

Title Talk Tuesday – Equitable Services

Questions and Answers

July 31, 2018

Q1. Should districts fill out their portion of the Written Affirmation Forms for each Nonpublic School before sending them to the nonpublic schools? Many districts are sending blank forms to nonpublic schools and asking the nonpublic schools to complete the forms (headings, etc.).

A1. Prior to sending the Written Affirmation form to each private school, it is appropriate for districts to fill out portions of the form, such as the contact information at the top of page 2. However, it would not be appropriate for the district to pre-populate responses in Section 1 related to a private school's intent to apply, nor indicate ahead of time that agreement was reached on the required consultation topics. Under no circumstances should private school officials sign and return a blank version of the Affirmation Form until after consultation has taken place.

Q2. Would it be best practice for a district to send pages 2 and 3 to all nonpublic schools early in the process and then follow up with the required consultation for the appropriate Titles based on those responses?

A2. No, the Written Affirmation form should be sent in its entirety to appropriate private school officials. Sending the entire form allows private school officials the chance to review the topics that will be discussed as part of timely and meaningful consultation for each ESSA program.

Q3. How do private schools prove that they have an identification process for Title 1? What is acceptable?

A3. How a private school "proves" they have Title I eligible students enrolled in their school must be part of the consultation process. Specifically, the district and private school officials should discuss Title I attendance area eligibility and the criteria for determining if a student is from a low-income family. The four methods for determining high poverty status are:

- Same data source (ex. Free/reduced price lunch Counts)
- Surveys (Parents fill out a survey which indicates family income levels matched to federal poverty income levels)
- Proportionality (The percentage of children from high poverty families, attending a private school will be considered equal to the percentage of children from high poverty families that attend a Title I public school, the private school students would have attended if they were not enrolled in the private school.
- Equated measures (Using two different data sources and extrapolating the data to determine poverty status)

Private schools should not be required to provide the names of their eligible students, only their addresses so that the district can verify that students identified as low-income reside in Title I attendance areas within the district.

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Q4. On the affirmation form, under Titles, II, III and IV, it lists a check box “Not applicable - My private school is located outside the geographic catchment area of the district.” Can you explain “Geographic catchment?”

A4. Geographic catchment means the entire area that is encompassed as part of a school district’s attendance area. A district that has private schools located within its geographic boundaries is responsible for consulting with and providing services to participating private schools under Title II, Part A; Title III, Part A; and Title IV, Part A, even if the students served in that private school are residents of another district.

Q5. If we have students that attend an out-of-district private school but none of them reside in a Title I district, do they need to sign off on the written affirmation form?

A5. Yes. On page 2 of the Affirmation form there is a checkbox for the private school official to indicate that they have no eligible students at this time. In such a case, the private school official should mark that box, sign and date the form on page 3, and return the form to the district for inclusion with the district’s Consolidated Application.

Q6. Can you provide examples of services that might be shared through equitable services? What might that look like? Is the district providing funds or the actual services?

A6. Some examples of Title I, Part A equitable services may be academic intervention services, (AIS), computer assisted instruction (CAI), counseling, parent and family engagement activities, and professional development which is focused on assisting teachers to work with students who are failing or struggling academically. The district may not provide funds directly to private schools. Districts may only provide Title I allowable services.

Q7. Can you walk through the process fully? For example, the private gives the public district a list of 10 children that are free and reduced. The district reviews the list and 5 of the children would have been in title I buildings. The allocation is \$1,000/each. Upon review only 3 of the children need remedial services. How much \$ should be listed on form? What kind of services would you recommend with such little funds? What is best practice for collaborating?

A7. The Title I, Part A allocation for services is determined solely based on the number of children from low-income families that live in a district Title I attendance area. Academic need does not impact the Title I, Part A allocation calculation.

