

# Title I, Part A Equitable Services

## Questions from Webinar on March 28, 2018

### Determining the Number of Private School Children from Low-Income Families

1. *The thresholds for Step Up eligibility are not the same as those for free or reduced-price lunch eligibility. If they are not the same, is Step Up still considered a comparable poverty data source?*

**This provides clarification on the use of the Florida Tax Credit (FTC) scholarship, offered through Step Up for Students, to count private school students.** Students receiving the FTC scholarship must not automatically be included in the number of private school children from low-income families. FTC scholarship eligibility can be used to screen private school students, but cannot be a standalone criterion used to count private school students since FTC scholarship eligibility is tiered based on multiple income thresholds, only one of which aligns to income guidelines for free or reduced-price lunch eligibility. It is at the local educational agency's (LEA's) discretion, based on consultation with private school officials, which method will be used to count private school students from low-income families. Please note that although poverty data is used to generate funds, it is not used to identify private school students for services.

2. *If an LEA does not want to extrapolate data from the returned income surveys, can it use Form A to submit the number of children from low income families (CLIF) returning surveys?*

**If an LEA did not receive a completed survey from all private school families, then survey data must be extrapolated and Form C must be used to complete the Non-Public School Eligibility Survey (NPSES). If an LEA received a completed survey from *all* private school families, then extrapolation is not needed and Form A may be used.**

3. *If the LEA uses direct certification data for its public schools, how can this be collected at the private schools?*

**The LEA must identify the method it will use to determine the number of private school children from low-income families who reside in participating public school attendance areas after consultation and considering the views of private school officials. If feasible, using the same poverty measure used by the LEA to count public school students is the preferred method; however, if this is not feasible, the poverty measure used must be comparable to that used to count public school students.**

**For LEAs that use only direct certification data for its public schools, the LEA should consider the private school officials' ability to access direct certification data and whether accessing this data would impose unnecessary administrative burdens on the private school.**

**Keep in mind, private schools are able to participate in the National School Lunch Program, as well as the Community Eligibility Provision (when eligible), by working directly with the Florida Department of Agriculture and Consumer Services (FDACS).**

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### Providing Services through a Third-Party Provider

1. *For a large LEA with a third-party provider, is the LEA required to visit the private schools monthly or would that activity be assigned to the third party?*

**This depends on the language in the LEA's contract with the third-party provider, which must outline the process for monitoring the private school program. From an auditing/monitoring perspective, the responsibility ultimately falls on the LEA to maintain control and oversight of the Title I programs operating in private schools.**

2. *For the pre-determined method of determining equitable services [using a universal per pupil allocation (PPA)], in a non-pooling LEA, does each private school decide individual distribution of services? If so, how can that occur if executing a contract with a third-party provider?*

**Within the parameters of each private school's allocation, the LEA and private school officials must determine the instructional services to be provided based on the educational needs of eligible students. If the LEA executes a single contract with a third-party provider that encompasses services for all participating private schools, then the specific cost of services for each school must be clearly articulated in the contract.**

3. *An LEA pays a third-party provider to deliver equitable services and the third-party provider purchases technology as part of the contract. Who owns the equipment at the end of the contract?*

**Ultimately, the LEA must maintain control of any materials and equipment purchased to provide Title I services. To ensure this is practicable, LEAs are strongly encouraged to directly purchase materials and equipment for use, rather than including such purchases as part of the third-party provider's contract.**

### Determining Eligibility for Services

1. *May an LEA develop criteria with each private school during consultation instead of developing a districtwide criteria for all private schools?*

**The multiple, educationally related criteria developed during consultation should be consistent for all participating private schools, to the extent practicable. There may be slight variations between schools; however, the overarching framework should be uniform across all participating schools.**

2. *If students are receiving above average grades because the teacher is modifying the lessons, but the work is below grade level, may the students still receive Title I services? The standardized test scores, in this case, are below average.*

**Yes, the students may still receive Title I services, if they are at risk of not meeting the academic standards used by the private school to define proficiency.**

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### Working with Neighboring LEAs

1. *How do you suggest that reimbursements work for serving private school students who reside in a neighboring LEA?*

**The mechanics of invoicing or reimbursing other LEAs with vary, so we recommend working through the process with the LEA's finance department. We also encourage you to reach out to your LEA peers for input. Keep in mind, to ensure the reimbursement process is clearly understood by both LEAs, it should be outlined in the inter-district agreement.**

2. *How should students residing in one LEA, but attending a private school in a neighboring LEA be represented in the NPSES? Does the residing LEA budget its own PPA or the serving LEA's PPA?*

**The treatment of these students in the NPSES and the PPA used will vary based on negotiation between the residing and serving LEAs. Please note that the arrangement must be clearly articulated in the inter-district agreement.**

