

## General Considerations for Consulting, Planning and Implementing *DPI Guidelines for ESEA Equitable Services, Part 4*

### Overview

This part of the *Guidelines* addresses parameters that apply to all equitable services under ESEA, while specific considerations for each grant are covered in *Part 5*. District administrators should help their private school contacts understand how these parameters impact the services being offered. 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 to meet the private school needs, not necessarily the same as services in district schools
- supplemental to what the private schools would provide in the absence of equitable services
- reasonable, necessary and allowable to address identified needs and
- secular, neutral and nonideological.

### Role of Private School

#### 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 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. Districts should be prepared to offer suggestions to private school staff on what types of information could be used for this purpose and how to collect it.

#### 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. In the case of 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. More information about counting students for the calculations is in *Part 6*. Determining who receives which 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

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 implementation and evaluation, 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.

### **District Obligation to Provide Services**

The law requires districts to plan, implement and evaluate equitable services that meet identified needs, as allowed by the applicable grants. While districts decide how to accomplish these things and put the plans in place, they must do so with meaningful input from the private schools and keep them informed about their decision-making processes. The ongoing consultation, either virtual or face-to-face, should be used to help monitor progress, confirm timelines, collect feedback and adjust plans as needed. Reasonable requests for information to support these efforts should not require undue administrative effort from the private school officials.

The district must follow its financial policies and procedures when managing proportionate share funds. At the same time, the services must be equitable for each participating school based on need, not necessarily the same as what is being provided for the district schools.

The goals of the ongoing consultations are 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 roles 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 the agreed upon plans. 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 the funds for other uses. As described below, unspent funds intended for use at a particular school will not necessarily be made available at that same school as carryover during the subsequent year.

### **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 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 agreement with the participating private schools along with other responsibilities 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 the funds and assets. 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 districts to solicit 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 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 as well as the purchase of goods or services that the private school has contracted for. 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.

### **Materials, Equipment and Supplies Purchased with Federal Funds**

Districts must ensure that items purchased with ESEA equitable service funds are used only in the delivery of the allowable services agreed upon during consultation. In addition to the stipulations in the Overview section above, the items must be clearly labeled and identified as district property and must be managed as such. This requires retaining titles of ownership and complying with regulations for procurement, inspection, inventories and eventual disposition. Deploying or retrieving items must not require remodeling of the private school facility.

At the end of an implementation year, the district may leave the items in place if they will be used at that school for continued equitable services in the following year. During breaks, the district must ensure that the materials are appropriately stored, whether at the school or in a district facility, and that they are not used for unallowable activities. Items 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 disposition.

### **District Staff and Contractors: Hiring, Supervision, Compensation and Certification**

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.

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- 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 and timelines.
- Third-party contractors may be hired in accordance with the district's 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.
- The district may secure contracted services, such as subscriptions to online resources. However, these services must meet the stipulations in the Overview section above. Furthermore, the district must be able to verify that the services are used only for the delivery of the agreed-upon services. Therefore, an online service that provides access to a wide array of lesson plans or interactive learning experiences may not be suitable if the district is not able to monitor its use to avoid providing content that is not secular, neutral and non-ideological.

In making decisions about hiring and contracting, the district should consider recommendations from the private schools. 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 for Private School Staff**

While Title II-A is a common source of PD funding, other grants may also be used for this purpose. The 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, they should be 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. 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.

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 incur such costs 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 teachers to attend planned PD

events outside of their regularly paid work hours. Any stipends or reimbursements are paid directly to the participating teachers 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.

Finally, 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**

Within each PRC, the district must use site code 860 for equitable services, except as described below for administrative costs. The district may opt to use one of the local use codes (not used by DPI) to distinguish between participating schools or types of activities. But while the funds at site 860 may be earmarked for use at specific schools, they remain district funds and are not to be managed by the private school. During the implementation year, the district must monitor its expenditures from this section of the budget and make needed amendments, just as it would for its other programs. With rare exceptions, funds in this portion of the budget that are not spent must be carried over into the next year for use in equitable services, as described below.