Title I services must be provided based on identified academic needs. The selection of students for services may not use a student’s low-income status as a selection criterion. Students who are not from low-income families but reside in a Title I attendance area may receive services if there is an

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identified academic need. It is possible that the children who generated the funds for services may not receive services if they do not have academic need. Title I, Part A funds would still be generated for services by those eligible students, regardless of their own academic need.

Q8. Can non-publics decline to use the 1% Parent and Family Engagement set-aside, if it is a minimal amount (i.e. \$10), and roll it into their Title I pot?

A8. Yes. The district, in consultation with private school officials, can decide to use those funds for other allowable Title I, Part A purposes. They should indicate in writing in the affirmation form that they will be using the 1% set-aside for other Title I, Part A allowable purposes.

Q9. For non-publics that are NOT located in district: if transferability into Title I is used for Title II and IV funds is the district required to provide a proportionate share of these newly transferred funds? Once again this is for non-publics not located in district boundaries that would not be eligible for a proportionate share Title II and IV funds in normal circumstances.

A9. If a district uses the transferability option to transfer all or a portion of their Title II, Part A and Title IV, Part A funds for Title I, Part A purposes, the funds must be shared equitably with the private schools, in and out-of-district, as part of the calculations for Title I, Part A equitable services. Please note the funds aren't actually transferred, only the use of the funds is transferred.

Q10. What if the private school doesn't spend the funds? After numerous contacts, a private school didn't spend the funding from last year as per what they stated it was needed for. What is our obligation to continue with asking them to expend the money?

A10. As noted above in Question #6, the private school does not spend the funds allocated as part of the equitable services requirement. The district spends the funds on behalf of their students attending the private school. It is incumbent upon the district to ensure funds allocated for the year are expended in the year they are allocated. In the instance where there are funds left over at the end of a school year, the district must follow applicable carryover rules.

Q11. Is it correct/advisable for the district to send the form to nonpublic schools prepopulated with dates of when conversation occurred, that agreement was reached, and checked at the bottom of page 2 and 3 that "I agree"?

A11. Dates and times of meetings may be entered, but only the private school official may indicate if agreement was reached during the consultation process. The district should not pre-populate the form to indicate that private school officials agree, even if agreement was reached prior to the submission of the form.

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Q12. How is the amount of funding that the district must share with the private school determined?

A12. The Title I, Part A allocation, including any funds subject to Transferability, must be divided by the total count of students enrolled in public and private schools from low-income families that reside in a Title I attendance area. This calculation must be made before any set-asides or reservations are made. This calculation is done automatically in the online application as allocation and student count information are entered.

Q13. What if a district agrees to contribute toward the private school teacher's salary or teaching materials if the private school provides AIS for that private school student? How would the private school be reimbursed?

A13. Private schools cannot provide a Title I AIS program. The district provides the services either directly using employees of the district that meet appropriate certification requirements, through a formal agreement with another district, or through a third-party contract with an individual, organization, or agency with experience providing such services successfully. The cost you describe is not an allowable Title I, Part A cost.

Q14. If the district's children generate \$7,000 in Title I allocations for the private school, but none of their children need remedial services, what should the district spend the money on? Also, if there are only one or two children eligible is it okay to spend the funds on remedial services for other districts needy children, e.g. teacher provides assistance to a group of children, some which aren't from your own public district?

A14. Title I, Part A funds may be used for professional development for the private school's instructional staff. The professional development must be specifically focused on how to assist teachers to provide effective instruction to their students that are failing or struggling academically. The professional development cannot be general in nature or professional development that benefits the entire school (unless focused on assisting the students in academic need).

Title I, Part A funds may also be used for parent and family engagement activities that are focused on the parents of students who receive Title I, Part A services, or, activities that assist parents on ways to effectively work with their children, to help them succeed academically.

A district is only required to utilize its allocation of Title I, Part A funds to support district resident students. If a district agrees to provide services to students from another LEA attending the same private school, the districts should enter into a formal agreement that minimally outlines the services to be provided, how the services will be evaluated, how billing and payment will be addressed throughout the project period.