

Overarching Considerations for Planning and Implementation

DPI Guidelines for ESEA Equitable Services, Part 4

Overview

This *Part* of the *Guidelines* explains details for planning and implementing equitable services under ESEA, while Part 5 goes into specifics about each grant. One of the most important rules is that districts must maintain control of the funds and may not make them available to private schools. Instead of offering funds, districts must offer services that are

- equitable, not necessarily the same as services for district schools
- supplemental to what the private schools would provide in the absence of equitable services
- intended to address identified needs
- reasonable and necessary
- allowable under the grant that is paying for it, and
- secular, neutral and nonideological.

While this document is specific to North Carolina, more generalized information can be found in The United States Department of Education non-regulatory guidance and other resources that are accessible via the [DPI Equitable Services web page](#).

Restrictions on Availability of Services for Certain Schools

Legally, only non-profit private schools may receive ESEA equitable services. By signing the *Affirmation* form and accepting services, a private school official provides an assurance that their school is a non-profit organization. Private school officials are bound by law to make this assurance in good faith, and district officials may accept it as such. While some non-profit private schools are [listed with the IRS](#) as 501(c)(3) organizations or are [registered as non-profits with the North Carolina Secretary of State](#), they are not required to do so and many don't. Nonetheless, a private school official should be able to share tax filings or other fiscal records to demonstrate non-profit status if the district makes that request.

If an official from a new school with zero enrollment consults in the spring, the school would not generate proportionate share funds. Nonetheless, they may complete and *Affirmation* form to accept services in anticipation of enrolling students in the subsequent school year. The district may provide services to this school if at least one other participating school consents to allowing the district to pool funds or if existing funds are made available due to a district decision to repurpose funds. Pooling and repurposing of proportionate share funds are explained near the end of this *Part*.

Institutions for neglected and delinquent children that are being supported by the Neglected Set-aside from Title I-A (PRC 0050) are not eligible to participate in equitable services from Title I-A but may be eligible for services from other grants. Services via Title I-D (PRC 0107) will not affect a private school's eligibility, because these funds are separate from PRC 0050.

Home schools are not considered private schools by North Carolina law and are therefore not eligible for equitable services under ESEA.

Evaluation of Effectiveness

During the initial consultations, the district should explain to the private schools that the district is required to evaluate how effectively the services address the identified needs. While the evaluation is likely to be based on the same types of data that established the need for services, there may be other relevant data collected by the district or the private school during implementation. Data collection and evaluation of effectiveness must be planned by the district with private school input. Districts may make reasonable requests for information and cooperation from private schools to support these efforts.

Private School Responsibilities

Identifying needs for planning

Private schools in North Carolina are not required to implement *The North Carolina Standard Course of Study* or to conduct the same type of needs assessment and stakeholder input mandated at district schools. However, they should come to the consultations prepared to describe, in measurable terms, areas in their academic programs and student performance that need improvement. If this information is not available during the initial consultation, the district should set reasonable deadlines for the private school to collect it.

Without a measure of the private school's needs, the district will not be able to plan and implement appropriate services or to measure the effectiveness of those services. The district should be prepared to offer suggestions to private school staff on what types of information could be used and how to collect it. Details about this in the context of the various grants is available in *Part 5*. The information does not need to go beyond what is relevant for the services being considered. For example, teachers' skills in reading instruction could be documented for professional development plans supporting a new reading curriculum. However, requesting a broader set of data relevant to performance evaluations of teachers might be regarded as intrusive and unnecessary.

Providing student counts for proportionate share calculation

Early in the consultation process, the private school must provide or assist in the collection of the student counts needed for the proportionate share calculations. For Title I-A, the determination of the number of low-income students may require surveys conducted at the school. For Title III-A, the counts will depend on identification of English Learners (ELs) and immigrant students. Ample time should be allotted for these counts to be completed prior to a deadline set by the district. *Part 6* offers more information about counting students for the proportionate share. **Determining who receives services is a different process explained in *Part 5*.**

Assisting with implementation

The school should share its academic calendar (including vacations and other events), assist in scheduling and make staff and students available to the personnel delivering the services. Space should be provided for activities, which can be at the school site or elsewhere, including students' homes. In religious schools, the spaces do not need to be void of religious symbols or materials for the services

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provided by the district to remain secular. If the school does not have the space to offer, it must notify the district prior to the start of implementation. If there are any changes in availability of participants or venue that might affect the planned program, the private school must update the district so that adjustments may be made.

The private school must participate in ongoing consultation and cooperate with the continued collection of data to support the district's implementation and evaluation of services, as planned during consultation. This includes information about the progress of students and teachers for possible modification of services or updates to lists of participants.

