

Equitable Services Guidance and Timeline

Major SEA-Level Equitable Services Requirements

1. Designating an Ombudsman to monitor and enforce equitable services requirements
2. Providing timely notice of funding amounts LEAs have available to provide equitable services
3. Addressing complaints from private schools, and, in some cases providing equitable services if an LEA is not capable
4. Monitoring LEA compliance with equitable services requirements
5. Providing equitable services with state-level funds

Major LEA-Level Equitable Services Requirements

1. Consultation with appropriate private school officials
2. Reserving funds to provide equitable services to eligible private school students, teachers, and parents that are:
 - a. Allowable under the relevant program and meet student needs
 - b. Secular, neutral, and non ideological, and
 - c. Delivered timely
3. Maintaining public control of equitable services funds and the items purchased with such funds

Introduction to the State Ombudsman Role

Non-public students are entitled to receive an “equitable share” of ESSA federal programs funding. That “set aside” amount is then designated to be spent by the home LEA on behalf of eligible non-public schools.

To help ensure the delivery of equitable services for eligible private school children, teachers and other educational personnel and families, each State Education Agency (SEA) must designate an Ombudsman to monitor and enforce ESSA Equitable Services requirements.

Ombudsman Responsibilities

1. Serve as a general resource regarding equitable services requirements for both LEAs and private school officials
2. Develop, in partnership with other relevant SEA staff, monitoring protocols and participate in some monitoring activities
3. Provide technical assistance regarding equitable services requirements for SEA staff administering a covered ESSA program, LEA staff, and private school officials
4. Establish a process for receiving documentation of affirmation of consultation consistent with the consultation requirement that such documentation be transmitted to the SEA
5. Participate in the state's nonpublic schools working group as applicable
6. To ensure equity for private school children, teachers, and other educational personnel, the Ombudsman monitors and enforces equitable services requirements
7. To receive, investigate, report on, and settle complaints of non-compliance, abuses or capricious acts related to the delivery of equitable services to non-public schools
8. To ensure that each LEA and participating private school officials engage in meaningful consultation to determine how equitable share set aside funds will be spent by the LEA on behalf of participating private schools
9. To monitor that documentation relating to meaningful consultation (Affirmation of Consultation Forms) is generated, collected and maintained by the LEA
10. To monitor that documentation relating to private school participation (Intent to Participate Forms) is generated, collected and maintained by the LEA.

Meaningful Consultation Guidance

1. There must be a shared understanding that **private schools do not spend equitable services set aside funds directly.**
2. LEAs are responsible for spending equitable share set aside funds **on behalf of their participating private schools.**
3. The goal of all parties is to reach an agreement on how to provide equitable services for eligible private school children.
4. **It is the home LEA that has the final discretion** to approve the use of set aside funds.

5. In the case of a disagreement between a private school and an LEA as to how equitable services set aside funds should be spent, the private school may file a complaint with the Ombudsman.
6. Set aside funds must be used to address demonstrated needs at the LEA level.
7. Participating private schools should use data to guide meaningful consultation discussions with their home LEAs. Equitable services must address data based, demonstrated needs.
8. Set aside funds must be spent according to the allowable uses for each program. For example, Title I set aside funds can only be spent on allowable uses for Title I activities.
9. LEAs must engage in “timely and meaningful” consultation with appropriate private school officials.
 - i. Timely – Before the LEA makes any decisions regarding programming, during the design and development of the program, and throughout the implementation and assessment of services
 - ii. Meaningful – Genuine opportunity for all parties to express their views, views seriously considered, proposals for service, and final decisions made only after consultation
10. LEAs must initiate both the intent to participate and meaningful consultation processes.

Required Meaningful Consultation Topics

LEAs MUST include thirteen statutory requirements on the agenda of the initial meaningful consultation meeting. These items must also be addressed during “ongoing consultation” meetings throughout the year.

Required Meaningful Consultation Topics Include the following:

1. How will the LEA determine which students are eligible? How will the LEA identify the needs of eligible private school students, teachers and parents?
2. What services will the LEA offer to eligible private school children, their teachers and parents?
3. How, when, where and by whom will the LEA provide services to eligible private school children?
4. What data will the LEA and participating private school use to assess the effectiveness of the services? How will the LEA use that data to improve the federal program services?

5. What is the size and scope of the equitable services that the LEA will provide to eligible private school children? What proportion of its federal funds are allocated under ESSA for such services, and how is the proportion of funds determined?
6. What are the sources and collection methods of poverty data used to determine the number of private school children from low income families residing in participating public school attendance areas?
7. Delivery of services: Must give consideration to the views of the private school officials regarding the delivery of services through contracted third-party providers.
8. If the LEA disagrees with private school officials regarding provision of equitable services through a contracted third-party provider, will the LEA provide notice, an analysis, and reasons to the private school officials?
9. Will the LEA provide services to eligible students directly or through a third party contractor?
10. Does the participating private school wish to engage in pooling of funds with other participating private schools?
11. When and how often will services be provided?
12. Whether to use Title I, Part A funds in coordination with funds from other eligible federal programs that are dedicated to providing equitable services to private school students. (*Title I, Part A only*)
13. How will LEA Administration costs be determined?

