

Equitable Services Handbook

Updated: June 2023



Purpose

The Elementary and Secondary Education Act (ESEA) of 1965, reauthorized in 2015 as the Every Student Succeeds Act (ESSA) primarily supports public education. However, some children attending private schools may still receive benefits. A portion of ESEA funds in each Local Education Agency (LEA, referred to in this document as “district”) is designated to address the needs of these eligible students, as well as their teachers and families. The purpose of this handbook is to provide information, tools, templates and resources to Oregon’s school districts and private schools for use throughout the equitable services process.

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I. Federal Programs

The [Elementary and Secondary Education Act](#) (ESEA) includes separate provisions governing equitable services for eligible private school students, teachers and other educational personnel, and families under [Title I-A](#) and programs covered under [Title VIII, Part F, Subpart 1, Uniform Provisions- Private Schools](#).

The term equitable services refers to the process of providing students, teachers, staff and families at eligible Private, Non-Profits (PNPs) fair access to federally funded education programs and services, as appropriate. The following Title programs have equitable service requirements.

- Title I-A: Provides academic assistance to students in poverty who are behind academically.
- Title VIII Programs:
 - Title I-C: Helps to support the education of migratory students.
 - Title II-A: Helps provide educators with access to professional development.
 - Title III-A: Helps students who are English learners or immigrants.
 - Title IV-A: Creates well-rounded educational opportunities, promotes safe and healthy students, and supports effective use of technology.
 - Title IV-B: supports 21st Century Community Learning Centers.
 - Title IV-F: supports schools where the learning environment has been disrupted due to a violent or traumatic crisis.

II. Consultation

Consultation is at the heart of equitable services. Consultation between the private school and public school district is necessary to ensure that a program adequately provides necessary program services under the law, and that the services meet the identified needs of private school teachers, students and staff. Meaningful consultation must begin before any services are provided to students, teachers, or other private school educational staff.

Ongoing consultation process should begin well before the start of the school year, and should continue throughout the full implementation and evaluation of services. The following are suggestions regarding when consultation should occur:

- **Late winter/early spring:** district informs private school officials annually of consultation process.
- **Ongoing:** district and private school engage in timely and meaningful consultation.
- **Spring/early summer:** private school identifies needs.
- **Late spring/ early summer:** district calculates per pupil amount for private school services which must be equitable to the per pupil amount for public school services.
- **Summer:** district and private school discuss logistics of program operation.
- **To begin at the beginning of the school year and continue throughout the school-year:** district provides or contracts for services, programs, materials, and resources.
- **Spring of the end of the school year during which services are provided:** district and private school evaluate programs and services for effectiveness.

A. Consultation: Roles and Responsibilities

The district and the private school will have specific roles and responsibilities throughout the process that requires the district and the private school officials to collaborate to decide how best to use the funding. This involves an in-depth consultation to create a plan. Together, private school officials and district staff review

screening data (based on multiple, objective and educationally-related criteria) to assess the academic needs of students, agree on what types of services will be provided, and decide how services will be evaluated. Depending on program requirements, benefits may directly support students, support students’ families, or support students’ educators. The district implements the plan to provide services and effectively communicates with the private school staff as needed along the way. Discussing and clarifying the roles and responsibilities will help ensure meaningful, timely and ongoing consultation.

District Responsibilities:	Private School Responsibilities:
<ul style="list-style-type: none"> ✓ Put students’ welfare first. ✓ Contact the private school to set up the consultation and ensure that consultation takes place. ✓ Include district staff with the necessary range of expertise—both programming and fiscal—to allow the creation of a plan that meets all guidelines. ✓ Ensure genuine opportunity for input and collaboration during consultation by: <ul style="list-style-type: none"> ○ Providing advanced notice of planned consultation meetings to private school stakeholders. ○ Ensuring all required consultation topics are covered and that private schools are given an opportunity for input on each. Topics are listed on the ODE’s Affirmation of Consultation form. ○ Performing consultation before the districts makes any decisions that could impact the participation of the private school such as transferring funds. ✓ Submit Evidence of Consultation no later than 30 days after consultation. 	<ul style="list-style-type: none"> ✓ Put students’ welfare first. ✓ Communicate clearly and timely about consultation meeting attendance. ✓ Meet all applicable deadlines communicated by the district. ✓ Collaborate with the district to determine the private school’s specific needs. ✓ Collaborate with the district to determine eligibility criteria and identify which students, their families and teachers will be served. ✓ Actively participate in the planning and development of services. ✓ Collaborate to determine how services will be evaluated. ✓ Complete and sign the Affirmation of Consultation form.

B. The Process

1 Invitation to attend the Consultation meeting:

The district contacts the appropriate officials for all private schools within its boundaries and invites them to participate in the consultation process. For Title I-A, if the district has a reason to believe some of their students attend an out-of-district private school, they must also contact this private school. This typically occurs in early spring.

2 Consultation meeting:

The goal of timely and meaningful consultation is for both the district and private school to reach an agreement on how to provide equitable services. Consultation for all Title program services must include the following topics, as applicable:

- The size and scope of the equitable services that the district will provide to eligible students and the portion of funds that will be allocated to provide these services, and how that proportion of funds is determined.
- How the district will identify the needs of eligible students and educators.
- What services the district will offer to eligible students and educators; including how, where and by whom.

