

# California Department of Education

## Statewide Equitable Services Webinar 4/20/2023

### Questions and Answers

#### CONSULTATION:

1. We have a lot more schools showing as Private Schools up that are home-schools. Many of them have responded to us to not reach out to them again. Can we keep record of that communication and quit reaching out each year?

A: A Local Education Agency (LEA) must annually contact officials of private schools located in the attendance or service area of the LEA to determine whether those officials would like for their eligible children and educators to participate in equitable services under each covered Elementary and Secondary Education Act (ESEA) program in which the LEA participates. (ESEA sections 1117(b)(1) and 8501(c)(1))

2. Does this affect charter schools that are Title schools or would this be applicable instead to the district school of residence? I know Equitable Services does not apply to Charter Schools but does it apply to Charter Districts?

A: Charter school LEAs generally are not required to provide equitable services for eligible private school children or educators in formula grant programs. The traditional LEA in the area generally would receive any formula grant funds attributable to, or for, eligible private school children and educators and that LEA would have the responsibility to provide them equitable services.

With respect to discretionary grant programs and the 21st Century Community Learning Centers (CCLC) program, however, charter school LEAs are required to provide equitable services for eligible private school children or educators, unless these children or educators are served under the same program by the traditional LEA in the area. A charter school LEA may consult with private school officials representing private schools and may limit consultation and services to private schools within a reasonable proximity of the charter school, even if the charter school LEA serves a larger geographic area.

3. Do we need to contact only non-profit private schools for Title I outside of the district? Or should we also consider for profit private schools too?

A: ESEA section 1117 requires participating LEAs, in consultation with appropriate private school officials, to provide eligible children attending private **non-profit** elementary and secondary schools, their teachers, and their families with Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families. Eligible private school children are children who reside in a participating Title I public school attendance area and are low achieving.

4. How do LEAs learn about new private schools in their district? Where at the CDE do we find the list of the most recent non-profit private schools?

A: An LEA has a responsibility to contact all non-private schools within the district for Title I, Part C, Title II, Title III, and Title IV services, as well as non-profit private schools that might have students eligible to participate in Title I programs—i.e., students who live in a participating Title I public school attendance area in the LEA. An LEA also has a responsibility

to contact non-private schools outside the district if the LEA has reason to believe students who reside in a participating Title I public school attendance area attend those schools for Title I, Part A services only.

An LEA may access the CDE Private School Directory at the following link as a resource to locating private schools: <https://www.cde.ca.gov/SchoolDirectory/active-or-pending-schools/2>

5. When is Consolidated Application (ConApp) opening? Should we expect the Winter and Spring ConApp to reset anytime soon?

A: Please contact the ConApp Support Office at [conappsupport@cde.ca.gov](mailto:conappsupport@cde.ca.gov)

6. What documentation can an LEA request from private school students living in the attendance area, like income form information? Same as for the LEA

A: An LEA is responsible for providing equitable services. Because an LEA may not have all necessary information available to do so, however, the LEA may need to request assistance from private school officials to obtain information or documentation that enables the LEA to meet its responsibilities. For example, to calculate the proportional share of funds available to provide equitable services, an LEA may need assistance from private school officials regarding which private school students are from low-income families and their addresses so the LEA can determine whether these students reside in a participating Title I public school attendance area. Similarly, to identify students who are eligible for equitable services (i.e., they reside in a participating Title I public school attendance area and are low-achieving), an LEA may need assistance in obtaining information on the academic performance of low-achieving private school students as well as their names, addresses, and grades to determine, in consultation with appropriate private school officials, what services will be provided.

7. For clarification: The contractor could be a private school teacher, provided there is a contract in place, and they don't include religious instruction during the contracted service time?

Please clarify if a school employee may be hired by the LEA to provide services outside of their normal work hours?

A: Yes, An LEA may hire a private school teacher to provide Title I services only if the teacher is independent of the private school in the provision of Title I services. The private school teacher must be employed by the LEA for Title I purposes outside of the time he or she is employed by the private school and the private school teacher must be under the direct supervision of the LEA with respect to all Title I activities. (ESEA section 1117(d)(2)).

