



EQUITABLE SERVICES

January 24, 2017
February 8, 2017



Delaware
Department of Education

Agenda

- Welcome, introductions, and purpose
- Overview of equitable services requirements that changed and remained the same under ESSA
- Title I
- Title II
- Title III
- Title IV
- Discussion

ESSA Programs With Equitable Services Requirements

- Title I, Part A, Academic Achievement for the Disadvantaged
Ted Jarrell
- Title II, Part A, Supporting Effective Instruction
Wendy Modzelewski
- Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement
Terry Richard
- Title IV, Part A, Student Support and Academic Enrichment Grants
Eric Niebrzydowski
- Title I, Part C, Education of Migratory Children
Terry Richard
- Title IV, Part B, 21st Century Community Learning Centers
John Hulse

Changes for DDOE

- Creation of an Ombusman role that will:
 - Monitor and enforce, in collaboration with DDOE program staff, that educational services and other benefits for private school children are equitable in comparison to services and other benefits for public school children
 - Collect the signed LEA Affirmation of Consultation with Private School Officials template
 - Provide notice to the private school officials of the allocation of funds districts have determined are available for eligible private school children
 - DDOE should consult with the private school officials and educators to determine an effective manner for disseminating the notice and to determine a reasonable timeline

Changes for DDOE *(continued)*

- Facilitate and resolve specific allegations of district noncompliance within 45 days including:
 - The district did not engage in consultation that was not meaningful and timely
 - The district did not give due consideration to the views of the private school official
 - The district did not make a decision that treats the private school students equitably
- Provide technical assistance in administering programs
- If DDOE determines the district involved is non-compliant with any of the three conditions listed above, the private school may request that DDOE provide such services directly or through vendors

District Changes Crossing All Programs

- The goal of consultation is agreement between the district and private school officials on how to provide equitable and effective programs to eligible private school children
 - Timely, meaningful, and open communication between the district and private school officials
 - Meaningful consultation provides ample time and genuine opportunity for exchange of views, consideration, and discussion of viable options
- Obligation of funds – Funds allocated to districts for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which funds are received

District Changes Crossing All Programs

(continued)

- Districts are required to maintain and provide DDOE a written affirmation signed by private school officials that consultation occurred (refer to the Ombudsman role)
- Calculation of Equitable Shares
- Consultation topics have been expanded and must include:
 - How the proportionate share of funds is determined
 - Whether services will be provided directly or through a separate government agency, consortium, or third-party contractor
 - Whether to provide equitable services by pooling or on a school-by-school basis

District Changes Crossing All Programs: Pooling Equitable Share

Equitable Share (Pooling versus School by School Basis)			
School by School (amount used for services in a school is the same as how much is generated by that school)			
	Student Count	Equitable Share	Amount Used in School
Private School A	10	\$2,500	\$2,500
Private School B	15	\$3,750	\$3,750
Private School C	7	\$1,750	\$1,750
Pooling (amount used for services in a school is based on need)			
	Student Count	Equitable Share	Amount Used in School
Private School A	10	\$2,500	\$500
Private School B	15	\$3,750	\$1,250
Private School C	7	\$1,750	\$6,250

What Stayed the Same for Districts and All Programs?

- A yearly timeline for consultation is still recommended
- A district may require documentation (e.g., needs assessment) from the private school—this cannot be an administrative barrier
- Every private school must be contacted for consultation—even if they have declined to participate in the past
- Private schools should not complete purchase orders or sign contracts as funding remains under the control of the district

What Stayed the Same for Districts and All Programs? *(continued)*

- Districts should provide a copy of its consolidated grant application to the participating private schools
- Districts must provide private schools with the amount of funding available under each program
- Districts may not reimburse the private school for materials or services it has procured
 - Districts may reimburse an individual private school teacher, administrator, or other educational personnel for professional development that has been preapproved

What Stayed the Same for Districts and All Programs? *(continued)*

- Funds may provide stipends (e.g., for after school hours or during the summer) but must not be paid to the private school or be for the benefit of the private school
 - Funds must be available on the same basis as for public school teachers

