ESSA Toolkit

Your guide to getting the most out of the Every Student Succeeds Act

Michelle L. Doyle
Michelle Doyle Educational Consulting, LLC
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Overview of the Toolkit

The Every Student Succeeds Act (ESSA) was passed by Congress and signed into law by President Obama in December 2015. As the reauthorization of the Elementary and Secondary Education Act (ESEA), this law continues programs such as Title I for services to the disadvantaged, Title II for professional development, and Title III for English learners. Additionally, ESSA has a new title that combines and expands programs previously authorized under ESEA’s last authorization—the No Child Left Behind Act (NCLB). The new Title IV provides support for a well-rounded education, safe and violence-free schools, technology education, and the 21st Century Community Learning Centers.

Specifically, these titles are:

- Title I: Improving the Academic Achievement of the Disadvantaged
- Title II: Preparing, Training, and Recruiting High Quality Teachers, Principals or Other School Leaders
- Title III: Language Instruction for English Learners and Immigrant Students
- Title IV: 21st Century Schools

These programs provide for the equitable participation of private school students. Title XIII of ESSA contains uniform provisions that detail how equitable services are provided to private school students, and Title I has its own equitable services provisions.

The purpose of this toolkit is to assist private school officials in effectively representing their students and teachers in consultation with public school officials. It can serve as a quick referral and refresher on the particular elements of ESSA prior to consultation, to inform new staff members, and as part of professional development for principals and teachers in private schools regarding the participation of their students in federal education programs.

The following table provides an overview of ESSA when compared to NLCB, noting the major changes in the legislation. It is excerpted from a publication by the Council for American Private Education (CAPE). Visit www.capenet.org for additional publications on ESSA and the equitable participation of private school students, teachers, and families.
<table>
<thead>
<tr>
<th><strong>NCLB</strong></th>
<th><strong>ESSA</strong></th>
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<tr>
<td><strong>Title I Services</strong></td>
<td><strong>Title I Services</strong></td>
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<tr>
<td>NCLB contained a simple statement of services to meet the needs of private school students.</td>
<td>ESSA expands this to include language adding services to instructional services such as counseling, mentoring, and one-on-one tutoring. Additionally, ESSA states that the services can be provided individually or in combination. The language notes that the choice of services is requested by the officials or representative of private school students to best meet the needs of those students.</td>
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<tr>
<td><strong>Equity</strong></td>
<td><strong>Equity</strong></td>
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<td>NCLB states that services shall be equitable when compared to services and other benefits to public school children.</td>
<td>ESSA expands this to include the addition of an ombudsman in each state to help ensure that such equity is provided to private school children, teachers, and other educational personnel; the ombudsman monitors and enforces the requirements for equity to private school children.</td>
</tr>
<tr>
<td><strong>Expenditures under Title I</strong></td>
<td><strong>Expenditures under Title I</strong></td>
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<td>NCLB states that expenditures shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.</td>
<td>ESSA expands this language to make specific that the share of funds to be determined based on the total allocation received by the local educational agency prior to any allowable expenditures authorized under Title I.</td>
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<tr>
<td><strong>Consultation topics</strong></td>
<td><strong>Consultation topics</strong></td>
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| NCLB contained specific topics for timely and meaningful consultation between public and private school students. They included needs of the students; how, where and by whom the services would be provided; how the services would be assessed; the size and scope of the program and the funds allocated. | ESSA contains the same topics for timely and meaningful consultation, but also adds:  
(i) the goal of consultation is to reach agreement;  
(ii) the results of consultation are transmitted to the ombudsman  
(iii) consultation includes a discussion of how the proportional share of funds is determined  
(iv) whether or not funds should be pooled is part of consultation  
(v) the approximate time of day the services will be provided is discussed in consultation  
(vi) whether to combine the funds across programs to provide coordinated services is part of consultation |
<table>
<thead>
<tr>
<th>NCLB</th>
<th>ESSA</th>
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<tr>
<td><strong>Disagreement</strong></td>
<td><strong>Disagreement</strong></td>
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<td>NCLB provides for a written analysis by the public school district</td>
<td>ESSA adds language that states if the public school district</td>
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<td>on its reasons for not allowing the use of a third party if one is</td>
<td>disagrees with the views of the private school officials during</td>
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<td>is requested by private school officials.</td>
<td>consultation for the Title I program it must provide a written</td>
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<td></td>
<td>analysis of the reasons the district has decided not to adopt the</td>
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<td>requested course of action.</td>
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<td><strong>Written affirmation</strong></td>
<td><strong>Written affirmation</strong></td>
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<tr>
<td>NCLB only required a written affirmation for the Title I program.</td>
<td>ESSA expands the written affirmation to all programs requiring</td>
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<tr>
<td>Private school officials were asked to sign the written affirmation</td>
<td>equitable participation and provides an option for the private</td>
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<td>to signify that timely and meaningful consultation had occurred.</td>
<td>school official to signify that timely and meaningful consultation</td>
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<td></td>
<td>did not occur.</td>
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<td><strong>State educational agencies</strong></td>
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<td>Under ESSA, a State educational agency can provide services</td>
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<td>directly or through contracts with public or private agencies,</td>
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<td>organizations, or institutions if—</td>
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<tr>
<td>(i) the appropriate private school officials or their representatives</td>
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<td>have request that the state provide such services and demonstrated</td>
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<td>that the LEA involved has not met the requirements of ESSA for</td>
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<td>equitable services.</td>
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<td>(ii) demonstrated that the LEA involved has not met the requirements</td>
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<td>of ESSA for equitable services.</td>
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<tr>
<td>The State also has the responsibility to inform the private</td>
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<td>school officials in a timely manner of the allocation for all</td>
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<td>programs that require equitable participation, as the funding has</td>
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<td>been determined by the public school district.</td>
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<tr>
<td>As noted above, the state must designate an ombudsman; this person</td>
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<td>will ensure equity and monitor and enforce the equitable participation provisions of ESSA. The ombudsman receives the result of the agreement reached in the consultation process.</td>
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ESSA made clear that funding should be equitable based on the proportion of private school children to all children in the district. For Title I, this proportion for equitable services to private school students was based on the number of low-income private school children residing in Title I attendance areas compared to all low-income children residing in Title I attendance areas. For other programs, it was the number of children attending the private schools, regardless of their residence or income status, compared to all children attending public and private schools in the district. Under Title I, this equitable share was determined after allowable set asides by the public school district. Under Title IIA, this equitable share was based only on the funds used by the public school district for professional development.

Funding

Under NCLB, the state was required to resolve a complaint by private school officials within a reasonable period of time. If the complaint was appealed to the U.S. Secretary of Education, the Secretary had 120 days to resolve the complaint.

Complaint procedure

Under NCLB, the state was required to resolve a complaint by private school officials within a reasonable period of time. If the complaint was appealed to the U.S. Secretary of Education, the Secretary had 120 days to resolve the complaint.

Complaint procedure

ESSA continues the equitable funding, but requires, as noted above, that the Title I funds be determined prior to any allowable set asides by the public school district. Additionally, the Title IIA funds are determined based on the entire allocation, regardless of the uses the public school district makes of the funds.

Furthermore, funds designated for equitable services must be obligated in the school year in which they were received by the public school district. The proportional share of funds can be determined every year or once every two years.

Complaint procedure

Under ESSA, the state must resolve the complaint within 45 days and the U.S. Secretary of Education must resolve the complaint within 90 days.
Chapter 1: Equitable Participation and the Consultation Process

Introduction

ESSA provides for the equitable participation of eligible private school students, their teachers and other educational personnel, and their families in Titles I, IIA, III, IVA, and IVB. For Title I, students must reside in Title I attendance areas, and the residence of the child determines which public school district is responsible for providing equitable services and consulting with private school officials. For all other programs, students participate in the program based on the location of the private school within the boundaries of the public school district. Equitable participation occurs in the covered programs in which the public school district participates. If the district does not participate in the program, there is no provision for services to be independently provided to eligible private school students.

Equitable services are determined by four distinct elements. The program:

- Assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner
- Provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs
- Spends an equal amount of funds to serve similar public and private school students and educational personnel
- Provides both groups of students and educational personnel equal opportunities to participate in program activities.

Consultation must be both timely and meaningful to ensure the equitable participation of private school students, teachers, and parents. It must occur before the district or other entity makes any decisions that affect the ability of private school students, teachers, and their families to equitably participate in the benefits of the program. Consultation begins early enough for the entire process of program design and development to be completed, for exploring the option of third-party providers, and for services to begin by the start of the school year. Timely consultation requires that the public school district provide advance notice of consultation meetings to private school officials. Meaningful consultation covers all required topics and affords private school officials a genuine opportunity to express their views. Effective consultation is ongoing, two-way communication and discussion of the best ways to meet the needs of private school students and teachers under the provisions of the particular program. Consultation is significantly enhanced when public school officials provide information about the amount of funds available for services, in advance of any consultation meeting, in order for private school officials to have the opportunity to adequately prepare for discussions.

The goal of the consultation process—for both public and private school officials—is to reach agreement. The consultation process must contain a discussion of the following topics:
• How the children’s needs will be identified
• What services will be offered
• How, where, and by whom the services will be provided
• How the services will be assessed and how the results of the assessment will be used to improve those services
• The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion of funds allocated for those services, and how the proportional amount of funding is determined
• How and when the agency, consortium, or entity 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 services through potential third-party providers
• Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor
• Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated for the program’s purpose.

Additionally, for the Title I program, these additional elements are part of the consultation process:

• Whether to provide equitable services to eligible private school children by (1) creating a pool or pools of funds with all of the funds allocated for Title I purposes based on all private children from low-income families residing in a participating school attendance areas; or (2) for each individual private school, funding based on the number of low-income children who reside in participating public school attendance areas attending each individual private school.

• The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools

• How, if the public school district disagrees with the views of the private school officials on the provision of services through a contract, the public school district will provide in writing to the private school officials an analysis of the reasons why the district has chosen not to use a contractor

• When, including the approximate time of day, services will be provided

The private school officials designate who will represent their students in the consultation process. In some areas, one private school official may represent a group of private school officials in a public school district. In such a situation, the appointed private school official should inform the district of his or her intent to represent the group of school officials in the district and request that the district communicate directly with the appointed official

Tool #1 is a consultation checklist to bring with you to the consultation to ensure that all the required topics are discussed appropriately.

Requirements for equitable participation are contained in Title VIII of ESSA. In addition to the consultation requirements, the law requires:
• Services must be secular, neutral and nonideological
• Expenditures must be equal for private school students in comparison to the expenditures for public school students, taking into account the number and educational needs of children to be served
• Funds must be obligated in the fiscal year for which the funds are received by the public school district or other entity receiving funding
• Each state educational agency must provide notice in a timely manner to the appropriate private school officials of the allocation of funds for each of the programs requiring equitable participation that the public school district determines are to be allocated for equitable services
• Services can be provided directly or through contract

ESSA clearly provides for the equitable participation of private school students under specific programs: Title IA, Title IIA, Title III, and Title IVA and IVB. Under ESSA, funds designated for equitable participation must be obligated in the year in which they were allocated.

At the time of this publication the U.S. Department of Education has not issued guidance on ESSA. From the language above regarding obligation of funds, it appears that any funds not expended for equitable services during the year in which they were allocated must be carried over to provide equitable services in the following year.

Although the final decision on services and expenditures, the control of the funds, and the title to any materials and property rests with the public school district or other funded entity, there are safeguards built into the law to assist private school officials with ensuring equitable services for their students.

• If the public school district or other funded entity disagrees with the views of the private school officials on the provision of services through a contract to a third party, the funded entity will provide to the private school officials a written explanation of the reasons why the entity has chosen not to use a contractor. Under Title I, this requirements for a written analysis of the district’s view is required for any disagreement covered under the consultation process.
• Private school officials will be asked to sign a written affirmation that timely and meaningful consultation took place on all of the appropriate topics. The affirmation also provides an opportunity for private school officials to express why they believe consultation was not timely or meaningful or did not result in an equitable program of services. See Tool #2
• Each state educational agency must appoint an ombudsman. The ombudsman’s role is to ensure equitable services are provided to private school children, teachers, and other educational personnel. The ombudsman is required to monitor and enforce the requirements for equitable participation. See Tool #3.
• Private school officials can request that the state educational agency provide services directly or through contracts. When requesting that the state agency provide the services in lieu of the private school district providing the services, the private school officials must demonstrate that the district involved has not met the requirements for equitable participation of private school students. See Tool #4.
• Private school officials have a right to file a complaint with the state educational agency that the consultation required was not timely or meaningful, did not give due consideration to the view of the private school official, or did not make a decision that treats the private school or its students equitably. The state must provide procedures for filing the complaint and must resolve the complaint within 45 days. If the complaint is not resolved in the required time or to the satisfaction of the private school officials, it can be appealed to the Secretary of Education. The U.S. Department of Education must provide procedures for how to appeal the complaint, and must resolve the complaint within 90 days of the receipt of the appeal from the private school officials. Tools #5 and 6 explain the complaint process and provide a sample letter of complaint to state education officials.

A bulleted list of all changes in ESSA from the requirements of NCLB is included as Tool #7. Additionally, in the Appendix, Tools #34 and #35 contain the language from ESSA that pertains to the equitable participation of private school student in ESSA.

In achieving timely and meaningful consultation, a district may request documentation, as needed, from private school officials that enables the district to identify students who are eligible under the applicable ESEA program and the appropriate services that meet the needs of those private school students and their teachers. Such documentation might include, but not be limited to, data indicating the academic needs of students, as well as the professional development needs of teachers. However, the request for documentation should not constitute an administrative barrier that is inconsistent with the school district’s responsibility to ensure equitable participation of private school students and teachers.

**District Application(s)**

To gather all the necessary data to meaningfully participate in the consultation process, private school officials are encouraged to request a copy of the public school district’s application to the state. If the district applies for all of the title programs in one application, it is referred to as a “consolidated application.” If there is not a consolidated application, then there is an individual application for each program. This is a public document and districts are required to provide you with a copy upon request. Electronic copies are the best way to receive an application. Tool #8 explains what to look for in the applications.
The following consultation topics are part of the requirements under Section 1117 (applies to Title I) and Section 8501 (applies to Titles IIA, III, IVA and IVB) of ESSA regarding timely and meaningful consultation with private school officials. Consultation should be ongoing during the design, development, implementation, and assessment of the program. The goal of consultation is to reach agreement and, in so doing, develop and implement an effective program for the benefit of Title I students in the private school.

- How the children’s needs will be identified
- What services will be offered
- How the services will be assessed and how the results of the assessment will be used to improve those services
- The size and scope of the equitable services to be provide to the eligible private school children, teachers, and other educational personnel, the proportion of funds allocated for those services, and how the proportional amount of funding is determined
- How and when the agency, consortium, or entity 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 services through potential third-party providers
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor
- Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated for the program’s purpose.

