

# EQUITABLE SERVICES 101



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# Overview

- What is Equitable Services?
- Initial Consultation Process
- Documentation
- Consultation Timeline
- How to Start the Consultation Process
- How to Make Consultation Meaningful
- Ongoing Consultation
- Questions



# What is Equitable Services?

What is Title VIII?

# ESEA Requirements Regarding Equitable Services

- The Uniform Provisions in Title VIII, Part F, Subpart 1, of ESEA govern the participation of private school students and teachers in certain programs.
  - Title I, Part C- Education of Migrant Students
  - Title II, Part A- Supporting Effective Instruction
  - Title III, Part A- English Language Acquisition, Language Enhancement, and Academic Achievement, including IV
  - Title IV, Part A- Student Support and Academic Achievement
  - Title IV, Part B- 21st Century Community Learning Centers

*\*\*Title I, Part A, (Section 1117) has its own provisions governing private school participation. (Addressed in the Title I presentation.)*

# Equitable Services Requirements

Under Section 8501 of Title VIII of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA), **private, nonprofit** elementary and secondary school students, teachers, and other educational personnel are eligible to participate in federally-funded programs as authorized under the Act.

# Nonprofit Status

- Under 34 CFR 77.1, the term “nonprofit” as applied to an agency, organization, or institution, means that it is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.
- Children and educators at for profit private schools are not eligible to receive equitable services.

# General LEA Responsibilities

- Conduct and document timely and meaningful consultation  
*ESEA sections 1117(b) and 8501(c)*
- Allocate funds for providing equitable services  
*ESEA sections 1117(a)(4)(A) and 8501(a)(4)(A)*
- Have a goal of reaching agreement  
*ESEA sections 1117(b)(1) and 8501(c)(1)*
- Provide services that meet the needs of students and teachers  
*ESEA sections 1117(a)(1)(A) and 8501(a)(1)*
- Assess services  
*ESEA sections 1117(b)(1)(D) and 8501(c)(1)(D)*
- Obligate funds in the year they are received  
*ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B)*





# Program Eligibility and Participation

Eligibility and participation requirements *differ* for each federal program.



# Common Provisions to All Title Programs

- Funds may not supplant what the private school would otherwise provide in the absence of federal funds.
- Services must be **secular, neutral, and non-ideological**.
- Participation by private schools is not required but must be offered.
- No funds are provided directly to private schools.
- The **needs** of private school students and teachers must be assessed, and programs must be tied to identified needs.

# Common Provisions to All Programs

- Services provided must be **allowable and comparable** to those provided to public school students and educators participating in the program.
  - Services can be different from those provided to public school participants.
- Equitable services are intended to be provided in the fiscal year for which the funds were appropriated.

# Title VIII - VDOE Website

## Title VIII: Equitable Services for Private School Students, Teachers, and Other Educational Personnel

A Commonwealth of Virginia Website Virginia.gov | Find an Agency

 **VIRGINIA DEPARTMENT OF EDUCATION** Parents & Students Teaching, Learning & Assessment Programs & Services Data, Policy & Funding About VDOE Q

- + STUDENT SERVICES
- FEDERAL PROGRAMS
  - ESSA
    - + Title I
    - Title II, Part A: Preparing, Training & Recruiting High Quality Teachers & Principals
    - Title III: Language Instruction for English Learners & Immigrant Students
    - + Title IV
    - Title V: State Innovation and Local Flexibility
    - Title VI
    - Title VIII: Equitable Services for Private

## Title VIII: Equitable Services for Private School Students, Teachers, and Other Educational Personnel

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The ESEA includes separate provisions governing equitable services for eligible private school students, teachers and other educational personnel, and families under Title I and programs covered under Title VIII, Part F, Subpart 1, Uniform Provisions- Private Schools.

### Federal Programs

#### Title VIII, Part F Uniform Provisions

Under Section 8501 of Title VIII of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act of 2015 (ESSA).

# Initial Consultation Process



# Initial Consultation Process

ESEA section 8501 requires an LEA participating in a covered ESEA program, in consultation with appropriate private school officials, to provide eligible private school children and educators with services or other benefits that are equitable to those provided to eligible public-school children and educators.