Resources

- Comparison of requirements under NCLB and ESSA
 - <https://innovation.ed.gov/files/2016/07/NCLB-ESSA-Equitable-Services-Comparison-Chart-FINAL.pdf>
- ESSA Equitable Services Guidance
 - <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>
- Explanation of pooling
 - <http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc.question>

Changes for Title I, Part A

- Unique changes to consultation topics for Title I
- Changes to rules around administration costs for the delivery of equitable services
- New methodology for calculating equitable share

Changes for Title I, Part A: New Consultation Topics Unique to Title I

- The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools
 - How the eligible students are determined should be made clear
 - Options have not changed

Changes for Title I, Part A: New Consultation Topics Unique to Title I *(continued)*

- How, if the district disagrees with the views of the private school officials on the provision of services through a contract, the district will provide in writing to such private school officials an analysis of the reasons why the district has chosen not to use a contractor
 - Only if there is disagreement about the district choosing not to use a contractor
 - Written rationale must be provided

Changes for Title I, Part A: New Consultation Topics Unique to Title I *(continued)*

- Include the approximate time of day services will be provided
 - Make sure that this is well understood and documented in the consultation process
 - Schedule services to accommodate student and family needs to the extent practicable

Changes for Title I, Part A: New Consultation Topics Unique to Title I *(continued)*

- Whether to consolidate and use funds for Title I equitable services in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b) to provide services to eligible private school children participating in programs
 - “Funds under each program would be used for allowable activities under each program; yet, through a coordinated effort, they could better serve in a comprehensive manner the needs of the most at-risk private school students” Question O-7 from guidance

Changes for Title I, Part A: Administration Costs

- Administration costs for the delivery of equitable services under ESSA
 - “From the proportionate share of Title I funds available to provide equitable services, an LEA may reserve an amount that is reasonable and necessary to administer equitable services.”
Question O-3 from guidance
 - Be transparent about administrative costs built into the services provided by a third-party vendor

Changes for Title I, Part A: Methodology

- New methodology for calculating equitable share
 - “An LEA must determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds. This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.” Question O-1 from guidance
- The entire allocation is subject to equitable share
- No more separate calculations for LEA set-asides versus school per-pupil amount (PPA)

Changes for Title I, Part A: Methodology *(continued)*

- A single equitable share allocation is calculated
- Parent and family engagement (PFE) allocation is a set-aside from the single allocation
- Remainder (single allocation – PFE allocation) is for instruction and professional development
- Administration funds may be reserved from the remainder

Changes for Title I, Part A: Methodology *(continued)*

- Change in equitable share eligibility under new methodology

Changes in Eligibility for Equitable Share by Funding Description		
Funding Description	Equitable Share Eligible	
	NCLB Rules	ESSA Rules
Parental Involvement	Yes	Yes
Professional Development (K-12)	Yes	Yes
Professional Development (Pre-K)	No	Yes
Instruction (K-12)	Yes	Yes
Instruction (Pre-K)	No	Yes
Homeless	No	Yes
Administration	No	Yes
Indirect Costs	No	Yes
Priority Schools	No	---
Focus Schools	No	---

Changes for Title I, Part A: Methodology *(continued)*

Example of Single Allocation

- LEA allocation is \$1,000,000
- Definition of eligible private school children is unchanged

EXAMPLE OF DETERMING THE AMOUNT OF TITLE I FUNDS FOR EQUITABLE SERVICES			
Participating Public School Attendance Area	Number of Public School Low-Income Children	Number of Private School Low-Income Children	Total Number of Low-Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
TOTAL	1,350	150	1,500
PROPORTIONATE SHARE	90%	10%	
	\$900,000	\$100,000	

Changes for Title I, Part A: Methodology *(continued)*


Example of PFE Allocation

- Single equitable share allocation is \$100,000
- PFE set-aside is \$1,000

EXAMPLE OF EQUITABLE SERVICES FOR PARENTS AND FAMILIES OF ELIGIBLE PRIVATE SCHOOL CHILDREN			
LEA's Title I allocation	1% for parent and family engagement	Proportionate share for equitable services for parents and families	Source of funds for equitable services for parents and families
\$1,000,000	\$10,000	\$1,000 ($\$10,000 \times 10\%$)	\$100,000 – \$1,000 = \$99,000 remaining for instruction and professional development

