

RE • STORING NORMAL

Providing Equitable Services To Our Nonpublic Students

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NDE FEDERAL PROGRAMS STAFF

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- **New Specialist:** ESU's 4, 7 & 10
- **Rhonda Wredt:** Administrative Assistant for Federal Programs
- **Rebecca Heavican:** Administrative Assistant for Federal Programs
- ****Jan Handa:** Title IV, Part B 21st Century Community Learning Centers

Today's Agenda

- Programs that require Equitable Services
- Consultation
- Title I
- Title II
- Title IV
- Carryover

Programs Requiring Equitable Services

- **Major programs:**
 - Title I, Part A (Educational Assistance to At-risk Students)
 - Title II, Part A (Supporting Effective Instruction)
 - Title IV, Part A (Student Support and Academic Enrichment)

Programs Requiring Equitable Services

- **Other potential programs:**
 - Title I, Part C (Education of Migratory Children);
 - Title III, Part A (English Language Acquisition, Language Enhancement and Academic Achievement)
 - Title IV, Part B (21st Century Community Learning Centers)

Timeline for Consultations

- **July 25, 2022 (planned)**
 - District allocations and Nonpublic Estimated allocations are posted on NDE website.
- **July 25, 2022 – September 14, 2022**
 - ESSA Application opens for LEA's, service, funding amounts official and finalized, scope of requested services finalized.
- **September 15 - October 31, 2023**
 - Nonpublic Enrollment and Free/Reduced Counts due to NDE. This information generates the consultation list/forms in CDC for the public schools to use.
- **November 1 - November 15, 2022**
 - Audit Window for corrections to that CDC data.

Timeline for Consultations

- **January 1, 2023 – June 30, 2023**

- School Districts collect enrollment and free/reduced information for the Targeting Steps of Title I-A grant. Districts may set specific date for all schools to submit the data to them. (Metro area schools use last Friday in January as date.)

- **April 3, 2023 – May 18, 2023**

- Non-Public Consultation Collection opens in the CDC. Districts should be contacting the nonpublic schools within their boundaries or that indicated having low-income students from their district and conducting the consultation(s) for the 2023-2024 school year and submitting that information in the CDC.

- **May 19, 2023 – June 2, 2023**

- Audit window for corrections/changes to the consultation information in CDC.

TITLE I CONSULTATION



Title I Consultation Checklist



Title I Nonpublic Consultation Form

WITHIN BOUNDARIES CONSULTATION (all other Title Programs)



Nonpublic Within Boundaries Checklist



Nonpublic Within Boundaries Consultation Form

Questions



Purpose of Title I

- To provide supplemental educational services so that all children have a fair, equal, and significant opportunity to obtain a high-quality education.
- Funding is generated by low-income students, who by age and address would have attended a Public Title I School.
- All students who would have attended a Title I school in the district are eligible for Title I services, regardless of socio-economic status.

The Nonpublic Piece

- Under Title I, local educational agencies (LEAs) are required to provide services for eligible nonpublic school students, as well as eligible public school students.
- In particular, Title I requires a participating LEA to provide eligible children attending nonpublic 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.

Title I: Improving Basic Programs

Targeted Assistance Model

- Must have multiple, objective criterion
- Must be aggregated for total score
- Children must be rank ordered
- Children selected for service based on that rank order

Title I: Improving Basic Programs

How can services be provided? Primary intent is direct instruction to children

- District hired teacher/tutor
- Memorandum of Understanding with another school district
- Third party contractor

What is Equitable?

- Federal education funding aims to increase the educational achievement of all students. “Equitable share” represents the portion of federal funding generated by participating private school students.
- When applying for its federal program allocations, the LEA signs assurances promising to provide equitable services according to law.
- Congress decided the LEA would act as program administrator for the equitable services provided to participating private schools in the LEA’s attendance area.

What and When

- Services are always targeted assistance.
- Services should begin when public school services begin.
- **Services** are provided to eligible students identified as having the greatest need.
- Title I provides supplemental instruction by **appropriately licensed** teachers.
- LEA maintains responsibility for Title I services and resources.
- Services are secular, neutral, and non-ideological and address the needs of the eligible private school students.

Nonpublic School Responsibilities

- Provide LEA with grade and address for each private school student so that LEA can determine if student is eligible for Title I services.
- Provide LEA with student's socio-economic status so that LEA can determine if the student generates Title I funds.
- Conduct a needs assessment to determine Title I services to request.
- Using multiple assessments, determine students in greatest need of Title I services.
- Rank order students by greatest need for Title I services.