### **Reasonable Administrative Costs**

After the upcoming year's Title I-A proportionate share is calculated, the district may set aside a reasonable amount of that share to cover the administrative costs related to equitable services. Private schools must be notified about this. This is counted towards the 12% limit that applies to the district's entire Title I-A allotment for the upcoming year. The *direct* administrative costs would be coded at site 810, along with all other such costs. The *indirect* costs would be included in object code 392 at site 000. The amount that remains for the provision of services must be coded at site 860.

For of the other grants (Titles II-A, III-A, IV-A, IV-B and I-C) the district must estimate reasonable administrative costs across district schools and equitable services combined. This estimate is deducted from the allotment before the proportionate share is calculated, and the private schools should be notified about this. The entire resulting amount (after the administrative deduction) is coded at site 860 and devoted to the provision of services; none of the funds is used for administrative costs.

See *Part 4* and the [Proportionate Share Calculator](#) for more information about how administrative costs are accounted for. If the expected administrative costs change during the year, the participating private schools should be notified about the effect on the amount of funds available for the district to use at their schools.

For each grant, if proportionate share has been carried over from the previous year, any associated administrative costs should be coded in the same fashion as described above. Districts intending to carry over administrative costs, whether for equitable services or not, should consult the DPI program administrator prior to submitting the budget to verify allowability based on the previous year's expenditure amounts.

### **Carryover and Repurposing of Funds**

Circumstances that may lead to carryover or re-purposing of proportionate share funds are described below. Regardless of circumstances, carryover dollars from a previous year 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.

#### Lack of Need, Withdrawal from Participation or Failure to Cooperate

The following circumstances may cause the district to determine that all or a portion of the funds are not needed or that they cannot be appropriately used at the private schools for which they are intended.

1. After successful implementation that has met the identified needs, a small amount of proportionate share funds remains unobligated with no options for the district to responsibly use them prior to the end of the fiscal year.
2. A school has expressed, in writing, a desire to cease participation in the program, either due to lack of continued interest or because the planned program has been implemented to the extent necessary.
3. The district has notified a school, in writing, that the school has failed to fulfill its role, which is described in a previous section. Prior to repurposing funds away from a school, the district must verify that it has offered proper ongoing consultation (*Parts 2 and 3*) and planned suitable services (*Parts 4 and 5*). Furthermore, the district has provided ample opportunities for the school to remedy the issue by a specified date, but the private school did not respond with a timely and adequate remedy.

#### Special Circumstances

The district may be unable to responsibly expend proportionate share funds due to extenuating circumstances such as natural disaster, emergencies, district's inability to complete services prior to fiscal deadlines despite private school cooperation, procurement or staffing challenges or the district's failure to offer timely consultations.

#### How to Manage the Repurposed or Carryover Funds

The chart on the following page shows what to do with repurposed or carryover funds. If no private schools are participating during a year when carryover funds are available, those funds may be repurposed for the public schools.

<u>Reasons</u>	<u>Title I-A</u>	<u>Titles II, III, IV and I-C</u>
Lack of Need, Withdrawal from Participation or Failure to Cooperate	Throughout the current year the funds are to remain in the proportionate share, with their use being weighted according to the counts of low-income students that were established during consultation. Any such funds left at the end of the current year will be carried over to the next year for use at private schools, according to need as identified by the district in consultation with the participating private 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 carried over to the next year for use at private and public schools, according to proportionate share calculations.
Special Circumstances	These funds will be carried over for use at the affected school during the next year. If the affected school chooses not to participate, 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.	These funds will be carried over for use at the affected school during the next year. If the affected school chooses not to participate, the funds must be made available for use at private and public schools, according to proportionate share calculations.

**Evaluation of Effectiveness**

During the initial consultations, districts should explain to the private schools that the district is required to evaluate how effectively the services have addressed 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. These data sources and the criteria for evaluating 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 the evaluation.

*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](mailto:talbot.troy@dpi.nc.gov).*