- How the district will assess the services to eligible students and how the results of the assessment will improve services.
- How and when the district will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.
- Whether to provide equitable services to eligible private school children through 1) a pool of funds across districts and/or private schools; or 2) on a school-by-school basis.
- District administrative costs and indirect costs for equitable services.
- Whether the district will transfer any eligible funds.
- The availability of carryover for proportionate share funds.

Additionally, for Title I-A equitable service programs, the following topics must be discussed, as applicable:

- The method or sources of data that the district will use to determine the number of students from low income families residing in participating public school attendance areas, including whether the district will extrapolate data, if a survey is used.
- When, including the approximate time of day, services will be provided.
- Whether to consolidate and use Title IA funds in coordination with applicable Title VIII funds provide services to eligible students participating in programs.
- Family engagement activities.
- Services and activities for teachers of participating private school students.

NOTE: Districts may set reasonable deadlines regarding consultation. If a private school official fails to respond within a reasonable time and the consequences of not responding are clearly communicated, the district may assume the private school has declined services. Districts must keep evidence of all communications to private schools regarding consultation and [submit this evidence](#) to the Ombuds, even if the private school is non-responsive or declines services. For more information, see the [Evidence of Consultation Form FAQs](#) document.

C. Calculating Equitable Share

For Title I-A programs:

Districts should work with private school leaders to determine the method or source of data that will be used to identify the number of eligible private school children from families residing in participating public school attendance zones for participation in Title I services. There are several methods that may be used to determine low-income:

- Free and Reduced Lunch Data
- [Title IA Family Income Survey](#)
- Proportionality
- Scholarship or tuition assistance data

It is important to note that the process of determining the student count is most effective when completed cooperatively.

For Title VIII Programs:

Calculation of available funding for all other Title equitable service programs depends on a variety of factors such as the geographic area of the public school district, total enrollment of students in the private school and any specific eligibility requirements. The private school must provide the district with essential student information to make calculations. Information may be exchanged and estimated proportionate shares may be calculated before funds are released at the beginning of the fiscal year on July 1st.

Please see FAQs and Program Specialist for additional program information.

Program	Specialist	Contact Information
Title IA	Jen Engberg	Jennifer.Engberg@ODE.Oregon.gov
Title IC	Yuliana Kenfield	Yuliana.Kenfield@ODE.Oregon.gov
Title IIA	Sarah Martin	Sarah.Martin@ODE.Oregon.gov
Title III	Kim Miller	Kim.A.Miller@ODE.Oregon.gov
Title IVA	Lisa Plumb	Lisa.Plumb@ODE.Oregon.gov
Title IVB	Raquel Gwynn	Raquel.Gwynn@ODE.Oregon.gov
Equitable Services	Janette Newton	Janette.Newton@ODE.Oregon.gov

D. Implementation and Evaluation

The plans made during the initial consultation should include clear action steps and responsibilities and each party should live up to its commitments. Although the initial consultation is generally the most critical, ongoing consultation is necessary and required for follow-through, adjustments and evaluation.

Evaluation ensures the equitable services have the intended impact. ESSA equitable participation funds may be available to a school each year, so there is always the opportunity to make adjustments to benefits to make them more effective and responsive to needs. Evaluating programs is an important part of continuous improvement.

District Responsibilities:	Private School Responsibilities:
<ul style="list-style-type: none"> ✓ Monitor implementation of plans to ensure services are provided. Set up meetings or take other actions as necessary to keep things on track. ✓ Ensure services are evaluated for effectiveness. ✓ Follow financial procedures and ensure services are paid for in a timely manner. Funds must be obligated by the district in the fiscal year in which they are appropriated. If a proportionate share is not completely expended due to an extenuating circumstance, then it must be carried-over. ✓ Districts may not reimburse private schools. 	<ul style="list-style-type: none"> ✓ Follow through with agreed upon plans to ensure benefits are provided as agreed. ✓ Do not make purchases. The district cannot transfer funds to a private school, even as a reimbursement. ✓ Follow the district's procedures for requesting professional development prior to registering for an event.

Both the district and the private school are responsible for keeping an ongoing, open line of communication.

III. Carryover of Funds

Funds for equitable services must be obligated in the fiscal year in which they were appropriated. However, funds must also be carried over when a circumstance has prevented the district from obligating the funds in the current fiscal year.

Program	What happens to the funds if a private school declines services or closes?	Examples of circumstances requiring Carryover
Title IA	Funds are redistributed equally among participating private schools. If there are no participating private schools, funds may be used by the district.	Delay in services or staffing Services cost less than expected Other circumstances beyond the control of the district and/or private school
Titles VIII	Funds are redistributed equally among all participating public and private students.	Delay in services or staffing Services cost less than expected Other circumstances beyond the control of the district and/or private school