Changes for Title I, Part A: Methodology *(continued)*

Equitable Share Calculation

DELAWARE DEPARTMENT OF EDUCATION			
2017-2018 Title I, Part A Equitable Share Calculation			
			
Equitable Services Calculation			
A. Number of Low Income Students in Participating Schools		Example	LEA Calculation
A1. District Low Income		1350	
A2. Participating Private School Low Income		150	
A3. Total Low Income Enrollment = (A1 + A2)		1500	
A4. Percent Participating Private School Low Income (A2 / A3)		10%	
B. Proportionate Share			
B1. District Allocation		\$1,000,000	
B2. Proportionate Share to Private Schools (B1 X A4)		\$100,000	
B3. Proportionate Share to District (B1 - B2)		\$900,000	
C. Parent and Family Engagement			
C1. District 1% Set Aside (B1 X 0.01)		\$10,000.00	
C2. Proportionate Share to Private Schools (C1 X A4)		\$1,000.00	
D. Final Equitable Share			
D1. LEA Reservation for Administration of Equitable Services		\$500	
D2. Equitable Share for Instruction and Professional Development (B2 - C2 - D1)		\$98,500.00	
D3. Equitable Share for Parent and Family Engagement (C2)		\$1,000.00	

Changes for Title I, Part A: Methodology *(continued)*

Statewide Implications

- Average increase of 35% for LEAs with participating private schools

Equitable Share Comparison NCLB Rules versus ESSA Rules - FY2017				
District	Actual (NCLB Rules)	ESSA Rules	Difference	% Difference
Total	\$366,520.21	\$494,463.53	\$127,943.32	34.9%

Changes for Title II, Part A

- Permissible uses of funds
- Expanded types of activities/services
- Research-based
- Methodology

Changes for Title II, Part A: Permissible Uses of Funds for Equitable Services

- All services provided for the benefit of private school students must:
 - Be an allowable use of funds under statute
 - Meet the specific needs of students enrolled in the private school—not the needs of the private school or the general needs of the students
 - Be provided by:
 - A district employee
 - A contract issued by the district with an individual, association, agency, or organization who must be independent of the private school and any religious organization

Changes for Title II, Part A: Expanded Use of Funds*

- Participants include “Other School Leaders” (defined in ESSA, p. 297)
- Support T-P-OSL to meet the needs of students through age 8
- PD on selecting and implementing formative assessments, designing classroom assessments, and using data to inform instruction
- Support instructional services provided by effective library programs
- PD: STEM, CTE, G&T, ESOL
- Develop feedback mechanisms to improve school working conditions

* Refer to page 125 of ESSA

Changes for Title II, Part A: Evidence-Based Intervention

WHAT IS AN “EVIDENCE-BASED” INTERVENTION? (from section 8101(21)(A) of the ESEA)

“...the term ‘evidence-based,’ when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that –

- (i) demonstrates a statistically significant effect on improving student outcomes or other *relevant outcomes* based on –
 - (I) *strong evidence* from at least one well-designed and well-implemented experimental study;
 - (II) *moderate evidence* from at least one well-designed and well-implemented *quasi-experimental study*; or
 - (III) *promising evidence* from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (ii) (I) *demonstrates a rationale* based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other *relevant outcomes*; and
 - (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

Changes for Title II, Part A: Methodology

Equitable Share Calculation

DELAWARE DEPARTMENT OF EDUCATION 2017-2018 Title II, Part A Equitable Share Calculation