8. What determines if a private school qualifies?

A: The private school needs to be a nonprofit private school having students and teachers eligible for equitable services.

An "Intent to Participate" form is a document that LEAs send annually to private school officials to determine their interest in participating in the equitable services' federal programs. The form might include a brief description of the programs for which equitable services are available as well as a list of allowable activities, services, and benefits. Some LEAs send this form by registered mail to document receipt of the form by private school officials. An LEA might also send such a form by email with read receipt.

9. What if you have a private school eligible for consultation, but there are no students at the school eligible for free & reduced lunch?

A: Then there is no funding for services.

10. LEA is the holder of the contract? We have some strict insurance guidelines that could be steep for the smaller consultants supporting the NPS.

A: Following consultation, an LEA may provide the equitable services directly or indirectly through contracts with individuals and public and private agencies, organizations, and institutions so long as those entities are independent of the private school in the provision of those services. (ESEA sections 1117 and 8501(d)(2)). The LEA remains responsible, however, for the oversight of the educational programs.

11. If a private school does not respond by the deadline for submitting names, can we tell them they are not eligible for the coming fiscal year?

A: An LEA may set reasonable deadlines, taking into consideration private school schedules. An LEA should provide clear and sufficient notice of the deadlines, identify potential consequences for not meeting the deadlines, and give adequate time for private school officials to respond.

12. What if the private school is virtual, but based out of state?

A: Eligibility is based on the different programs. In Title I, Part A students must reside in the LEA's Title I participating attendance area. In Title II, III, IV the nonprofit private school must be in the LEA's geographic area (District boundary).

13. How is 'attendance area' determined for a County Office?

A: Equitable Services requirement is for local educational agencies (LEAs) with an attendance area. An LEA must annually contact officials of private schools located in the attendance or service area of the LEA to determine whether those officials would like for their eligible children and educators to participate in equitable services under each covered ESEA program in which the LEA participates.

14. What is the best way to ask for proof of residency of the Private School student to confirm they live within a Title I area?

Can a school receive services from more than one LEA?

A: Eligible students receive Title I services from the LEA which they reside in. Private schools do not receive services.

15. Can the deadline to indicate participation be in the spring of the current year? For example, can we set the deadline in June 2023 for 2023-24 services?

What is the deadline for Private schools to spend their allocation each year?

A: Funds allocated to an LEA for educational services and other benefits to eligible private school children, their teachers, and their families must be obligated in the fiscal year for which the funds are +received by the LEA.

The applicable fiscal year is the Federal fiscal year, which ends on September 30 of each year. Although the State in which an LEA is located may operate on a different fiscal year (e.g., July

1 through June 30), September 30 is the date by which an LEA must obligate funds for equitable services to meet ESEA sections 1117 and 8501(a)(4)(B). For example, with respect to fiscal year 2022 Title I funds that an LEA received for the 2022-2023 school year, the ESEA requires an LEA to have obligated all the funds generated for equitable services by September 30, 2023. In other words, the obligation period does not end with the end of the school year or the State’s fiscal year.

16. Can a private school request that unused/unobligated Title funds be carried over to the following fiscal year?

A: The purpose of the obligation requirement is to ensure that an LEA obligates the funds available to provide equitable services in the fiscal year for which the funds are appropriated so that eligible students, teachers and other educational personnel, and families receive the services to which they are entitled in a timely manner. This provision reinforces the requirement that an LEA conduct timely consultation with private school officials to design appropriate equitable services so that those services can begin at the beginning of the school year for which the funds are appropriated.

If an LEA is providing equitable services as required and meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B), it generally should not have any, and certainly not significant, carryover. The ESEA, however, does not prohibit carryover of funds for equitable services and, in most cases, requires it. The following are examples of circumstances that could result in carryover of equitable services funds and how an LEA would use such carryover:

<b>Reason for Carryover</b>	<b>Use of Carryover</b>
Services for eligible children in one or more private schools are delayed (e.g., based on a natural disaster, delayed consultation, inability to employ qualified personnel, or unexpected procurement challenges). As a result, the LEA is unable to fully provide required equitable services, and some funds are unobligated at the end of the Federal fiscal year.	The LEA must use the funds to provide equitable services to eligible children in the affected private schools the following year.
An LEA uses a third-party contractor to provide equitable services, and the invoiced amount for services in one of the private schools is \$1,000 less than anticipated. Because this occurs late in the summer, the LEA is unable to responsibly obligate the funds prior to the end of the Federal fiscal year.	The LEA, in consultation with private school officials, must use these funds the following year to provide equitable services to students in the affected private school. If, after consultation, those private school officials decline such services, the LEA must add the funds to the proportional share available for equitable services to other participating private schools. If there are no other participating private schools, the funds may be used to provide Title I services in public schools.