# Intent to Participate

- “IN GENERAL.—To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency’s programs under this part.”
- An LEA must annually contact officials of private schools located in the attendance or service area of the LEA to determine whether those officials would like for their eligible children and educators to participate in equitable services under each covered ESEA program in which the LEA participates.
- Timely and meaningful consultation is initiated when the school division sends an informative invitation to the initial consultation meeting.

# Intent to Participate

An “Intent to Participate” form is a document that some LEAs send annually to private school officials to determine their interest in participating in Title I & Title VIII equitable services. The form must include a brief description of the programs for which equitable services are available as well as a list of allowable activities, services, and benefits.

(<https://www.doe.virginia.gov/home/showpublisheddocument/38137/638061026003970000>)



# What if there is no response from the private school?

An LEA must be able to demonstrate that it made a good faith effort to contact all the private schools in the district or service area.

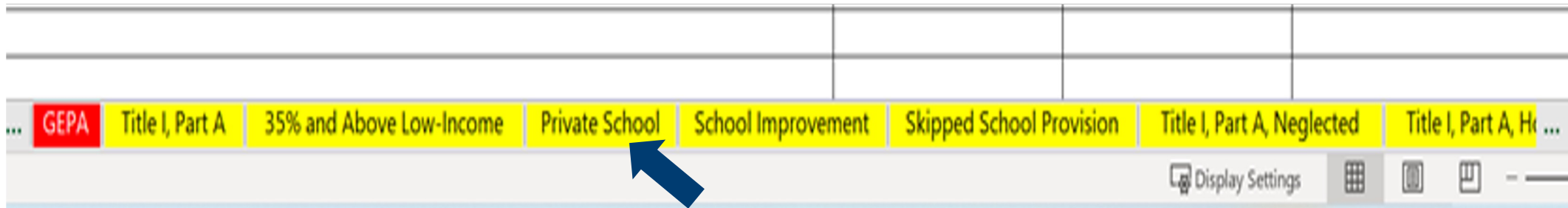
- If a private school declines to participate in covered ESEA programs or does not respond to an LEA's request to consult in the given timeframe regarding the provision of services in a particular year, the LEA has no further responsibility to provide equitable services to children and educators in that school during that school year.

**The LEA must contact each private school every year to determine the private school's intent to participate in covered ESEA programs.**

# Documentation

# Documentation for Equitable Services

- **Federal applications** include an equitable services component for all applicable programs.



The image shows a screenshot of a software interface with a list of federal titles. The titles are displayed in a horizontal bar with colored backgrounds: GEPA (red), Title I, Part A (yellow), 35% and Above Low-Income (yellow), Private School (yellow), School Improvement (yellow), Skipped School Provision (yellow), Title I, Part A, Neglected (yellow), and Title I, Part A, H... (yellow). A blue arrow points to the 'Private School' title. Below the list is a 'Display Settings' button and several icons.

...	GEPA	Title I, Part A	35% and Above Low-Income	Private School	School Improvement	Skipped School Provision	Title I, Part A, Neglected	Title I, Part A, H...
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- **Intent to participate** required for all titles (Due July 1, 2024)
- **Affirmation of Consultation** required (Due July 1, 2024)
- **Agreement of Services Plan** (Due Dec 1, 2024)
- **Affirmation of Consultation for Transferability Form** is required if the LEA decides to transfer funds.

# Intent to Participate - Within LEA Boundary

- LEAs must extend an invitation to Private Schools regarding an initial consultation meeting.
  - Divisions can design their own invitation.
  - The Intent to Participate Form can be sent with the invitation.
- Sample [Intent to Participate](#)
- Due **July 1** every year via SharePoint

## SECTION 1: INTENT TO PARTICIPATE IN ESSA PROGRAMS

For each ESSA program below, private school officials should indicate their intent to participate by marking the most appropriate box. Please note that due to eligibility criteria, a district may not participate in each of the programs listed below.

