



Why (and how) your private school should participate in federally funded ESSA programs: An overview

Presenter

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C A P S O

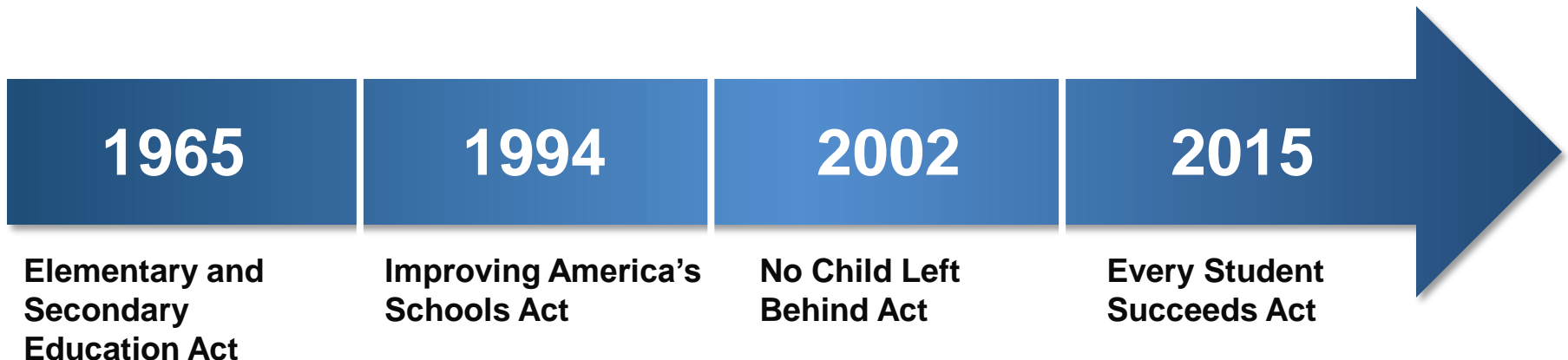
ESEA and ESSA: What's in a Name?

Elementary and Secondary Education Act (ESEA)

- ▶ Initially signed into law in 1965
- ▶ Part of President Lyndon B. Johnson's "Great Society" initiative

"Reauthorization"

- The ESEA is periodically rewritten by Congress. This is called a "reauthorization."
- Whenever ESEA is reauthorized, the current administration gives it a new "nickname."



ESEA is Bi-Partisan



January 8, 2002
President George W. Bush
Signs NCLB into law.

House Vote: 381-41
Senate Vote: 87-10



December 10, 2015
President Barack Obama
Signs ESSA into law.

House Vote: 359-64
Senate Vote: 85-12

“Equitable Services” - Are there strings attached?

1

The “Child Benefit Theory” – Children, not schools, are beneficiaries.

2

Private schools don’t receive funding: students and educators receive services. Federal funds always remain under public stewardship.

3

Services must always be of a “secular, neutral, and non-ideological” nature.

4

“Supplement, not supplant” – protects against dependency.

5

Participation is completely voluntary. The U.S. Department of Education does NOT deem participating schools to be “recipients of federal financial assistance.”

“Equitable Services” - Are there strings attached?



From the U.S. Department of Education Website

9. Are private elementary and secondary schools whose students or teachers receive equitable services under *ESEA* or *IDEA* considered to be "recipients of federal financial assistance"?

No. Private schools whose students and teachers receive equitable services under *ESEA* or *IDEA* are not considered recipients of federal financial assistance. These programs are considered to be operated for the benefit of students and teachers in private schools, not for the benefit of the private schools themselves. As a result, certain requirements that apply to recipients (which may include certain civil rights requirements and the military recruiter requirements discussed in question 10) do not apply to private schools by virtue of their students or teachers receiving equitable services under *ESEA* or *IDEA*. However, if a private school otherwise receives federal financial assistance, including a grant or subgrant of federal funds to implement a federal education program, the school would be considered a recipient.

If a private school is a recipient of federal financial assistance, that school is subject to the federal civil rights laws prohibiting discrimination based on race, color, national origin, sex, disability, and age. If a private school is not a recipient, but the private school's students and teachers receive equitable services under *ESEA* or *IDEA*, the LEA involved remains responsible for ensuring that there is no discrimination with respect to the federal education program.