17. When you say outside of the district, are you meaning outside of the region? Do we have parameters of what a reasonable area to reach out to is?

A: An LEA has a responsibility to contact all private schools within the district that might have students eligible to participate in Title I programs—i.e., students who live in a participating Title I public school attendance area in the LEA. An LEA also has a responsibility to contact private schools outside the district if the LEA has reason to believe students who reside in a participating Title I public school attendance area attend those schools. An LEA may not be aware, however, of every instance in which a student who resides in a participating Title I public school attendance area attends a private school outside of the district.

18. Would a student qualify is sped student, but student is not low income? Does the student qualify for services?

A: Students qualify for services based on their academic progress and not on their income status. They must reside is a Title I participating area and be failing or at risk of failing on state academic, standards

19. How about if a private school chooses not to go through the consultation b/c they know they do not want to participate?

A: Private school participation is not mandatory. An LEA must initiate the consultation process. (ESEA sections 1117(b)(1) and 850(c)(1)). One way to accomplish this is for the LEA to extend an invitation to officials of each private school that indicates an intent to participate and to convene a meeting at a time and place determined in consultation with private school officials.

20. Please share the pooling of funds and how this could benefit multiple schools in the same non-profit education system.

A: Consistent with ESEA sections 1117(b)(1)(J) and 8501(c)(1)(H), following consultation with, and the agreement of, private school officials (see B-9), an LEA may choose one or more of the following options for providing equitable services to eligible private school children and teachers by:

School-by-School:

- Provide equitable services, as applicable, to eligible private school children and educators in each school based on the amount of funds generated by the total number of children or number of eligible children, as applicable, enrolled in the school.

Pooling within an LEA:

- Provide equitable services, as applicable, to eligible private school children and educators in a private school that is part of a group of private schools (such as a group of schools under the authority of single organization) by pooling the funds generated by the total number of children or number of eligible children, as applicable, enrolled in private schools in the group.

- The LEA, in consultation with appropriate private school officials, must establish criteria to determine how services will be allocated for eligible private school children and educators in schools within the pool.

- The services provided to private school children and educators in a particular school do not depend on the amount of funds generated by children enrolled in that school; rather, the services are based on the criteria developed for allocating services among the eligible private school children and educators. If private school officials representing different groups of private schools request pooling, the LEA may establish a separate pool for each requesting group.



21. How would we be able to determine a proportional share if private schools don't want to participate and do not provide the number of students residing within our title 1 funded school boundaries?

A: If the private school does not wish to participate in the program, then the LEA does not need to obligate any funds for services.

22. If my district is a Title I wide district, do I still need to ask for proof of income?

A: Yes. The LEA shall calculate the number of students, 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

23. What income range qualifies?

A: Using the same measure of low income used to count public school children (see above)

24. Does the private school fill out the form after you've had a consultation meeting with them?

A: The affirmation of consultation and results of agreement documents are generally signed when consultation on the planning and design of the next year's program has been completed.

25. Were you going to review the four permissible methods of counting private school children hailing from low-income families (for the purpose of determining the equitable share of Title I, Part A)?

A: (See above)

## **Title I C**

26. Are we to be using our migrant funding for private schools or can we use Title 1 reservations/set-asides for migrant?

A: Private school students who qualify for the migrant education program would receive services from the migrant district program or regional program the school is located within. Title I, Part C funds are reserved specifically for migratory students.