Additionally, for the Title I program, these additional elements are part of the consultation process:

- Whether to provide equitable services to eligible private school children by (1) creating a pool or pools of funds with all of the funds allocated for Title I purposes based on all private children from low-income families residing in a participating school attendance areas; or (2) for each individual private school, funding based on the number of low-income children who reside in participating public school attendance areas attending each individual private school
- The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools
- How, if the public school district disagrees with the views of the private school officials on the provision of services through a contract, the public school district will provide in writing to the private school officials an analysis of the reasons why the district has chosen not to use a contractor
- When, including the approximate time of day, services will be provided
Tool #2: Written Affirmation

The written affirmation is a tool that provides a safeguard to the consultation process to help ensure equitable services for private school students. It should not be signed until the appropriate topics for consultation have been covered to your satisfaction, the program designed provides equitable and effective services to your students, and your views as to the design of the program and how students will be served have been taken into consideration when making final decisions about program design.

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

- [ ] How the children’s needs will be identified
- [ ] What services will be offered
- [ ] How the services will be assessed and how the results of the assessment will be used to improve those services
- [ ] The size and scope of the equitable services to be provide to the eligible private school children, teachers, and other educational personnel, the proportion of funds allocated for those services, and how the proportional amount of funding is determined
- [ ] How and when the agency, consortium, or entity 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 services through potential third-party providers
- [ ] Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor
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- [ ] The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools
- [ ] How, if the public school district disagrees with the views of the rite school officials on the provision of services through a contract, the public school district will provide in writing to the private school officials an analysis of the reasons why the district has chosen not to use a contractor
- [ ] When, including the approximate time of day, services will be provided

Private school official (check one):

- [ ] Timely and meaningful consultation was provided and an equitable program of services was designed during the consultation process.
- [ ] Consultation was not timely and meaningful and/or did not result in an equitable program of services to meet the needs of the private school children.
The public school maintains a copy of this written affirmation in its files, provides the private school representative with a copy, and sends a copy to the State educational agency and the ombudsman as directed under ESSA.
Tool #3: Ombudsman

The “ombudsman” for private school equitable participation ESSA is a new role for states and the Department of Education. As private school officials, it is appropriate to meet with state education agency officials to discuss this new position and the role this person will have in ensuring equitable services to private school students, teachers and other educational personnel, and families.

The legislative text defining the Ombudsman is found in Section 1117(a)(3)(B):

(B) OMBUDSMAN - To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.

One other mention is made of the ombudsman (Sec. 1117(b)(1)):

[LEAs] and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B).

In Title VIII of the law, Section 8501 (a)(3)(B), the ombudsman is again referenced in nearly identical language to the first quotation above, and the scope of the ombudsman expands to include all programs that provide equitable services to private school students: Title I, Title II, Title III, and Title IV.

The state educational agency designates the ombudsman, but as with all other decisions that affect equitable participation, this decision should be made in consultation with appropriate private school officials. The ombudsman has a dual role to “monitor and enforce” the equitable services provisions. This is what makes the ombudsman such a unique role – one person designated to monitor and enforce the equitable services provisions.

The Role of the Ombudsman

- Ombudsman should be a part of consultation in a meaningful way - this could mean the ombudsman receives all paperwork exchanged between public and private school officials; is in attendance at consultations; generates templates and ‘best practices’ for use by public school districts; is accessible throughout consultation so the public and private school officials engaging in consultation may benefit from ongoing oversight – and can avoid resorting to formal complaints.

- Ombudsman should have real enforcement powers – for instance, s/he should have authority to settle disputes between public and private school officials or be able to call in the appropriate authorities to help resolve differences; have access to all information about proportional share determination and budgets from public school districts and state educational agencies; correct the actions of public school officials when those decisions that do not uphold the language or the spirit of the equitable services provisions under ESSA.

- Ombudsman should be paid out of state administrative budget – similar to other programs under ESEA (see Sec. 1003(b)(2)(B) and Sec. 2101(c)(4)(B)(vi)), the state administrative budget should cover the costs of monitoring and overseeing program compliance.
- Ombudsman should be appropriately staffed - in larger states, it is clear that one person cannot fulfill all of the obligations of the law and will either need staff or there will need to be multiple ombudsman appointed, perhaps by regions of the state. It is clear that the job is not an “add on” to a current staff member’s full time portfolio of work.

Characteristics of the Ombudsman

- Ombudsman should have an understanding of private education and the provision of equitable services to private school students – In order to be effective in monitoring and enforcement, the ombudsman needs experience and knowledge of equitable services from the private school practitioner or policy side.
- Ombudsman should not already be involved in the consultation process – It would not be in keeping with the intent of the law if the same official carrying out consultation of equitable services is also responsible to “monitor and enforce” those same consultations.
- Ombudsman should be a neutral third-party to the consultation process - The role of the ombudsman is not to “take sides” but instead to ensure that the law and its intent to provide equitable services is carried out faithfully.

Consulting About the Ombudsman

Since ESSA is being fully implemented beginning with the 2017-18, it is likely that an ombudsman will not be in place until the anticipation of that school year. The following are questions to guide the discussion by private school officials with the state education agency regarding the process of hiring the ombudsman and defining the parameters of the position.

- Will the office of the ombudsman be a stand-alone office or a role attached to an existing official? (Strongly urge that the ombudsman be a stand-alone office).
- Who will designate that person – will it be a political appointee or a hire? Will there be a job posting for this position? When do you anticipate posting this position? Will it be a third-party service or a state employee?
- How will the ombudsman monitor consultations across the state? Will there be an entire ombudsman office or a single person? (Based on your state’s size, number of school districts, number of private schools/consortia, etc., what is practical in your state?)
- Who does the ombudsman report to and what is that person’s role and responsibilities?
- What is the budget for salary and benefits? (A low starting salary could lead to hiring a junior, inexperienced person)
- Do you have a detailed description of the job? Can we offer input into the job description?
- What are the job qualifications you are considering? Can we offer input into the qualifications we believe are necessary to effectively accomplish the role as laid out in ESSA?
- What enforcement powers will the ombudsman have? Who can s/he call upon to ensure that equitable services are being provided in accordance with ESSA?
This is not an exhaustive list of questions, nor are all questions applicable to each state, nor should any of the questions be construed as support for a specific proposal. They are intended to foster discussion and consultation between the state education agency and private school officials.

*Special thanks to Greg Dolan, Associate Director for Public Policy, Secretariat for Catholic Education, United States Conference of Catholic Bishops for contributing this tool.*
Tool #4: Letter to State Requesting Services in Lieu of District Providing Services

Each state must have its own procedures for requesting that the state provide services to your students under Titles I, IIA, III, IVA or IVB in lieu of the services being provided by the public school district (local educational agency).

Below is a sample letter stating your intent to make this request and asking for the procedure particular to your state. You will need to cite the correct section of the law depending on whether the request is for Title I or the other Titles providing equitable services under ESSA. This letter can be written on behalf of a group of schools or a single school. If the issue potentially is affecting most or all private schools in the district, it is more effective to write the letter on behalf of all affected schools and not send individual requests.

-----------------------------

Dear [State Superintendent]:

I am writing concerning the provision of equitable services to students attending [enter School Name] School(s) under Title [enter Title #] of the Every Student Succeeds Act (ESSA). The law provides, under Section 8501 (note: for Title I, this provision is under Section 1117) an option for a private school official to request that the state educational agency (SEA) provide services directly or through a contract with a public or private agency, organization, or institution if:

- The private school officials have requested that the SEA provide such services directly, and
- The private school officials have demonstrated that the local educational agency (LEA) involved has not met the requirements of this section.

The purpose of this letter is to inform you that, as the representative of eligible students in the above named school(s) I am making this request. Section 8501 states that in order to make this request, I must do so in accordance with the procedures in my state for making such a request.

Please send this procedure to me at your earliest convenience so that the process can begin and together we can minimize any further loss of equitable services to the affected children.

Sincerely,

[Enter Your Name]
[Enter School Name]
Tool #5: Complaint Process

If the consultation required by Title I and the uniform provisions of Title VIII is not carried out by the public school district or other eligible entity, the private school official has the right to file a complaint with the state educational agency (SEA). The complaint alleges that consultation:

- Was not timely or meaningful,
- Did not give due consideration to the views of the private school officials, or
- Did not make a decision that treats the private school or its students equitably.

In filing a complaint, the private school official provides the basis of the noncompliance to the SEA. All parties must provide the appropriate documentation to the SEA officials.

The Secretary is required under ESSA to develop and implement written procedures for receiving investigating, and resolving complaints concerning violations of the equitable services provisions for all covered programs by the SEA, public school district, educational service agency, consortium of agencies, or entity. When a complaint is filed, the SEA has 45 days to resolve the complaint. If they do not do so within that required time period, or do not resolve the complaint to the satisfaction of the private school officials, the complaint may be appealed to the U.S. Secretary of Education.

The State’s resolution may be appealed to the Secretary not later than 30 days after the SEA resolves the complaint or fails to do so within the 45 day time limit. The appeal shall be accompanied by a copy of the SEA’s resolution, and if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after the receipt of the appeal.
Tool #6: Sample Complaint Letter

The following is a sample letter of complaint. Your specific issues will differ but the letter should provide a blueprint for constructing a letter of complaint. The U.S. Department of Education has not issued guidance or a procedure for filing complaints at the time of publication.

Dear (SEA Official):

I am writing as a representative of ____________ and the (#) students who are eligible to participate in Title IIA. The purpose of this letter is to file a complaint on behalf of these students because consultation was not timely and meaningful and the result of this process has not led to equitable services.

Specifically:

When I attended the consultation meeting on May 15, 2016, the district had already made a decision to use Title IIA professional development funds for training in the use of technology both in the classroom and as a data tool for instruction. I was informed that because this is how the application was written, my request for professional development that provided training followed up by coaches in reading/language arts was not allowable because the expenditures did not fit into the already approved expenditure categories in the application. The consultation did not occur in a timely manner since the district had already made its decision on the use of funds.

When I expressed the needs of our students and the subsequent focus of professional development, I was told that if I wanted my students to participate in the Title IIA program, my teachers and other educational personnel would need to participate in professional development that fit into the content of the approved application. My views were not taken into consideration. The consultation was not meaningful.

Attached are copies of the minutes provided by the public school district following our consultation meeting. Through this complaint, I am requesting that the State educational agency instruct the public school district to return to consultation, and as appropriate, amend their application to take into account the needs of the private school students and the appropriate professional development activities to meet those needs.

The resolution of this complaint must be completed by (45 days from date of letter). If you have questions prior to that date, I am available to answer them. I look forward to a positive resolution of this situation by ________________.
Tool #7: List of Changes under ESSA

ESSA provides for the equitable participation of private school students, teacher and other educational personnel, and parents and families under the following programs:

Title I, Education for the Disadvantaged
Title IIA, Supporting Effective Instruction
Title III, Language Instruction for English Learners and Immigrant Students
Title IVA, Student Support and Academic Enrichment Grants
Title IVB, 21st Century Community Learning Centers

The following changes are reflected in the equitable participation provisions in Section 1117 for the Title I program, and in Section 8501 for all other covered programs. This listing pertains to the consultation process but does not list changes within the programs themselves (such as any changes in the use of funds within a particular program).

Changes Applicable to All Programs Providing Equitable Participation:

- The goal of consultation is to reach agreement.
- The consultation process must include a discussion of how the proportionate share of funding was determined.
- Consultation must include a discussion of whether or not to pool funds among a group of private schools.
- If the public school district disagrees on the use of a third party for the provision of services, it must provide a written analysis to private school officials of the reasons for its decision.
- The state has the responsibility to notify private school officials in a timely manner of the allocation for all programs that require equitable participation, as determined by the public school district.
- The proportional share of funds can be determined each year or once every two years.
- Funds must be obligated in the fiscal year in which they were received by the public school district.
- Private school officials may request that the state take over the provision of equitable services if the local public school district did not engage in timely and meaningful consultation, did not give due consideration to the view of the private school officials, or did not make a decision that treats private school students equitably. The state can provide services directly or through a third party.
- The public school district must obtain a written affirmation from private school officials for all programs that require equitable participation.
- The written affirmation must provide the private school officials an opportunity to indicate a belief that timely and meaningful consultation has not occurred.
• Private school officials can file a complaint with the state educational agency, which now has 45 days to resolve the complaint (previously unspecified). The resolution can be appealed to the U.S. Secretary of Education, who now has 90 days to resolve the complaint (previously 120 days).

Changes Applicable Only to the Title I Program

• In addition to the traditional Title I services for private school students of additional instruction in the core subject areas, Title I can now provide counseling, mentoring, and one-on-one tutoring. These services can be provided individually or in combination.

• In addition to discussing how, where and by whom the services will be provided, consultation for Title I must include a discussion of the approximate time of day services will be provided.

• For Title I, if the district disagrees with the request of the private school officials on any topic of the consultation process, it must provide a written analysis of the reasons for its decision.

Changes to the Funding Formula for Title I and Title IIA

• The proportional share of funds for Title I and Title IIA is now determined on the basis of the full allocation received by the district, before any uses are made of the allocated funds and prior to any allowable expenditures of transfers by the district.

Creation of an Ombudsman Position

• The state must create an ombudsman role. This person or persons ensures equity in programs providing equitable participation and monitors and enforces the requirements of ESSA as they pertain to equitable participation. The ombudsman receives the result of the consultation process when agreement is reached.
## Tool #8: Analyzing the District’s Application(s)

Once you have the district’s application(s) to the state for participation in federal education programs, there are certain elements to look for. Each state has its own format for the application, so there is no one-size-fits-all template that can be provided for the district applications across all states. The information that you will want is the following:

### Title I

- # of private school students (for Title I, the total number of private school students and the # of low-income private school students residing in Title I attendance areas)
- # of public school students (for Title I, the total number of public school students and the # of low-income public school students attending Title I public schools)
- Title I grant allocation
- Title I carryover
- For 2016-17, amount of Title I funds set aside (these set asides are taken after equitable services are determined beginning with the 2017-18 school year). Set asides can include—
  - Parent and family engagement (equitable share for private school program)
  - Professional development (equitable share for private school program)
  - Early childhood education
  - Priority and focus schools
  - Professional development for districts in need of improvement
  - Supplemental educational services
  - Public school choice transportation
  - Indirect costs
  - Other

- Amount of funds available for the private school program
- Per pupil amount of funds available for the private school program (divide the number of private school students into the funds available for the private school program)

### Title IIA

- 2016-17: District use of Title IIA funds for class-size reduction, teacher recruitment and retention, and professional development, plus
  - Total allocation for Title IIA
  - # public school students
  - # private school students
  - Per pupil allocation

- 2017-18 and forward:
  - Total allocation for Title IIA
# public school students
# private school students
Per pupil allocation

**Titles III, IVA, and IVB:**

- Total allocation
- # public school students (for Title III, EL and immigrant student count)
- # private school students (for Title III, EL and immigrant student count)
- Per pupil allocation.
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Chapter 2: Title I – Improving the Academic Achievement of the Disadvantaged

Purpose of Title I

The purpose of Title I is to provide all children a significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps. Title I accomplishes this by providing effective, supplemental, high quality instruction for eligible students, professional development for their teachers, and parent and family engagement activities for the families of eligible children.