IV. Additional Considerations

- **Secular, Neutral, and Non-ideological**
A district must provide equitable services, including materials and equipment that are secular, neutral and non-ideological. Even though many private schools have religious affiliations, core instructional supports and curriculum provided through equitable services must be secular, neutral, and non-ideological.
- **Title I-A and Title VIII programs require that all entities (including private schools) using federal funds establish the evidence base of the interventions selected.**
There are [four levels of evidence-based programs](#) (promising, moderate, strong, and demonstrates a rationale). Under Title I-A and Title VIII programs, selected interventions may fall into any of the four levels.
- **Public School Employees**
Public school officials and employees may not introduce any religious matter into teaching or become involved in the religious activities of the private school.
- **Religious Symbols**
Equitable services may be provided in the private school without requiring the removal or alteration of religious icons, scriptures, or other symbols. A neutral location, if available, is preferred.
- **Equity in Nature and Timing of Services**
A district must provide services and other benefits for private school students, families and teachers in a timely manner that is equitable in comparison to the services and benefits provided for public school students and teachers. In accordance with statute, regulations and non-regulatory guidance, services should be available to public and private school students at the same time.
- **Transferability**
Districts must consult with participating private schools before a decision is made to transfer funds between eligible Title programs. The equitable share provided to participating private schools is impacted whenever the district transfers funds. The results of the district’s needs assessment must be shared with the private schools during meaningful and timely consultation regarding the services they will and will not be eligible for as the result of the transfer of funds. For more information, see the [Equitable Services and Transferring Funds](#) slide deck.
- **Administrative Cap**
With most programs, there is not a statutory limitation on administrative costs. [Non-Regulatory Guidance](#) states that districts should reserve funds that are reasonable and necessary for administering equitable services. Most federal funding sources that set administrative caps do so between 2% and 5%. The cost should account for the full grant period and may be applied to each grant. For Title I-A, the administrative set-aside is taken from the proportionate share and may only be used to administer equitable service programs. For Title VIII, administrative set-aside is taken off-the top before the proportionate share is set-aside.

Factors in Determining a Reasonable and Necessary Administrative Cap

- **Number of participating private schools**- the more schools served, the more time it will take to consult and provide services.
- **Familiarity of participating private schools with district procedures** – private schools who are new to equitable services may require more support in determining allowable activities and in becoming familiar with the procedures that must be followed in the district for providing services (like processing stipends, procurement requirements and vendor selection).
- **Hourly cost of employees providing consultation and equitable services** – Federal Programs Staff, Finance and Budget Staff, and IT Staff are some possible employees who will be involved in the provision of equitable services.
- **The time and effort of staff providing requested services** – the time it will take to purchase a one-time order of cleaning supplies and curriculum is different than the time it will take to process stipends or to order electronic devices that need to be set up and added to inventory.

V. Ombuds

The Oregon Department of Education (ODE) has designated an Ombuds to monitor and enforce requirements under Title I-A and Title VIII of ESEA. The Ombuds serves as the state’s primary point of contact for addressing questions and concerns from private school officials and districts. The Ombuds:

- Provides technical expertise in interpreting, understanding, and implementing accountability requirements for equitable services;
- Assists in consultations between districts and private schools, upon request;
- Addresses complaints regarding consultation and/or service provisions;
- Ensures all equitable services reporting requirements are met;
- Oversees Oregon’s Private School Partnership;
- Collaborates with staff from the Division of Special Education and Student Services related to equitable services.

Oregon State Ombuds Contact Information:

Janette.Newton@ODE.Oregon.gov

503-551-9405

VI. Compliance & Complaint Process

If private school officials believe that timely and meaningful consultation has not occurred, they should first discuss concerns with the school district staff who are responsible for coordinating consultation. In the event the problem is not resolved, private school officials have the right to file a formal written complaint with the state’s Ombuds. The Ombuds serves as the primary point of contact for responding to and resolving any complaints regarding equitable services.

A written complaint should include:

- A statement that the district has failed to meet requirements for equitable participation;
- The specific requirement not met;
- The facts on which the complaint is based;
- The name and address of the complainant;
- The desired resolution of the complaint; and
- The signature of the complainant.

- Formal complaints should be emailed directly to:
Janette Newton, Private School Ombuds
Subject: Equitable Services Complaint
Email address: Janette.Newton@ODE.Oregon.Gov
- [Complaint Process](#): This document outlines the process that should be used when a private non-profit school and the public school district fail to reach agreement on a specific issue dealing with the provision of equitable services for eligible private school students, teachers, and/or parents under applicable federal Elementary and Secondary Education Act (ESEA) programs (ESEA Sec. 1117; 8501) or the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136).

VII. Resources Links

- [Title IA Equitable Services NRG \(2023\)](#)
- [Draft Title VIII Equitable Services NRG \(2022\)](#)
- [Using Evidence to Strengthen Education Investments NRG \(2016\)](#)

VIII. Forms and Templates

- [Intent to Participate Letter](#)
- [Affirmation of Consultation Form](#)
- [Equitable Services Needs Assessment](#)
- [Evaluation of Equitable Service Programs](#)
- [Title IA Family Income Survey](#)
- [Title IIA Reimbursement/Stipend Process](#)

IX. Acronym Definitions

ODE	Oregon Department of Education
LEA	Local Education Agency (referred to as the “district” in this document)
ESD	Education Service District
OAR	Oregon Administrative Rule
ORS	Oregon Revised Statute
ESSA	Every Student Succeeds Act (reauthorization of ESEA-Elementary and Secondary Education Act)
USED	United States Education Department

