



MONITORING AND ENFORCING EQUITABLE SERVICES

COMBINED FEDERAL PROGRAMS MEETING

DECEMBER 6 – 7, 2018 | WASHINGTON, DC

TECHNOLOGY CHECK

PLEASE MAKE SURE YOU ARE READY TO ENGAGE IN OUR PRESENTATION!

Poll Everywhere

1. Navigate to our Poll Everywhere URL on your preferred device:
www.pollev.com/CFPM4
2. As we activate polls during the session, they will populate automatically on your device.



OBJECTIVES

PARTICIPANTS WILL:

- Understand the statutory equitable services requirements under the Elementary and Secondary Education Act (ESEA);
- Be able to identify the specific responsibilities of the state education agency (SEA) and local education agency (LEA); and
- Gain knowledge of strategies and methods for monitoring and enforcing equitable services requirements.



AGENDA

- ESEA Equitable Services Requirements
 - SEA Responsibilities
 - LEA Responsibilities
 - LEA Consultation
- Monitoring Equitable Services
 - Consultation
 - Obligation of Funds
 - Assessing Needs
 - Assessing Services
- Resources & Next Steps



PRESENTERS

Jenay Morrissey

Management and Program Analyst

Office of Non-Public Education

U.S. Department of Education



What is your role? (Please select all that apply.)

Federal Programs (director, general)

ESEA Equitable Services Ombudsman

ESEA Equitable Services in Specific Program Area

Title I

Title II

Title III

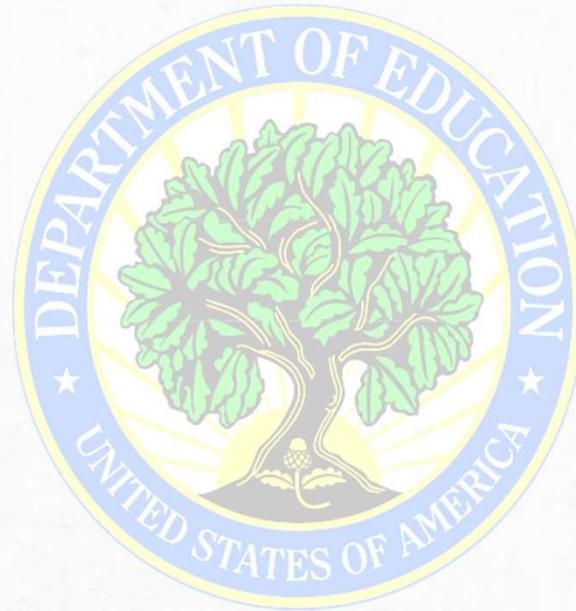
School Improvement

Foster Care

Assessment

Special Education

Other



ESEA Equitable Services Requirements



EQUITABLE SERVICES REQUIREMENTS

SEA RESPONSIBILITIES:

- Designate an ombudsman to monitor and enforce ESEA equitable services requirements
(§1117(a)(3)(B) and §8501(a)(3)(B))
- Collect affirmation of consultation documentation
(§1117(b)(5) and §8501(c)(5))
- Provide notice of allocations to private schools
(§1117(a)(4)(C) and §8501(a)(4)(C))
- Investigate and resolve formal complaints
(§1117(b)(6)(A) and §8501(c)(6)(A))
- Provide equitable services with state level activity funds when applicable
(§8501(a)(1))



EQUITABLE SERVICES REQUIREMENTS

LEA RESPONSIBILITIES:

- Conduct and document timely and meaningful consultation
(§1117(b) and §8501(c))
- Have goal of reaching agreement
(§1117(b)(1) and §8501(c)(1))
- Allocate a proportionate share of funds for providing equitable services
(§1117(a)(4)(A)(i) and §8501(a)(4)(A))
- Provide services that meet the needs of students and teachers
(§1117(a)(1)(A) and §8501(a)(1))
- Assess services
(§1117(b)(1)(D) and §8501(c)(1)(D))
- Obligate funds in the year they are received
(§1117(a)(4)(B) and §8501(a)(4)(B))



EQUITABLE SERVICES REQUIREMENTS

LEA CONSULTATION

Discussion should include:

- How children's needs will be identified
- How, where, and by whom services will be provided
- Size and scope of services
- Amount of funds available and how it is determined
- Third-party contracts
- Pooling (§1117(b) and §8501(c))

CONTINUED



EQUITABLE SERVICES REQUIREMENTS

LEA CONSULTATION- CONTINUED

Discussion should include:

- Services offered
- How services will be assessed
- Method or data source for determining the number of low-income children (Title I specific)
- When services will be provided (Title I specific)
- Whether to use funds in coordination with funds available under other programs (Title I specific)

(§1117(b) and §8501(c))



CONSULTATION

Documentation of Consultation Required

Timely and meaningful consultation must continue **throughout** the implementation and assessment of services and shall occur **before** the local education agency makes **any** decision that affects the opportunities to participate of eligible private school students, teachers, and other education personnel.



