

## Eligible Students and Allowable Services within Each Grant

### *DPI Guidelines for ESEA Equitable Services, Part 5*

#### Overview

As discussed in *Part 4* of these *Guidelines*, private schools and districts should understand their respective roles and the parameters governing the delivery and evaluation of equitable services. The following sections address identification of eligible students and allowable activities along with other considerations that are particular to the individual ESEA grants. With these details in mind, district administrators can work with private schools to create plans, set deadlines and implement services that meet the needs of private school students.

#### Title I-A

Unlike students who generate Title I-A funding, students eligible to receive Title I-A services are not anonymous and are not necessarily from low-income families. NOTE: The identification of eligible students discussed below should not be confused with the proportionate share calculations described in *Part 6* of these *Guidelines*.

Title I-A service at a private school is like a Targeted Assistance program in a public school, because it is available only to students determined to be eligible for services during the consultations or throughout the upcoming year. Poverty is never a criterion for Title I-A eligibility. An eligible student is one who

- would have attended one of the district's Title I-A served schools, based on residency, had they not attended the private school and
- is academically at-risk according to 1115(c)(1) of ESSA **OR** meets one of the sub-group descriptors in 1115(c)(2)(B through E).

#### Criteria for at-risk identification

During consultations, the private school should share any criteria they may already have in place for determining at-risk status. The criteria do not have to be the same as what is used in district schools. The district may use these criteria, if they comply with ESSA 1115(c)(1), or work with the private school to develop appropriate criteria. The criteria should be in place well before the start of the school year but may be revisited if needed.

#### Sub-group descriptors for identification

ESEA section 1115(c)(2)(B)- (E) identifies sub-groups of students who are eligible for services whether considered academically at-risk or not. Any student is eligible for Title I-A services if they

- are experiencing homelessness
- had participated in Head Start, a Title I preschool program, or a Title I, Part C (Migrant Education) program in the preceding two years, or
- are in a local institution for neglected or delinquent children and youth or attending a community day program for such children.

The private schools are responsible for identifying students who are eligible for Title I-A services. The district may use the proportionate share funds, to select which of these students will be served and to determine their specific needs. The district should set timelines for private schools to provide student academic achievement information and for the district to create a plan for delivering services and evaluating effectiveness. The list of served students may be adjusted throughout the year, depending on their performance and other considerations. **District administrators must keep track of the numbers private school students served with Title I-A at each grade level and report them with their year-end data in Apex.**

Title I-A equitable services are intended to improve the achievement of identified private school students in reading, language arts, math, science or any other subjects deemed essential to academic success. Examples of allowable activities are

- instructional services provided by district employees or third-party contractors
- expanded learning time (i.e., before school, after school, summer school)
- tutoring, including one-on-one or at-home
- counseling or Mentoring
- computer-assisted instruction, including the use of take-home computers
- activities to improve instruction for identified students and
- family literacy programs or parent engagement beyond what is required.

Materials, equipment and supplies purchased with federal funds must be used to support the district's equitable services, and not simply turned over to the private school staff. Furthermore, hiring and supervision of service providers must comply with district, state and federal constraints. *Part 4* of these *Guidelines* explains more about these topics.

If the district's Title I-A allotment exceeds \$500,000, at least 1% of the Title I-A equitable services budget must be spent on activities to support parent and family engagement (PFE). This may include providing materials to parents of eligible students to inform them about the services or to increase their capacity to assist their children at home. Time spent by district-funded staff to participate in or help private school teachers prepare for conferences with parents of identified students could also be counted towards the PFE effort.

Title I-A funds may not be used to provide services that would otherwise be required by law to be made available, but they may supplement such services. For example, IDEA equitable services are made available to private school students who have disabilities. Therefore, while Title I-A could be used to supplement those services, it may not be used as the primary source of funds to address disabilities, even if the private school or the parents refuse participation in IDEA.

## **Title II-A**

During or shortly after the consultation meeting, private schools should be able to identify instructional needs that would be addressed through improvements in the quality of teaching or school leadership, typically through PD. The appropriate ways districts can provide PD, including the limited instances in which they may directly reimburse individuals who participate in PD, are explained in *Part 4*.

The areas in which private school staff may receive training through Title II-A are not restricted by academic subject or by topics, as described in ESEA Section 2103(b)(3). Generally, Title II-A is for teachers and school leaders, but training to prevent child sexual abuse may be offered to all school personnel, including paraprofessionals.

Some activities that are allowed for district programs are not allowed in equitable services. Class-size reduction, salary differentials and incentive pay are not allowed, because private school teachers are supervised by the school for implementation of its instructional program. Likewise, activities to support evaluation, recruitment and retention of staff may be difficult to implement without supplanting operational processes normally conducted by a school. In addition, such activities may be difficult to supervise and evaluate in the scope of equitable services implementation.