Equitable services are provided to eligible private school students, teachers, and families. Residency of the child determines which public school district provides services, so private school officials may work with multiple school districts to obtain services for their students. This residency requirement is unique to Title I.

Public School Attendance Areas

The public school district must initially determine the poverty of each public school attendance area and rank order their schools by poverty. Public schools with 75% or higher low-income families (or 50% for high schools at the option of the public school district) must be served, regardless of the grade span of the school. After that, the public school district can choose to skip certain grade spans, such as high schools or middle schools, in designating public school attendance areas for Title I purposes. When a district skips a grade span, private school children do not live in a Title I attendance area. For example, a child in a private K-8 school may reside in a Title I attendance area through grade 6, but because the district does not serve its middle school of grades 7-8, this private school child no longer resides in a Title I attendance area. This is not the same as the district serving grades K-4 within a K-6 elementary school. In this case, the private school children in grades K-6 reside in a Title I attendance area and which grades of private school children should be served is determined in consultation, regardless of which grades the public school decides to serve within that grade span.

If the district opts not to serve a grad span because those grades are being served by an alternative program—such as a state-funded compensatory education program—then the private school students in that grade span are considered eligible (low-income student generate funds, educationally-needy children are eligible for services).

Low-income private school children residing in Title I attendance areas generate funds for Title I services, educationally-needy private school children residing in Title I attendance areas are eligible to receive Title I services.
Determining low-income private school students

In order to determine the funding available to serve educationally-needy private school students, the public school district must take a count of low-income private school students who reside in Title I attendance areas. The count can be conducted yearly or once every two years. Private school officials are key to effective and accurate data collection. The choice of how to count low-income children is determined through the consultation process. Tool #9 explains the methods of calculating poverty data.

The count of low-income children can be determined in any of the following ways:

- Using the same measure of low income used to count public school children—The measure used is usually free and reduced-price lunch data. (Guidelines for free and reduced-price lunch can be found at http://www.fns.usda.gov/school-meals/income-eligibility-guidelines. They are updated for every school year.) This includes the traditional collection of free and reduced-price lunch forms and the newer Community Eligibility Program.

- Using the results of a survey that protects the identity of families of private school students, and allowing survey results to be extrapolated if complete actual data are unavailable. Tool #10 provides sample surveys, cover letters and Tool #11 explains the process of how to extrapolate data.

- Applying the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area

- Using an equated measure of low income correlated with the measure of low income used to count public school children. See Tool #12 for calculating the proportional share of funds using this method

- Using comparable data (While not listed specifically in the law, this has always been allowed and presumably will continue to be permitted)

One method of determining low-income under the National School Lunch Program (NCLP) is the Community Eligibility Program (CEP). The goal of CEP is to increase the number of students receiving lunch. Under this program, schools (public or private) participating in the NSLP with at least 40 percent of their students participating in SNAP, TANF, or other poverty programs (referred to in the law as “directly certified”) no longer collect free and reduced-price lunch forms. Instead, the directly certified count of students is multiplied by 1.6. This number is considered the low-income count for five years. In return, the schools must provide free lunch to all students, but are reimbursed for the CEP low-income count. When doing this calculation, schools with less than 63% directly certified students will not be reimbursed for all students in the school.

The Title I program allows for the CEP count to be used for determining low income for Title I funding. Because the goal of the program is to increase the number of lunches provided to students, it is likely that the use of CEP will increase the low-income count. If the public schools in the district are using CEP and the private schools are not, this could change the proportion of public and private school low-income children.
Tool #13 provides information from the CEP Title I guidance from the U.S. Department of Education regarding how the proportional share of funds should be determined when some schools are CEP and others are not, whether or not those schools are public or private schools within the public school district.

The low-income count of private school children residing in Title I attendance areas determines the proportional share of Title I funding available to serve eligible private school students. The proportional share is determined from the full allocation of Title I funds to the public school district, before any other uses are made of these funds.

Before entering into the consultation process with the public school district, private school officials should examine the data they have or have access to in determining their preferred method of data collection for determining the low-income count.

As with all federal funds, the control of the funds and the title to any equipment or materials remains with the public school district.

The funds generated by low-income private school students residing in participating Title I attendance areas can be spent to serve educationally-needy children in the schools in which they were generated, or all funds can be pooled together to serve the most educationally needy children attending private schools in the group of schools participating in the pool. The pool can be of all the private schools with students generating funds, or can be a portion (for example, just the Catholic schools) of the private schools with students generating funds.

Tool #14 provides a method for determining Title I funding in consultation with the public school district. Tool #15 contains examples of how to determine the funds in a pool.

The funds available under ESSA are used for instructional services for students, plus they may also be used for professional development and probably need to be used for the costs of administration of the program for the private school students. Under ESSA, districts are required to set aside a minimum of 1% for parent and family engagement. The proportional share of funds is determined from the full amount of the Title I allocation to the district. The proportion of funds allocated to serve eligible private school students is the same as the proportion of low-income private school children residing in Title I attendance areas is to all low-income children residing in Title I attendance areas in the district. At this time, guidance from the U.S. Department of Education is not available, but it appears that administrative costs, professional development, parental involvement, and instructional costs for participating private school students are taken from the proportional share of Title I funds. There is no indicating that the private school program has a requirement to use at least 1% of its funds for parental involvement activities.

**Educationally Needy Children and Other Services**

Students who reside in participating public school attendance areas and are failing or most at risk of failing to meet high standards are considered to be educationally needy. Students need to be selected on the basis of multiple, educationally-related, developmentally-appropriate criteria. As such, poverty is not a criteria for educational need. Students who generated the funds because they were from low-income families may or may not be educationally-needy children who are eligible for services.
The criteria for educational need are determined during the consultation process. Results of standardized tests, classroom assessments, teacher evaluations, parent input, and portfolio of work are some examples of the criteria that can be used to determine educational need.

Private school officials compile the list of educationally-needy children based on the criteria selected to define educational need during the consultation process. In consultation, public school officials choose the children to be served from this list, serving the most educationally-needy children first if there are insufficient funds to serve all eligible children.

Tools #16 is an example for determining educational need.

**Title I Services to Students, Educational Personnel, and Parents and Families under ESSA**

Students determined to be educationally needy can receive direct instructional services in core subjects, one-to-one tutoring, counseling, and/or mentoring. These services can be received separately or in combination. This new flexibility in providing educational services to students in need—covering additional services that were not always allowed in the past—and allowing the services individually or in combination—is an area that should be thoroughly considered when preparing for the consultation process with private school officials.

Services can occur before, during, or after the school day, on weekends, or during the summer. The services should be of sufficient size and scope to be educationally effective. Determining the services to be provided is accomplished within the consultation process.

Tools #17 is an example of how to plan Title I services. Tools #18 and 19 are for planning professional development. Tool #20 provides an end-of-year teacher survey that can be used to help assess Title I services and inform planning for the next year. Tool #21 helps with planning for parent and family engagement. Similar to Tool #20, Tool #22 provides an end-of-year survey of parents that can be used to assess Title I services and plan improvements for the next school year.

A suggested timeline for the Title I consultation is contained in Tool #23.
## Tool #9: Collecting Poverty Data for Title I Purposes

Private school officials should go into the consultation meeting prepared with a request for how to collect poverty data on their students for Title I purposes. To determine which method to use, evaluate the data you have available and determine which method would yield the most accurate count of low-income children. Ask yourself these questions to determine the best method of collecting data to yield the best poverty count for your program. This is your first step for approaching Title I consultation.

### Method #1: Using the same measure of low income used to count public school children (usually free and reduced-price lunch)

If the private school participates in the free and reduced price lunch program (either the traditional method or the Community Eligibility Program—CEP), the count of students from that program can be used for Title I purposes. Does the return rate of your forms accurately depict the poverty in your school? Can you do anything to increase the rate of return for your free and reduced price lunch forms? If you are a high school principal, can you use a feeder pattern to increase the number of free and reduced price lunch forms? Is your school eligible for CEP?

When using free and reduced price lunch forms, it is appropriate to black out the family and student names, or simply create a list of addresses and grade levels for all forms returned, in order to protect the privacy of the students and to ensure that the forms are used appropriately in accordance with U.S. Department of Agriculture policy.

### Method #2: Using the results of a survey that protects the identity of families of private school students, and allow survey results to be extrapolated if complete actual data are unavailable.

A survey (see Tool #9) can be distributed to all families in the school, protecting the identity of the families. The survey is asking families if they would qualify for free and reduced price lunch, and only collects the income data, address, and student grade level. The surveys can be numbered so that you can determine who has or has not returned the surveys, but the numbered list is not shared with the public school district to protect the confidentiality of the families.

The results of this survey will be extrapolated when all actual data is not available. See Tool #10 for how to extrapolate data. When conducting a survey, it is important to have a game plan as to how to ensure a high rate of return. Even though partial results can be extrapolated, a higher rate of return will make for a more accurate count of low-income children. If the district uses the Community Eligibility Program (CEP) to count the students eligible for free and reduced price lunch, extrapolation becomes an important tool to ensure your students are not penalized because of the data collection method. How will you distribute the surveys? How will you follow up on surveys not returned? How long will you have the survey in the field? Can the survey be part of the registration or re-registration process in the school?
Method #3: Applying the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area.

This method is often referred to as “proportionality.” This is the simplest method of collecting data. See Tool #11 for the method of collecting and utilizing this data. When considering whether or not to request the use of proportionality, determine if this would yield the best data on low-income children. Generally, this does yield the best results and in particular levels the playing field when the district participates in CEP.

Method #4: Using an equated measure of low income correlated with the measure of low income used to count public school children.

If records are available for a program such as TANF for both public and private school students, and free and reduced-price lunch is available for public school students, then an estimation of free and reduced-price lunch can be derived from the data available.

Method #5: Using comparable data

If the school participates in a tuition assistance program and has data on students that have applied for tuition assistance, the data can be sorted to include all students that would qualify for free and reduced price lunch with their addresses and grade levels. Before choosing this option, ask yourself if the families applying for tuition assistance truly represent the appropriate number of families that would qualify for free and reduced price lunch. While this is often a simple method of obtaining the data, if many of your families do not apply for tuition assistance because extended families are assisting with tuition and other costs, then perhaps the data you have, while readily available, is not accurate enough to consider using.
Tool #10: Cover Letter(s) and Survey(s) of Low-Income Children

[Insert Letterhead]

[Insert Date]

Dear Family:

We need your help! [Name of private school] has an opportunity for the children who really need extra academic support to receive it through the Title I program under Every Student Succeeds Act, but we can’t do it without YOU! These extra services will only come to the children if you fill out the attached survey. Services such as extra assistance in reading and math, teacher professional development, and parent activities may be available through the support of the Title I program.

In order to determine the funding available for this wonderful program, we must have an accurate count of children from low-income families. I want to assure you that your privacy will be protected and that no names are required on the attached family survey form. Each form has a unique identifying number only to monitor the total of surveys returned, and the match between your name and the number is confidential. Only the address and grade levels are provided to the school district so that its staff members can determine the funding for the Title I program for the eligible children.

Thank you for giving this your immediate attention. If you have any concerns or questions, please call me at [insert phone number and e-mail address].

Sincerely,

[Private school principal]

Enclosure
Survey of Low-Income Children for Title I Purposes

Form # ____________

Family Address

Age or grade levels of children living in your household and attending [insert name of private school]:

Locate your household size and the income earned each year.

<table>
<thead>
<tr>
<th>Family Size</th>
<th>Income Earned Each Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$21,976</td>
</tr>
<tr>
<td>2</td>
<td>$29,637</td>
</tr>
<tr>
<td>3</td>
<td>$37,296</td>
</tr>
<tr>
<td>4</td>
<td>$44,955</td>
</tr>
<tr>
<td>5</td>
<td>$52,614</td>
</tr>
<tr>
<td>6</td>
<td>$60,273</td>
</tr>
<tr>
<td>7</td>
<td>$67,951</td>
</tr>
<tr>
<td>8</td>
<td>$75,647</td>
</tr>
</tbody>
</table>

For each additional family member, add $7601

☐ My family’s yearly income is equal to or less than this amount.
☐ My family’s yearly income is more than this amount.

If your child(ren) did not attend private school, which public school(s) would he/she be assigned to:

Please return this form to:

[Insert name]
[Insert contact information]

Forms must be returned no later than [Insert date]
The following example of a cover letter and survey form is in English and Spanish. Special thanks to the Archdioceses of New York and Seattle for providing this example of a cover letter and survey form in English and Spanish.

[Date]

Dear Parents:

Did you know that your child(ren) can benefit from:

- Smart Boards and Science Kits
- Virtual Learning Systems for Students
- Free Extended Year Summer Programs
- Professional Development for Teachers and Principals
- E-Rate Funding for Technology
- Technology Coaches and Online Programs
- School Scholarships and Grants

A portion of the funding for these important educational programs is made available through your hard-earned tax dollars. Every family contributes and every student can benefit, regardless of income level.

OUR SCHOOL CAN BE ELIGIBLE FOR UP TO $1,000 PER STUDENT for each form returned!

**Here’s what you can do to help make sure our children benefit from these resources:**

- Complete the attached form IN ITS ENTIRETY and return it to your child’s teacher by [insert date]
- **Be sure to list the names of all children attending our school on the form**

In order to determine the funding available for these programs, we must have an accurate record of family income information. I want to assure you that your privacy will be protected and that the student(s)’ names will be detached from the enclosed form once the necessary information has been recorded. The form will not be shared with anyone and will only be used to determine program eligibility. Thank you for your cooperation and please do not hesitate to contact me if I may be of further assistance.

Sincerely,

[Principal Name]
EACH FAMILY SHOULD RETURN THE FOLLOWING FORM BY [INSERT DATE].

1. Use the chart below to answer the following questions:
   Is your family income less than the amount in Column A? Yes ☐ No ☐
   Is your family income less than the amount in Column B? Yes ☐ No ☐

<table>
<thead>
<tr>
<th>Household Size</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual</td>
<td>Monthly</td>
</tr>
<tr>
<td>1</td>
<td>$15,444</td>
<td>$1,287</td>
</tr>
<tr>
<td>2</td>
<td>$20,826</td>
<td>$1,736</td>
</tr>
<tr>
<td>3</td>
<td>$26,208</td>
<td>$2,184</td>
</tr>
<tr>
<td>4</td>
<td>$31,590</td>
<td>$2,633</td>
</tr>
<tr>
<td>5</td>
<td>$36,933</td>
<td>$3,081</td>
</tr>
<tr>
<td>6</td>
<td>$42,354</td>
<td>$3,530</td>
</tr>
<tr>
<td>7</td>
<td>$47,749</td>
<td>$3,980</td>
</tr>
<tr>
<td>8</td>
<td>$53,157</td>
<td>$4,430</td>
</tr>
<tr>
<td>For each additional family member, add</td>
<td>$5,408</td>
<td>$451</td>
</tr>
</tbody>
</table>

2. Are you receiving assistance under the Temporary Assistance to Needy Families (TANF) program? Yes ☐ No ☐
3. Are any of your children eligible to receive medical assistance under the Medicaid program? Yes ☐ No ☐
4. What school and Grade(s) is/are your child(ren) in? Be sure to list all students in your family.
   School Name: ____________________________ Grade: ____________________________
   School Name: ____________________________ Grade: ____________________________
   School Name: ____________________________ Grade: ____________________________
   School Name: ____________________________ Grade: ____________________________

Home Address (Required. Please do not indicate a PO Box)
__________________________________________________________
__________________________________________________________
City ____________________________ State ____________ Zip ____________________________

ALL QUESTIONS MUST BE ANSWERED COMPLETELY.
To protect your privacy, the student names below will be detached from this form once the school records that a family has returned the form.