<https://www2.ed.gov/about/offices/list/oii/nonpublic/faqqgeneral.html?src=preview#9>

ESSA: How It's Organized

Here's what the ESSA statute looks like: →

- ▶ 449 pages of Statute
- ▶ Organized into 8 Titles
- ▶ Titles (Programs)
- ▶ Parts
- ▶ Sections
- ▶ Sub-Sections

- Regulations
- Non-Regulatory Guidance

Here's what an ESSA citation looks like:

ESSA Section 8501(a)(3)(A) →

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.

ESSA Titles (i.e., Programs)

Title I: Improving the Academic Achievement of the Disadvantaged

Title II: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders

Title III: Language Instruction for English Learners and Immigrant Students

Title IV: 21st Century Schools

Title V: Flexibility and Accountability

Title VI: Indian, Native Hawaiian, and Alaska Native Education

Title VII: Impact Aid

Title VIII: General Provisions

ESSA & Private Schools: Consultation

“Timely and meaningful consultation”

- ▶ Involves public school district staff and private school officials who “shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children...”
 - (ESSA §8501(c)(1)) ;
- ▶ Takes place throughout the design and implementation of programs;
- ▶ Includes information about the amount of funding available to provide services and how the amount is determined; and,
- ▶ Requires “a thorough consideration and analysis of the views of the private school officials regarding the provision of services through third-party providers.
- ▶ **If your public school district doesn’t initiate consultation, be proactive!**
- ▶ **If consultation was unsatisfactory, don’t sign off, or check the box indicating that in your view, timely and meaningful consultation did not take place.**
- ▶ **Don’t automatically exclude participation in any ESSA program!**

ESSA: Title II, Part A

Supporting Effective Instruction

- ▶ Formula Grant
- ▶ \$\$\$ Congress ➡ U.S. Department of Education ➡ SEAs* ➡ LEAs**
- ▶ 2018-2019 Funding (Federal): \$2.05 billion
- ▶ Under NCLB: LEAs set aside a proportionate share of Title II, Part A funds to provide equitable professional development services to private school educators.
- ▶ Under ESSA: LEAs must set aside a proportionate share of their entire Title II, Part A allocation.



* SEA = State Educational Agency = State Department of Education

** LEA = Local Educational Agency = Public School District

Title II, Part A: Equitable Funding Example

Example of formula to determine amount for Title II, Part A equitable expenditures (for private school educators)	
A. Number of Students	
A1: LEA Enrollment	900
A2: Participating Private Schools Enrollment	100
A3: Total Enrollment = A1 + A2	1,000
B. Title II, Part A Allocation	
B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (public + private)	\$50,000
B3: LEA Allocation Minus Admin. Costs = B1 – B2	\$950,000
C. Per-Pupil Rate	
C1: B3 divided by A3	\$950
D. Equitable Services	
Amount LEA must reserve for equitable services for private school educators = A2 X C1	\$95,000

Title II, Part A: What Can The Funding Pay For?

From Federal Non-Regulatory Guidance (November 21, 2016)

P-3. What types of activities may an LEA now provide to private school participants?

An LEA may continue to use Title II, Part A funds to provide professional development activities for teachers, principals, and other school leaders to address the specific needs of their students. Additionally, there may be other permissible uses of Title II, Part A funds for the benefit of private school participants.” (p. 36)

Can Title II, Part A funds be used...

...to pay for college/university courses?

Yes*

...to pay for participation in professional development programs conducted by religious entities?

Yes*

...to pay for related travel costs?

Yes*

...to provide stipends?

Yes*

...to pay substitutes?

No

May an LEA (i.e., a local public school district simply offer to provide private school teachers with opportunities to participate in the programs the LEA has created for its public school teachers?

No

Title IV, Part A

- ▶ This is a new, block grant program.
- ▶ 2018-19 funding (federal): \$1.1 billion
- ▶ SEAs can retain up to 5 percent for state activities
- ▶ 95 percent of funds are sent to LEAs

Title IV, Part A funding must be used to address three areas*:

1. At least 20 percent of available funding must be used to support a well-rounded education.
2. At least 20 percent of available funding must be used to foster safe and healthy students.
3. An unspecified amount of funding may be used to support the effective use of technology.



