



# ESSA Programs Equitable Services Guidance

Updated March 2023





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# Equitable Services

## **Overview of Requirements, Yearly Calendar/Timeline, and Ombudsman Responsibilities**

### **DDOE Guidance Document**



# Requirements All ESSA Programs

- The goal of **Meaningful Consultation** is agreement between the district and private school officials on how to provide equitable and effective programs to eligible private school children
  - Timely and open communication between the district and private school officials
  - Meaningful consultation provides genuine opportunity for exchange of views, consideration, and discussion of viable options
- Obligation of funds –Funds allocated to districts for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which funds are received
- Districts are required to maintain and provide DDOE a written **Affirmation of Consultation** signed by private school officials that consultation occurred
- Calculation of Equitable Share
- Consultation topics must include:
  - How the proportionate share of funds is determined
  - Whether services will be provided directly or through a separate government agency, consortium, or third-party contractor
  - Whether to provide equitable services by pooling or on a school-by-school basis

# Pooling vs. School by School

Equitable Share (Pooling versus School by School Basis)			
School by School (amount used for services in a school is the same as how much is generated by that school)			
	Student Count	Equitable Share	Amount Used in School
Private School A	10	\$2,500	\$2,500
Private School B	15	\$3,750	\$3,750
Private School C	7	\$1,750	\$1,750
Pooling (amount used for services in a school is based on need)			
	Student Count	Equitable Share	Amount Used in School
Private School A	10	\$2,500	\$500
Private School B	15	\$3,750	\$1,250
Private School C	7	\$1,750	\$6,250



# District Requirements

- A yearly timeline for **Meaningful Consultation** (recommended)
- A district may require documentation (e.g., needs assessment) from the private school—this cannot be an administrative barrier
- Every private school must be contacted for consultation—even if they have declined to participate in the past through an **Intent to Participate** form.
- Private schools should not complete purchase orders or sign contracts as funding remains under the control of the district
- Districts should provide a copy of its **Consolidated Grant Application** to the participating private schools
- Districts must provide private schools with the amount of funding available under each program
- Districts may **not** reimburse the private school for materials or services it has procured
  - Districts may reimburse an individual private school teachers, administrators, or other educational personnel for professional development that has been pre-approved



# ESSA Guidance

## ESSA Non Regulatory Guidance Fiscal and Equitable Service 11-21-2016 (PDF)





# Consultation Topics Unique to Title I

- The method or sources of data that are used to determine the number of eligible children from low-income families in participating school attendance areas who attend private schools should be made clear.
- An analysis and written rationale should be provided to private school officials if the district disagrees with the provisions of services through a contract or if the district chooses not to use a contractor.
- The approximate time of day and days of the week services will be provided to accommodate student and family needs to the extent practicable, making sure it is well understood and documented in the consultation process.
- Funds under each program would be used for allowable activities under each program; et through a coordinated effort, they could better serve in a comprehensive manner, the needs of the most at-risk private school students.
- An amount of administrative costs for the delivery of services under ESSA may be reserved by the LEA that is reasonable and necessary to carry out the program.



# Methodology Unique to Title I

- An LEA must determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds. This includes all reservations previously taken “off the top” of an LEA’s Title I allocation, including reservations for administration, parental involvement, and district-wide initiatives.
- The entire allocation is subject to equitable share
- Single equitable share allocation is calculated.
- Parent and Family Engagement (PFE) allocations are a set-aside from the single equitable share allocation
- The remainder is for instructions and professional learning
- Administration funds may also be reserved from the remainder.
- Funding descriptions: Parent Involvement, Professional Development, Instruction, Homeless, and Administration

# Methodology Unique to Title I

## Example of Single Allocation

- LEA allocation is \$1,000,000
- Definition of eligible private school children is unchanged

EXAMPLE OF DETERMINING THE AMOUNT OF TITLE I FUNDS FOR EQUITABLE SERVICES			
Participating Public School Attendance Area	Number of Public School Low-Income Children	Number of Private School Low-Income Children	Total Number 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
PROPORTIONATE SHARE	90%	10%	
	\$900,000	\$100,000	

# Methodology Unique to Title I

## Example from 2023

### Equitable Share Calculation

You must have a budgeted item tagged with a funding description of Equitable Services in the Budget-District Set Asides page that matches the value in D1.

The total amount of all budgeted items tagged with a funding description of Equitable Services in the Budget-District Set Asides page must match the value in B2.

Enter a value for D1 only if you want to reserve funds for administration of the private school program.

All values are either pre-loaded or automatically calculated when your cursor leaves this cell except "D1: IFA Reservation for Administration of Equitable Services".

If you budget an amount in D1, you must have a budgeted item tagged with a funding description of Equitable Services in the Budget-District Set Asides page that matches the value in D1.