Student(s) Name(s):
__________________________________________________________
__________________________________________________________
__________________________________________________________
[La fecha]

Estimados Padres:

¿Sabían que su(s) hijo(s) puede(n) beneficiarse de?:

- Pizarrones Interactivos y Kits Científicos
- Sistemas de Aprendizaje Virtual
- Programas académicos gratis en el verano
- Desarrollo profesional para directores y profesores
- Financiamiento de E-Rate para tecnología
- Instructores de tecnología y programas de internet
- Subsidios para nuestra escuela

Una parte de los fondos dedicados a estos programas educativos tan importantes proviene de los impuestos que ustedes pagan anualmente. Cada familia contribuye y cada estudiante puede sacarle provecho a estos programas, sin importar su nivel de ingreso. NUESTRA ESCUELA PUEDE CUMPLIR LOS REQUISITOS PARA RECIBIR HASTA $1,000 POR ESTUDIANTE por cada encuesta devuelta.

**Lo que puede hacer para ayudar a que su(s) hijo(s) le saquen provecho a estos recursos:**

- Completar la forma agregada COMPLETAMENTE y devolverla al profesor de su hijo antes del [la fecha]
- **Enumerar los nombres de todos sus hijos que asisten a nuestra escuela en la forma**

Para determinar el financiamiento disponible para estos programas, debemos tener información correcta sobre los ingresos familiares. Le quiero asegurar que protegeremos su privacidad y retiraremos los nombres de los estudiantes de esta forma una vez que hayamos registrado la información necesaria. No compartiremos esta forma con nadie y la usaremos solamente para determinar elegibilidad para estos programas.

Gracias por su cooperación y por favor contácteme con cualquier duda.

Atentamente,

[Principal Name]
1. Use la tabla abajo para contestar las siguientes preguntas. (Incluya todas las personas que viven en su casa):

   ¿Es su ingreso familiar menos al monto en la columna A?
   Sí ☐   No ☐

   ¿Es su ingreso familiar menos a los montos en la columna B?
   Sí ☐   No ☐

<table>
<thead>
<tr>
<th>Household Size</th>
<th>A</th>
<th>B</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Annual</td>
<td>Monthly</td>
</tr>
<tr>
<td>1</td>
<td>$15,444</td>
<td>$1,287</td>
</tr>
<tr>
<td>2</td>
<td>$20,826</td>
<td>$1,736</td>
</tr>
<tr>
<td>3</td>
<td>$26,208</td>
<td>$2,184</td>
</tr>
<tr>
<td>4</td>
<td>$31,590</td>
<td>$2,633</td>
</tr>
<tr>
<td>5</td>
<td>$36,933</td>
<td>$3,081</td>
</tr>
<tr>
<td>6</td>
<td>$42,354</td>
<td>$3,530</td>
</tr>
<tr>
<td>7</td>
<td>$47,749</td>
<td>$3,980</td>
</tr>
<tr>
<td>8</td>
<td>$53,157</td>
<td>$4,430</td>
</tr>
<tr>
<td>For each additional family member, add</td>
<td>$5,408</td>
<td>$451</td>
</tr>
</tbody>
</table>

2. ¿Está recibiendo Asistencia Temporal para Familias Necesitadas (TANF en inglés)?
   Sí ☐   No ☐

3. ¿Alguno(s) de sus hijos califican para recibir asistencia médica a través del programa de Medicaid?
   Sí ☐   No ☐

4. ¿En cuál escuela y cuales grados está(n) su(s) hijo(s)? PONGA TODOS LOS ESTUDIANTES EN SU FAMILIA.

   Nombre de la escuela: ___________________________ Grado: ___________________________
   Nombre de la escuela: ___________________________ Grado: ___________________________
   Nombre de la escuela: ___________________________ Grado: ___________________________
   Nombre de la escuela: ___________________________ Grado: ___________________________

   Dirección de domicilio (requerido, favor de no indicar un apartado de correo)
   __________________________________________________________

   Ciudad ___________________________ Estado ____________ Código Postal ____________

CONTESTE A TODAS LAS PREGUNTAS COMPLETAMENTE.
Para proteger su privacidad, separaremos los nombres de los estudiantes debajo de esta forma una vez que la escuela haya comprobado que una familia ha devuelto la forma.

Nombres de los estudiantes: ____________________________________________

__________________________________________

Page 36  Michelle Doyle Educational Consulting
Tool #11: Extrapolating Data

When complete actual data is not available from a survey conducted to determine the number of low-income children attending private schools and residing in Title I attendance areas, then such survey results should be extrapolated. The following is an example of how to extrapolate data. The law does not specify a return rate before extrapolation can be conducted. Instead the law says that extrapolation should be allowed when complete data is not available. Additionally, the law does not imply that it is within the discretionary authorization of the public school district to decide whether or not to extrapolate.

Calculating the Number of Low-income Private School Children by Extrapolating Family Survey Data

<table>
<thead>
<tr>
<th>Column 1</th>
<th>Column 2</th>
<th>Column 3</th>
<th>Column 4</th>
<th>Column 5</th>
</tr>
</thead>
<tbody>
<tr>
<td>Public school attendance area</td>
<td>No. of resident private school children</td>
<td>No. of private school children submitting surveys</td>
<td>No. of low-income private school children from surveys</td>
<td>Extrapolated no. of low-income private school children</td>
</tr>
<tr>
<td>A</td>
<td>150</td>
<td>115</td>
<td>100</td>
<td>130</td>
</tr>
<tr>
<td>B</td>
<td>20</td>
<td>10</td>
<td>4</td>
<td>8</td>
</tr>
</tbody>
</table>

Calculations to determine the number of private school children from low-income families using extrapolation:

To determine the extrapolated number of low-income children (Column 5):

1. Divide the number of low-income private school children from the survey (Column 4) by the number of private school children submitting survey (Column 3).
2. Multiply that number by the number of resident private school children (Column 2).

For example, in the above chart:

- For attendance area A, the calculations are: 100/115 times 150 = 130 private school children.
- For attendance area B, the calculations are: 4/10 times 20 = 8
Tool #12: Proportionality

Applying the percentage of low income in each participating public school attendance area to the private school children who reside in that attendance area is one method of providing a count of low-income private school children. In the chart below, we are assuming that the private school has students residing in four different public school attendance areas. Each public school attendance area has a different percentage of low income children and the private school has a number of students residing in each of these four public school attendance areas. By taking the number of private school residents in each public school attendance area and applying the percentage of low-income students in the public school attendance area to the private school residents of that attendance area, we are able to estimate the number of low-income private school students for Title I purposes. Note that no poverty data is actually collected. This method assumes that the private school students residing that each public school Title I attendance area are low income in approximately the same proportion.

**Determine Low-Income Private School Children Using Proportionality**

<table>
<thead>
<tr>
<th>Public School Title I Attendance Areas</th>
<th>Percentage of low-income in the public school Title I attendance area</th>
<th>Number of private school students residing in public school Title I attendance area</th>
<th>Proportional Count of Low-Income Private School Students Residing in Title I Attendance Areas</th>
</tr>
</thead>
<tbody>
<tr>
<td>PS #1</td>
<td>72% low income</td>
<td>17 private school residents</td>
<td>12 private school low-income students</td>
</tr>
<tr>
<td>PS #2</td>
<td>63% low income</td>
<td>22 private school residents</td>
<td>14 private school low-income students</td>
</tr>
<tr>
<td>PS #3</td>
<td>57% low income</td>
<td>72 private school residents</td>
<td>41 private school low-income students</td>
</tr>
<tr>
<td>PS #4</td>
<td>48% low income</td>
<td>42 private school residents</td>
<td>20 private school low-income students</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>87 TOTAL LOW-INCOME PRIVATE SCHOOL STUDENTS RESIDING IN TITLE I ATTENDANCE AREAS</td>
</tr>
</tbody>
</table>

(Calculation note: for PS #1, 72% of the 17 private school resident students = an estimation of 12 low-income private school students residing in that public school Title I attendance area).
Tool #13: Calculating Proportional Share under CEP

The following Question and Answer from the U.S. Department of Education’s CEP Title I guidance provides an explanation of allocating funds when it has both CEP and non-CEP schools in the Title I program. The full guidance document can be found at:


The questions specific to private schools are #26-30.

**How does an LEA allocate Title I funds to schools when it has CEP and non-CEP schools? (Modified March 2015)**

The number of students directly certified is a subset of the total number of students eligible for free and reduced-price meals. Thus, if an LEA has non-CEP schools with a poverty count based on the number of students approved for free and reduced-price meals and CEP schools with a poverty count based on, for example, students directly certified using SNAP data, the LEA must use a common poverty metric to rank order its schools and allocate Title I funds on an equitable basis. (Once this common poverty metric is determined, an LEA that chooses to determine whether it meets Title I’s comparability requirement through the high- and low-poverty schools method would also use the same metric for this purpose.)

An LEA has options for deriving a common poverty metric. One approach is for the LEA to multiply the number of students identified by direct certification in a CEP school by the 1.6 multiplier. As noted in Question 6, to account for the difference in poverty rates when using free and reduced-price meals data for non-CEP schools and direct certification data for CEP schools, the multiplier of 1.6 is intended to approximate the free and reduced-price meals count for a CEP school.

A second approach is for the LEA to use the number of students directly certified through SNAP (or another direct certification measure available annually) in both CEP and non-CEP schools. (As noted in Question 12, because all schools, not just CEP schools, must directly certify students through SNAP, an LEA should have direct certification data for each of its schools.)

A third approach consists of applying the 1.6 multiplier to the number of students in CEP and non-CEP schools who are directly certified through SNAP (or another direct certification measure available annually). This approach would not change the order in which schools are ranked based on direct certification data alone, but, due to the inclusion of the multiplier, would result in a higher poverty percentage for each school compared to using direct certification data alone for the purpose of within-district Title I allocations. An LEA may wish to use this approach for several reasons. For example, more of an LEA’s schools may be eligible for Title I using this approach than with direct certification alone and, as a result, an LEA may be able to more closely approximate the number of schools that would have been eligible if the LEA had used a combination of direct certification data and household applications.

---

1 The use of the 1.6 multiplier in non-CEP schools in this approach applies only to Title I within-district allocations as a means to achieving a common poverty threshold across all schools, and not to any aspect of the NSLP, including meal reimbursement.
Tool #14: Fiscal Data for Title I Planning

<table>
<thead>
<tr>
<th>School Name</th>
<th>Contact Person</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Public School District Contact Name</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Phone</th>
<th>Email</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Title I Funding**

**Allocation**

+ **Carryover**

**Total Funding Available for Equitable Participation**

**Poverty Count**

Check the method used to determine count of low-income children attending private school and residing in Title I attendance areas

- [ ] Data from same source
- [ ] Proportionality
- [ ] Survey with Extrapolation
- [ ] Equated Measures
- [ ] Correlated Data
- [ ] Check here if district is using CEP
- [ ] Check here if private school is using CEP

Specify the data source: __________________________________________

# of low-income private school children residing in Title I attendance areas __________________________

Funds generated by low-income children ______________________________________________

**Categories of Expenditures Planned**

- Instructional Costs $ ____________
- Professional Development $ ____________
- Administrative Costs $ ____________
- Parent and Family Engagement $ ____________
Tool #15: Pooling Funds for Federal Education Programs

This example is specifically for Title I purposes, but the method for determining the pool of funds applies equally to other federal education programs that provide for equitable participation. The law provides for funds to be expended for allowable activities on a school-by-school basis according to the funds generated by students in that school, or pooling the funds among all the schools. In the case of Title I only, if the funds are insufficient to serve all students in the pool, the most educationally needy children are served first. The decision of whether or not to pool funds is determined through the consultation process.

School-by-school

Students in private school #1 generate $75,000

$75,000 is spent on eligible students in private school #1

Students in private school #2 generate $120,000

$120,000 is spent on eligible students in private school #2

Students in private school #3 generate $67,000

$67,000 is spent on eligible students in private school #3

Students in private school #4 generate $163,000

$163,000 is spent on eligible students in private school #4

Pooling

The total of $425,000 is spent on eligible children attending all four private schools in the pool, with the most educationally needy children served first under the Title I program, regardless of the amount of funds an individual school generated through its count of low-income children.

Partial Pooling

Private schools #1, 2, and 3 are all Catholic schools and request that they pool their funds together. Private school #4 is not a Catholic school and prefers to retain the funds that its students generated.

Private schools in the pool generate $262,000 for services to eligible children attending these schools. Private school #4 retains the $165,000 generated by its students to provide services to eligible students attending private school #4.
Tool #16: Determining Educational Need

Determining how students will be defined as educationally needy is an important part of the consultation process. The law requires that educational need be determined through multiple, objective, age-appropriate educationally-related criteria. Scores on a standardized test, a portfolio of work, teacher recommendations, parent input, report card grades, and grades on classroom assessments are all possible elements that help define educational need for Title I purposes. It is important that when applying the criteria, it results in accurately identifying those students who can most benefit from the Title I program. Additionally, since the Title I program often does not have sufficient funding for serving all students, the process of defining educational need must also include a way to rank order the students by educational need.

The following is an example of how students can be judged to be educationally needy and ranked to determine the most educationally needy. In consultation, you may determine, in consultation with public school officials, a different or similar method that works best for identifying your students.

These tools are adapted from the U.S. Department of Education publication, “Ensuring Equitable Services to Private School Children: A Title I Tool Kit,” published in September 2006.

Procedures for Identifying Eligible Private School Students Most in Need of Services To Be Used With the Following Referral Forms

Instructions

Private school officials:

1. Private school principals or the private school central office explain to teachers how to complete the Title I referral forms.

2. Teachers complete the forms and return them to whoever is consulting with the public school officials: private school principal, private school central office personnel, etc.

Public school officials:

1. Total the columns(s) checked by the teachers.

2. Tally number of educationally eligible students who reside in Title I attendance areas.

3. Create list of students by ranking number (1 through 9) who are most at risk using the procedures for ranking listed below.
Procedures for Ranking

Using the information on the Title I referral create a rank-ordered list of qualifying students by education need. When funds are not sufficient to serve all students, the most educationally needy children must be served first.

For kindergarten students: The “Recommend for Title I Class” column must be checked, as well as a minimum of five additional columns, in order to receive services.