Use of 3rd Party Provider and Written Explanation for Not Using 3rd Party Provider

Assessment of Services

Title I, Part A – Additional Topics: Method for Determining Number of Low-Income Students; Consolidation and Coordination of Title Funds for Services; Results of Consultation Agreement Must Be Transmitted to Ombudsman; Written Explanation for Disagreements

Needs of Private School Students and Teachers

How & When Decisions are Made

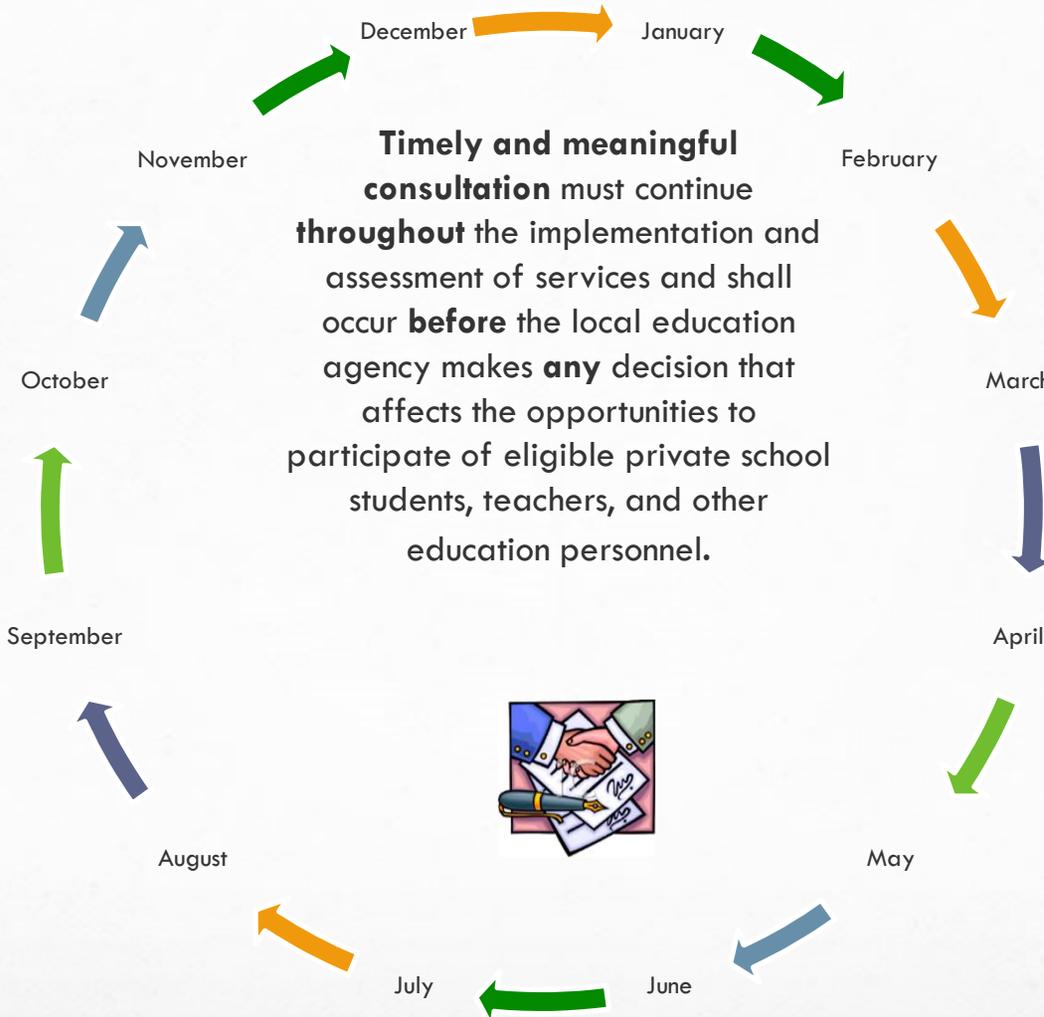
Amount of Funds Available for Services and How the Amount Is Determined