Equitable Share Calculation	
A. Number of Low Income Students in Participating Schools	IFA Calculation
A1: District Low Income	6,545
A2: Participating Private School Low Income	237
A3: Total Low Income (A1 + A2)	6,782
A4: Percent Participating Private School Low Income (A2 / A3)	3.49 %
B. Proportionate Share	
B1: District Allocation	\$ 8,016,722.00
B2: Proportionate Share to Private Schools (B1 X A4)	\$ 280,024.04
B3: Proportionate Share to District (B1 - B2)	\$ 7,736,697.96
C. Parent and Family Engagement	
C1: District IFA Set Aside (C1 X D1)	\$ 80,167.22
C2: Proportionate Share to Private Schools (C1 X A4)	\$ 2,800.24
D. Final Equitable Share	
D1: IFA Reservation for Administration of Equitable Services	\$ 45,808.00
D2: Equitable Share for Instruction and Professional Development (B2 - C2 - D1)	\$ 231,415.80
D3: Equitable Share for Parent and Family Engagement (C2)	\$ 2,800.24
D4: For Pupil Allocation (B2/A2)	\$ 1,181.54



# Consultation Topics Unique to Title II

- Equitable services may NOT be used for class-size reduction
- Title II, Part A funds can be used to provide professional development activities for teachers, principals, or other school leaders
  - TITLE VIII, Part A Sec. 8101(20)—
  - SCHOOL LEADER.—The term “school leader” means a principal, assistant principal, or other individual who is—
    - (A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and
    - (B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.



# Consultation Topics Unique to Title II

- All professional learning services provided to teachers/staff must be for the benefit of private school students and:
  - Be an allowable use of funds under statute
  - Meet the specific needs of students enrolled in the private school—not the needs of the private school or the general needs of the students
  - May include other school leaders as participants (as defined by ESSA, p.297)
  - Be evidence based and may include implementing formative assessments, designing classroom assessments, and using data to inform instruction – (see Evidence-Based Intervention slide)
- Be provided by:
  - A district employee
  - A contract issued by the district with an individual, association, agency, or organization who must be independent of the private school and any religious organization

# Evidence-Based Intervention Unique to Title II

## WHAT IS AN “EVIDENCE-BASED” INTERVENTION?

(from section 8101(21)(A) of the ESEA)

“...the term ‘evidence-based,’ when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that –

- (i) demonstrates a statistically significant effect on improving student outcomes or other *relevant outcomes* based on –
  - (I) *strong evidence* from at least one well-designed and well-implemented experimental study;
  - (II) *moderate evidence* from at least one well-designed and well-implemented *quasi-experimental study*; or
  - (III) *promising evidence* from at least one well-designed and well-implemented correlational study with statistical controls for selection bias; or
- (ii)
  - (I) *demonstrates a rationale* based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other *relevant outcomes*; and
  - (II) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

# Methodology Unique to Title II

Example from 2023

Instructions for completing this table:  
Enter values for B2 and B3.  
All other values will either be pre-filled or automatically calculated when your cursor leaves the cell.  
The total amount of all budgeted items tagged with a funding description of Equitable Services in Budget page must match the value in D1.

Equitable Share Calculation		LEA Calculation
<b>A. Number of Students</b>		
A1: District Enrollment		13,174
A2: Participating Private School Enrollment		3,102
A3: Total Enrollment (A1 + A2)		16,276
<b>B. Title II, Part A Allocation</b>		
B1: District Allocation		\$ 1,222,043.00
B2: Administration (for public and private school programs)		\$ 90,627.20
B3: Indirect		\$ 33,153.79
B4: Subtotal of Administration ((B2 + B3))		\$ 123,780.99
B5: District Allocation Minus Administrative Costs (B1-B4)		\$ 1,128,262.01
<b>C. Per Pupil Rate</b>		
C1: B5 divided by A3		\$ 70.80
<b>D. Final Equitable Share</b>		
D1: Amount district must reserve for equitable services for private school teachers and other educational personnel (A2 X C1)		\$ 216,606.58





# Consultation Topics Unique to Title III

- A district must assess, address, and evaluate the needs of private school Multilingual learners (MLLs), their teachers, and other educational personnel
- Equitable share must be calculated on both the Title III EL funds and Title III Immigrant Increase funds separately
- The federal required timeline for an LEA to complete the process for identifying an ML is within the first 30 days of the student's enrollment
- The identification process for Els in Delaware continues to be completed in two specific steps:
  - Delaware Home Language Survey
  - WIDA Diagnostic Assessment
- An LEA receiving a Title III subgrant (Title III EL and/or Title III Immigrant Increase funds) must provide supplemental services to MLLs to help ensure that these students attain English Language Proficiency (ELP) and succeed in the academic content areas
- An LEA that receives Title III funds must provide Title III services to eligible private school students and their teachers