For students in grades 1–8 rank for each subject recommended in the following order:

1 = most at risk; 9 = least at risk.

1. Check(s) in the qualification items in all five areas.
2. Check(s) in any three areas and a test score.
3. Check(s) in any four areas.
4. Check(s) in two areas and a test score.
5. Check(s) in any three areas.
6. Check(s) in any area and a test score
7. Check(s) in any two areas.
8. A test score only.
9. Check(s) in only one area.
Teacher Referral Form for Title I—Kindergarten Students

Student Name ___________________________ Classroom Teacher ___________________________

Date ___________________________ School ___________________________

Check the appropriate line wherever skill needs improvement and if child is recommended for the Title I class.

**Motor Skills**
- Holding pencil correctly
- Cutting properly with scissors
- Copying, shaping, symbols
- Printing, naming

**Math Skills**
- Counting orally to 50
- Recognizing numerals 1-20
- Recognizing number words to 10
- Understand correspondence (numbers to quantities)
- Recognizing simple shapes
- Work Habits
- Telling time to the hour
- Recognizing calendar parts
- Recognizing money (penny, nickel, dime, quarter)
- Ability to follow directions

**Perception**
- Recognizing shapes
- Recognizing colors
- Sorting by size
- Knowing directionality—up/down, left/right, top/bottom, etc.

**Language Development**
- Speaking in sentences
- Telling simple stories

**Reading Skills**
- Recognizing rhyming
- Recognizing letter sounds
- Knowing letter/sound relationships
- Ordering pictures in sequence
- Recalling facts from story
- Relating words to pictures
- Recognizing simple sight words

☐ RECOMMENDED FOR TITLE I CLASS
# Teacher Referral Form for Title I—Grades 1-8, Reading

**Student Name** ____________________________ **Classroom Teacher** ____________________________

**Date** ____________________________ **School** ____________________________

Check the appropriate line and if child is recommended for the Title I class.

### Student Profile
- □ Standardized test score below 49th percentile
- □ Classroom performance below grade level
- □ Report card grade is D or below

### Reading Skills
- □ Lacks phonemic awareness
- □ Lacks phonetic skills/structural analysis
- □ Vocabulary limited
- □ Reading fluency is limited or lacking—poor expression
- □ Lacks understanding of word meanings
- □ Comprehension skills are limited or lacking
- □ Poor oral communication
- □ Poor written communication
- □ Poor study skills

### Dispositions
- □ Inability to follow directions
- □ Inability to work independently
- □ Frequently off task/lacks focus

### Comments

____________________________________________________________________

____________________________________________________________________

____________________________________________________________________

□ **RECOMMENDED FOR TITLE I CLASS**
Teacher Referral Form for Title I—Grades 1-8, Math

Student Name ___________________________ Classroom Teacher ___________________________

Date ___________________________ School ___________________________

Check the appropriate line and if child is recommended for the Title I class.

Student Profile
☐ Standardized test score below 49th percentile
☐ Classroom performance below grade level
☐ Report card grade is D or below

Math Skills
☐ Demonstrates poor number sense
☐ Lacks basic knowledge of facts for grade level
☐ Lacks understand of math concepts for grade level
☐ Exhibits poor problem-solving strategies
☐ Unable to communicate mathematical concepts
☐ Lacks proficiency/work is inaccurate
☐ Mathematical reasoning is below grade level
☐ Unable to relate mathematical concepts to authentic tasks

Dispositions
☐ Inability to follow directions
☐ Inability to work independently
☐ Frequently off task/lacks focus

Comments ____________________________________________________________

RECOMMENDED FOR TITLE I CLASS
ESSA utilizes funds differently than NCLB did for providing equitable participation of private school students. Under NCLB, public school districts could set aside funds for a variety of purposes, mostly benefitting public school students exclusively, prior to determining the proportional share of funds for equitable services. Under ESSA, the proportional share of funds to serve private school students is determined from the total allocation, prior to any uses of the funds by the public school district. As a result, when consultation includes a discussion of the funds available, how they will be used, the need of the students, and how those needs will be met with the funds generated by low-income private school students, there are many factors to consider. Keep in mind that due to the new language in Title I, these services can include counseling, mentoring, one-on-one tutoring, and instruction in core subject areas. If the needs assessment of your students indicates that a service other than the traditional pull-out instruction reading and/or math is most appropriate, this is the time to consider it and plan for the inclusion of another service in the consultation process.

- Instructional Services: small group instruction, blended instruction, mentoring, one-to-one tutoring, counseling
- Administrative Costs (Incurred by the public school district or the third party provider for provision of equitable services)
- Professional Development for teachers and other educational personnel working with eligible Title I children (This is no longer a set aside but can be considered as a use of Title I funds designated to serve eligible private school students)

Consultation should include a transparent discussion of funds available and how that amount was determined, the cost of various services, and which services will best meet the needs of the educationally needy children.

**Example of the Planning Process for Title I Services**

The following example is based on pooling funds among 20 private schools for Title I services. In the 20 schools, there are a total of 2000 educationally needy children eligible for Title I services and a total of $1.7 million to serve them.

Based on the templates in Tools #7, you determine that private school students can best be served by focusing on grades 1-4 in reading/language arts and math, by providing one-on-one tutoring for the first semester to a small subset of children needing the most assistance and by offering a summer school. This is your request to the public school officials during consultation. The public school officials inform you that 3% of your funding will be needed for direct administrative costs. Together you look at the spreadsheet of the public school officials that outlines how that amount was determined and what the funds will be spent for. You agree that the administrative costs are reasonable.

Together you look at the following information:

- Funds available for private school services: $1,700,000 (per pupil allocation is $850)
Funds needed for 3% direct administrative costs: $48,000
Funds remaining: $1,652,000
Cost of pull-out program (5 groups per day of 8 students each, per teacher, 4 days per week, with each teacher teaching 80 students per week and students being in the Title I class 2 days per week) including the cost of teacher salary and benefits, materials, and supervision of the program to ensure quality and student progress: $152,000 per teacher
If you opted for a blended learning component, you would add $9600 per school site.
Cost of one-to-one tutoring, including salaries and benefits, materials, and supervision: $125,000 per child
Cost of counseling and family social work to 10 of your educationally needy children for three months, one session per week plus two family sessions: $100,000
Cost of summer school program for grades 1-4 with class size of 15 for four weeks, including salary and benefits, materials, and supervision: $168,750 for one class of each grade

With this information, you calculate that if each of the 20 schools served 40 students in a pull out program (10 teachers and other associated costs), you would serve 800 of the 2000 eligible students and the total cost would be $1,520,000—more funds than are available. You decide that this probably makes the blended learning model too costly.

You also determine that the cost of one-to-one tutoring is not justified based on the number of educationally needy children who need services and cannot be served through the pull out model.

The counseling sessions are very important to these students and could mean real success for them in the classroom, so you opt to devote the $100,000 to establishing a counseling and family social work program.

One idea that comes out of consultation is to provide teacher and principal professional development to better equip private school staff with the tools needed to serve students that are severely at risk of failing or already failing. Tools 9-11 are used to determine need and generate ideas for Title I professional development.

Cost of professional development day for private school teachers, principals, and other educational personnel who work with eligible Title I students in all 20 eligible schools: $3500 (all eligible educational personnel can attend this professional development day). Cost of two days of coaching per teacher: $5000. If one teacher at each school participates in the coaching, the total would be $100,000.

You have also chosen to use Title I funding generated by low-income private school students for parent and family engagement. You decide that each semester you will conduct a make-it, take-it workshop—first semester for reading/language arts and second semester for math. Tools #19 and 20 are used to determine need and generate ideas for Title I parent and family engagement activities.
Cost of each parent and family engagement session, including materials, session leader, snacks, and babysitting: $5000 per session. You decide that you will hold these sessions in 5 locations and invite neighboring schools to join together.

Based on all of this discussion, you request that the district use the funds generated by your students in the following ways:

- **Professional development**: Two sessions for all eligible educational personnel and two days of coaching for one eligible teacher at each private school and two coaching sessions for one teacher at each school
  - Cost: $103,500

- **Parent and family engagement**: Two sessions as described above open to all families of eligible private school students in all 20 schools
  - Cost: $45,000

- $1,498,500 remains for **instructional expenses**. With these funds you request:
  - Pull out program hiring 7 teachers who service 14 schools, 2 days/week each, serving 40 students in each school for a total of 560 students served at a cost of $1,064,000
  - Summer school program offering two classrooms of each of 5 grades (grades 1-4) over a four week period in two different locations, serving 150 students at a cost of $337,500
  - Counseling and family social work program for 10 students over three months to include on session per week per student and two family sessions at a cost of $100,000.

**Total cost of services requested = $1,650,000**

The public school official reviews this request, asks any questions or engages in any other discussion, and informs you as to when a final decision will be made and what the next steps in consultation will be. This includes when these meeting will occur, including choosing which schools will host the Title I programs, when and how teachers will be hired, whether or not a third party will be contracted for the services, which students will be chosen for participation based on the evaluation of their educational need, and when services are expected to begin.
Tool #18: Determining Title I Professional Development Activities

Public and private school officials can use this worksheet to develop effective professional development programs for private school teachers and other educational personnel of eligible Title I students. Using the worksheet during consultation, public and private school officials can identify the needs of the private school participants and their teacher, the teacher’s strengths, the most appropriate professional development to meet the identified needs, and the estimated cost of the professional development activity. To follow is a sample completed worksheet.

<table>
<thead>
<tr>
<th>Grade</th>
<th>Student Needs</th>
<th>Teacher Strengths</th>
<th>Teacher Areas of Need</th>
<th>Proposal for Professional Development</th>
<th>Estimated Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grade 3</td>
<td>Reading for comprehension; Increasing time on task</td>
<td>Excellent classroom management; creative approach to learning</td>
<td>Reading in the content area for at-risk students</td>
<td>Local university course, “Applying New Reading Research to Instruction in Content Areas for Low-achieving Students”</td>
<td>$1,150</td>
</tr>
<tr>
<td>Grade 2</td>
<td>Reading fluency</td>
<td>Reading in the content areas</td>
<td>Analysis of and correction of reading problems</td>
<td>Quarterly in-service training with LEA reading specialist to develop skills to analysis reading problems</td>
<td>$800 per person (when there is a class of 10 individuals)</td>
</tr>
<tr>
<td>Grade 1</td>
<td>Letter recognition; Lack of phonic skills</td>
<td>Reading in the content areas</td>
<td>Phonics-based instruction</td>
<td>Quarterly in-service training with LEA reading specialist or 3-credit course at the local teachers college</td>
<td>$800 $900 for 3 credits</td>
</tr>
</tbody>
</table>
**Tool #19: Ideas for Professional Development Activities Supporting Title I Students**

I. An effective professional development program for the classroom teachers of Title I students can focus on the rigors of content learning by providing intensive instruction in the lack of core skills that may be holding them back. The professional development helps teachers to work with students at need level, not grade level, thereby effectively differentiating instruction. Building teacher capacity quickly and providing support materials that can be used in the classroom to implement what was taught during the professional development helps ensure that the content of the professional development has an impact on teaching and learning for Title I students. Students will transition from learning to read to reading with comprehension, learning from their reading and enjoying reading.

II. Another effective professional development activity focuses on conceptual learning. When teachers teach content in multiple modalities and students apply knowledge to a variety of contexts, conceptual understanding and transfer are increased. Teaching to the concept and providing flexibility in the active manipulation of content aids memory-building and retention, along with ease-of-access in a variety of different contexts outside the classroom. This technique enhances learning and helps students to transfer knowledge and understanding.

III. Cooperative learning and teamwork can help Title I students through pairing the students with their classmates in a collaborative and supportive setting, providing not only increased learning and understanding of concepts and content, but also providing essential skills for higher level learning. Through effective professional development, teachers will identify tools and strategies to create high-functioning teams and facilitate and manage cooperative learning in the classroom. Creating a plan of action for cooperative learning and receiving the materials that support these classroom activities can have immediate benefit to the Title I students in the classroom.

IV. Principals in private schools with Title I students can receive professional development benefits along with their teachers and other educational personnel. Leading for change when the is change focused on educationally needy children and creating an environment where educationally needy children can achieve and thrive to high standards is an appropriate goal for professional development for principals in private schools with Title I students. When the needs assessment indicates a way that managing change can positively impact Title I students, professional development for leading that change—always with the at-risk students in the forefront of all considerations for appropriate change—can be an effective use of Title I funds. Use of data to determine how best to serve educationally needy children, broadly distributing leadership to empower teachers to make changes in their classrooms, and intentional and open communications can all effectively lead to this change that will improve teaching and learning for Title I students.

*Special thanks to Catapult Learning for providing the concepts and ideas for effective professional development under the Title I program for teachers, principals, and other educational personnel. For more information, go to www.catapultlearning.com.*
Tool #20: End-of-Year Teacher Survey for Title I Program Services

End-of-Year Title I Survey for Private School Teachers

The Title I program needs your input regarding your experience with the Title I program this past school year. Your comments and suggestions are greatly appreciated and will help with future planning and program improvement.

1. What is your Homeroom grade?

2. How many students in your homeroom participated in the Title I program?

3. In what subjects did your students participate?
   - Reading
   - Mathematics
   - Both reading and math

4. Have your Title I students improved their reading and mathematics skills, as well as attained academic achievement standards?
   - Both Skills improved and standards met
   - Only skills improved
   - Neither skills improved nor standards met

   Comments: ____________________________

5. Has this program helped your students improve their view of reading and mathematics in your classroom? (Put R for reading, M for mathematics, and B for both on the applicable response line)
   - Very Much
   - Somewhat
   - Not at all
   - Unable to determine

   Comments: ____________________________

6. What features of the Title I program did your students seem to enjoy?
   - Getting more help for reading or mathematics, or both
   - Learning more easily, because there are fewer students in the class
   - Participating in a variety of activities
   - Having time away from the regular classroom

   Comments: ____________________________
7. Did you participate in Title I professional development? □ Yes □ No

If Yes, please answer yes or no to the following questions:

Was the Title I PD Helpful in improving your teaching to Title I students? 

Was the Title I PD of sufficient size and scope? 

Was the Title I PD conveniently offered so you that you could take full advantage of the offers? 

Do you regularly use what you learned through Title I PD with your at-risk students? 

Comments: 

Parent and family programs can encompass a wide array of activities. Importantly, parents should be more than passive participants but instead should be able to provide direction and guidance about the content of parent activities and be actively engaged during the activities. Additionally, parent and family activities should be structured to ensure that parents can actually attend: providing transportation, babysitting, dinner, etc. may be appropriate add-ons that will help families make attending a priority.

I. Providing parents and family members with an initial meeting where they can meet the Title I teacher, visit the Title I classroom, review the materials their child will be using, understand how the schedule works, and learn how to use supplementary materials in their homes that support the learning activities of the classroom. The Title I program can provide reading materials for parents to bring home and use with their students, either in print or electronically, as appropriate.

II. Parent and family members may benefit most from family literacy programs that enhance the literacy of parents so that they can more effectively support the learning activities of their children. Having the presentation in a language in which the parents are comfortable and providing complementary activities for their children will make the sessions more worthwhile to the participants.