LEAs MUST create and retain a detailed agenda and sign in sheet for the initial meaningful consultation meeting and for subsequent “ongoing consultation” meetings.

How LEAs Identify “Participating” Private Schools

1. This process does not apply to Charter Schools or Vocational-Technical Schools.
2. This process only applies to Traditional LEAs.
3. Traditional LEAs send out Intent To Participate (ITP) forms to private schools that are located within their geographic boundaries **no later than April 1.**
 - i. There are two forms that must be sent. Both are located in Schoology, under Resources in the “All Title Programs” Group.
 1. One form is for Title I
 2. One form is for Titles II, III, and IV

- Group Options
- Updates
- Discussions
- Albums
- Members (216)
- Resources
- Blackboard Collaborate
- Conferences
- OneNote Class Notebo...
- Information Edit

All Title Programs

Resources Equitable Services

Add Resources Options

Title	10 of 10
<input type="checkbox"/> Equitable_Services_Non-Compliance_Complaint_form_.pdf <small>Added by You · Mar 30, 2022</small>	
<input type="checkbox"/> DE Listing of Non-Public Schools 2021-2022 <small>Added by You · Feb 4, 2022</small>	
<input type="checkbox"/> Intent to Participate Invitation - Title I Template - Updated ... <small>https://docs.google.com/document/d/1AGG6-fE8hzQ1jiwssAMj3-EFQLW1suOo/edit?usp=sharing&ouid=103657871343214791018&rtpof=true&sd=true</small> <small>Added by You · Feb 4, 2022</small>	
<input type="checkbox"/> Intent to Participate Invitation - Title II - IV and IDEA Par ... <small>https://docs.google.com/document/d/1DsYjihcxj7NmAAxKpipCoCRxABrmzUD/edit?usp=sharing&ouid=103657871343214791018&rtpof=true&sd=true</small> <small>Added by You · Feb 4, 2022</small>	

4. LEAs must inform private schools that completed ITP forms are due to be sent back to the LEA no later than April 30.
5. Traditional LEAs await the return of ITP forms.
 - i. Data from returned ITP forms will let LEAs know if eligible private schools accept services, reject services, or are non-responsive. All of that data is required to be entered into the CGA here:

Equitable Share Calculation

Colonial School District (953400) Public District - FY 2023 - Consolidated - Rev 0 - Title I Part A

Go To ▶

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

PURPOSE: This page is used to indicate all participating private schools and the number of low income students attending those schools and to calculate equitable share based on the number of low income students in participating private schools.

Non-Participating Private Schools - Intent to Participate Form was sent

School	Status
Day School for Children (The) - 5667 ▼	Non-Responsive ▼
Delaware Valley Classical School - 953400-5784 ▼	Non-Participating ▼
Fairwinds Christian School - 5893 ▼	Non-Participating ▼
Aquinas Academy - 5433 ▼	Non-Participating ▼

Participating Private Schools

School	# Low Income	Allocation
Christ The Teacher Catholic School - 5541 ▼	4	\$ 3,244.38
Urban Promise School (The) - 5544 ▼	3	\$ 2,433.29
Harvest Christian Acad @ Wilm. - 5642 ▼	15	\$ 12,166.43
Serviam Girls Academy - 5696 ▼	12	\$ 9,733.14

Equitable Services Timeline

No later than October 15

Equitable Services State Ombudsman Role and Meaningful Consultation Guidance- Updated 10/26/22

- a. Equitable Services for the current school year must be fully implemented/up and running. The start of services should coincide with as close to the beginning of the school year as possible.
- b. Ongoing meaningful consultation meetings should take place periodically (example - every other month) so that the Home LEA and participating private school can discuss the effectiveness of services.

October - April

- a. Equitable Services for the current school year are in place.
- b. Ongoing meaningful consultation meetings should take place periodically (example - every other month) so that the Home LEA and participating private school can discuss the effectiveness of services.

No Later Than April 1

- a. LEAs send Intent to Participate (ITP) forms to private schools within their geographic boundaries.
- b. LEAs inform private schools that ITP forms are due to be returned to LEAs by April 30.

May-June

- a. Delivery of equitable services for the current school may begin to conclude in June.
- b. LEAs collect and review data from ITP forms.
- c. Planning for next fiscal year - LEAs complete "Equitable Share Calculation" pages in eGrants CGA based on ITP responses:

Equitable Share Calculation

Colonial School District (953400) Public District - FY 2023 - Consolidated - Rev 0 - Title II Part A

[Go To](#)

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

PURPOSE: This page is used to indicate all participating private schools and the total enrollment (number of students attending those schools) and to calculate the equitable share amount for the number of eligible students who are enrolled in private schools in areas served by the district.

