MONITORING AND ENFORCING EQUITABLE SERVICES

COMBINED FEDERAL PROGRAMS MEETING
DECEMBER 6 – 7, 2018 | WASHINGTON, DC
TECHNOLOGY CHECK

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Poll Everywhere

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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 Morrisey
Management and Program Analyst
Office of Non-Public Education
U.S. Department of Education
What is your role? (Please select all that apply.)

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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))
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))
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))
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.
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)
1) Timely and meaningful consultation occurred.
What mechanism must be utilized to verify that timely and meaningful consultation has taken place?

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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 RECEIVED
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

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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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