Lack of Cooperation from a Private School

The purpose of the ongoing consultations is to clarify details and ensure that private schools will cooperate for proper and timely use of the funds by the district. However, if a private school is not fulfilling the responsibilities described above, the district must notify them, in writing, of the impact this may have on the district's ability to initiate or continue with services. The notification must include a specific date by which an unfulfilled action on the part of the private school must be completed, such as the sharing of data or confirmation of a scheduled activity. The notice should advise the private school that failure to do so by the specified date may lead the district to repurpose some or all the funds for other uses. The end of this *Part* describes the repurposing of funds due to lack of cooperation.

District Responsibilities

The law requires districts to plan, implement and evaluate equitable services for the participating private schools. While districts decide how to accomplish these things, they must do so with meaningful input from the private schools and keep them informed about their decision-making processes. Through ongoing consultation, either virtual or face-to-face, districts will schedule services, collect feedback, evaluate the services and adjust plans as needed. Reasonable requests for information to support these efforts should not require undue administrative effort from the private schools. However, the district must set reasonable deadlines so that private schools may fulfill their responsibilities, as described above. As soon as practical after the initial consultations and before the end of summer, the district and each participating school should agree on the activities and timelines for the upcoming year.

The administrators must follow district fiscal policies and procedures when managing proportionate share funds and maintain thorough records from initial annual outreach through evaluation of services. More details about options and requirements for equitable services are explained in the sections below.

Options for Pooling

After a PRC's proportionate share has been determined (*Part 6*), the district must use the "dollars per student" amount (at the bottom of the calculator) to determine how much to spend at each participating school. However, the schools (or a subset of them) may agree to pool these services by allowing the district to use the applicable funds across those schools on an as-needed basis, rather than in accordance with their relative student counts. The decision to pool services and the basis for determining the need would require documented consultation and agreement among the district and

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the affected schools. Pooling would not affect expenditures planned for other participating schools that do not wish to have their services pooled.

Another form of pooling may occur if multiple districts agree to pool their proportionate share amounts from a PRC and implement applicable programs at one or more private schools being served by the districts. This would require agreements with the participating private schools and assignment of responsibilities between the districts for ongoing consultation and transparency in planning. Any fiscal considerations and formal agreements for cooperation should be worked out between the school district administrations.

Public Control of Funds and Assets

The district must maintain public control of ESEA funds and assets purchased with them. This means that the district is responsible for all budgeting, procurement, purchase orders, inventories, payments, hiring, contracting and supervision of work, as described in the sections below. **None of these responsibilities may be delegated to the private schools.** However, it would be reasonable for a district to consider recommendations from private schools about services and vendors that are most likely to result in the best use of the funds.

Districts are not allowed to pay invoices for the purchase of good or services arranged by others, and they may not reimburse a private school for any payments it has made. This includes compensation a private school has made to its employees. Any invoice paid by the district must be addressed to the district and must be the result of the district's engagement with the vendor. (As described in the section below, professional development participants can be reimbursed for planned expenses they have incurred with approval of the district.)

Materials, Equipment and Online Resources

Because federal laws require districts to be accountable for the use of federal funds, simply paying for materials, equipment or online resources and leaving it to private school staff to put them to use is not appropriate. Instead, districts must use the funds in accordance with the Overview section above.

Whether consumable or not, any materials or equipment purchased for equitable services must be managed according to the same regulations for procurement, inspection and inventories that apply to any other federally funded district property. This includes retaining titles of ownership and arranging for eventual disposal, as needed, in accordance with district policies.

At the end of an implementation year, the district may leave the property in place if it will be used at that school for continued equitable services in the following year. During breaks, the district must ensure that it is appropriately stored, whether at the school or in a district facility, and not used for unallowable activities. Property retrieved from a private school may be redeployed for appropriate use in any federal program, including ESEA, CTE, IDEA and equitable services at other schools, until disposal.

Subscriptions to online resources may be used to support the delivery of agreed-upon services. However, an online resource that provides access to an array of material or interactive learning

experiences may not be advisable unless the district is able to confirm that it is used for secular, neutral and non-ideological purposes at all times.

District Staff and Contractors: Hiring, Supervision and Compensation

Contracts, salaries and stipends may be used for equitable services in the following ways:

- District employees may be assigned equitable service duties for all or part of their regular workday and paid from their regular salary. The district should comply with its policies regarding hiring and compensation, and the work should be supported by the employee's job description.
- District employees may be assigned to perform equitable services outside of their regular job and be paid an extra duty stipend. The district must comply with its policies for assigning such work, including any required agreement identifying the responsibilities, timelines and compensation.
- Third-party contractors may be hired in accordance with the district's procurement policies. While a private school may offer recommendations about contractors, it is the district's responsibility to make the final selection, in accordance with its procurement policies. The contractor must be independent of the private school during the time for which they are paid to perform the specified duties. There is no restriction against contracting with an employee of the school. However, the district must be able to ensure that the work is done under district supervision and not during the hours that the employee is being supervised by the school.