III. Setting aside a special time each month or each quarter for reading activities by guests in the Title I classroom is a way to meaningfully involve parents and family members in their children’s learning. Guests can read a story, tell a story, or participate in learning activities.
Tool #22: End-of-Year Parent Survey for Title I Program Evaluation

The following cover letter and survey will assist the private school principal or other private school official that participates in the consultation process to gather parent input and use this information to improve the Title I program for the following year. The results of this survey should be considered within the consultation process. The letter and survey are adapted from the U.S. Department of Education’s publication, “Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit,” published in September 2006.

[Insert Letterhead]

Memorandum

To: Private School Teachers of Title I Students
From: [Insert name] Private school principal
Date: [Insert date]
Subject: Title I Program Parent Survey

Enclosed are parent survey forms for the Title I program. Please distribute these to your students who are Title I participants and ask that they give it to their parents. The parents should return the surveys to you as soon as possible, but no later than [Insert date]. If forms are returned to you later than this date, please accept them as well. However, any encouragement to have the forms returned as soon as possible will be appreciated. Please send returned forms to the school office each day.

Thank you for your help. The input from these surveys will help us to best meet the needs of your Title I participants.

Please let me know if you have any questions.
Title I Program Parent Survey

[Insert school name and school year]

To better serve the students of our school, we would like your opinion about your child’s experience in the Title I program. Your time, comments, and suggestions are greatly appreciated!

1. My child is in grade _________ during the current school year.

2. My child receives Title I supplemental instruction in:
   - ☐ Reading
   - ☐ Mathematics
   - ☐ Both reading and mathematics

3. The Title I program helped improve my child’s skills in:
   - Reading ☐ Yes ☐ No
   - Mathematics ☐ Yes ☐ No

4. My child likes the Title I program because he/she is: (check all that apply)
   - ☐ Getting more help with reading and/or mathematics
   - ☐ Learning more easily because there are fewer students in the class
   - ☐ Participating in a variety of activities
   - ☐ Having time away from regular classroom
   - ☐ Other (Explain):
     Comments: _____________________________________________________________

5. My child does not like the Title I program because of (check all that apply)
   - ☐ Having to do additional work
   - ☐ Missing regular classroom work
   - ☐ Leaving the classroom
   - ☐ Other (Explain)
     Comments: _____________________________________________________________

6. In your opinion, what is the best feature of the Title I program?
   - ☐ Extra support for improving reading, mathematics or both
   - ☐ Single subject (reading or mathematics) focus
   - ☐ Small group instruction

Recommended Improvements: __________________________________________________________
7. How did the Title I teacher keep you informed of your child’s progress in the Title I program? (check all that apply)

☐ In-person conference(s)
☐ Telephone conversation(s)
☐ Progress report(s)
☐ Parent-teacher meeting(s) at school
☐ Other written communication (notes, letters, comments on student work)
☐ I was not informed

Comments: ________________________________

8. Which of these strategies would you use to help your child practice reading, mathematics, or both at home? (check all that apply)

☐ Take home books from school
☐ Take home video cassettes with activity books
☐ Take home activities to do on a computer
☐ Attend parent involvement meetings or workshops at school
☐ Volunteer in the Title I program to observe the Title I teacher’s methods

Comments: ________________________________

Please return this survey to your child’s classroom teacher as soon as possible, but no later than [insert date]. Thank you for helping us to improve the next year’s Title I program.
## Tool #23: Title I Consultation Timeline

### Example of a Timeline for LEA Consultation with Private School Officials

<table>
<thead>
<tr>
<th>Month(s)</th>
<th>LEA Activity</th>
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</table>
| **November – December, in preparation for the next school year and current school year.** | Obtain complete list of all private schools with students who are residents of the LEA.  
Meet with private school officials to review timeline and consultation process. Establish a consultation calendar and procedures for collecting poverty data (i.e. data on low-income families).  
Review the implementation of the current year program and address any issues that have been noted. |
| **December – February, in preparation for the next school year and current school year.** | Obtain from principals or a central office serving a group of private schools the following poverty data (as appropriate) on private school students:  
- Same poverty measure used to count public school students, which is usually free and reduced-priced lunch;  
- Survey of private school parents asking for income data, address, and grade level of children from which the LEA must extrapolate these data (see Section 2);  
- Alternative poverty data such as scholarships, Temporary Aid to Needy Families, Medicaid, etc.  
  ```  
  ~or~  
  ```  
- Decide through consultation to use proportionality  
  ```  
  ~or~  
  ```  
- Discuss how CEP data and non-CEP data will be used to determine the proportional share of funds.  
- Review current program services in light of the plans for those services to ensure effective implementation. Address any issues |
| **February – March, in preparation for the next school year and current school year.**    | Match addresses of private school students from low-income families to participating public school attendance areas.  
Estimate the amount of funds generated for instruction using the same estimated per-pupil amount as that used for public school students in participating public school attendance areas.  
Meet with private school officials to discuss poverty data collected, amount of estimated instructional funds generated, and determine if funds will be pooled, not pooled, or a combination of both options.  
Review the funds expended for the private school program to date and make plans for funding that may not be expended during the current school year as previously planned. If additional funds were made available through a late allocation of carryover of other means, conduct consultation as required on these new funds. |
**March – April, in preparation for the next school year and for current school year program**

Determine the multiple, educationally related, objective criteria to be used to select eligible students (educationally needy students who reside in Title I attendance areas) in consultation with private school officials. Review the criteria that were used for the current school year for effectiveness in correctly identifying students in need of Title I services.

Obtain from private school officials lists of names, addresses, and grades of private school students who meet the criteria.

From these lists, work with private school officials and (as appropriate) third party providers to select for Title I services those students most at-risk of failing, as decided in consultation.

Discuss with private school officials the needs of selected students, appropriate Title I services to serve those needs, and location of services, including where and when those services will be provided.

Design services that meet participants’ needs based on consultation, using the estimated amount of funds generated by private school students from low-income families, and the equitable share of funds reserved for districtwide instructional activities.

Determine with private school officials the standards and annual assessments for measuring progress of the Title I program.

Define annual progress. Determine criteria for making program modifications when annual progress is not achieved.

Assess the achievement of current year’s program using the standards previously agreed upon last year.

After appropriate consultation, make modifications to next year’s Title I program, if annual progress has not been met.

**April – June, in preparation for the next school year**

Determine in consultation with private school officials the professional development and parent involvement needs of private school teachers and families of private school participants.

Design activities that LEA will implement the next school year (independently or in conjunction with LEA activities) for teachers and families of participants.

Inform private school officials of tentative program designs, service delivery models, number of Title I participants, allocations, location of services, and estimated costs. Provide opportunities for private school officials to comment.

Update private school officials if there are any changes. Generate a list of students who will receive Title I services beginning in September of the next school year.

Obtain written affirmation from private school officials or their representatives that timely and meaningful consultation has occurred. Consultation must be ongoing, however, and should continue throughout the school year.
Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc. Consultation should be completed for the next school year prior to LEA submitting its Title I application to the SEA.

<table>
<thead>
<tr>
<th>August, In preparation for the beginning of school year</th>
<th>Report on readiness of Title I program for private school participants to private school officials. Private school officials should be aware how LEA will implement the program in September, including staffing, number of students to be served, location, etc.</th>
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<tr>
<td>September of school year</td>
<td>LEA begins Title I services for students identified the previous spring as participants and provides private school officials with their names, services to be provided, and names of Title I teachers. Obtain a list of newly enrolled students who meet eligibility criteria. Consult with private school officials on how new students might be accommodated in the program. Initiate professional development and parent involvement activities based on previous spring’s consultation if funds are being used for these activities.</td>
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<tr>
<td>October of school year</td>
<td>LEA provides information about possible adjustments and program changes to private school officials. Start planning for the next school year’s consultation cycle.</td>
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Chapter 3: Title II – Preparing, Training, and Recruiting High Quality Teachers, Principals, or Other School Leaders

Purpose of Title IIA

The section of Title II that provides for equitable participation is Title IIA—Supporting Effective Instruction. Title IIA provides funds for professional development activities designed to improving the knowledge of teachers and principals in the core academic subjects, developing effective instructional strategies, understanding and using data and assessments, addressing the needs of students with different learning styles, employing effective methods of improving student behavior, identifying early interventions, involving parents, providing leadership development, and effectively integrating technology.

Equitable services are provided to private school teachers, principals and other educational personnel in private schools located within the boundaries of the public school district, regardless of where the students reside. Private school officials consult with public school officials on the use of funds to meet the needs of private school students through services to their teacher, principals, and other educational personnel.

Funding for Private School Teachers and Other Educational Personnel

Funds for Title IIA are shared proportionally between the public and private school programs on the basis of the relative number of students attending public and private schools located within the boundaries of the public school district based on the full amount of Title IIA funding allocated to the district. The residence of the child is not relevant; the count for funding purposes is of private school students attending private schools located in the public school district, regardless of where the child resides.

The funds are distributed to the states by formula. In 2017-18, the formula calls for 35% of the funds to be distributed according to the number of public and private school students ages 5-17 and 65% of the funds distributed based on the number of children ages 5-17 from families with income below the poverty line in the state. In 2018-19, that distribution changes to 30%/70%. In 2019-20, the distribution formula is 25%/75%. Beginning in 2020-21 and forward, the distribution formula is 20%/80%. In turn, the funds are distributed by the states to their local school districts by a formula of 20% of the funds to be distributed according to the number of public and private school students ages 5-17 and 80% of the funds distributed based on the number of children ages 5-17 from families with income below the poverty line in the state. Because of this formula, higher poverty states, and states with higher poverty local school districts, receive the greater proportion of Title II funds.
At this time, it appears that Illinois, Louisiana, Massachusetts, Michigan, New York, Pennsylvania, and Puerto Rico will see decreases in funding as this formula is phased in, and California, Florida, Georgia, North Carolina, Tennessee, and Texas will see increases. A complete listing of states by the Congressional Research Service can be found at https://assets.documentcloud.org/documents/2644885/ESEA-Title-II-a-State-Grants-Under-Pre.pdf.

In addition to equitable services from the public school district, equitable services are provided by the State educational agency (SEA) from funds that were set aside for state-wide activities. The same requirements for consultation and equitable funding apply to the SEA as to the public school district.

**Use of Funds under Title IIA**

Funds can be used more extensively than in the previous options available under Title II in NLDB. Funds are used to support the learning needs of all students, including those with disabilities, English Learners, and gifted/talented students. It is the needs of the private school children that drive the use of the funds under Title IIA. Teachers and other educational personnel receive benefits in light of the needs of the private school students. Participants include teachers, principals, instructional leadership teams, paraprofessionals, and other school leaders.

As with other programs, the process must provide transparent information on funding for the equitable services. Tool #24 provides a format to determine available funding under Title IIA.

Schools should have a sustained and comprehensive professional development plan for their teachers and other educational personnel. Public school officials can request a professional development plan from private school officials as part of the consultation process, provided the paperwork is not overly burdensome or could prohibit the provision of equitable services to the students. Tool #25 contains a template for developing a professional development plan.

Use of funds include:

- Differentiating performance and using evaluation results from professional development plans
- Providing evidence-based professional development for teachers, instructional leadership teams, principals, and other leaders
- Supporting teachers to effectively integrate technology; use data to improve student achievement
- Effectively engaging parents, families, and community
- Helping students be ready to learn and achieve academic success
- Developing policy
- Learning through observation
- Developing programs and activities to increase the ability of teachers to help students with disabilities, for students learning English as a second language, and providing programs and activities to increase the knowledge base for instruction in early grades and effective strategies for teaching young children
- Training to identify gifted and talented students and supporting their education
- Supporting and developing effective libraries
- Carrying out STEM activities
Title IIA Services

Title IIA services are determined through the consultation process, explained in the first chapter of this Toolkit. During the consultation process for Title IIA, public and private school officials meet to review the needs of the private school students and how those needs can best be met through the use of Title II funds.

The entire array of options for use of funding can be considered, keeping in mind that Title II funding should be used in a manner that is effective, sustained, and will positively impact teaching and learning in the classroom. When serving private school students, the primary beneficiary of the services must be the students, not the school or the teachers or other educational personnel. For example, the professional development is not justified because the teacher is trying to complete a masters degree; the professional development is justified because the student will experience improved teaching and learning in the classroom when the teacher garners new knowledge and learns valuable skills and techniques. The focus is always on student needs and benefits.

The timing of consultation must ensure that services can begin in a timely manner. But the consultation should not put unreasonable expectations on private school officials, such as burdensome paperwork, and submission of plans before private school officials can receive input from their administrators and teachers on student needs.

Following timely and meaningful consultation, public school officials must request a written assurance regarding consultation and the provision of equitable services from private school officials. This process is explained in the first chapter of this Toolkit.
Tool #24: Fiscal Data for Title II Planning

School Name ___________________________ Contact Person ___________________________

Phone ___________________________ Email ___________________________

Public School District Contact Name ___________________________

Phone ___________________________ Email ___________________________

Title IIA Funding

Allocation ___________________________

+ Carryover ___________________________

+ or – Transferred Funds ___________________________

Total Funding Available ___________________________

Allocation of Funds for Equitable Services

Number of public school students ___________________________

Number of private school students ___________________________

Proportional share of funds for private school program ___________________________

Per pupil allocation ___________________________

Funds available for this private school or group of schools pooling funds ___________________________
Tool #25: Developing a Professional Development Plan

The following is an example of how to construct a professional development plan for the use of Title IIA funds. Your public school district may have its own form for you to use. The paperwork required to provide participation of private school students, teachers, and other educational personnel in Title IIA services (as with all federal programs) should be minimal and not represent an undue burden or a barrier to being able to accept services for equitable participation.

NEEDS ASSESSMENT AND PROFESSIONAL DEVELOPMENT PLAN

School Name: 
Address: 

Principal’s Name 
Phone No.: 
Email Address: 
Principal’s Signature: 

I. NEEDS ASSESSMENT

A. Data Analysis
   1. Compilation of teacher surveys of professional development needs
   2. Analysis of student test data results
   3. Review of accreditation strategic planning documents

B. Priority of Needs (derived from data sources above)
   1. Create interactive classrooms through use of technology.
   2. Expand professional development for teachers and instructional leaders to learn best practices for teaching in the content area and classroom management.
II.  PROFESSIONAL DEVELOPMENT ACTION PLAN

Goal I:  To apply current educational theory to increase student test scores in math, reading, and language.

Objective(s)

A.  Provide teachers with professional development in the areas of best teaching practices, classroom management, differentiated instruction, and other pertinent trainings to improve teacher effectiveness.

B.  Provide professional development for principals and other school leaders to best support teachers in effective classroom management and to improve their classroom observation and coaching techniques.

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<tr>
<th>Objective A</th>
<th>Activities</th>
<th>Timeline</th>
<th>Resources Needed</th>
<th>Intended Data-based Outcome</th>
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Goal II:  To effectively maximize use of technology within the curriculum in order to expand and enhance student learning.