X. Frequently Asked Questions

A. General ESSA (Every Student Succeeds Act)

1. What is the Every Student Succeeds Act (ESSA)?

The Federal Elementary and Secondary Education Act (ESEA) was enacted in 1965 with the purpose of ensuring “quality and equality” in educating our young people. The most recent federal reauthorization of ESEA was the Every Student Succeeds Act (ESSA) that was signed into law in December 2015. One of the requirements of ESSA mandates that students and teachers at eligible nonprofit private schools receive equitable services under the following Title programs:

Title I-A Improving Basic Programs

Title I-C Education of Migrant Children

Title II-A Supporting Effective Instruction

Title III-A English Language Learners and Immigrant Students, Language Enhancement, and Academic Achievement: English Learners (EL) and Immigrants (IMM)

Title IV-A Student Support and Academic Enrichment Grants

Title IV-B 21st Century Community Learning Centers

Title IV-F Project SERV

2. What are private school equitable services?

The term equitable services refers to the process of providing students, teachers, staff and families at eligible private schools fair access to federally funded education programs and services.

3. What is the definition of a non-profit private school in Oregon?

The working definition of a private school can be found in [ORS 339.030](#), “a private elementary or secondary school operated by a person or by a private agency, offering education in prekindergarten, kindergarten or grades 1 through 12.” The school must also be registered with the [Oregon Secretary of State](#) as a non-profit entity.

4. Why are equitable services requirements included twice in ESEA?

ESSA Section 1117 defines equitable services requirements for Title I-A. ESSA Section 8501 defines requirements for all other Title programs that are collectively referred to as Title VIII.

5. Are all private schools eligible for equitable services?

For-profit private schools are NOT eligible to receive equitable services under ESSA. The school district is only required to consult with non-profit private schools regarding the provision of equitable services.

6. Are there differences in eligibility for each Title program?

Yes. Eligibility for each Title program is listed below.

Title I-A..... The poverty level of students living within the Title I-A school attendance areas (that is, poverty AND residence).

Title I-C The migratory status of the student.

Title II-A/IV-A The total enrollment of students in the private school, regardless of their resident district.

Title III-A..... The number of identified and served English Learners or the number of identified Recent Arrivers.

Title IV-B..... The location of the private school within a 21st Century Community Learning Center (CCLC) attendance service area, and any other requirements included in the subgrantees awarded application.

Title IV-F..... The location of the private school within the geographic boundaries and any other criteria included in the subgrantees awarded application.

B. Consultation

1. Is there guidance on “meaningful, timely, and ongoing”?

Meaningful, timely and ongoing consultation is at the heart of equitable services. Meaningful and timely consultation provides sufficient time and a genuine opportunity for all parties to express their views, have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible private school students, teachers, staff and parents. This requires that the district has not made any decisions that will impact the participation of private school students and teachers prior to consultation.

A district must consult with private school officials about the time line for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making. Typically, a notice of 14-21 days is sufficient.

Consultation must also be ongoing. This means it begins well before the start of the school year and continues throughout full implementation and evaluation of services. There should be a minimum of one on-site visit by the district to the private school.

Meetings between districts and private schools need not occur in person. Phone, e-mail and video conferencing are all acceptable methods of communication. Both parties should be mindful of what is available and what is preferred.

2. What is the goal of consultation?

The goal of consultation is agreement between the district and private school officials on how best to provide equitable and effective programs for eligible private school students, teachers and families.

3. What is the first step in the consultation process?

Annually, the district must contact private school officials located within its boundaries. A good faith effort should be made to locate and notify (certified letter, follow-up phone call, newspaper notification etc.) the private schools of meeting time and topics. The initial consultation meeting generally occurs in the spring. Template consultation invitations, agendas and timelines can be found on the [Private School Participation under ESEA](#) webpage.

4. What other steps can a district take to ensure timely and meaningful consultation?

- A tentative agenda can provide road maps for well-run and focused consultation meetings. Both district and private school officials should have the opportunity to suggest agenda topics.
- Provide an annual calendar or list of follow-up meetings, due-dates and site visits.
- Document all communication, meeting minutes and agreed upon decision.

5. What are the roles and responsibilities of a private school in consultation?

A private school should be an active participant in the consultation process. This includes:

- Having a current data-based needs assessment.
- Responding to consultation invitations in a timely manner
- Reviewing consultation discussion topics
- Participating in equitable services evaluation processes
- Responding to requests for documentation, reports, etc. in a timely manner
- Identifying and notifying the resident district of Title I-A students enrollment
- Providing lists of addresses and grades of low-income families for Title I-A
- Helping to notify parents/guardians that their child is eligible to receive Title I-A services
- Suggesting ideas, program designs and interventions that meet the needs of eligible students, teachers and families
- Assisting with the identification of English Learners and Recent Arrivers, which is annually due to ODE by June 15th

6. May a district set submission deadlines for private schools?

Yes. Assuming that the district has provided clear and sufficient notice of the deadlines, identified potential consequences for not meeting the deadlines, and given adequate time for private school officials to gather the data and respond, districts may set a time limit for submission of requests. All deadlines must also be reasonable and necessary.

7. What happens if a private school misses the initial consultation meeting?

Consultation must include early discussions to prepare for the next school year so that there is a timely start of the Title program(s) at the beginning of each school year and should continue throughout its implementation and assessment of services. If the private school misses the consultation meeting because they were not provided any information regarding the opportunity to participate in equitable services under the ESSA, the private school should, as soon as possible initiate contact with district. The private school may also contact the Ombuds at the ODE. Depending on the circumstances, the private school may be entitle to receive services. IF the private school misses the consultation meeting even though they were given sufficient information to attend the meeting and did not ask the district to reschedule the meeting, in specific circumstances the district can assume the private school declined services.