### **Title III-A**

Title III-A is intended to address the needs of identified multilingual learners (MLs) and immigrant students. Students eligible for services under either grant may be identified during the initial consultation, but others may also be identified in the upcoming year during implementation. The proportionate share calculations depend on the numbers of students identified during initial consultation, as explained in *Part 6* of these *Guidelines*. Changes in the identifications of ML and immigrant students can be made during the implementation year and will affect who gets served but not the proportionate share calculation. (In other words, the criteria are the same, but the timing is different.)

The district will use PRC 104 (Language Acquisition) funds to serve MLs at private schools participating in Title III-A. Initial identification of these students may be based on the WIDA screener, which is available without additional cost to school districts in North Carolina. However, the district and a private school may agree to employ an alternative assessment, including one used by the private school, if the district determines it will yield valid results.

For annual assessments of identified MLs, the district and the private school may employ any assessment that the district deems appropriate, including the WIDA. (While the WIDA will not provide information about student growth, it will determine whether a student has achieved English language proficiency.) DPI does not recommend the use of ACCESS testing for private school children, due to issues with invoicing the per-pupil cost and management of statewide accountability data.

The costs of language proficiency testing can be covered by Title III-A funds in North Carolina, because state law does not require the tests for private school students. (A state requirement would mean that using federal funds for testing would constitute supplanting.) If a private school is already participating in Title III-A during the initial consultations, the costs of testing can be paid from the proportionate share. However, if a school is not yet participating there are no proportionate share funds associated with that school, and the district could pay for the tests with non-proportionate share Title III-A funds.

Services provided to ML students at private schools may include

- tutoring before, during or after school
- professional development for their teachers to support ML needs
- summer school programs to provide English language instruction
- administration of an ELP assessment for identification of MLs and/or for evaluating the effectiveness of services, including the provision of test booklets, teacher training, and stipends to teachers to administer assessments
- family literacy services and parent and family outreach and training activities to support the education of ELs in private schools and
- supplemental instructional materials and supplies.

PRC 111 (Significant Increase) may support equitable services to private school immigrant students. Section 3201(5) of ESEA defines immigrant students as those who

- are aged 3 through 21
- were not born in any State and
- have not been attending one or more schools in any one or more States for more than 3 full academic years.

This is different from identification of *migrant students* who are served by Title I-C, as described below. Anyone with questions about identifying or serving MLs and immigrant students may visit the [DPI English Learner web page](#) or contact [Marshall.Foster@dpi.nc.gov](mailto:Marshall.Foster@dpi.nc.gov).

### **Title I-C**

Migrant students are identified by trained school district staff or by recruiters from the North Carolina Migrant Education Program (MEP). During consultations, district staff or the recruiters should be able to explain the [identification procedures and the types of services](#) available under Title I-C. More details can be found at [the DPI Migrant Education web page](#) or from DPI coordinators [Heriberto.Corral@dpi.nc.gov](mailto:Heriberto.Corral@dpi.nc.gov), [Juan.Alvarez@dpi.nc.gov](mailto:Juan.Alvarez@dpi.nc.gov) and [Hunter.Ogletree@dpi.nc.gov](mailto:Hunter.Ogletree@dpi.nc.gov).

### **Title IV-A**

During consultation the private school should identify, using measurable terms, specific needs that may be addressed with the Student Support and Academic Enrichment grant (Title IV-A). [USED's Non-Regulatory Guidance](#) provides information about the types of activities that may be conducted in the following three areas:

- A. well-rounded educational opportunities
- B. safe and healthy students and
- C. effective use of technology.

For districts with allotments over \$30,000, the twenty percent minimums for areas A and B and the 15% maximums for area C apply to the entire PRC 108 budget, which includes the proportionate share. In other words, because all funds for equitable services are spent by the district (and none by private

schools), the percentages are tallied without regard to which dollars are for equitable services and which are for the district's needs. Therefore, services provided at private schools may or may not include all three of the areas listed above.

Title IV-A activities may include the purchase of materials or equipment, if reasonable and necessary to address the identified needs. However, installations that require modifications or renovations to a building are not allowed. Any materials or equipment purchased with ESEA funds must be maintained as district property and not simply turned over to the private schools. Please see *Part 4* for more information.

#### **Title IV-B**

Districts participating in 21<sup>st</sup> Century Learning Center grants are required to reach out to certain private schools, as described in their approved application for Title IV-B funds. For more information, district staff should visit the [DPI 21st Century Community Learning Center web page](#) and contact the DPI program administrator assigned to their grant.

*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).*