Objective(s)

Provide training for teachers, principals, and other school leaders on how to use SmartBoard technology as a classroom resource across the curriculum.

<table>
<thead>
<tr>
<th>Objective A</th>
<th>Activities</th>
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<th>Resources Needed</th>
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TOTAL ESTIMATED COSTS $
Chapter 4: Title III – Language Instruction for English Learners and Immigrant Students

Purpose of Title III

The purpose of Title III is to help ensure that English learners (EL), including immigrants, attain English proficiency. It assists all ELs, including immigrants, to achieve high levels of attainment in academic subjects. Title III also assists teachers, principals, and other educational personnel to develop and enhance their capacity to deliver effective instructional programs and provides services to families of EL and immigrant students. The immigration status of the students or the family is not relevant to participation in the Title III program.

Equitable services are provided to private school teachers, principals and other educational personnel in private schools located within the boundaries of the public school district, regardless of where the students reside. Private school officials consult with public school officials on the use of funds to meet the needs of private school students through services to their teacher, principals, and other educational personnel.

Further, the purpose of Title III is to:

- Provide effective teacher and principal preparation for improving teaching skills and meeting certification standards
- Provide technical assistance to identify and implement effective programs
- Help EL students meet the same challenging standards as their classroom counterparts
- Identify measures of English proficiency
- Provide for parent, family, and community involvement

Funding for Title III Services

Funds distributed to states and to districts are based 80% on the number of EL students attending public and private schools, and 20% based on the number of immigrant students and youth attending public and private schools. While states generally distribute 95% of all funding received to their public school districts on the basis of this formula, they can reserve up to 15% to allocate to public school districts that have experienced significant increases in the number of immigrant students. A maximum of 5% can be used for state-level activities, which in turn provide equitable participation for private school students.

The private school EL and immigrant students generate funds in proportion to the count of private school EL and immigrant students to all EL and immigrant students in the district. The residence of the child is not relevant; the count is of EL and immigrant private school students attending private schools located in
the public school district, regardless of where a child resides. However, “non-immigrant” students attending your school on an I-20 visa as well as those in the United States through other “non-immigrant” visa categories are not counted as immigrant students. It is possible that these students may be counted as EL students.

As with other programs, the process must provide transparent information on funding for the equitable services. Tool #26 is a fiscal tool for determining equitable funding for the Title III program.

**Determining English Learners**

The state has the responsibility under Title III to develop and implement a standardized statewide entrance and exit procedures for Title III. This includes a requirement that all students who may be EL are assessed within 30 days. Without any guidance on this topic, it is assumed that districts are also required to assess private school students who may be EL within 30 days. In the past, the cost of this assessment could be taken from the Title III allocation to serve eligible children attending private schools. At the time of this publication, there is no clarification on this issue in light of the new state requirement for student assessment.

Tool #27 contains the definition of English Learners and Tool #28 is a sample survey to determine who should be evaluated as an English Learner. Tool #29 contains the definition of immigrant children and youth.

As with all programs providing for equitable participation, this is the district's program and the district is responsible for its administration and cannot place undue burdens on private school officials for implementation.

**Use of Funds under Title III**

Uses of Title III funds include:

- Developing and implementing new language instruction programs
- Restructuring, reforming, and upgrading relevant programs
- Upgrading all relevant programs
- Increasing English language proficiency
- Providing effective professional development to classroom teachers, principals, and other educational personnel to improve instruction, enhance the ability of teachers to implement curricula, substantially increase subject matter knowledge
- Upgrade program objectives and effective instructional strategies
- Improving instructional programs
- Providing tutorials and career/tech education
- Develop effective preschool, elementary, and secondary school instructional programs coordinated with other programs
• Providing community participation programs, family literacy services, and parent and family outreach and training
• Improving language instruction for student with disabilities

Tool #30 is a planning document for Title III services.

**Title III Services**

Title III services are determined through the consultation process, explained in the first chapter of this Toolkit. During the consultation process for Title III, public and private school officials meet to review the needs of the private school students and how those needs can best be met through the use of Title III funds.

The entire array of options for use of funding can be considered, keeping in mind that Title III funding should be used in a manner that is effective, sustained, and will positively impact the education of English learners and immigrant children and youth. Services can focus on English learners and immigrant students and youth, the teachers and other educational personnel of these children, and/or the families of English learners and immigrant children and youth. The services should be of sufficient intensity to help ensure a positive impact on the ability of English learners and immigrant children and youth to learn English and achieve to high standards.

Following timely and meaningful consultation, public school officials must request a written assurance regarding consultation and the provision of equitable services from private school officials. This process is explained in more detail in the first chapter of this Toolkit.
## Tool #26: Fiscal Data for Title III Planning

<table>
<thead>
<tr>
<th>School Name</th>
<th>Contact Person</th>
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### Title III Funding

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### Allocation of Funds for Equitable Services

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Tool #27: Definition of English Learner

Section 8501 (20) ENGLISH LEARNER.—The term “English learner”, when used with respect to an individual, means an individual—

(A) who is aged 3 through 21;
(B) who is enrolled or preparing to enroll in an elementary school or secondary school;
(C) (i) who was not born in the United States or whose native language is a language other than English;
   (ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and
   (II) who comes from an environment where a language other than English has had a significant impact on the individual’s level of English language proficiency; or
   (iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and
(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
   (i) the ability to meet the challenging State academic standards;
   (ii) the ability to successfully achieve in class-rooms where the language of instruction is English; or
   (iii) the opportunity to participate fully in society.
Dear Parent or Guardian:

We want to work with you to ensure that, if your child is not fluent in English or your home language is not English, that we are doing all we can to ensure the success of your child at our school. One part of this is to take advantage of any opportunities afforded our school through federal education programs.

In order that we might know which children may need extra assistance in learning English as part of his or her educational plan, please complete the following survey, returning it to me no later than [Insert Date].

Thank you for your help in ensuring that our children receive all the services they need and are entitled to through federal education programs. If you have any concerns, questions, or suggestions, please know that my door is always open and I am happy to discuss this with you.

Sincerely,

[Insert Name]

Responses to these statements will be used to determine whether your child should be assessed for English Language Proficiency.

1. What is the primary language used in the home regardless of the language spoken by the student? ______________________________________________________

2. What is the language most often spoken by the student? ______________________________________________________

3. What is the language that the student first acquired? ______________________________________________________

Student Name ______________________________________________________

Date of Birth ______________________________________________________

Parent/Guardian Signature ___________________________________________
Tool #29: Definition of Immigrant Children and Youth

Section 3201 (5) IMMIGRANT CHILDREN AND YOUTH.—The term “immigrant children and youth” means individuals who—

(A) are aged 3 through 21;

(B) were not born in any State; and

(C) have not been attending one or more schools in any one or more States for more than 3 full academic years.
### Tool #30: Planning Title III Services

**Needs Assessment Tools:**

1. Count of students needing English language instruction, by grade
2. Needs of EL students, by grade, determined through teacher survey
3. Needs of immigrant students, by grade, determined through teacher survey
4. Needs of teachers of EL and immigrant students, determined through teacher survey
5. Needs of parents of EL and immigrant students, determined through a survey which to the extent possible is in a language easily understood by the parents

**Priority for the Use of Title III Funds**

The results of the needs assessment tools indicate that the following services would be a beneficial use of the Title III resources available to students attending this private school, in this priority order:

1. English language instruction for EL students (whether or not they are immigrant students) in grades 4-6, consisting of 2 30-minutes periods per week for 10 weeks
   - Estimated cost: $125,000
2. Professional development for all teacher and other educational personnel on how to best support English learners and immigrants in assisting them in both learning English and achieving high standards in the classroom.
   - Estimated cost: $3500
3. Providing translation services for parents for meetings at school, translation of written documents, and production of bilingual signage at the private school.
   - Estimated cost: $4200

**Evaluation and Assessment of Title III Program**

Analysis of test scores and classroom grades of EL and immigrant students through a year-to-year comparison.
Chapter 5: Title IV – 21st Century Schools

Purpose of Title IV

Title IV contains two distinct parts: Part A is Student Support and Academic Enrichment Grants and Part B is 21st Century Community Learning Center Grants. Part A contains many elements of previous programs authorized under NLCB; Part B continues the 21st Century Community Learning Centers program. Equitable services are provided to private school teachers, principals and other educational personnel in private schools located within the boundaries of the public school district, regardless of where the students reside. Private school officials consult with public school officials on the use of funds to meet the needs of private school students through services to their teacher, principals, and other educational personnel.

The purpose of Part A is to improve students’ academic achievement by increasing the capacity of states, public school districts, schools, and local communities to provide all student with access to a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students.

The purpose of Part B is to provide opportunities for academic enrichment to help students, particularly students who attend low-performing schools, to meet the challenging state academic standards. Part B accomplishes this goal by providing additional services, programs, and activities designed to reinforce and complement the regular academic program, and other family literacy programs. This part continues to fund the current 21st Century Community Learning Center Program.

Funding for Title IVA

Title IV Part A is funded through the Title I formula for the previous year for both state and local allocations. The state can use no more than 1% for administrative costs and can use up to 4% for state activities, which require the equitable participation of private school students. These state activities include monitoring, training, and capacity building at the district level, coordinating with other agencies, and supporting district activities. The public school district can spend no more than 2% for direct administrative costs.

This is a new title and the U.S. Department of Education has not issued guidance at the time of the publication of this Toolkit. It is assumed that, similar to other federal education programs, funding is proportional to the number of private school students compared to all public and private school students in the public school district.

The funding for this program and how it was determined should be clear and transparent. Tool #31 explains how to obtain fiscal information for Title IV.
**Uses of Funds for Title IVA**

There are three categories of funding for Part A of Title IV: well-rounded education, safe and healthy schools, and effective use of technology. The goals for Part A designated for supporting a well-rounded education are to support access to a well-rounded education, coordinate with other services, and promote partnerships with institutions of higher education, businesses, nonprofit institutions, community based organizations, and others.

Funds under the well-rounded education category can be used for:

- Funding for college and career guidance and counseling programs
- Using music and the arts as tools to support student success
- Improving instruction and student engagement in STEM
- Increasing access for underrepresented populations
- Supporting low-income students in nonprofit STEM competitions
- Providing hands-on learning in STEM and service learning
- Integrating other subjects with STEM
- Increasing the availability of accelerated learning courses, dual or concurrent enrollment, or early college high school courses
- Promoting programs to teach traditional American history, civics, economics, geography or government education
- Providing foreign language instruction
- Teaching environmental education
- Promoting volunteerism
- Integrating multiple disciplines

The portion of Part A supporting safe and healthy schools has as its purpose to develop, implement, and evaluate comprehensive programs and activities that are coordinated with other schools and community-based programs; foster safe, healthy, supportive and drug-free environments; promote the involvement of parents; and drug prevention and violence prevention activities. Funds under the category for supporting safe and healthy schools can be used for:

- Integrating health and safety practices into school or athletic programs
- Promoting healthy, active lifestyles
- Preventing bullying and harassment
- Relationship-building
- Providing mentoring and school counseling services
- Establishing dropout and re-entry programs
- Integrating systems of student and family supports
- Providing high quality training for school personnel
The portion of Part A supporting the effective use of technology has as its purpose to improve academic achievement, academic growth, and digital literacy. The funds can be used to:

- Provide educators with tools, devices, content and resources to personalize learning
- Discover high quality educational resources
- Use technology effectively in the classroom to inform instruction, support teacher collaboration, and personalize learning
- Build technical capacity and infrastructure—procuring content and ensuring content quality and purchasing devices, equipment, and software applications to address readiness shortfalls
- Deliver specialized academic courses and curricula
- Carry out blended learning projects
- Provide ongoing professional development designed to support the projects and to use technology to increase student achievement in STEM

No more than 15% of the funds can be used to support infrastructure. The assumption without specific guidance from the U.S. Department of Education is that this applies to use of funds to benefit private school students.

Tool #33 is template for planning the use of Title IVA funds.

If the school using funds under Part A for the effective use of technology does not participate in the E-rate program with its Internet safety policies, then the schools must adopt similar policies to ensure Internet safety.

Tool #32 lists the required components of an Internet safety policy.

**Funding for Title IVB**

States receive Title IVB funding for 21st Century Community Learning Center Grants in the amount of the Title I allocation for the previous year. The states compete these funds among eligible entities which include public school districts, community-based organizations (which includes private schools), Indian tribes or tribal organizations, and consortia of such agencies. Entities that receive an award under Part B must provide for the equitable participation of private school students.

Tool #31 also provides information for fiscal planning for 21st Century Community Learning Center grants in addition to fiscal planning for Title IVA.

**Use of Funds under Title IVB**

Funds under Title IVB are used to create or expand 21st Century Community Learning Centers. These programs provide opportunities for academic enrichment to help students, particularly students who attend low-performing schools, to meet the challenging state academic standards. They provide additional services, programs, and activities that are designed to reinforce and complement the regular academic program. These programs can also offer family literacy. The entire grant must result in at least 300 additional program hours before, during, or after the traditional school day. The private school
program hours can be counted toward reaching this goal. Tool #34 is a planning document for the use of Title IVB funds.

**Grantees**

Private schools can also be direct grantees for 21st Century Community Learning Centers, in addition to private school students receiving equitable services from the public school district’s grant. Private schools applying for a 21st Century grant would compete with other eligible entities that are applying to the state for these grants. As the grantee, the private school would have all of the same obligations for reporting, scheduling, contact hours, etc. that any other grantee would have under the requirements of the grant.

For more information on applying to be a direct grantee a 21st Century Community Learning Center Grant, visit: [http://www2.ed.gov/programs/21stcclc/index.html](http://www2.ed.gov/programs/21stcclc/index.html).
### Tool #31: Fiscal Data for Title IV Planning

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#### Allocation of Funds for Equitable Services under Title IVA

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#### Title IVB Funding

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Allocation of Funds for Equitable Services under Title IVA

Number of public school students

Number of private school students

Proportional share of funds for private school program

Per pupil allocation

Funds available for this private school or group of schools pooling funds
Tool #32: Internet Safety

Schools participating in the E-rate program have an obligation to have an Internet safety policy in place. In order to participate in the portion of Title IV that allows the purchase of computers used to access the Internet, schools not participating in the E-rate program will need to have an Internet safety policy in effect.

The Internet safety policy for minors must include the operation of a technology protection measure that ensures, with respect to any of its computers with Internet access, that students are protected against access through such computers to visual depictions that are obscene, child pornography, or anything else deemed harmful to minors. This policy and the technology protection measure must be enforced during the use of any one of these computers by minors.
Tool #33: Planning for Title IVA Services

The following is a basic planning document for Title IVA. The public school district may have a specific document that it wants you to use. The paperwork associated with planning for the use of federal education funds should not be overly burdensome or make it difficult to allow equitable services to be provided to eligible students and educational personnel.