8. If a private school does not want to participate in equitable services does the district have any further obligations?

No. Districts must retain the documentation of the private school's decision not to participate and submit documentation to the Ombuds. However, the district is required to contact the private school on an annual basis, regardless of the private schools previous responses.

9. What is the district's obligation if a private school initially declines participation and decides at a later date they would like to participate?

Timeliness for both the district and private school is critical. There are no hard and fast cut-off dates for a district to consult with a private school. However, budgets, staffing and, the allocation of resources, may

be a consideration. The optimal initial consultation meeting between the district and private school is in the spring or early summer before the beginning of the school year in which services will be provided.

If the decision to participate is made after October 1, the district may offer to meet with the private school to review the consultation process and timelines so they will be prepared for the following school year. It is important that the district keep documentation of all phone calls, e-mails and meetings.

10. Are there required topics that must be discussed during consultation?

Yes. Information on consultation requirements is located on the [Private School Participation under ESEA](#) webpage.

11. Must private schools indicate whether meaningful and timely consultation has occurred?

Yes, private schools have the opportunity to either agree or disagree that meaningful and timely consultation has occurred. Forms that govern consultation can be found on the [Private School Participation under ESEA](#) webpage.

12. Must a district contact the private school if the private school has previously declined services?

Yes, on an annual basis the district must contact private school officials and inquire as to whether the private school students, teachers and families will participate in the ESEA programs available to them.

13. Are districts required to send consultation information to the ODE?

Yes, school districts are required to upload evidence of consultation to ODE after contacting or meeting with private school officials. Evidence should be uploaded to the [Evidence of Consultation form](#) within 30 days of the consultation. Evidence must be uploaded for each private school the district contacted for consultation, regardless of the private school's response.

14. Does an offer of services from a district meet the requirement of consultation?

No, just an offer of services by the district without an opportunity for timely and meaningful consultation does not meet the requirement of the law. Only after discussing key issues relating to the provision of services, identifying the needs of the students and teachers to be served, and receiving input from the non-public school officials, does a district make its final decisions with respect to the services and benefits it will provide to meet the needs of the eligible private school students, teachers and families.

15. What happens if a district disagrees with the views of the private school during consultation?

The district must provide to the private school officials in writing the reasons for the disagreement. The final decision rests with the district; although, the private school may file a complaint with the Ombuds.

16. What is the process for filing a complaint with the Ombudsman?

The [complaint process](#) is located on the [Private School Participation under ESEA](#) webpage and in Section 5 of this Handbook.

C. Title I-A: Improving Basic Programs

1. What is the purpose of Title I-A?

The purpose of the Title I program is to provide supplemental educational services so that all children have a fair, equal, and significant opportunity to obtain a high-quality education. This includes equitable participation of private school students, teachers and families.

Poverty and a private school student’s residence within a Title I-A public school attendance area are the two factors used for calculating the allocation. Students, their teachers and families may receive services in they live within a Title I-A public school attendance area and show academic need.

2. When should the proportionate share be calculated?

A district must determine the amount of funds available for equitable services prior to any expenditures or transfer of funds, including administrative costs, parental engagement and district-wide initiatives.

3. How is the proportionate share calculated? Who is responsible?

There are several resources available. The [Title IA Flowchart](#) shows steps and responsibilities which outline the process and “who does what” in order to determine Title I-A eligibility. Poverty and a private school student’s residence are the two factors used for calculating the allocation.

4. What happens when a student attends a private school located in one district but resides in another district?

The private school should notify adjacent/neighborhood school districts if they have students in attendance. The school district will then ask for student addresses, poverty data and set up a consultation meeting.

5. Can a district reserve funds off the top of its allocation?

No. A district must determine the amount of funds available for equitable services prior to any expenditures or transfer of funds, including administration costs, parental involvement and district-wide initiatives.

6. What is the difference between a private school student being eligible to generating funds (allocation) and a private school student who is eligible for services?

Poverty and the residence of a student within a Title I-A public school attendance area the criteria for generating allocation/funding (**poverty AND residence**). Being at risk for academic failure (academic need) and residing in a Title I-A public school attendance area are the criteria for receiving services (**need AND residence**).

D. Title I-A: Determining Equitable Share Allocation and Services

Note: Allocations are based on RESIDENCY and POVERTY
Services are based on RESIDENCY and ACADEMIC NEED

1. How is the proportionate share for Title I-A calculated?

Here is a hypothetical example that will be used to demonstrate this calculation. It is assumed that the district’s total Title I-A allocation is \$100,000. It is also assumed that private school 1 has 100 eligible students and private school 2 has 50 eligible students.

Public School Attendance Area	# of Public School Low Income Children	# of Private School Low Income Children	Total # 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

To calculate the **% poverty of low income students in all participating private schools**, divide the total number of private school low-income children by the total number of low-income children, then multiply the answer by 100. In this example, divide 150 by 1,500 to get 0.1; multiply by 100 to get 10%.

To calculate the **total proportionate share for all participating private schools**, multiply the district's total Title I-A allocation by the percent poverty of low income students in all participating private schools. In this example, multiply \$100,000 by 10% to get \$10,000.