Title I-A Nonpublic Compliance

Necessary documentation

- Written student identification criterion
- School Parent Compact
- Teacher schedules
- Rank order lists
- TAS review document for the nonpublics
- Evidence of parent engagement activities
- Program evaluation
- Fiscal records

The district is responsible for meeting compliance



**Title I, Part A
of the Elementary and Secondary Education
Act of 1965, as Amended by the
Every Student Succeeds Act:**

**Providing Equitable Services to
Eligible Private School Children,
Teachers, and Families**

Updated Non-Regulatory Guidance

October 7, 2019

**Providing
Equitable
Services to
Eligible Private
School Children,
Teachers, and
Families**

Questions



Equitable Services in Title IIA

- Under Title IIA Nonpublic schools can only use funds for Professional Development
- Professional Development is:
 - Training
 - Materials required for that training
 - Reasonable and Necessary travel expenses
 - Only secular training is permissible
 - Travel expenses to a conference must be prorated to the ratio of the conference that is secular/nonsecular
- Professional Development Defined: SUSTAINED, INTENSIVE, COLLABORATIVE, JOB-EMBEDDED, DATA-DRIVEN, AND CLASSROOM FOCUSED.

Equitable Services in Title IIA (cont)

- Professional Development needs:
 - To fit with the school's data and determined needs
 - (75% of our students read below grade level)
 - To have a research-based activity
 - (Beth's Reading Skills has been shown to work)
 - To have an evaluation component
 - (After a year 30% of our students read below grade level)
 - To have a response to that evaluation.
 - (continue, add a component to address the 30%, scrap it and try something else)

Equitable Services in Title IIA (cont)

- Must have meaningful and timely consultation in the spring.
- Title II-A funds can only be used for PD.
- Must meet the specific needs of students enrolled in a nonpublic school, and not its teachers or the school itself.
- Public School District maintains control of funds: may pay consultants, registrations or reimburse individual educators for conference registration.
- Districts cannot pay nonpublic schools directly.

NOT allowed in Title IIA Nonpublic Equitable Services

- Substitutes for teachers attending Title II-A funded PD
- Supplies to be used in the classroom or by students
- Anything not directly connected to educator's PD
- Instructional Technology
- Evaluation system related data systems to manage linking student-teacher data
- Meals unless in travel status (or included in registration fee for conference)
- Meals for school/district PD meetings
- Equipment

Title II-A Question to the U.S. Department of Education

- **Question:** May Title II, Part A funds be used to pay for a private school teacher's attendance at a professional conference?
- **Answer:** *In order to be an allowable activity under Title II, including for private school participants, attendance at a professional conference must meet certain requirements.*
 1. The activity must be an allowable Title II activity and meet the definition of professional development where applicable (ESEA sections 2103(b)(3) and 8101(42)).
 2. The activity must serve to meet the needs of the private school teacher(s) as identified through the consultation process (ESEA section 8501(c)).
 3. The activity must be supplemental in nature and may not supplant the professional development that the private school would otherwise provide absent the Title II, Part A services (34 CFR §299.8(a)).

Title II-A Question to the U.S. Department of Education

4. The activity must be a reasonable and necessary expense (2 CFR §200.403(a))
5. The services must be secular, neutral, and nonideological (ESEA section 8501(a)(2)).
6. Professional development services and programs must meet the definition of “professional development” in ESEA section 8101(42), which requires that the activity is both
 1. Part of the strategies for providing educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education; **and**
 2. “Sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused.”

Under the Congressional Review Act, Congress has passed, and the President has signed, a resolution of disapproval of the accountability and State plan final regulations that were published on November 29, 2016 (81 FR 86076). Because the resolution of disapproval invalidates the accountability and State plan final regulations, the portions of this guidance document that rely on those regulations are no longer applicable. The remainder of this document, however, is unaffected by the resolution of disapproval.



Non-Regulatory Guidance for Title II, Part A:
**Building Systems of Support for Excellent
Teaching and Leading**

U.S. Department of Education Non-Regulatory Guidance
Title II, Part A of the Elementary and Secondary Education Act of 1965,
as Amended by the Every Student Succeeds Act of 2015
September 27, 2016

Title II, Part A:
Building
Systems of
Support for
Excellent
Teaching and
Leading

Title II-A Nonpublic Compliance

- Evidence of consultation
- Evidence of a needs assessment (School Improvement Plan)
- Fiscal records in alignment with allowable activities

The district (LEA) is responsible for meeting compliance

Questions



Equitable Services in Title IVA

- Title IV may be used for Equitable Services in:
 - Well-Rounded Educational Opportunities
 - Safe and Healthy Students
 - Effective use of Technology
- Supplement not supplant is in effect:
 - May not use SSAE program funds for the cost of activities in the three SSAE program content areas if the cost of those activities would have otherwise been paid with State or local funds in the absence of the SSAE program funds.