Equitable Share Calculation			
	Example A	Example B	LEA Calculation
A. Number of Students			
A1. District Enrollment	960	960	
A2. Participating Private School Enrollment	40	40	
A3. Total Enrollment = (A1 + A2)	1000	1000	
B. Title II, Part A Allocation			
B1. District Allocation	\$150,000	\$150,000	
B2. Administration (for public and private school programs)	\$500	\$7,500	
B3. Indirect	\$1,200	\$200	
B4. Subtotal of Administration (B2 + B3)	\$1,700	\$7,700	
B5. District Allocation Minus Administrative Costs = B1-B4	\$148,300	\$142,300	
C. Per Pupil Rate			
C1. B5 divided by A3	\$148.30	\$142.30	
D. Final Equitable Share			
D1. Amount district must reserve for equitable services for private school teachers and other educational personnel = A2 X C1	\$5,932	\$5,692	

Changes for Title II, Part A: Methodology

Statewide Implications

- Average increase of 183% for LEAs with participating private schools

Equitable Share Comparison NCLB Rules Versus ESSA Rules - FY 2017				
<i>District</i>	<i>Actual (NCLB Rules)</i>	<i>ESSA Rules</i>	<i>Difference</i>	<i>% Difference</i>
Total	\$224,337	\$635,052	\$410,715	183%

Title II, Part A: What Stayed the Same?

- Equitable services may still NOT be used for class-size reduction
- Title II, Part A funds can be used to provide professional development activities for teachers, principals, or other school leaders (T-P-OSL)

TITLE VIII—GENERAL PROVISIONS

PART A—DEFINITIONS

SEC. 8101. ø20 U.S.C. 7801¿ DEFINITIONS.

Except as otherwise provided, in this Act:

(44) SCHOOL LEADER.—The term “school leader” means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and


(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

Changes for Title III, Part A: Equitable Participation

- Two major changes
 - A district must assess, address, and evaluate the needs of private school English learners (ELs), their teachers, and other educational personnel
 - Equitable share must be calculated on both the Title III EL funds and Title III Immigrant Increase funds separately

Changes for Title III, Part A: Methodology

EL Equitable Share Calculation

DELAWARE DEPARTMENT OF EDUCATION			
2017-2018 Title III EL, Part A Equitable Share Calculation			
			
Equitable Share Calculation			
A. Number of Students	Example A	Example B	LEA Calculation
A1. Public school enrollment of EL students	960	960	
A2. Private school enrollment of EL students	40	40	
A3. Proportion of EL students in private school	4%	4%	
B. Title III Allocation			
B1. District Allocation	\$150,000	\$60,000	
C. Final Equitable Share			
D1. Amount district must reserve for equitable share for private school teachers and other educational personnel = $A2 \times C1$	\$6,250	\$2,500	

Changes for Title III, Part A: Methodology

Immigrant Equitable Share Calculation



DELAWARE DEPARTMENT OF EDUCATION

2017-2018 Title III Immigrant Increase, Part A Equitable Share Calculation

Equitable Share Calculation			
A. Number of Students	Example A	Example B	LEA Calculation
A1. Public school enrollment of Immigrant students	25	100	
A2. Private school enrollment of Immigrant students	2	4	
A3. Proportion of Immigrant students in private school	8%	4%	
B. Title III Allocation			
B1. District Allocation	\$250	\$2,500	
C. Final Equitable Share			
D1. Amount district must reserve for equitable share for private school teachers and other educational personnel = $A2 \times C1$	\$20	\$100	

What Stayed the Same for Title III, Part A: Requirement to Identify EL Students

- The Civil Rights Act of 1964, Title VI, Language Minority Compliance Procedures, requires schools to determine the language(s) spoken in each student's home in order to identify their specific language needs
<https://www2.ed.gov/about/offices/list/ocr/docs/hq43e4.html>
- The federal required timeline for an LEA to complete the process for identifying an EL is within the first 30 days of the student's enrollment

What Stayed the Same for Title III, Part A: Identification Process for EL Students

- The identification process for ELs in Delaware continues to be completed in two specific steps:
 - Delaware Home Language Survey (to be updated)
 - <http://www.doe.k12.de.us/Page/2495> (*handouts)
 - WIDA Diagnostic Assessment <https://www.wida.us/>
 - WIDA MODEL (K and 1st semester/first grade)
 - WIDA W-APT (Grades 2-12)
 - Foreign exchange students must be identified for EL status
- Refer to the Delaware Title III/ELL Guidebook for additional information related to identifying ELs at:
<http://www.doe.k12.de.us/Page/2374>