### **Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies (LEA)**

- Yes, I am interested in participating in Title I, Part A during the 2024-25 school year.
- No, I am not interested in participating in Title I, Part A during the 2024-25 school year.<sup>1</sup>
- No, I have no eligible Title I students at this time.<sup>2</sup>

# Intent to Participate - Outside LEA Boundary (Title I only)

- For schools that are not within the LEA boundary and may enroll students who reside within a Title I school attendance zone, a division may choose to modify and use the sample Intent to Participate template.
- Sample Intent to Participate (outside LEA boundary)

# Affirmation of Consultation

- Updated for 23-24
- Affirmation of Consultation
  - [Template on VDOE Website](#)
  - Enumerates topics that must be discussed during consultation.
- Due July 1, 2024 via SharePoint

## **LEA Affirmation of Consultation With Private School Officials**

Section 1120(b) of the No Child Left Behind Act and §200.63 of the Title I regulations require that timely and meaningful consultation occur between the local education agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

**The following topics must be discussed during the ongoing consultation process:**

# Agreement of Services Plan

Across Titles, there are three main sections to the Service Plan:

1. Program Description
2. Equitable Services Calculation
3. Equitable Services Timeline

Due **December 1, 2024** via SharePoint

Samples on VDOE Equitable Services webpage:

- [Title I, Part A](#)
- [Title II, Part A](#)
- [Title III, Part A](#)
- [Title IV, Part A](#)

# Transferability Form

- Divisions must consult with private schools for transferability
- Both the private school and public-school complete Affirmation of Consultation for Transferability prior to transferring funds out of a Title that has a equitable service agreement.
- **NOTE - *Affirmation of Consultation for Transferability* is different than the general Affirmation of Consultation form due July 1.**
- Must be done for each private school the division consults with.

[Sample Affirmation of Consultation for Transferability](#)



# VDOE Templates

- Divisions are not required to use the templates on the Equitable Services webpage.
- Divisions may create their own documents if they can show that:
  - Timely and meaningful consultation has occurred through completing the following:
    - Intent to Participate document
    - Agreement of Services document
    - Affirmation of Consultation document

# Location of Templates

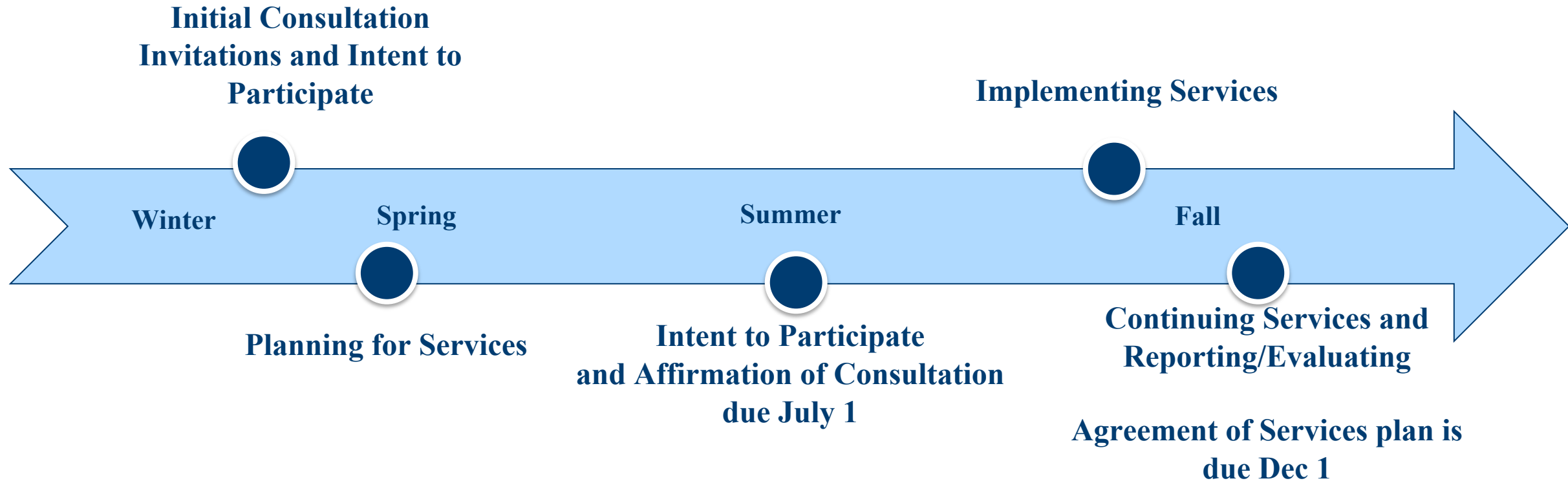
- Forms are available on the Title VIII web page:

<https://www.doe.virginia.gov/programs-services/federal-programs/essa/title-viii>

- Sample completed forms are available on request from the Equitable Service Ombudsman:
  - Dr. Randall Johnson (randall.johnson@doe.virginia.gov)

# Consultation Timeline

# Suggested Timeline (ESEA Programs)



# Timeline: Initial Consultation

## February-March

- Inform private school officials of availability of services

## March - June

- Engage in timely and meaningful consultation
- Identify mutually agreeable times to meet and plan
- Discuss effectiveness of prior activities
- Engage in needs assessment process
- Estimate the proportionate share

# Timeline: Planning for Services

## June - August

- Discuss logistics of program
- Develop an Agreement of Services/Action Plan
- Intent to Participate and Affirmation of Consultation documents due July 1 via SharePoint

# Timeline: Implementing Services

## September

- Collect final enrollment data (recommended Sept. 30) and amend applications to determine final proportionate share figures
- Share obligation of funds
- Finalize Agreement of Services (recommend consultation meeting to discuss logistics, timeframe, etc.)
- Begin procuring/providing services, materials, and resources

# Timeline: Continuing Services and Reporting

## September - June (of the following year)

- Continue providing services
- Submit Private School request for Carryover form if applicable
- Submit Agreement of Services documentation to VDOE (December 1) via SharePoint
- Begin consultation for upcoming year (winter)
- Evaluate programs and services for effectiveness (ongoing)



# 2024-2025 Timeline

## **Winter/Spring 2024**

- Inform private schools of services through Intent to Participate forms
- Engage in meaningful consultation

## **July 1, 2024**

- Submit Intent to Participate/Affirmation of Consultation documentation to VDOE from Spring 2023 consultations via SharePoint

## **September 30, 2024**

- Finalize enrollment data; complete application amendments and proportionate share calculations; finalize Agreement of Services Plans

## **December 1, 2024**

- Submit Agreement of Service plans to VDOE via SharePoint

# How to Start the Consultation Process

# Invitation Letters and Intent to Participate

- Send Intent to Participate letters\* annually, inviting eligible private, not-for-profit schools to engage in meaningful consultation
- Letters to include brief overview of each program.

*\*Intent to Participate letters may be sent out electronically. Can include a personal invitation from the division.*

# Determining Eligible Schools

- Programs Under **Title VIII provisions** (Titles IC, IIA, IIIA, IVA, & IVB)
- Send letters to ALL private, not-for-profit schools within your GEOGRAPHIC boundaries. Student residence is NOT a criterion.
- **Title I, Part A:**
  - All private schools within boundaries, located in Title I attendance zone
  - Schools in surrounding school divisions if students reside in one of the LEA's Title I attendance zones

# Resources for Locating Potentially Eligible Schools

- Virginia Council for Private Education  
<https://vcpe.org/page-18161>
- National Education Statistics Private School Locator  
<https://nces.ed.gov/surveys/pss/privateschoolsearch/>
- Virginia Association of Independent Schools  
<https://www.vais.org/search-for-a-school#/>
- Great Schools <http://www.greatschools.org>

# Determining Eligible Schools

Private, not-for-profit schools, serving K-12 students

- Potential online resources:

- State Corporation Commission Entity Search:  
<https://cis.scc.virginia.gov/EntitySearch/Index>