# Consultation Topics Unique to Title III

- These services and other benefits must be equitable in comparison to those provided to public school students and their teachers
- As appropriate, the district and private school officials should discuss:
  - How the private school teachers and other educational personnel will be identified to receive services
  - How the private school students will be identified as MLLs
  - Whether services will include initial identification of MLLs and assessment of their language proficiency
- Only students who have been identified as Multilingual Learners are eligible to receive Title III services
- Title III does not require an LEA to administer the state's annual ML assessment (ACCESS for ELLs2.0) for MLLs in private schools
- To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area:
  - Served by an LEA that receives a Title III subgrant for immigrant children and youth, and must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA



# Identification Process Unique to Title III

- The private school administers a Home Language Survey (HLS) that is to be completed by the parent or guardian of selected private school students.
- Private schools may use the same version of the HLS used by the LEA. If a language other than English is indicated on the HLS, an initial, approved language screener is administered.
- An HLS is usually administered to students at the time of enrollment, in late summer or the first few days of school, depending on a school's start date.
- The WIDA Screener is administered within the first 10 days but not later than 25 days from the students date of enrollment.
- To facilitate the identification of MLLs using the a diagnostic assessment, the private school official may provide to the LEA the:
  - Names and grade levels of the private school children who, based on parent responses to the HLS, are potentially MLs
  - LEA representatives may identify a time when LEA staff can administer the EL assessment to those private school students
  - Alternately, the LEA may provide training to private school officials and/or teachers so that they may administer the assessment themselves
  - In either instance, the LEA must indicate which children have been identified as MLs

# Methodology Unique to Title III

## Example from 2023

Only enter a value for A1 and B2.

All other values will either be pre-fill or automatically calculated when your cursor leaves the cell.

The total amount of all budgeted items tagged with a funding description of Equitable Services in Budget page must match the value in I11.

Equitable Share Calculation	
<b>A. Number of Students</b>	<b>LEA Calculation</b>
A1: Public school enrollment of EL students	2,537
A2: Private school enrollment of EL students	5
A3: Total EL Enrollment = (A1 + A2)	2,542
<b>B. Title III Allocation</b>	
B1: District Allocation	\$ 230,838.00
B2: 2% Administrative Costs (for public and private school programs)	\$ 4,736.76
B3: LEA Allocation minus Administrative Costs (B1 - B2)	\$ 232,101.24
<b>C. Per Pupil Rate</b>	
C1: Per Pupil Rate = (B3 / A3)	\$ 91.31
<b>D. Final Equitable Share</b>	
D1: Amount LEA must reserve for equitable services for EL private school students, their teachers, and other educational personnel = (A2 X C1)	\$ 456.55

# Methodology Unique to Title III Immigrant

## Example from 2023

Only enter a value for A1 and B2  
All other values will either be pre-filled or automatically calculated when your cursor leaves the cell.  
The total amount of all budgeted items tagged with a funding description of Equitable Services in Budget page must match the value in D1.  
**IMPORTANT NOTE:** Charters and vocational districts should not complete this page.

Equitable Share Calculation	
<b>A. Number of Students</b>	<b>LEA Calculation</b>
A1. Public school enrollment of immigrant students	242
A2. Private school enrollment of immigrant students	3
A3. Total Immigrant Enrollment – (A1 + A2)	245
<b>B. Title III Allocation</b>	
B1. District Allocation	\$ 1,709.00
B2. 2% Administrative Costs (For public and private school programs)	\$ 34.18
B3. LEA Allocation minus Administrative Costs (B1 - B2)	\$ 1,674.82
<b>C. Per Pupil Rate</b>	
C1. Per Pupil Rate – (B3 / A3)	\$ 6.84
<b>D. Final Equitable Share</b>	
D1. Amount LEA must reserve for equitable services for immigrant private school students, their teachers, and other educational personnel – (A2 X C1)	\$ 20.51



# Consultation Topics Unique to Title IV

- Student Support and Academic Enrichment (SSAE) Grants
- Authorizes activities in three broad areas
  - Providing students with a **well-rounded education**  
(STEM, arts, civics, IB/AP, health, and physical education)
  - Supporting **safe and healthy students**  
(school mental health, drug and violence prevention, training on trauma-informed practices, health, and physical education)
  - Supporting the **effective use of technology**  
(professional development, blended learning, technology devices)

# Methodology Unique to Title IV

## Example from 2023

All values will either be pre-fill or automatically calculated.

The total amount of all budgeted items tagged with a funding description of Equitable Services in Budget page must match the value in B3.

**IMPORTANT NOTE:** Charters and vocational districts should not complete this page.

Equitable Share Calculation	
A. Number of Students	LEA Calculation
A1 District Enrollment	15,145
A2 Participating Private School Enrollment	3,097
A3 Total Enrollment (A1+A2)	18,242
A4 Percent Participating Private School Enrollment (A2 / A3)	16.98
B. Proportionate Share	
B1 District Allocation	\$ 991,608.00
B2 Proportionate Share to Private Schools (B1 X A4)	\$ 117,416.40
B3 Proportionate Share to District (B1 - B2)	\$ 874,191.60
B4 Per Pupil Rate (B3/A3)	\$ 47.91