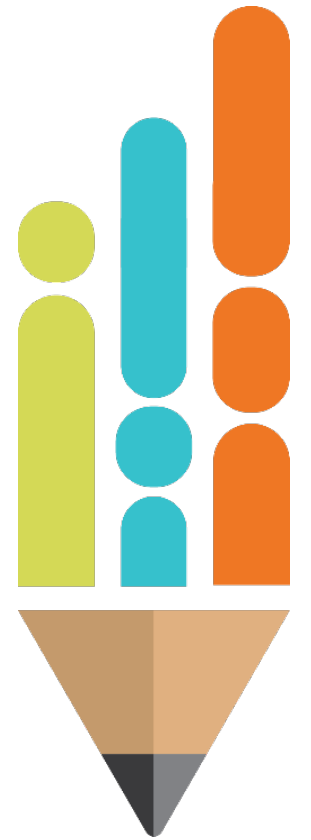
See 34 C.F.R. § 299.6(a), (b)(4), (b)(5).



Eligible Private Schools

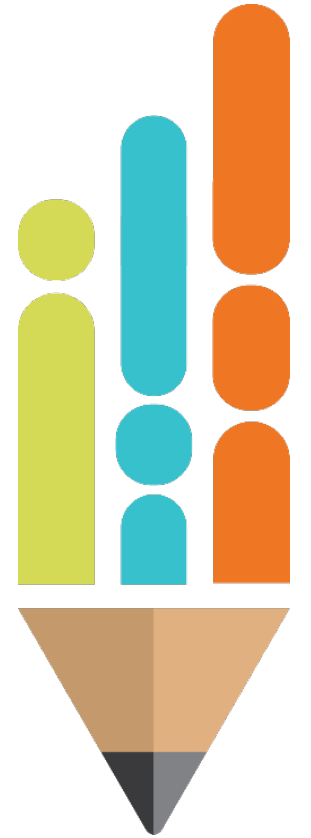
- Under Title IV, Part A, **the LEA in which a private school is located** is responsible for providing equitable services to students and teachers in the school.

See 34 C.F.R. § 299.6(a), (b)(4), (b)(5).



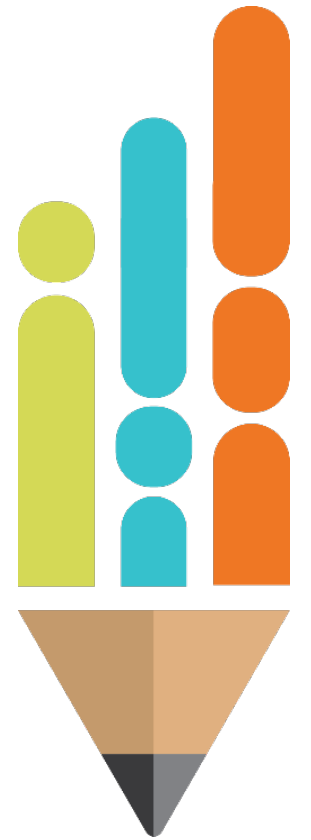
Title IV, Part A Spending Requirements

- An LEA that receives at least \$30,000 in SSAE program funds must conduct a comprehensive needs assessment that includes, at a minimum, a focus on the three content areas. See 20 U.S.C. §§ 7116(d), -7116(e)(2)(C)-(E).
 - At least 20 percent of funds for activities to **support well-rounded educational opportunities** (20 U.S.C. § 7117);
 - At least 20 percent of funds for activities to **support safe and healthy students** (20 U.S.C. § 7118); and
 - A portion of funds for activities to **support effective use of technology** (20 U.S.C. § 7119).
- Private school purchases and services count towards and must be included in the LEAs final funding amounts for each focus area.



Title IV, Part A Eligible Activities

- Allowable uses of funds under each of the three content areas may include, but are not limited to:
 - direct services for students;
 - professional development for teachers and administrators;
 - salaries of personnel to carry out identified programs and services; and
 - supplemental educational resources and equipment.

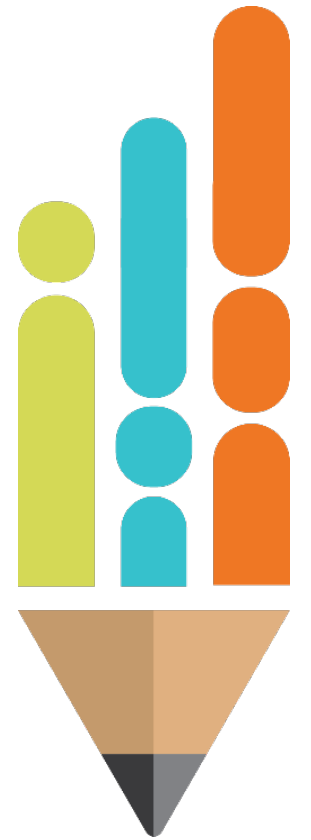


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Title IV, Part B— 21st Century Community Learning Centers