Equitable Services in Title IVA

- **Allocation above \$30,000**

- Must conduct a needs assessment and,
- Spend 20% of its grant on safe and healthy school activities and
- Spend 20% on activities to provide a well-rounded education programs. The
- Spend remaining 60% of the money on all three priorities, including technology.
 - Technology has 15% cap on spending for devices, equipment, software and digital content.

- **Nonpublic spending must meet these percentages as well.**

Equitable Services in Title IVA

- **Allocation below \$30,000**

- Needs assessment not required (but use must be tied to school improvement).
- Spend money on activities in at least one of the three categories.
- If spent in well-rounded and/or safe and healthy students', must not be less than 20% of the total.
- If spent in technology, once again there is a 15% cap on spending for devices, equipment, software and digital content

- **Nonpublic spending must meet these percentages as well.**

Safe and Healthy Students

- Comprehensive school mental health
- Drug and violence prevention
- Training on trauma-informed practices
- Bullying prevention
- Dropout prevention, re-entry programs & transition services
- Child sexual abuse awareness & prevention
- Promoting supportive school discipline
- Suicide prevention
- Health & physical education
- Mentoring & school counseling
- Schoolwide positive behavioral interventions & supports

Well-Rounded Education Programs

- Foreign languages, arts, and music education
- STEM programming: science, technology, engineering, mathematics, and computer science instruction and activities
- American history, civics, economics, geography, government, and environmental education instruction
- Programming in career and technical education, health, physical education, and any other subject with the purpose of providing all students access to an enriched curriculum and educational experience improving access to AP courses or dual enrollment opportunities

Effective Use of Technology

- High quality professional development in utilizing technology
- Carrying out innovative blended learning projects
- Delivering specialized or rigorous courses using technology
- Providing students in rural, remote, or underserved areas with technology resources
- Building technological capacity and infrastructure (max 15% for devices/infrastructure)



Non-Regulatory Guidance
*Student Support and Academic
Enrichment Grants*

Under the Congressional Review Act, Congress has passed, and the President has signed, a resolution of disapproval of the accountability and State plans final regulations that were published on November 29, 2016 (81 FR 86076). This guidance document is unaffected by that resolution and remains applicable.

Non-
Regulatory
Guidance
Student Support and
Academic
Enrichment Grants

Title IV-A Nonpublic Compliance

- Evidence of consultation
- Evidence of a needs assessment
- Fiscal records in alignment with allowable activities

The district (LEA) is responsible for meeting compliance

Questions



Nonpublic carryover in ESEA/ESSA Programs

- Title I

- NDE is in the application process for a waiver as we enter 22-23. If this is approved 20-21 21-22 will carryover so LEA's will need to track unspent funds in the nonpublic schools.

- Title II & Title IV

- In general, if an LEA provided equitable services for private school students in any given year, any carryover funds for services to private school students would be considered additional funds for that program for public and private school students in the subsequent year. Those funds then would be used, along with any other carryover funds, for both public and private school students on an equitable basis.

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Top 5 ESSA Points to Remember

1. Schoolwide Title I Building-All paras **MUST** meet the requirements to work with students **PRIOR to working with students!** In Targeted Title I Building-Any para funded with Title I funds **MUST** also meet these requirements.
2. Coding of Staff in Federal Funded Positions-All of these **MUST** match: NSSRS, GMS, Bookkeeping Records, and Time and Efforts. All should have the same percentage.
3. Waivers for carryover: NDE is pursuing this request with the USED. When we hear the answer, we will let you know.
4. We are updating the Monitoring Guide Checklist based on the requirements the USED gave us during our monitoring in March of 2022.
5. Unified Grant Profile must be updated before doing anything in the GMS each year. Current contact information is vital so we can reach out to the right district personnel.



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Top 5 ESSER Points to Remember

1. ESSER I allocations must be spent by 9-30-2022.
2. Plan for Safe Return MUST be reviewed at minimum once every 6 months until 9-30-2023. Document this information. Make sure the plans are on the website and date stamp them. If changes occur with the Use of Funds, be sure to get input from stakeholders.
3. Programmatic and Fiscal Monitoring have to be done and were started during the 2021-2022 school year. Will continue this year and into the future.
4. Grant coding is important: 6996-ESSER I, 6997-ESSER II, 6998-ESSER III
5. Davis Bacon Rules DO Matter. Take a handout for specific information.



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Questions?

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Thank you

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