What Stayed the Same for Title III, Part A: Requirements for Title III Subgrantees

- An LEA receiving a Title III subgrant (Title III EL and/or Title III Immigrant Increase funds) must provide supplemental services to ELs to help ensure that these students attain English language proficiency (ELP) and succeed in the academic content areas
- An LEA that receives Title III funds must provide Title III services to:
 - Eligible private school students
 - Their teachers
 - Other educational personnel consistent with the number of eligible students enrolled in private elementary and secondary schools in the geographic area served by the LEA

What Stayed the Same for Title III, Part A: Requirements for Title III Subgrantees *(continued)*

- These services and other benefits must be equitable in comparison to those provided to:
 - Public school students
 - Their teachers
 - Other educational personnel participating in the program—and they must be provided in a timely manner

What Stayed the Same for Title III, Part A: Timely and Meaningful Consultation

- As appropriate, the district and private school officials should discuss:
 - How the private school teachers and other educational personnel will be identified to receive services
 - How the private school students will be identified as ELs
 - Whether services will include initial identification of ELs and assessment of their language proficiency
- Only students who have been identified as ELs are eligible to receive Title III services
- Title III does not require an LEA to administer the state's annual ELP assessment (ACCESS for ELLs 2.0) for ELs in private schools

What Stayed the Same for Title III, Part A: Timely and Meaningful Consultation *(continued)*

- For LEAs/private schools who would like to administer the annual summative assessment for the purpose of determining student growth and/or a student's eligibility to exit EL services, there is an option to test the student for this purpose
- To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area:
 - Served by an LEA that receives a Title III subgrant for immigrant children and youth, and
 - Must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA

Title III, Part A: Example of a Sample Process

- The private school administers a Home Language Survey (HLS) that is to be completed by the parent or guardian of selected private school students.
- Private schools may use the same version of the HLS used by the LEA. If a language other than English is indicated on the HLS, an initial, approved language screener is administered.
- An HLS is usually administered to students at the time of enrollment, in late summer or the first few days of school, depending on a school's start date.
- The WIDA Screener is administered within the first 10 days but not later than 25 days from the students date of enrollment.

Title III, Part A: Example of a Sample Process *(continued)*

- To facilitate the identification of ELs using the HLS and ELP diagnostic assessment, the private school official may provide to the LEA the:
 - Names and grade levels of the private school children who, based on parent responses to the HLS, are potentially ELs
 - LEA representatives may then work with the private school official to identify a time when LEA staff can administer the ELP assessment to those private school students
 - Alternately, the LEA may provide training to private school officials and/or teachers so that they may administer the assessment themselves
 - In either instance, the LEA must indicate which children have been identified as ELs

Changes – A New Program: Title IV, Part A

Student Support and Academic Enrichment (SSAE) Grants

- Authorizes activities in three broad areas
 - Providing students with a well-rounded education (e.g., STEM, arts, civics, IB/AP, health, and physical education)
 - Supporting safe and healthy students (e.g., school mental health, drug and violence prevention, training on trauma-informed practices, health, and physical education)
 - Supporting the effective use of technology (e.g., professional development, blended learning, technology devices)

Title IV, Part A: How Much Money?