To calculate the **per-pupil allocation for private school students** divide the total proportionate share for all participating private schools by the total number of private school low income children. In this example, divide \$10,000 by 150 students to get \$66.67/pupil.

To calculate the **proportionate share for each participating private school**, multiply the per-pupil allocation for private school students by the total number of eligible students enrolled in the private school. In this example, for private school 1, multiply \$66.67 by 100 to get \$6,667; and for private school 2, multiply \$66.67 by 50 to get \$3,333.

2. What methods can a district use to determine income status?

There are six methods available: the same measure as the district (most commonly free and reduced lunch or direct certification data), comparable poverty data from an income survey, comparable data from other sources (tuition assistance, scholarships, financial aid) and proportionality, an equated measure or a combination of any of the methods. (ESSA section 1117 (c) (1))

3. Who has the final authority on which method is used to determine income status?

This topic is discussed during Consultation. The district has the final authority in determining the calculation method to be used, but must give the private schools views due consideration. (ESSA section 1117 (c) (1))

4. What information must the private school give the district to determine eligibility?

The district only needs to collect the addresses, grade levels and income status from the private school. The private school must maintain all other the poverty data that was collected in their files. If district officials, ODE or auditors wish to review this information, the private school must allow them to do so at the private school facilities.

5. What criteria is used to determine which private school students will receive services?

During the consultation process, the district and private school will establish multiple, educationally related, objective criteria to identify which private school students are eligible for services. Those students identified as most at risk of failing to meet high student academic achievement standards are the ones that will receive services. The private school does not need to use standardized assessments to identify students. After students are identified, the district and/or third party contractor may need to assess or reassess students in order to set student learning targets so that services can be effectively evaluated.

6. May Title I-A funds be used in the initial identification of private school students?

No. The private school is responsible for identifying which private school students may be eligible for services based on greatest academic need. The private school is not required to use a standardized test for the initial assessment, but may. Other options may include grades, end of unit exam scores, teacher recommendations or referrals based on multiple, objective, academic criteria, and other methods based on multiple, objective, academic criteria. After students have been identified by the private school, the district and/or third party contractor may use Title I-A funds to further assess private school student's

needs and baseline data that will be used to measure student academic progress and growth. If the private school identifies students with the same standardized test that the district and/or third party contractor uses, the student does not need to be reassessed after identification.

7. What are the guidelines for Title I-A services?

- Instructional services must be supplemental to what the private school already provides.
- The service must meet a specific need of the student and not a general need of the private school.
- Services must be reasonable, necessary and allocable to Title I-A.

8. What types of services are available for private school participants?

Based on the private school's needs assessment, services for eligible private school students may include, but are not limited to, the following:

- Instructional services provided by public school employees or third-party contractors;
- Extended-day services;
- Family literacy programs (reserved for families with Title I-A eligible students);
- Counseling programs;
- Computer-assisted instruction;
- Home tutoring;
- Instruction using take-home computers;
- Professional development to the teachers of Title I-A eligible students;
- Parent and family engagement to eligible students; and
- Other services that meet the intent and purposes of Title I-A.

9. May a district hire a private school teacher to provide Title I-A services?

Yes, if the private school teacher has met state licensing and certification and is independent of the private school at the time of the provision of Title I-A services. The private school teacher can only be employed for Title I-A purposes outside of the time they are employed by the private school. The private school teacher must be under the direct supervision of the district or third-party provider with respect to all Title I-A activities.

10. Is the district required to serve all the private school grade levels?

No. Title services may only be provided to the grades that are being served at the Title I public school. For example, if the Title I public school attendance area serves grades K-5, a private school 6th grader would not be eligible for services.

11. Who "owns" materials and equipment purchased with Title I-A funds

All materials and equipment are purchased and owned by the district and may only be used by students participating in the Title I-A program for Title I-A purposes. Each item purchased with Title I-A funds must be labeled "Property of School District" and included on district inventory lists, as applicable. The labels should not be either easily erased or removed.

12. Who is responsible for maintaining and servicing Title I-A technology?

The district is responsible for servicing and maintaining technology purchased with Title I-A funds and maintaining an up-to-date inventory. Private schools may help with gathering and preparing any items that are out-of-date or no longer being used to provide Title I-A services.

13. What happens when a school district disagrees with a private school for Title I-A services?

The district must explain in writing and provide reasons for why it disagrees with the private school official's view. Reasons should be fact based and based on data, if available. While the district has the

final authority on how services are provided, the private school can file a complaint with the Ombuds stating that the district did not give the private school's views due consideration. (ESSA, Section 1117 (b) (2))

14. What are the parent and family engagement requirements for Title I services?

If the district's allocation exceeds \$500,000, 1% of the proportionate share must be dedicated to providing parent and family engagement activities. Parental involvement services and activities must be comparable to the services and activities provided to public schools.

Activities for parents of private school participants are part of the meaningful consultation process. Activities can be in conjunction with the district's activities or provided independently.

15. Are religious symbols allowed where Title I-A services are provided?

Yes, a private school is not required to remove religious symbols from the space where Title I-A services are provided. Private schools are also not required to provide a space for services, but many choose to do so for convenience. Services and other benefits to private school students must be secular, neutral, and non-ideological.