- 501(c)(3) Lookup

- <https://501c3lookup.org/>

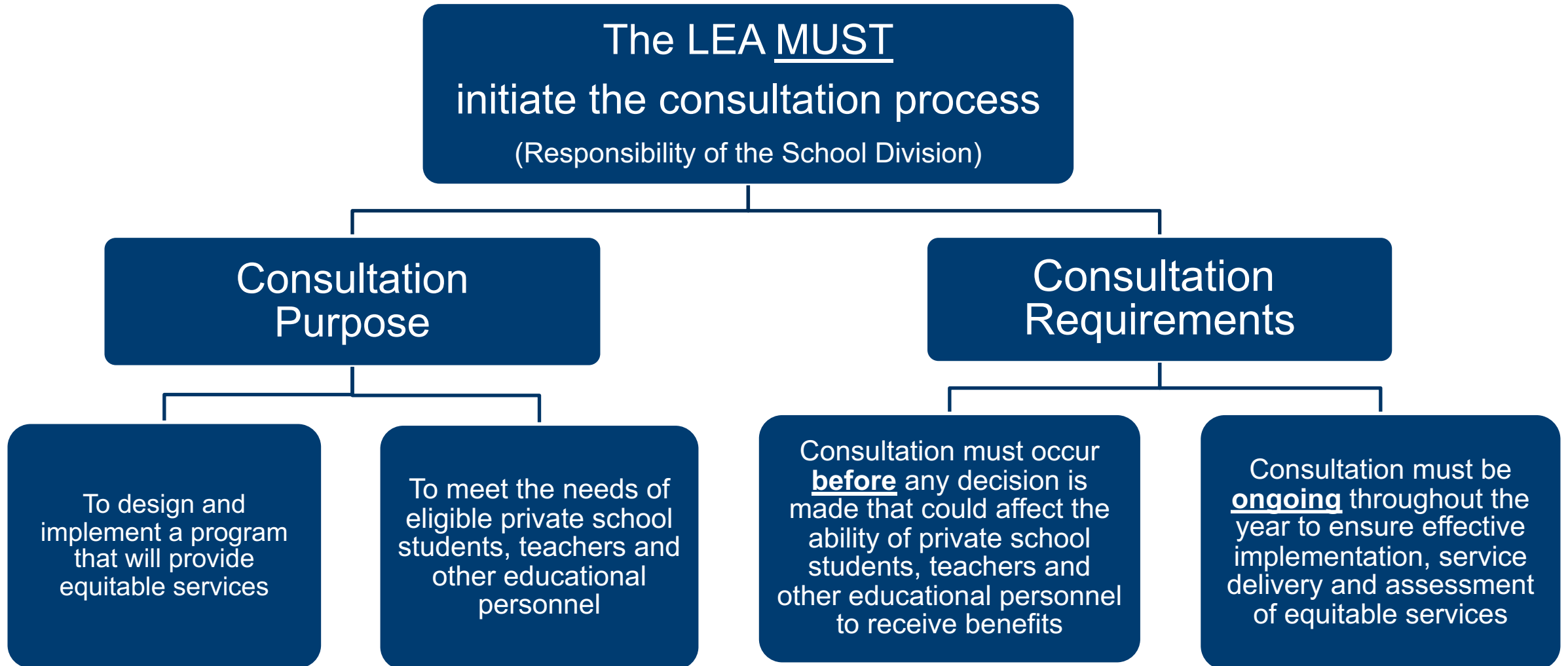
- Virginia Tax Nonprofit Online Search (You DON'T want to see them here)

- [https://www.npo.tax.virginia.gov/VTOL\\_External\\_Entity/NP\\_OLogin.xhtml](https://www.npo.tax.virginia.gov/VTOL_External_Entity/NP_OLogin.xhtml)