- What do we know about funding as of today?
 - We know how much funding is authorized: \$1.65 billion
 - At this time, USED is operating under a continuing resolution through April 2017
 - USED does not have a final appropriation for fiscal year 2017, so it is uncertain what level of funding may be available under the program

Title IV, Part A: LEA Eligibility

- Only an LEA that received an ESEA Title I, Part A allocation in the preceding year will be eligible to receive an SSAE subgrant award
- SEAs award SSAE subgrants to LEAs by formula in the same proportion as to the LEAs' prior year's Title I, Part A allocations

Title IV, Part A

Program Requirements: Supplement, Not Supplant

- SEAs and LEAs should be mindful that SSAE program funds may be used only to supplement, and not supplant, non-federal funds that would otherwise be available for activities authorized under the SSAE program
 - In general, SEAs and LEAs may not use SSAE program funds for the cost of activities in the three SSAE program content areas
 - Well-rounded education, safe and healthy students, and technology—if the cost of those activities would have otherwise been paid with state or local funds in the absence of SSAE program funds

Title IV, Part A: Overview of the LEA Application Requirements

- LEAs are required to submit an application to the SEA to receive their SSAE program allocation
- An LEA may, if it chooses, apply for funds in consortium with one or more surrounding LEAs
- During the design and development of applications, an LEA or consortium of LEAs must engage in consultation with stakeholders in the area served by the LEA
 - Such stakeholders must include, but are not limited to, the following:

- Parents
- Teachers
- Principals
- Students
- School leaders

- Charter school teachers, principals, and other school leaders, when applicable
- Specialized instructional support personnel
- Indian tribes or tribal organizations, when applicable

- Local government representatives
- Others with relevant and demonstrated expertise
- Community-based organizations

Title IV, Part A: Funding Allocations


- LEAs or a consortium of LEAs must prioritize the distribution of funds to schools based on one or more of several factors, including schools that:
 - Are among those with the greatest needs as determined by the LEA
 - Have the highest numbers of students from low-income families
 - Are identified for comprehensive support and improvement under *Title I, Part A* of the *ESEA*
 - Are implementing targeted support and improvement plans under *Title I, Part A* of the *ESEA* and/or
 - Are identified as a persistently dangerous public school under section 8532 of the *ESEA*

Title IV, Part A: Funding Allocations *(continued)*

- Based on the results of the comprehensive needs assessment, the LEA or a consortium of LEAs must use:
 - At least 20% of funds for activities to support well-rounded educational opportunities
 - At least 20% of funds for activities to support safe and healthy students and
 - A portion of funds for activities to support effective use of technology

Title IV, Part A Equitable Share Calculator

- Based on private schools that are within the districts geographic boundaries only.
- All funds are subject to equitable share.

DELAWARE DEPARTMENT OF EDUCATION			
2017-2018 Title IV, Part A Equitable Share Calculations			
Equitable Share Calculation			
A. Number of Students		Example	LEA Calculation
A1. District Enrollment		9500	
A2. Participating Private School Enrollment		500	
A3. Total Enrollment (A1 + A2)		10000	
A4. Percent Participating Private School Enrollment (A2 / A3)		5.00%	
B. Proportionate Share			
B1. District Allocation		\$100,000.00	
B2. Proportionate Share to Private Schools (B1 X A4)		\$5,000.00	
B3. Proportionate Share to District (B1 - B2)		\$95,000.00	

Resources for Title IV, Part A

- **SSAE Grants Non-Regulatory Guidance**
 - <http://www2.ed.gov/policy/elsec/leg/essa/essassaegrantguid10212016.pdf>
- **USED Presentation**
 - <https://safesupportivelearning.ed.gov/events/webinar/overview-department-education-non-regulatory-guidance-student-support-and-academic>

DDOE Contact Information

Program	Contact	Phone Number	Email Address
Title I, Part A , Academic Achievement for the Disadvantaged	Ted Jarrell	735-4090	ted.jarrell@doe.k12.de.us
Title II, Part A , Supporting Effective Instruction	Wendy Modzelewski	857-3388	wendy.modzelewski@doe.k12.de.us
Title III, Part A , English Acquisition, Language Enhancement, and Academic Achievement	Terry Richard	735-4175	terry.richard@doe.k12.de.us
Title IV, Part A , Student Support and Academic Enrichment Grants	Eric Niebrzydowski	735-4023	eric.niebrzydowski@doe.k12.de.us
Temporary Ombudsman	Eulinda Gallagher	735-4016	eulinda.gallagher@doe.k12.de.us

Discussion

- Changes to timelines
- District and DDOE collaboration to train private schools
- Other questions or concerns