Certification of Staff and Contractors

In making decisions about hiring and contracting, the district should consider any recommendations the private schools might have. However, ESEA requires that teachers and paraprofessionals hired by the district for the delivery of Title I-A services in private schools meet the state's certification and licensure requirements, just as in district schools. In addition, the district must apply any qualification requirements to a contract for Title I-A equitable services that it applies to a contract for services for public school students.

Professional Development Costs (Including Reimbursement Directly to Private School Staff Members)

While Title II-A is commonly used to support PD, other grants may also be used for this purpose. ESEA-funded PD activities should not be stand-alone, 1-day or short-term workshops, because these do not meet the definition of "professional development" as written in ESEA Section 8101(42). Instead, ESEA funds may support PD that is sustained, intensive, collaborative, job embedded, data-driven and classroom focused. The district should work with the school to ensure that activities are integrated into the school's PD plans for its staff or for an individual educator. However, the scope of the funded activities must remain focused on identified needs.

There are at least three ways a district may provide PD. First, a district may invite private school staff to attend any district PD events that address the identified needs. The costs of the event (presenters, materials, venue, etc.) should be prorated according to the relative numbers of participating district and private school teachers so that the correct amount may be identified as equitable service expenditures.

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If presenters are district employees, their per diem salary (or stipends) and benefits earned during the planning and delivery of the PD would be prorated, according to time spent on the task.

Second, the district may plan for staff members to attend an appropriate PD activity being conducted by a third party. If practical, the district may choose to pay certain expenses, such as registration fees and travel costs, directly. **However, if participating private school staff pay for planned and pre-approved activities, the district may reimburse them directly, in accordance with the same policies that apply to district staff.** A district may pay stipends to private school staff to attend planned PD events outside of their regularly paid work hours. Any stipends or reimbursements are paid directly to the participants and not to the private schools. The district must plan and approve these expenditures ahead of time, based on event descriptions and an examination of how the event will address needs identified during consultations.

Third, the district could provide PD designed for the private school through a district employee (paid out of regular salary or a stipend) or a contractor hired and paid by the district. The district may not reimburse private schools for payments they make to service providers.

Budgets

The calculation of proportionate share is explained in Part 6 and in the [Proportionate Share Calculator](#). For all PRCs, the district will budget the non-administrative costs for equitable services at site code 0860. Within site 0860, the district may opt for local use codes (not specified by DPI) to distinguish between participating schools or types of activities. During implementation the district must monitor its expenditures from site code 0860 and make any needed amendments, just as it would for other programs. When the actual allotments replace the planning allotments the proportionate share must be recalculated and the participating private school officials updated. With rare exceptions equitable service funds unspent at the end of the year must be placed in a remaining funds budget for use in equitable services, as described near the end of this *Part*.

Administrative Costs

Title I, Current Year

CCIP calculates the current year Title I-A proportionate share in Line 2B of the Set-asides page of Consolidated application. In keeping with the administrative cost limit for Title I-A, the district must use no more than 12% of this amount for administrative costs in support of equitable services. This is in addition to the administrative costs identified in Line 6B (maximum =12% of Line 3B) to support programs at district schools.

In the PRC 0050 budget, Title I-A proportionate share will appear in up to 3 different site codes as follows:

- Site 0860: No less than 88% of the proportionate share will be for delivery of services, thus allowing for up to 12% for administrative costs, which will not be coded at site 0860.
- Site 0000: If applicable, some portion of the budget's indirect administrative costs will be attributable to equitable services. Because the state's budgeting system does not provide a way

to isolate this from costs associate with services to the public schools, the district will have to keep track of it in their records.

- Site 0810: If applicable, the district may identify a reasonable amount of the direct administrative costs to support equitable services and must keep records to track this. If desired, the district may opt to employ local use code fields (not specified by DPI) for this purpose.

Title II-A, Current Year

Unlike with Title I-A, the proportionate share calculations for Titles II-A, III-A, IV-A, IV-B and I-C are made after the reasonable and necessary administrative costs related to both district and private school implementation are deducted from the allotments (as described in *Part 6*). Therefore, all the calculated proportionate share funds in these grants will be placed in site code 0860 for the delivery of equitable services, and none will be used for administrative costs.