16. Is the private school responsible for providing a space for Title I-A services?

If the Title I-A services are held in the private school, the private school needs to provide a space that is appropriate for academic purposes. For example, a corner of the gym or school hallway would not be suitable for academic purposes.

If space is not available in a private school, or if the private school chooses not to make its facilities available to the district for this purpose, Title I-A services must be provided in another location that is appropriate for academic purposes. The district has the responsibility of providing equitable Title I-A services for private school children, and must provide a location outside the private school. The extra costs of providing services at a location outside the private school would be taken from the proportionate share. If students must be transported to another location, this can be taken from the administrative set-aside for the proportionate share.

17. Can preschool students receive Title IA services?

Private school pre-K students can receive services, although they do not generate funds to pay for these services.

18. Are school districts required to evaluate the academic progress of the students receiving Title IA services?

Yes. A component of the consultation process is an agreement on how services will be assessed and how the results of that assessment will be used to improve those services. Evaluation templates are provided in the [Evaluation of Equitable Services Programs](#) document.

E. Title I-C: Education of Migrant Children

1. What is the purpose of Title I-C?

The Migrant Education Program (MEP) provides supplemental support to eligible migrant children and youth. It ensures that migratory children are provided with appropriate educational services and opportunities so they can succeed in school.

2. What is the school district's role if they are not the entity for managing Title I-C?

If a private school has students that are eligible for Title IC services, the school district is responsible for connecting the private school with the entity administering Title I-C.

F. Title II-A: Supporting Effective Instruction

1. What is the Purpose of the Title II-A Program

The purposes of Title IIA is to increase the academic achievement of all students by helping schools and districts improve teacher and principal quality. In addition, Title IIA funds may be used to improve the skills and knowledge of principals for effective school leadership.

2. What are the primary responsibilities of a school district and private school?

School District responsibilities:

- Contact all eligible private schools within district boundaries in February to schedule consultation;
- Participate in annual consultation;
- Calculate an equitable share for each participating private school and create a line item in district narrative;
- Include information on strategies provided to each private school in the CIP Budget Narrative line item;
- Submit district application when district is ready and effectively communicate with the private school in order to meet the application deadline;
- If private school services change, revise the district II-A CIP Budget Narrative submission to reflect private school strategies;
- If equitable services are reallocated, revise the district II-A CIP Budget Narrative submission to reflect how funds were spent; and
- Carryover any required funds, as applicable.

Private School responsibilities:

- Participate in annual consultation;
- Conduct a needs assessment and assist the district in identifying strategies;
- Meet any required and reasonable deadlines as communicated by the districts; and
- Work with the district to arrange for billing and payment of activities. The district serves as the fiscal agent for the private school as they cannot be directly reimbursed for any services.

3. How is the equitable share of Title II-A or IV-A calculated?

TITLE II-A or IV-A EQUITABLE SHARE FORMULA	
A. Total Enrollment	Number of Students
Total District Enrollment	900
Total Enrollment From All Participating Schools	100
Total Enrollment	1000
B. Title II-A or IV-A Available Allocation	Allocation (\$)
Total District Allocation	1,000,000
Administrative Costs	50,000
Total District Allocation with Administrative Costs Removed	$(1,000,000) - (50,000) = 950,000$
C. Per Pupil Rate	Per Pupil Allocation (\$/student)
Total Allocation divided by Total Enrollment	$(\$950,000) / (1,000 \text{ students}) = 950$
D. Proportionate Share	Proportionate Share (\$)
Proportionate Share for Each Private School	$(\text{Enrollment}) \times (\$950)$

4. Are there guidelines on allowable services with Title IIA?

- Title II-A eligible expenditures should be tied to the private school's needs assessment.
- All services are paid for by the district, and the private school can never be directly reimbursed.
- Conferences should be in-state, whenever possible.

- All services must be preapproved by the district, and the costs must be reasonable and necessary.

5. Does professional development for private schools have to be the same as public schools?

No. Districts must assess the needs of private school teachers in designing the professional development program for private school teachers. If the professional development needs of the private school teachers are different from those of public school teachers, the district, in consultation with private school representatives, must develop a separate program.

6. May Title II-A funds be used for class size reduction?

No. Contracts for private school teachers and staff would be inconsistent with the requirements in ESEA regarding district control of funds and the supervision and control of employees or contractors.

7. May Title II-A funds be used to pay for a private school teacher’s attendance at professional development sponsored or conducted by a faith-based organization?

Yes. To the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher, then Title II-A funds may be expended to pay for the portion of the costs of the conference that, as determined by the district, represent the secular professional development in which the teacher participated. For more information, see the [Secular, Neutral and Non-Ideological slide deck](#).

8. How should the district pay for the cost of attendance at a conference?

The district remains in control of the Title II-A funds. The district may wish to reimburse the individual(s) for the costs or pay for the costs directly but cannot directly reimburse a private school. This process should be decided during consultation.

9. May a district use funds to provide stipends to private school participants?

Yes. As with any other costs, the use of funds for stipends must be allowable under the Title II-A use of funds for private schools, and they must be reasonable and necessary. For example, if a professional development program is conducted during after-school hours or during the summer, stipends may be needed to compensate teachers for participation outside their regular employment hours. In addition, stipends for private school teachers must be available on the same basis as public school teachers, and the stipends must be paid to private school teachers for their own use. However, the stipends must not be paid directly to the private school or be for the general benefit of the private school.