Non-Participating Schools - Intent to Participate Form was sent	
School	Status
Academy for Creative Enrichment - 5727 ▼	Non-Responsive ▼
Fairwinds Christian School - 5893 ▼	Non-Responsive ▼
Day School for Children (The) - 5667 ▼	Non-Responsive ▼

If you have participating private schools that are located inside your district's geographic boundaries, select each participating private school and enter the total number of private school students who attend the participating Title II private school.

Participating Private Schools			
School	# Enrolled	Allocation	
Aquinas Academy - 5433 ▼	92	\$	6,495.93
Delaware Valley Classical School - 953400-5784 ▼	168	\$	11,862.12
Harvest Christian Academy- New Castle - 953400-6020 ▼	120	\$	8,472.95
Red Lion Christian Academy - 5899 ▼	516	\$	36,433.67
St. Peter's Cathedral School - 5883 ▼	158	\$	11,156.05
Participating Total:	1,054	\$	74,420.71

June - August

- a. LEAs engage in meaningful consultation with participating private schools.

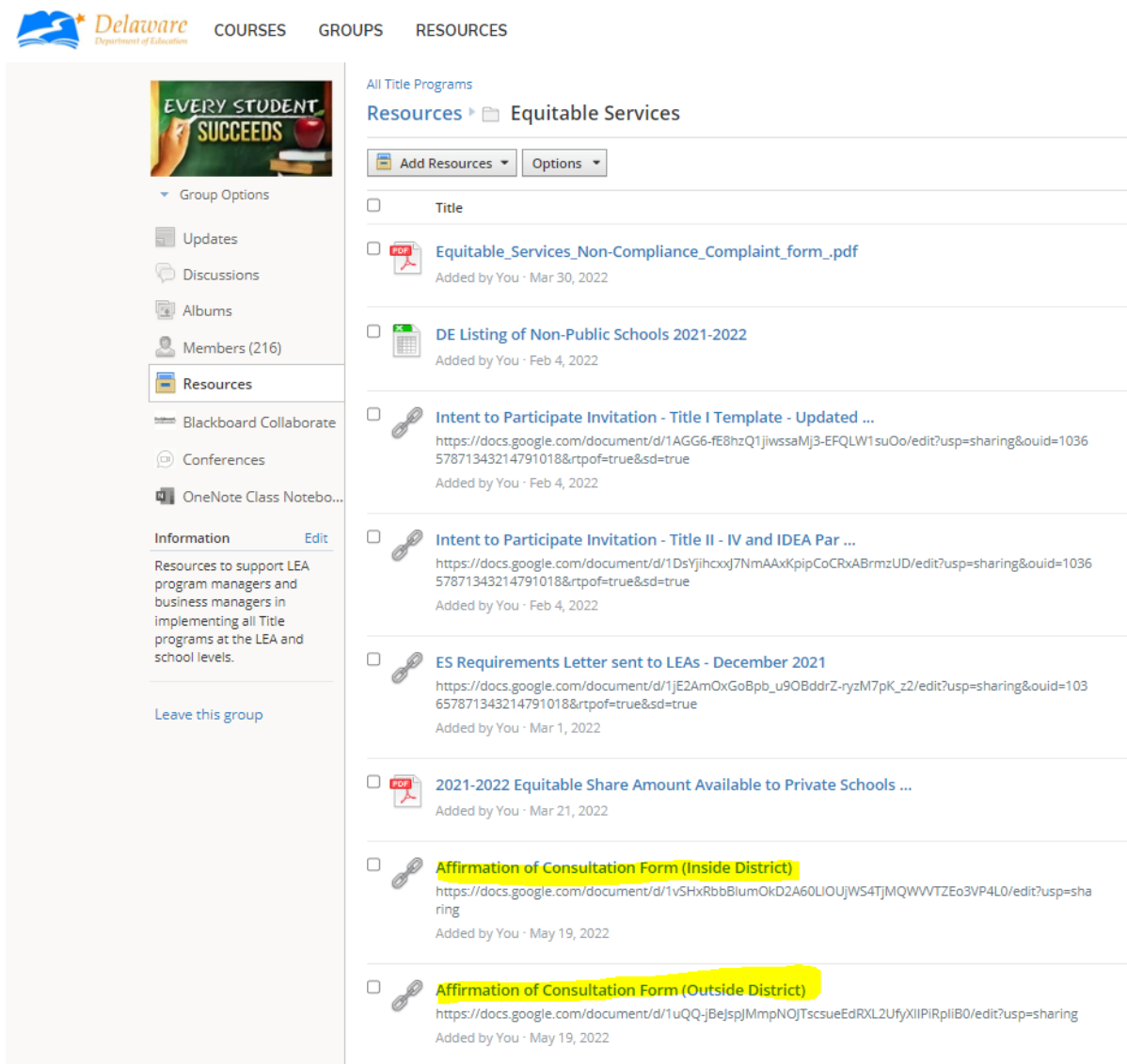
- i. In addition to covering required topics (1-13 above), previous year's data

analysis/review must take place. This must pertain to the effectiveness of equitable services during the last school year.