Administrative activities include the management and direction of the PRC's grant implementation and budget, as opposed to the implementation of intended benefits of the grant. For example, the efforts of the program director to provide oversight and evaluate the services would be considered as administrative costs in Title II-A while recruitment of teachers and training of leadership staff to improve instruction would not.

Administrative Costs in CCIP and Remaining Funds Budgets

As described below, a district may determine that some of the Title I-A proportionate share will be included in a remaining funds budget for use during the subsequent year. These funds, including any portion of them for administrative costs, will be reported in Line 2A of the Set-asides page. The district must keep records to show that the sum of the administrative costs for the grant year and the subsequent year do not exceed 12% of the grant year proportionate share.

For Titles II-A, III-A, IV-A, IV-B and I-C, proportionate share never includes any administrative costs, due to the deduction being taken off the top prior to the calculation. Therefore, any proportionate share funds in a remaining budget will be used for delivery of services. Unlike Title I-A, there is no place in CCIP to report remaining funds in these grants that will be used for equitable services. The district must maintain records of expenditures and use remaining funds to cover any equitable services as needed.

Remaining Funds and Repurposed Funds

The top portions of Tables 4-1 and 4-2 on the following pages describe circumstances that may lead to placing proportionate share funds in a remaining budget or re-purposing them during the current year. The bottom of each table explains how the funds are handled, depending on the grant. Regardless of circumstances, proportionate share in a remaining funds budget cannot be used to reduce or offset any calculated proportionate share for the following year and will be considered the first dollars spent, followed by the newer proportionate share dollars.

Table 4-1. Private School Withdrawal or Lack of Cooperation

<p>Under one of the following two conditions, a district may repurpose all or a portion of the funds identified for a program at a private school.</p> <ol style="list-style-type: none"> 1. A school official has expressed, in writing, a desire to withdraw from participation in the program, due to lack of continued interest or because the planned program has been implemented to the extent necessary. 2. The district has notified a school official, in writing, that it is discontinuing the program due to the school's continued lack of cooperation. To support this determination, the district must maintain documentation of all the following conditions: <ol style="list-style-type: none"> a. The district has offered proper ongoing consultation which includes an explanation of the private school's expected responsibilities, as described at the beginning of this <i>Part</i>. b. The district has planned suitable services, as described in <i>Part 5</i>. c. The school has failed to fulfill its responsibilities. d. The district has previously notified the school of its failure to fulfill its responsibilities and has provided reasonable opportunities for the school to make corrections by a specified date. e. The private school has not provided a timely and adequate response. 	
<u>Title I-A</u>	<u>Titles II, III, IV and I-C</u>
Throughout the current year the funds will remain in equitable services for use at other participating private schools, proportioned according to the counts of fund-generating students that were established during consultation. Any such funds left at the end of the current year will be available for use at private schools during the next year, according to need as identified by the district in consultation with the participating private schools. If there are no other participating private schools, the funds will be used for district schools.	Throughout the current year, the remaining funds should be used at other participating private schools and public schools, according to proportionate share calculations. Any of the funds remaining at the end of the current year will be available in the following year for use at private and public schools, according to proportionate share calculations. (For calculation of proportionate share with repurposed funds, the repurposed amount is used as the "allotment," as described in <i>Part 6</i> .)

Table 4-2. Lack of Full Implementation or Expenditure by District

<p>The district may be unable to responsibly expend some or all proportionate share funds at a private school prior to the end of the grant year for one of the following reasons.</p> <ol style="list-style-type: none"> 1. A natural disaster, emergency or traumatic event has impacted the private school or the district. 2. After successful implementation that has met the identified needs, a portion of proportionate share funds remains unobligated with no options for the district to responsibly use them at the school prior to the end of the fiscal year. 3. The district has been unable to complete services prior to fiscal or programmatic deadlines despite private school cooperation. 4. The district failed to offer timely consultations and/or plan appropriate services. 	
<u>Title I-A</u>	<u>Titles II, III, IV and I-C</u>
<p>These funds will remain in equitable services for use at the affected school during the next year. If the affected school, in consultation, declines these services, the funds must be made available for use in other participating private schools, according to need as identified by the district in consultation with the participating private schools. If there are no other participating private schools, the funds will be used for district schools.</p>	<p>These funds will remain in equitable services for use at the affected school during the next year. If the affected school, in consultation, declines these services, the funds must be made available for use at private and public schools, according to proportionate share calculations. (For calculation of proportionate share with repurposed funds, the repurposed amount is used as the "allotment," as described in <i>Part 6</i>.)</p>

For additional information about equitable services under the Elementary and Secondary Education Act, contact Talbot Troy at 984-236-2797 or talbot.troy@dpi.nc.gov.