## **Title II STATE LEVEL**

27. Is Title II State Level Equitable Services different from LEA Title II funding?

A: This is just a different "pot" of Title II funding. The state maintains a proportional share prior to administering the remainder to the LEA's. The state level provides PD to private school educators based on the needs gathered on statewide consultation surveys. The LEA level Title

It can be more targeted and specific to the needs of just those teachers at that specific school. The SEA level Title II is just an additional option for private schools and requires nothing of them other than to go to our site and register for events they may be interested in: [www.capspdnow.com](http://www.capspdnow.com)

28. Where can we get the info on the conference?

A: The registration will soon be live at: [www.educationspeakersnetwork.com/CAPSPD23](http://www.educationspeakersnetwork.com/CAPSPD23)

29. If the schools wish to use the state level opportunities, does the LEA need to carry out the contract with the provider?

A: The LEA has no responsibilities to the SEA level Title II services other than sharing the information and opportunities with your private schools as an additional resource for free PD!!! The best way for them to find out is to register at our Learning Management System and join our listserv.

30. Can LEAs be on Listserv to be in the loop?

A: ABSOLUTELY! *If you would like to receive updates via e-mail notification, subscribe to the private school professional development listserv by sending a "blank" message to: [join-private-school-professional-development@mlist.cde.ca.gov](mailto:join-private-school-professional-development@mlist.cde.ca.gov)*

## **Title II LOCAL EDUCATION AGENCY (LEA) LEVEL**

31. If an LEA and Private School have an agreement for Title II services, but the Private School wants to make a change and add additional services, can the agreement be changed mid-year or does it have to wait until the following year?

A: Yes. Consultation is ongoing, and changes can be made mid-year.

32. Can you provide specific qualifications/guidelines for the Tuition reimbursement?

A: Title II, Part A equitable services funds may pay for private school teacher and/or principal tuition as long as it is aligned with the identified needs of the private school students, allowable under Title II, considered reasonable and necessary to carry out the purposes of the program, discussed during consultation, and approved by the LEA. If determined allowable, the timeline for tuition reimbursement would be established by the LEA during the consultation process.

33. Should we use the private school enrollment from the affidavit that talks to our CONAPP or should we use the number they give us and then our CONAPP is different than our actuals?

A: The information filed in the Private School Affidavit (PSA) is not verified and the California Department of Education takes no position as to its accuracy. The PSA student enrollment is used in Consolidated Application Purpose (ConApp). It is expected that districts engaged in private school consultation verify nonprofit status and the accuracy of student enrollment data if it is being used for the purpose of providing equitable services. Documentation should be kept on file by the LEA.

34. I have the same question. All of their students may  
A. Not reside within our LEA boundaries.  
B. Not reside within the title 1 school boundaries

A: Nonprofit private elementary and secondary schools located within the LEA boundaries are eligible to participate and receive the Title II, Part A equitable services. Nonprofit private schools located outside the LEA boundaries do not qualify for the Title II, Part A equitable services.

35. Yes, but there may be students in the Private school, who don't reside within our LEA boundaries. How is that accounted for?

A: Nonprofit private elementary and secondary schools located within the LEA boundaries are eligible to participate and receive the Title II, Part A equitable services. Nonprofit private schools located outside the LEA boundaries do not qualify for the Title II, Part A equitable services.

36. For tuition reimbursement, what qualifies or is allowable for tuition reimbursement?

A: Title II, Part A equitable services funds may pay for private school teacher and/or principal tuition as long as it is aligned with the identified needs of the private school students, allowable under Title II, considered reasonable and necessary to carry out the purposes of the program, discussed during consultation, and approved by the LEA.

37. What are "Administrative Costs"? Are these costs determined by the LEA or by the private school or both?

A: Administrative costs are considered any costs, indirect or direct that are administrative in nature and support management of a program. The CDE has been granted authority by the U.S. Department of Education to review and approve indirect cost rate for California LEAs. Administrative costs are determined by the LEA.

38. If a private school does not use funds or only uses a portion of the funds, are they able to carry that over? If yes, for how long? Also, can the LEA allow the schools to keep a percentage of the unspent funds? For example, a school can carry over 15%. (The remaining would go back into the 'bucket' for redistribution.)