Questions to be discussed include:

1. How effective were the services?
2. Should the same services be continued for the next year?
3. Did the services align well with the private school needs last year?
4. Have the private school needs changed to the point that the same services would no longer meet those needs?

- b. Affirmation of Consultation Forms must be completed as part of the initial meaningful consultation session. The forms are located here in Schoology:



The screenshot shows a Schoology course interface. On the left is a sidebar with the Delaware Department of Education logo and navigation links: COURSES, GROUPS, and RESOURCES. Below these are icons for Group Options, Updates, Discussions, Albums, Members (216), Resources, Blackboard Collaborate, Conferences, and OneNote Class Notebooks. The 'Resources' section is expanded, showing a list of resources. The main content area on the right is titled 'All Title Programs' and 'Resources' with a sub-header 'Equitable Services'. It contains a list of resources with checkboxes, titles, and links. The resources listed are: 'Equitable_Services_Non-Compliance_Complaint_form_.pdf' (Added by You - Mar 30, 2022), 'DE Listing of Non-Public Schools 2021-2022' (Added by You - Feb 4, 2022), 'Intent to Participate Invitation - Title I Template - Updated ...' (Added by You - Feb 4, 2022), 'Intent to Participate Invitation - Title II - IV and IDEA Par ...' (Added by You - Feb 4, 2022), 'ES Requirements Letter sent to LEAs - December 2021' (Added by You - Mar 1, 2022), '2021-2022 Equitable Share Amount Available to Private Schools ...' (Added by You - Mar 21, 2022), 'Affirmation of Consultation Form (Inside District)' (Added by You - May 19, 2022), and 'Affirmation of Consultation Form (Outside District)' (Added by You - May 19, 2022). The last two titles are highlighted in yellow in the original image.

- d. Affirmation of Consultation forms that have been signed by the home LEA and each participating private school must be retained by the home LEA.
- e. Affirmation of Consultation forms must be made available by the LEA to the SEA during monitoring or upon request.

September

- a. Initial implementation/final planning for equitable services delivery for the current school year. The start of services should coincide with as close to the beginning of the school year as possible.
- c. Ongoing meaningful consultation meetings should take place periodically (example - every other month) so that the Home LEA and participating private school can discuss the effectiveness of services.

Title I Equitable Share - Important Considerations

1. **Title 1 Equitable Share** is the responsibility of the home district, regardless of where the private school is located.
 - a. If a **Title I ITP form** is shared from one LEA to another, the Home LEA (determined by the public school that the student would attend) is responsible for the equitable share for that private school.
 - i. For example, if a student is Title I eligible and attends a private school in Christina's geographic boundary - but lives within Colonial's geographic boundaries - It's Colonial's responsibility to provide equitable services.
2. The students who are identified to generate **Title I funds are not necessarily the same students that receive the services.**
 - a. Title I funding is determined by poverty status.
 - b. **Eligibility for services** is determined **by academic need**.
3. Even if a private school student meets Title I poverty criteria and academic need, the student is only eligible to receive Title I services **if they would have attended a Title I School in their home geographic district.**

Private School Complaints

1. A private school official shall have the right to file a complaint with the Ombudsman (SEA).
[Complaint forms can be downloaded here.](#)
2. Complaints must include:

- a. A statement that an LEA has violated a statutory or regulatory requirement applicable to the provision of equitable services under a covered ESEA program
 - b. The facts on which the statement is based and the specific statutory or regulatory requirement allegedly violated, and
 - c. The signature of the complainant.
3. A non-compliance complaint may be submitted for one or any of the following conditions:
 - a. District did not engage in consultation that was timely and meaningful
 - b. District did not give due consideration to the views of the private school official
 - c. District did not make a decision that treats the private school students equitably
4. SEA Ombudsman must resolve the complaint in writing within 45 days, if not private school officials may appeal to US ED.
5. If dissatisfied with state resolution, private school officials may appeal to ED within 30 days.

Additional DDOE Support and Technical Assistance

LEAs and Private Schools are welcome to contact the Delaware Department of Education (DDOE) for further guidance.

Please contact:

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Education Associate and Program Manager Title II, Part A

Consolidated Grant Application, E-Grants, and Federal Monitoring

Equitable Services Ombudsman

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