”supplement, not supplant”

***Only applies to LEAs**

Title IV, Part A

- **For the current school year (2018-19) the State of California used 100% of its Title IV, Part A allocation to fund statewide competitive grants*.**
- **This was a one-time-only allowance.**
- **In 2019-20, 95% of the state's Title IV, Part A allocation must flow through to LEAs.**



Timely and Meaningful Consultation

*See a list of grant recipients at the link appearing below:
<https://www.cde.ca.gov/fg/fo/r12/ssaecgp18results.asp>

Title I, Part A: Overview

- ▶ **Title I: Improving the Academic Achievement of the Disadvantaged**
- ▶ **Title I, Part A: Improving Basic Programs Operated by LEAs**
- ▶ **2018-19 Funding (federal): \$15.4 billion**

Some Unique Features of Title I, Part A

- ▶ Committee of Practitioners
- ▶ Funding is generated by a count of students meeting a poverty criterion
- ▶ Students responsible for generating funds aren't necessarily recipients of services provided by those funds
- ▶ Recipients of services are ranked by educational need
- ▶ Equitable services are available for students, teachers, and families
- ▶ Services are provided by the LEA in which a student resides, rather than the LEA in which the private school attended by the student is located

Title I, Part A: Identifying* Low-Income Students

- ▶ Calculating the equitable share of Title I, Part A funding available to provide services to eligible private school children requires a count of low-income private school students.
- ▶ ESSA permits several methods for conducting such a count:
 - 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. (ESSA § 1117(c)(1)(A-D))
- ▶ **The method used to make the count must be discussed in consultation.**
- ▶ **The method used to make the count should be the one that produces the most accurate number...rather than the one that's most convenient for the LEA.**

***The privacy of students and families must be protected.**

Title I, Part A: Funding

- ▶ 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. (ESSA §1117(a)(4))



**for equitable
services to
private school
students**

=

**# of low-income private school students
residing in a Title I attendance area**

**All low-income students residing in a Title I
attendance area**

- ▶ “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.” (ESSA §1117(a)(4)(A)(ii))

Title I, Part A: Funding

Example of determining the amount of Title I funds for equitable services

Public School Attendance Area	Number of Public School Low-Income Children	Number of Private School Low-Income Children	Total Number of Low-Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
TOTAL	1,350	150	1,500
B2: Administrative Costs (public + private)	90%	10%	
B3: LEA Allocation Minus Admin. Costs = B1 – B2	\$900,000	\$100,000	

Title I, Part A: Identifying Students in Need of Services

- ▶ **Remember: The students responsible for generating Title I, Part A funds aren't necessarily the same students who will be receiving services!**
- ▶ **Title I, Part A services are intended for students who are failing**, or most at risk of failing, to meet high student academic achievement standards
- ▶ **Generally, the law requires educational need to be determined by **multiple, educationally related, objective criteria**** identified in consultation between private school officials and an LEA.
- ▶ **Private schools will both identify and rank-order eligible students**, on the basis of educational need.
- ▶ **Through consultation, private school and LEA officials determine which students will receive services**, what services are to be received, when, and from whom.
- ▶ **Title I, Part A funds can be pooled for eligible students** who are enrolled in multiple private schools, but reside within the boundaries of the same LEA. If funds are pooled, services must be provided to those students in greatest need.

Title I, Part A: Permissible Services

Examples of services permitted with the use of Title I, Part A funds:

- Instruction
- Mentoring
- One-on-one tutoring
- Small group instruction
- Blended instruction



in core academic subjects

- Counseling
- Technology coaches
- Smart boards, hardware, software, science kits, etc.*
- Summer School programming
- Professional development for teachers
- Parent and family engagement programs

*Equipment remains the property of the LEA

Resources

U.S. Department of Education, Office of Non-Public Education

<https://innovation.ed.gov/what-we-do/non-public-education/essa/>

- ▶ Provides links to the text of the law, guidance documents, power point slides, information about upcoming webinars, and additional resources.

- ▶ CAPSO's "ESSA Starter Kit"

<https://www.capso.org/legislation/essa/>



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