# Meaningful Consultation

# Timely and Meaningful Consultation

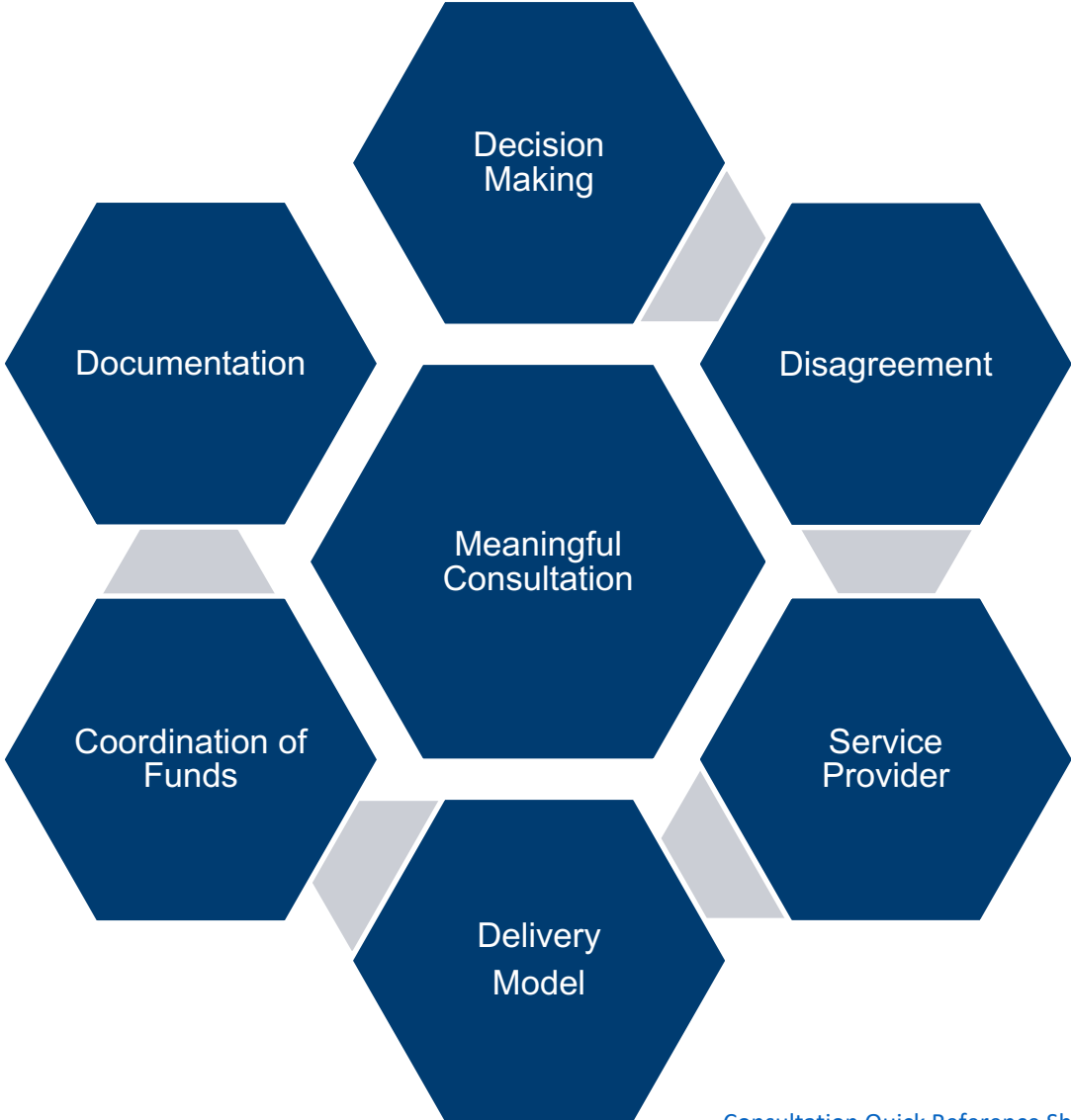
## The LEA's Role



A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation.