**For example, this is one of many ways inter-district agreements can be handled:**

- **Terrapin School District and Cumberland School District are neighboring LEAs. During consultation, Cumberland identifies a private school student who resides in a Title I attendance area in Terrapin.**
- **Cumberland uses a third-party provider to deliver instructional services to private school students. This provider charges a flat rate of \$87 per hour.**
- **Terrapin uses a PPA of \$480 and Cumberland uses a PPA of \$650 to calculate the funds for equitable services.**
- **Terrapin includes the student on its NPSES, so the student generates the funds that allow Terrapin to reimburse Cumberland. Cumberland does *not* include the same student on its NPSES. The third-party provider invoices Cumberland for \$480 worth of services and, in turn, Cumberland invoices Terrapin for \$480.**
- **Terrapin's PPA is \$170 less than that for Cumberland. This means, when the student has received \$480 worth of services, the third-party provider may stop delivering services. However, in this case, the student continues to receive services as part of a group, since the third-party provider charges a flat rate.**

**Another option is the "you pay for mine and I will pay for yours" approach. In this scenario, Terrapin serves a private school student who resides in Cumberland and Cumberland serves a private school student who resides in Terrapin. Both LEAs include the neighboring LEA's student on their NPSES and use their own PPA to generate funds for services. Again, such arrangements must be included in the inter-district agreement.**

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### Carrying Over Funds Allocated for Equitable Services

1. *What if the LEA obligates the equitable share as agreed during consultation, but the LEA has funds remaining at the end of the school year. What should the LEA do with the unexpended funds?*

In accordance with section 1117(a)(4)(B), it is the responsibility of the LEA to ensure funds allocated for private school equitable services are obligated in the fiscal year for which the funds are received by the LEA.

This provision reinforces the requirement that an LEA conduct timely and meaningful consultation with private school officials on an *ongoing basis* to ensure appropriate services are designed and delivered in the year for which the funds are appropriated. LEAs are also encouraged to explore additional uses for funds with private school officials during consultation, in the event it becomes clear, through monitoring of expenditures, that not all funds will be expended in implementing the service delivery plan.

2. *Are there any reasons that carryover of funds for private schools would be allowed outside of “extenuating circumstances”?*

Carrying over funds for equitable services from one year to the next should be rare. When in doubt, contact Nicolle Tanner, the state educational agency’s ombudsman, at [Nicolle.Tanner@fldoe.org](mailto:Nicolle.Tanner@fldoe.org).

Keep in mind, if extenuating circumstances prevent the LEA from expending the equitable share amount, then the LEA must consult with appropriate private school officials on how to expend those funds in the following year [U.S. Department of Education, *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)*, November 2016].

### Reserving Funds for Professional Development

1. *Is the LEA required to reserve funds for professional development for private school teachers?*

If professional development is a need determined through consultation with private school officials, then yes. However, unlike parent and family engagement activities, no minimum amount is required to be allocated for professional development. Ultimately, the needs of private school teachers, and any professional development activities designed to meet those needs, must be a topic of consultation. Keep in mind, such activities must be used to enhance the capacity of private school teachers to serve Title I students.

## Title I, Part A Equitable Services Questions from Webinar on March 28, 2018

2. *Where can an LEA find the equitable services requirement for professional development in ESSA?*

**Pursuant to section 1117(a)(1)(B), the LEA must provide activities and services for teachers of private school students, as determined through the consultation process.**

### Other Topics

1. *Is it possible to have a state complaint form so LEAs will be uniform?*

**Yes, the ombudsman is developing a formal complaint process for LEAs to use.**

2. *Is the LEA required to hire a teacher or paraprofessional if a computer-based program will be implemented?*

**If instruction is necessary in conjunction with implementation of the computer-based program, then yes, the LEA would need to hire a teacher to deliver the instruction. If the instruction is being provided through the computer program, then a paraprofessional would be needed.**

3. *Please address any changes in the division of funds among instructional services, professional development, and parent and family engagement.*

**Many LEAs have asked how to calculate the division of funds for private school instructional services, professional development, and parent and family engagement activities. To determine the minimum required amount for parent and family engagement, the LEA must apply the proportionate share percentage for services to private school students to the required one percent reservation for public school parent and family engagement activities, as outlined in the Title I, Part A application. The amounts for instructional services and professional development are determined during consultation based on activities designed to meet the educational needs of the private school students participating in the Title I program.**

4. *A large LEA sends out electronic notices of initial consultation to new private schools. Is the LEA required to contact every private school that did not respond and ensure an Intent Form is signed stating the school is not interested in receiving Title I services?*

**The LEA should make a good faith effort to contact each private school and must document its efforts.**

5. *Only non-profit private schools are eligible for Title I, Part A services. The profit/non-profit status can be verified through the Florida Department of State, Division of Corporations website.*
  - a. *If the license/document number available through the Division of Corporations shows an inactive status, does that mean the LEA should not serve the school?*

## Title I, Part A Equitable Services Questions from Webinar on March 28, 2018

**An inactive status should prompt a conversation with the private school's officials, as there are many reasons for such a status to appear. For example, an inactive status could appear because the school missed the reporting deadline for submitting an annual report. According to the Division of Corporations, the school could become active again by submitting the required report.**

- b. If a school is listed on the Division of Corporations website, but is not listed in the Florida Department of Education, Office of Independent Education and Parental Choice's private school directory, is the school eligible to participate?*

**The absence of a private school from the directory should prompt a conversation with the school's officials, as private schools are required to be listed with the Office of Independent Education and Parental Choice.**