Category(-ies) for Title IVA Services (check all that apply)

☐ Well-rounded education
☐ Supporting safe and healthy schools
☐ Effective use of technology

Potential use of funds for ________________________________ category (repeat as necessary if proposing services in more than one category):

________________________________________________________________________

________________________________________________________________________

Activities requested to support Title IV services:

________________________________________________________________________

________________________________________________________________________

Proposed evaluation method for Title IVA:

________________________________________________________________________

________________________________________________________________________
Tool #34: Planning Document for the Use of Title IVB Funds

Proposed location(s) for public school 21st Century Community Learning Center

Is this location convenient for the participation of private school students?
If no, explain: ____________________________________________________________

If no, proposed location for private school students: __________________________

Proposed time of day for services to private school students (check all that apply)
☐ Before school ☐ During the school day ☐ After school ☐ Summer

Proposed Activities for private school students: ____________________________

Methods of needs assessment for proposed services (check all that apply):
☐ Parent survey
☐ Teacher/principal survey
☐ Standardized test scores
☐ Other determination of need from Title I program
☐ Private school evaluation of existing services in the community
☐ Other
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Appendix

The following resources may be of assistance in assisting private school officials during consultation, in helping to implement ESSA programs, and in explaining the programs to principals, teachers, and parents.
Tool #35: ESSA Title I Language for Equitable Participation

The following is Section 1117 of Title I of the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA):

SEC. 1117. 20 U.S.C. 6320 PARTICIPATION OF CHILDREN ENROLLED IN PRIVATE SCHOOLS.

(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall—

(A) after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students’ academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and

(B) ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to section 1116.

(2) SECULAR, NEUTRAL, NONIDEOLOGICAL.—Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.

(3) EQUITY.—

(A) IN GENERAL.—Educational services and other benefits for such private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

(B) OMBUDSMAN.—To help ensure such equity for such private school children, teachers, and other educational personnel, the State educational agency involved shall designate an ombudsman to monitor and enforce the requirements of this part.

(4) EXPENDITURES.—

(A) DETERMINATION.—

(i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low income families who attend private schools.

(ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.
(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this part that the local educational agencies have determined are available for eligible private school children.

(D) TERM OF DETERMINATION.—The local educational agency may determine the equitable share under subparagraph (A) each year or every 2 years.

(5) PROVISION OF SERVICES.—The local educational agency, or, in a case described in subsection (b)(6)(C), the State educational agency involved, may provide services under this section directly or through contracts with public and private agencies, organizations, and institutions.

(b) CONSULTATION.—

(1) 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. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B). Such process shall include consultation on issues such as—

(A) how the children’s needs will be identified; (B) what services will be offered;
(C) how, where, and by whom the services will be provided;
(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;
(E) the size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated under subsection (a)(4)(A) for such services, and how that proportion of funds is determined;
(F) the method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low income families in participating school attendance areas who attend private schools;
(G) how and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
(H) how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;
(I) whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
(J) whether to provide equitable services to eligible private school children—
   (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(A) based on all the children from low income families in a participating school attendance area who attend private schools; or
   (ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) based on the number of children from low income families who attend private schools;

(K) when, including the approximate time of day, services will be provided; and

(L) whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

(2) DISAGREEMENT.—If a local educational agency disagrees with the views of private school officials with respect to an issue described in paragraph (1), the local educational agency shall provide in writing to such private school officials the reasons why the local educational agency disagrees.

(3) TIMING. —Such consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

(4) DISCUSSION. —Such consultation shall include a discussion of service delivery mechanisms a local educational agency can use to provide equitable services to eligible private school children.

(5) DOCUMENTATION. —Each local educational agency shall maintain in the agency’s records and provide to the State educational agency involved a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reason- able period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) COMPLIANCE.—

(A) IN GENERAL.—A private school official shall have the right to file a complaint with to the State educational agency asserting that the local educational agency did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school students equitably as required by this section.
(B) PROCEDURE.—If the private school official wishes to file a complaint, the official shall provide the basis of the noncompliance with this section by the local educational agency to the State educational agency, and the local educational agency shall forward the appropriate documentation to the State educational agency.

(C) STATE EDUCATIONAL AGENCIES.—A State educational agency shall provide services under this section directly or through contracts with public or private agencies, organizations, or institutions, if the appropriate private school officials have—

   (i) requested that the State educational agency provide such services directly; and
   (ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(c) ALLOCATION FOR EQUITABLE SERVICE TO PRIVATE SCHOOL STUDENTS.—

(1) CALCULATION.—A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low income families and attend private schools by—

   (A) using the same measure of low income used to count public school children;
   (B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;
   (C) applying the low income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or
   (D) using an equated measure of low income correlated with the measure of low income used to count public school children.

(2) COMPLAINT PROCESS.—Any dispute regarding low income data for private school students shall be subject to the complaint process authorized in section 8503.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds provided under this part, and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.

(2) PROVISION OF SERVICES.—

   (A) PROVIDER.—The provision of services under this section shall be provided—

      (i) by employees of a public agency; or
      (ii) through contract by such public agency with an individual, association, agency, or organization.

   (B) REQUIREMENT.—In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any
religious organization, and such employment or con-tract shall be under the control and supervision of such public agency.

(e) STANDARDS FOR A BYPASS.—If a local educational agency is prohibited by law from providing for the participation in programs on an equitable basis of eligible children enrolled in private elementary schools and secondary schools, or if the Secretary determines that a local educational agency has substantially failed or is unwilling, to provide for such participation, as required by this section, the Secretary shall—

(1) waive the requirements of this section for such local educational agency;

(2) arrange for the provision of services to such children through arrangements that shall be subject to the requirements of this section and sections 8503 and 8504; and

(3) in making the determination under this subsection, consider one or more factors, including the quality, size, scope, and location of the program and the opportunity of eligible children to participate.
The following are Sections 8501-8503, the Uniform Provisions for the Equitable Participation of Private School Children and Teachers, under the Elementary and Secondary Education Act (ESEA) of 1965, as amended by the Every Student Succeeds Act (ESSA):

PART F—UNIFORM PROVISIONS Subpart 1—Private Schools

SEC. 8501. 20 U.S.C. 7881 PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) SPECIAL RULE.—

(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.
(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.

(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

(A) part C of title I;
(B) part A of title II;
(C) part A of title III;
(D) part A of title IV; and
(E) part B of title IV.

(2) DEFINITION.—For the purpose of this section, the term “eligible children” means children eligible for services under a program described in paragraph (1).

(c) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as—

(A) how the children’s needs will be identified;
(B) what services will be offered;
(C) how, where, and by whom the services will be provided;
(D) how the services will be assessed and how the results of the assessment will be used to improve those services;
(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;
(F) how and when the agency, consortium, or entity 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 services through potential third-party providers; and
(G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

(H) whether to provide equitable services to eligible private school children—

(i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or

(ii) in the agency’s participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes 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 through the implementation and assessment of activities under this section.

(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) 14 DOCUMENTATION.—Each local educational agency shall maintain in the agency’s records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials’ belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or at-tempts at such consultation have, taken place to the State educational agency.

(6) 14 COMPLIANCE.—

(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.
(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

(i) requested that the State educational agency provide such services directly; and

(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

(2) PROVISION OF SERVICES.—

(A) IN GENERAL.—The provision of services under this section shall be provided—

(i) by employees of a public agency; or

(ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED.— Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 8502. 20 U.S.C. 7882 STANDARDS FOR BY-PASS.

(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 8501, the Secretary shall—

(1) waive the requirements of that section for the agency, consortium, or entity; and

(2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 8501, 8503, and 8504.
(b) DETERMINATION. — In making the determination under sub-section (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

SEC. 8503. 20 U.S.C. 7883 COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

(a) PROCEDURES FOR COMPLAINTS. — The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

(b) APPEALS TO SECRETARY. — The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency’s resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

SEC. 8504. 20 U.S.C. 7884 BY-PASS DETERMINATION PROCESS.

(a) REVIEW. —

(1) IN GENERAL. —

(A) WRITTEN OBJECTIONS. — The Secretary shall not take any final action under section 8502 until the State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity affected by the action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

(B) PRIOR TO REDUCTION. — Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(2) PETITION FOR REVIEW. —

(A) PETITION. — If the affected agency, consortium, or entity is dissatisfied with the Secretary’s final action after a proceeding under paragraph (1), the agency, consortium, or entity may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action.

(B) TRANSMISSION. — A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.
(C) FILING.—The Secretary, upon receipt of the copy of the petition, shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(3) FINDINGS OF FACT.—

(A) IN GENERAL.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary’s previous action, and shall file in the court the record of the further proceedings.

(B) NEW OR MODIFIED FINDINGS.—Any new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) JURISDICTION.—

(A) IN GENERAL.—Upon the filing of a petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part.

(B) JUDGMENT.—The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 8501 or any other provision of this Act.

(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 shall remain in effect to the extent the Secretary determines that that determination is consistent with the purpose of this section.

SEC. 8505. 20 U.S.C. 7885 PROHIBITION AGAINST FUNDS FOR RELIGIOUS WORSHIP OR INSTRUCTION.

Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

SEC. 8506. 20 U.S.C. 7886 PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

(a) APPLICABILITY TO NONRECIPIENT PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, nor shall any student who
attends a private school that does not receive funds or services under this Act be required to participate in any assessment referenced in this Act.

(b) APPLICABILITY TO HOME SCHOOLS.—Nothing in this Act shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student schooled at home be required to participate in any assessment referenced in this Act.

(c) RULE OF CONSTRUCTION ON PROHIBITION OF FEDERAL CONTROL OVER NONPUBLIC SCHOOLS.—Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

(d) RULE OF CONSTRUCTION ON STATE AND LOCAL EDUCATIONAL AGENCY MANDATES.—Nothing in this Act shall be construed to require any State educational agency or local educational agency that receives funds under this Act to mandate, direct, or control the curriculum of a private or home school, regardless of whether or not a home school is treated as a private school under state law, nor shall any funds under this Act be used for this purpose.
Tool #37: Title I Brochure

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Title I Services for Private School Students and Teachers
Every Student Succeeds Act (ESSA)

Title I
Title I is a program for children with educational needs attending public and private schools. Funds from Title I are used to provide intervention services that help participants reach high standards. In public schools with at least 40% poverty, funds can be used to provide general education services to all students in the school, with a focus on helping those in need. In private schools, funds are used in a targeted way that will provide specific intervention services to eligible participants.

The following information is specific to programs operated by the public school district to serve eligible private school students. In these programs, the public school district retains program and fiscal control; private school students are equitably served.

Funds are generated by children who qualify for the free and reduced price lunch program, although the private school does not need to participate in the program. Data can be collected by the public school district through a survey or other means if the private school does not have a federal lunch program. If a survey is conducted, the private school officials can assist to ensure that the best possible data results. When survey results have been returned, the public school district extrapolate the results of the returned surveys to the entire school population. The students generating funds must reside in a participating public school Title I attendance area.

In addition to data collection described above, which can be conducted each year or once every two years, the public school, in consultation with private school officials, can decide to use proportionality to determine the number of low income children attending private schools and residing in Title I attendance areas. Under this method, the public school applies the same percentage of poverty to the private school as exists in each public school attendance area.

The funding is used to serve educationally needy children. Educational need is determined through multiple, objective, educationally-related criteria.

Services can be in English/language arts, math, English as a second language, or other core subjects. Title I can also provide student and family support services and teacher professional development.

Private school principals and/or central office personnel (such as an assistant superintendent in a Catholic diocese) participate in timely and meaningful consultation with public school officials prior to the beginning of the school year, in order that services to private school students can begin at the start of the school year. The law requires specific topics for consultation, among them: the needs of the private school students and how they will be met by the program, how and where the services will be provided, if
the services will be provided by the public school district directly or through a third party provider, and the funding available for the program services and how it was determined.

Private school officials will be asked to sign off on the consultation process through a written affirmation. Officials should only sign the form once all the required topics have been discussed, the private school officials have been able to express their views, and a program with reasonable expectations of success has been designed and implemented.

The proportional share of funds for serving eligible private school students are determined prior to any set asides or reserves by the public school district. These funds must be obligated in the year in which they are allocated.
Tool #38: ESSA Brochure

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Federal Education Programs for Private School Students and Teachers
Every Student Succeeds Act (ESSA)

Title I
Funds are generated by children who qualify for the free and reduced price lunch program, although the private school does not need to participate in the program. Data can be collected by the public school district through a survey or other means if the private school does not have a federal lunch program. The students generating funds must reside in a participating public school Title I attendance area.

The proportional share of funds to serve eligible private school students is determined on the basis of all funds prior to any reserves or set asides by the public school district.

The funding is used to serve educationally needy children. Educational need is determined through multiple, educationally-related criteria.

Services can be in English/language arts, math, English as a second language, other core subjects. Title I can also provide student and family support services and teacher professional development.

Private school principals and/or central office personnel (such as an assistant superintendent in a Catholic diocese) participate in timely and meaningful consultation with public school officials prior to the beginning of the school year, in order that services to private school students can begin at the start of the school year. The law requires specific topics for consultation, among them: the needs of the private school students and how they will be met by the program, how and where the services will be provided, if the services will be provided by the public school district directly or through a third party provider, and the funding available for the program services.

Private school officials will be asked to sign off on the consultation process through a written affirmation. Officials should only sign the form once all the required topics have been discussed, the private school officials have been able to express their views, and a program with reasonable expectations of success has been designed and implemented.

Title IIA
Title IIA provides professional development services to public and private school teachers.

Funds are generated on the basis of the number of private school students attending schools located within the public school district, regardless of where the child resides, even if the child lives in another school district, state, or country. The equitable share of funds is determined on the basis of all funds received by the public school district, regardless of how the district decides to use its portion of the funding.
Professional development for private school teachers must be designed through the consultation process (described under Title I) and must meet the specific needs of the private school students. An offer by the public school district to participate in their professional development program is not a sufficient offer of equitable services. Title IIA also requires a written affirmation of consultation.

**Title III**

Title III funds are generated by counting the number of English Language Learners (ELL) and recent immigrants. Students attending private school within the district generate funds, regardless of their residence (as with Title IIA).

School districts require an assessment of English language proficiency before considering a student an ELL. If the school does not have an assessment, the public school district can provide their assessment to be used, can administer the assessment, or can train private school teachers to administer the assessment. Costs incurred by the public school district for assessments are taken out of the equitable funding that is generated by the ELL students.

Funds can be used for services and activities that benefit ELL students and recent immigrants. Direct instruction can be provided, but funds can also be used for materials, translation services, parent and family services, and other appropriate activities.

**Titles IVA and IVB**

Title IVA is a new title under ESSA. Funds are generated to states and districts through the Title I count, although participants do not need to be in the Title I program—it is simply a method, through a formula, to drive more funds to poorer school districts. Students attending private schools located within the district generate funds, regardless of where the children reside.

Funds can be used for a wide array of uses in the three focus areas of Title IVA: a well-rounded education, technology, and school safety.

Title IVB is the 21st Century Community Learning Center program. Students attending the private school located in the public school district generate funds, regardless of where the children reside. Funds are used for extended learning opportunities before, during, after school, and in the summer. Private school students receive equitable services and private schools can apply to operate their own 21st Century Community Learning Centers.