# Meaningful Consultation Topics



(ESEA section 8501(a)(3)(A), (c)(3))

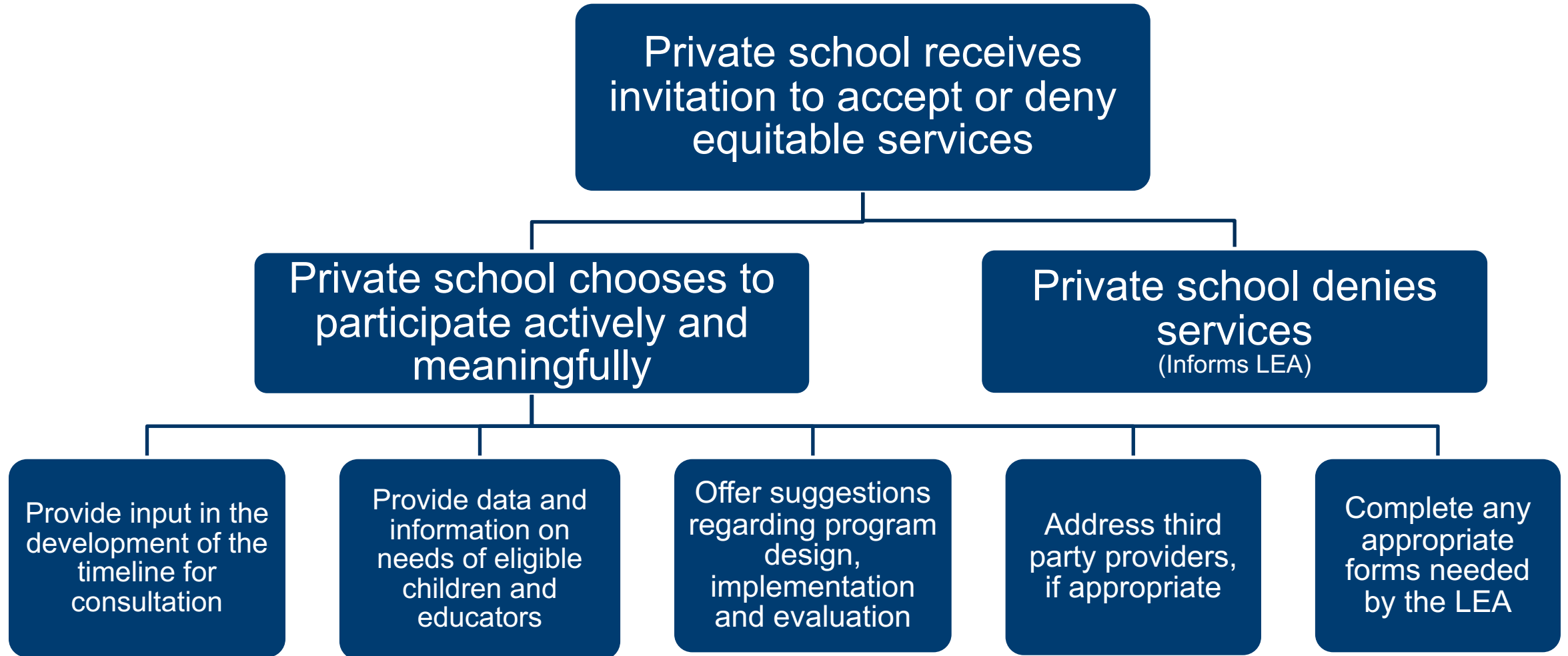
# Additional Consultation Topics

A division may also choose to discuss the following during the consultation process:

- Administrative costs, including indirect costs;
- Any funds available for carryover; and
- Transferring funds from Title II, Part A and Title IV, Part A under the transferability authority in ESEA section 51034
  - Affirmation of consultation form with description of the transferability must be signed by the private school official.

# Timely and Meaningful Consultation

## The Private School's Role



# Documentation

- Why is documenting consultation important?
- What could happen if you do not document consultation?

Remember to scan all your Letters of Intent to Participate, Affirmation of Consultation, and Agreement of Service plans to the VDOE annually for all Titles for which you receive funding.



# To Conclude

Consultation/communications should continue on a regular basis throughout award cycle.

Can include:

- Discussion of services provided
- Evaluation/reporting on service provided
- Updating Agreement of Services Plan

# Questions?



## Contacts

VACANT: Director of Office of ESEA Programs

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