A: No, the LEA cannot allow the private schools to keep a percentage of unspent funds. ESSA section 8501(a)(4)(B) states that funds allocated to the LEA for educational services and other benefits to eligible private school children must be obligated in the fiscal year for which the funds are received by the LEA. If there are extenuating circumstances please contact the CDE Title II office at [titleII@cde.ca.gov](mailto:titleII@cde.ca.gov) for guidance.

39. Can it pay for induction?

A: Title II, Part A equitable services funds may pay for induction as long as the program is aligned with the identified needs of the private school students, allowable under Title II, considered reasonable and necessary to carry out the purposes of the program, discussed during consultation, and approved by the LEA.

40. What are the guidelines for supporting religious private schools? Are Title II allowed to be used for sending private school staff to conferences when it is mostly religious sessions? Is there a breakdown for what can be supported?

A: Title II, Part A equitable services must be secular, neutral, and non-ideological. Title II, Part A equitable services funds may be used to pay for private school teachers to attend a professional conference sponsored or conducted by a faith-based organization to the extent



that the conference or workshop is part of a sustained and comprehensive secular professional development (PD) plan for the teacher. In this case, Title II, Part A funds may be expended to pay for the portion of the costs of the conference that, as determined by the LEA, represent the secular PD in which the teacher participated and the LEA would pay or reimburse the teacher for the secular portion of their attendance at the conference.

41. How are travel and per diem costs calculated for Private School Teachers attending multiple day conferences?

A: The travel and reimbursement policy of the LEA also applies to private school teachers. Title II, Part A funds may be expended to pay for the portion of the allowable costs of the conference including travel expenses. A review of relevant travel and reimbursement policies and procedures should be part of the consultation process.

42. Are we taking into consideration ALL private school students or just the ones who qualify for Title I services to figure out the Title II allocation?

A: For Title II, Part A nonprofit private school equitable services, it is the total enrollment of the participating private school.

43. Is there a more of a breakdown or worksheet that can be provided for determining the percentage of funds allowed to pay for religious conferences? or as a district can we just decide to deny all religious conferences?

A: An LEA cannot deny all religious conferences. Title II, Part A equitable services funds may be used to pay for private school teachers to attend a professional conference sponsored or conducted by a faith-based organization to the extent that the conference or workshop is part of a sustained and comprehensive secular professional development (PD) plan for the teacher. In this case, Title II, Part A funds may be expended to pay for the portion of the costs of the conference that, as determined by the LEA, represent the secular PD in which the teacher participated and the LEA would pay or reimburse the teacher for the secular portion of their attendance at the conference.

In determining the costs associated with a private school teacher's participation in the conference, an LEA would need to (1) determine the sessions of the conference that provide secular, neutral, and nonideological professional development; (2) have the teacher document his/her participation in such program sessions in such a way that the LEA is able to determine the percentage of the teacher's overall time spent attending those sessions; and (3) apply that percentage against the overall cost of attending the conference as a whole. For professional development activities, whether in-person or via a virtual/online format, an LEA might require that a private school teacher provide both titles and descriptions of the sessions the teacher expects to attend, as well as some form of verification that he/she participated in the sessions. For example, a conference runs from 8:00 a.m. to 5:00 p.m. (with an hour for lunch). If for the 8 hours of work time, the teacher spends 6 hours attending/participating in secular sessions that meet the Title II, Part A requirements above, an LEA could use Title II, Part A funds to pay 75 percent of the 39 registration and travel costs, since the teacher has spent 75 percent of the full-day conference time attending/participating in secular activities. This response is from Draft Title VIII, Part F of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers and Families – Nonregulatory Guidance (2022)

<https://oese.ed.gov/files/2022/03/Draft-Title-VIII-Equitable-Services-Guidance.pdf>.

44. For Title II and IV programs, we go by enrollment numbers that the Private Schools provides us? Is this sufficient or do we use the PS Affidavit?

A: The LEA is responsible for verifying student enrollment of participating non-profit private schools as part of the consultation process. The LEA must keep the verified non-profit private school's student enrollment numbers on file for the proportional share calculation determination. To verify student enrollment number, the LEA could ask for student roster/enrollment to verify the number of students enrolled.