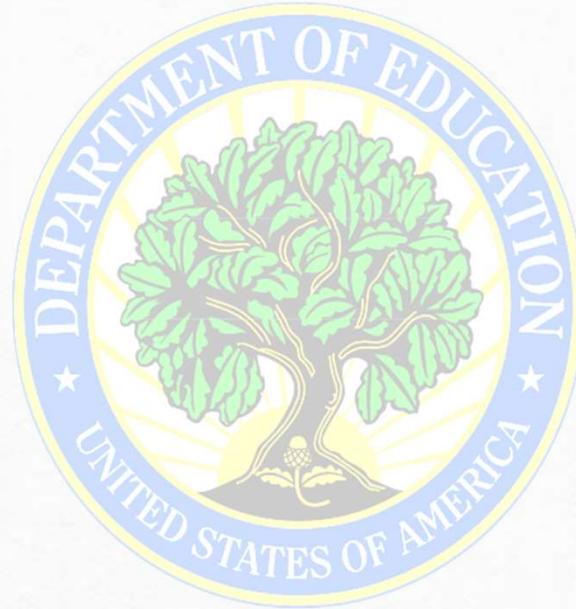
How, where, when and by whom services are provided

Pooling of Funds

Size and Scope of Services

Providing Services Directly or Via Another Entity





Monitoring Equitable Services



MONITORING EQUITABLE SERVICES

HOW DO WE KNOW IF SERVICES ARE EQUITABLE?

Services are equitable if the agency or consortium of agencies -

- (i) Addresses and assesses the specific needs and educational progress of eligible private school children and their teachers and other educational personnel on a comparable basis to public school children and their teachers and other educational personnel;
- (ii) Determines the number of students and their teachers and other educational personnel to be served on an equitable basis;
- (iii) Meets the equal expenditure requirements under [paragraph \(a\)](#) of this section; and
- (iv) Provides private school children and their teachers and other educational personnel with an opportunity to participate that -
 - (A) Is equitable to the opportunity and benefits provided to public school children and their teachers and other educational personnel; and
 - (B) Provides reasonable promise of participating private school children meeting challenging academic standards called for by the State's student performance standards and of private school teachers and other educational personnel assisting their students in meeting high standards

34 CFR 299.7(b)(2)



MONITORING EQUITABLE SERVICES

HOW DO WE KNOW IF SERVICES ARE EQUITABLE?

1) Timely and meaningful consultation occurred.



What mechanism must be utilized to verify that timely and meaningful consultation has taken place?

 When poll is active, respond at **PollEv.com/cfpm4**

 Text **CFPM4** to **22333** once to join

MONITORING EQUITABLE SERVICES

HOW DO WE KNOW IF SERVICES ARE EQUITABLE?

- 1) Timely and meaningful consultation occurred.
- 2) A proportionate share of funds is allocated and obligated for equitable services.



OBLIGATION OF FUNDS

DISCUSSION

STRATEGIES TO ENSURE FUNDS
ALLOCATED FOR EQUITABLE SERVICES
ARE OBLIGATED IN THE YEAR THEY ARE
RECIEVED



MONITORING EQUITABLE SERVICES

HOW DO WE KNOW IF SERVICES ARE EQUITABLE?

- 1) Timely and meaningful consultation occurred.
- 2) A proportionate share of funds is allocated and obligated for equitable services.
- 3) Services are provided in a timely manner and meet the needs of students and teachers.



ASSESSING NEEDS

DISCUSSION

STRATEGIES TO ASSESS STUDENT AND TEACHER NEEDS



ASSESSING SERVICES

EXAMPLES

- Surveys
- Test scores
- Teacher reports





Questions?

RESOURCES & NEXT STEPS

- [ESSA Fiscal Changes and Equitable Services Guidance](#)
- [Ombudsman Corner](#) – newsletter and directory
- [Title I, Part A Section 1117](#)
- [Title VIII, Part F Section 8501](#)
- [State Support Network Ombudsman Hub](#) – online collaborative space for ombudsmen



CONTACTS

Jenay Morrissey

Jenay.morrissey@ed.gov

202-260-2465

Office of Non-Public Education

onpe@ed.gov

202-401-1365



SESSION EVALUATION

PLEASE GIVE US YOUR FEEDBACK!

Participants will:

- Understand the statutory equitable services requirements under the Elementary and Secondary Education Act (ESEA);
- Be able to identify the specific responsibilities of the state education agency (SEA) and local education agency (LEA); and
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