10. May Title II-A funds be used to purchase equipment and materials?

Title II-A funds may be used to purchase equipment and materials used in professional development activities. However, Title IIA does not permit the use of program funds to purchase materials and supplies that, although they may benefit students, are not directly connected to the teachers’ professional development or are for student use.

While the purchase of technology is not generally an allowable expense under Title IIA, technology purchased solely for the purposes of recording data from teacher observations is considered allowable.

All equipment and materials purchased by Title II-A funds are the property of the district.

G. Title III-A: English Language Learners, Language Enhancement, and Academic Achievement

1. What is the purpose of Title III-A?

The purpose of Title III-A is to help ensure that English learners (ELs) and Immigrant Youth enrolled in both public and private schools attain English language proficiency and meet state academic standards.

2. What students are eligible to receive Title III-A services?

A private school student must be enrolled in a private elementary or secondary school located within the boundaries of a school district that receives a Title III subgrant for ELs and must meet the definition of EL under [Section 8101 \(20\) of ESSA](#).

3. What are examples of Title III-A services that a district may provide?

- Tutoring for ELs before, during or after school;
- Professional development for the teachers of EL students;
- Summer school programs to provide English instruction to ELs;
- Administration of an English Language Proficiency (ELP) assessment for identification of English Language Services (ELS) and/or for the purpose of evaluating the effectiveness of services;
- Provision of supplemental instructional materials and supplies (These would be supplemental to what the private school would provide in the absence of Title III-A services and must be secular, neutral and non-ideological.)

4. Who is responsible for the identification of private school students?

If a private school chooses to participate in Title III-A, the district may use Title III-A proportionate share funds to identify students as ELs. The district cannot require the private school to use a specific English Language Proficiency (ELP) Assessment, and must choose the ELP Assessment during consultation.

H. Title IV-A: Student Support and Academic Enrichment Grants

1. What is the purpose of Title IV-A?

The purpose of Title IV-A is to provide funding and flexibility in three areas: well-rounded education, safe schools and technology. The activities must be based on an assessment of the private school's needs.

2. Do the required percentages for the three areas apply to private schools?

No. That is a district requirement.

3. How is the equitable share of Title IV-A funds calculated?

The equitable shares is calculated the same as Title II-A. See page 16.

4. Must a private school accept Title I-A funds to be eligible for Title IV-A funds?

No. The requirement to participate in Title I-A to receive Title IV-A applies only to the district.

I. Title IV-B: 21st Century Community Learning Centers

1. What is the purpose of 21st Century Community Learning Centers?

This competitive grant program provides academic enrichment through community learning centers for students of high poverty areas. Private school students are eligible to apply for 21st CCLC grants or to participate if their school is located within 21st CCLC attendance area. For information see the [Private School Participation for Title IV-B](#) webpage.

J. Transferability

1. Does the transferring of funds from Title II-A and/or IV-A impact consultation?

Yes. The district must consult with the private school about the decision to transfer II-A and IV-A funds *before* the funds are transferred. The district must give due consideration to the private school's views before transferring funds. For more information, see the [Equitable Services and Transferring Funds](#) slide deck.

2. May a district transfer only those funds that are to be used for equitable services, or leave a portion of transferred funds to be used solely for equitable services?

No. A district, after consulting with appropriate private schools, must provide equitable services based on the rules of each program and the total amount of funds available to each program after a transfer.

K. Fiscal

1. Can the district directly reimburse private schools for equitable services?

No. The district must remain in control of Title funds at all times. The district may reimburse individual private school employees directly; but may never, under any circumstance, directly reimburse a private school.

2. May private schools order or purchase equipment and materials needed for a Title program and be reimbursed by an LEA?

No. The district must remain in control of Title funds at all times. The district may reimburse individual private school employees directly; but may never, under any circumstance, directly reimburse a private school.

3. May a school district carry over unobligated proportionate share funds?

The proportionate share must be obligated in the fiscal year it was allocated. However, if circumstances beyond the district or private school's control did not allow for the complete obligation of the proportionate share, the remaining balance must be carried over. See pages 4-5 of this document for more information.

4. What are district's and private school's responsibilities when they are monitored?

The district is responsible for all documentation on the consultation process, services provided to private school, assessment and evaluation of programs, any records of efforts to resolve complaints and evidence of an annual site visit.

Private schools are responsible for responding in a timely manner for documentation requested by the school district, but have no responsibilities regarding monitoring.

5. What is the period of availability for obligating the proportionate share?

The proportionate share follows the federal fiscal year. For example, for the 23-24 school year, funds are available July 1, 2023 until September 30, 2024. If the district's fiscal year is different from the federal fiscal year, the district must allow the obligation of the proportionate share to continue until the end of the federal fiscal year.

6. Who controls the equitable service funds?

Control of funds and title to equipment and supplies must remain with the district. No funds may go directly to a private school.

7. What are different methods of reimbursement?

- **Equipment and supplies:** The district must pay for these directly or, in some circumstances, reimburse a private school employee. They must never reimburse a private school.
- **Professional development:** Under equitable services programs that include teacher and leader professional development, districts may directly reimburse individual private school staff who were authorized to participate in allowable professional development as agreed upon in consultation and aligned with a private school's needs assessment.