### **TITLE III**

45. To clarify, private schools are to administer the HLS? Also, any recommendations on assessments that may be used to identify ELs?

A: Local educational agencies (LEA) are responsible for the initial identification of English learner students in private schools. LEAs are also responsible for the oversight and costs of initial identification. The identification is done through consultation process and the process is as follows:

The private school should identify those pupils being considered for participation in the Title III program and administer a Home Language Survey (HLS) that is to be completed by the parent or guardian of selected private school students. Private schools should use the same version of the HLS used by the LEA. If a language other than English is indicated on the HLS, the LEA is required to administer an initial, approved language assessment (the English Language Proficiency Assessments for California are restricted and not allowed for this purpose) to those students. The assessments must have technical data demonstrating their validity and reliability to measure listening, speaking, reading, and writing skills in English for non-native speakers. A list of tests that may be used for assessing the English language proficiency (ELP) of English learners in private schools may be found on the CDE List of Tests for English Learners web page. The LEA is responsible for costs and oversight of initial assessments.

Private schools may wish to further assess identified EL students in their primary language to diagnose needs and determine the best strategies to assist students in furthering their ELP. Once identified as an EL, a private school may request that a student continue to receive Title III services in subsequent school years until the student attains English proficiency.

46. Who assesses students identified to be EL students, the LEA, or the private school?

A: The LEAs are responsible for the initial identification and assessment of EL students. LEAs are responsible for the oversight and costs of initial identification. After initial identification, the private schools (with consultation with LEAs) are responsible for annual assessments to make sure EL students in Private school are making progress. The identification and assessment are done through consultation process.

Private schools should identify those pupils being considered for participation in the Title III program after having administered a Home Language Survey (HLS). Pupils with an HLS indicating a language other than English are assessed for language proficiency.

English proficiency of private school EL students must be assessed annually to determine their continued eligibility for Title III services. With the LEA's consultation, the private school decides on the English language proficiency assessment to be used.

47. Can the Initial ELPAC assessment be used for identification of EL students in the private schools?

A: The English Language Proficiency Assessments for California are restricted and not allowed to be used by private schools.

48. Just to check my understanding, the LEA completes the initial assessment, but the private school completes the summative annual assessment?

A: The LEAs are responsible for the initial identification of EL students. LEAs are responsible for the oversight and costs of initial identification. After initial identification, the private schools (with consultation with LEAs) are responsible of annual assessments to make sure EL students in Private school are making progress. The identification and assessment are done through consultation process.

49. It is my understanding that because the Initial ELPAC is a state-administered test, it cannot be used for private schools. Is that correct?

A: Yes, your understanding is correct. If a language other than English is indicated on the HLS, the LEA is required to administer an initial, approved language assessment (the English Language Proficiency Assessments for California are restricted and not allowed for this purpose) to those students. The assessments must have technical data demonstrating their validity and reliability to measure listening, speaking, reading, and writing skills in English for non-native speakers. A list of tests that may be used for assessing the English language proficiency (ELP) of English learners in private schools may be found on the CDE [List of Tests for English Learners](#) web page.

50. EL in Private schools who are receiving services get assess once a year. Is this correct?

A: Yes. English proficiency of private school EL students must be assessed annually to determine their continued eligibility for Title III services. With the LEA's consultation, the private school decides on the English language proficiency assessment to be used.

## TITLE IV

51. Can title IV be used for a reading or speech therapist?

A: As long as you follow Title IV, Part A - Authorized Use of Funds criteria. You can find it at: <https://www.cde.ca.gov/sp/st/tivpaauthuseoffunds.asp>.

52. If we have a carryover from the previous year, does the 20% apply to the total amount, or only the current year allocation?

A: The 20% applies to the total amount for the funding year which includes the one additional (carryover) year to use the funds at the end of the grant period. Remember to keep each FY year separate and do not combine the funds together.

53. For Title II and IV programs, do we go by enrollment numbers that the Private Schools provide us? Is this sufficient or do we use the PS Affidavit?

A: While the private school affidavit (PSA) has good initial information about the non-profit private schools (NPS) like address and applicable grade span information, it is best practice to calculate proportional share based on the student data actuals provided and verified by the NPS during the consultation process.