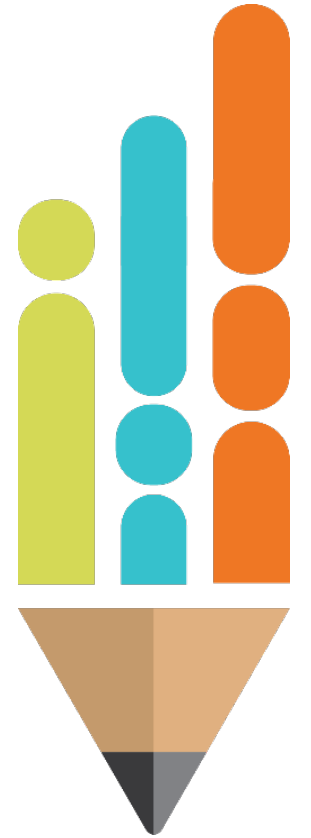
Purpose of Title IV, Part B

- The Nita M. Lowey 21st Century Community Learning Centers (21st CCLC) program is authorized under Title IV, Part B of ESSA.
- These centers provide students with opportunities for academic enrichment, youth development, and family support during non-school hours or during periods when school is not in session, particularly students who attend high-poverty and low-performing schools.
- This is a **discretionary grant** that is awarded through a competitive process to eligible LEAs and Community-Based Organizations (CBOs).



Title IV, Part B Equitable Services

- When designing a program, grantees must provide comparable opportunities for the participation of both public and private school students in the area served by the grant. *See* 34 C.F.R. § 299.6(a), (b)(4), (b)(5).
- Grantees must consult with private school officials **during** the design and development of the 21st Century Community Learning Center program and **before** making any decision that will impact the participation of private school students.



Allocations

- An LEA, public school, or other eligible entity that is awarded a 21st CCLC sub-grant must provide equitable services to eligible nonprofit private school students and their families.
- Equitable participation of eligible private school students applies to the **private schools that reside within the attendance area of the targeted school to be served by the program.**

See 34 C.F.R. § 299.6(a), (b)(4), (b)(5).



Title IV, Part B Eligible Activities

- Allowable activities, services, and programs must be focused on academic enrichment that is designed to reinforce and complement the regular academic program of participating students.
- This includes expanded learning activities if these activities:
 1. add a minimum of 300 additional hours of programming each school year,
 2. ensure programming be supplemental in nature and not an extension or addition to regular school-day activities, and
 3. require partners.



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Resources

Resources

- A suite of resources can be found in ePlan > TDOE Resources> ESSA Non-Public Schools Information and Documents:
 - [2024 ESSA Equitable Services Toolkit](#)
 - [Fiscal Changes and Equitable Services under ESSA Guidance](#)
- Department of Education
 - [Every Student Succeeds Act](#)
 - [Title I, Part A of the Elementary Secondary Education Act of 1965 – Equitable Services Non-Regulatory Guidance](#)
 - [Title VIII, Part F of the Elementary Secondary Education Act of 1965 – Equitable Services Non-Regulatory Guidance](#)





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Thank You!

Michelle Harless | Federal Programs Ombudsman and Grant Manager

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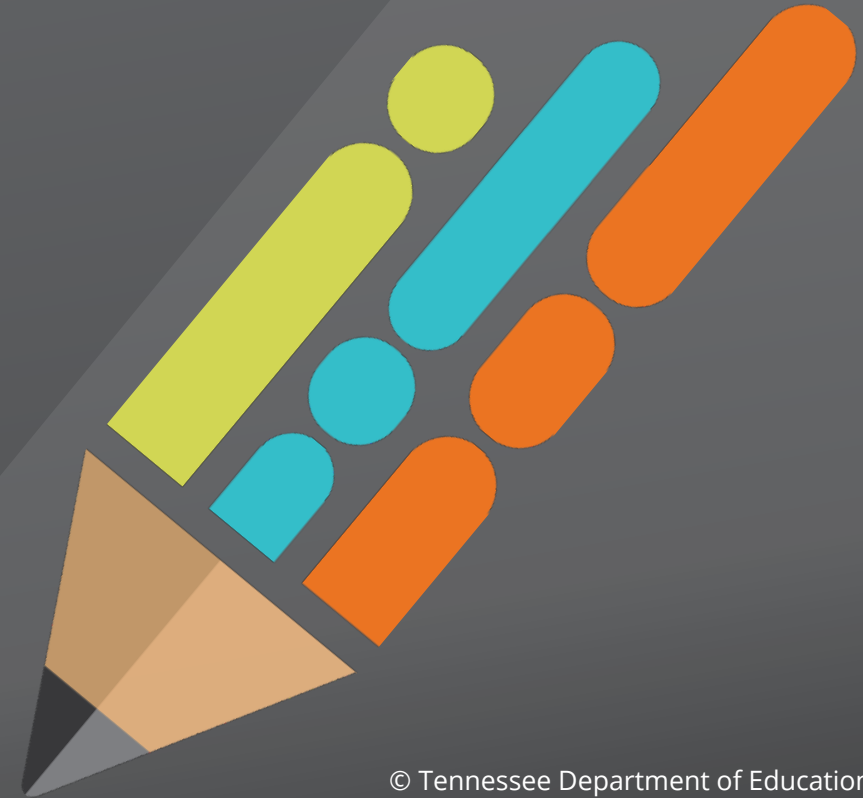
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You may access the survey by navigating here:

https://stateoftennessee.formstack.com/forms/2024_federal_programs_institute_presentation_survey



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