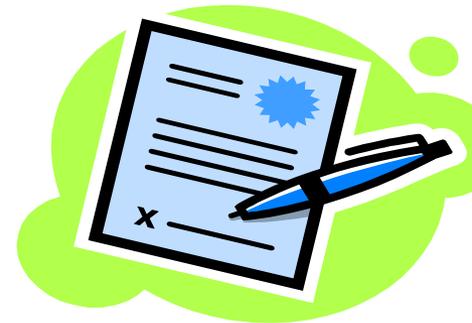


# **Contracting with a Third Party for Title I Services to Eligible Private School Children**

## **National Association of State Title I Directors' Conference**

**January 21, 2010 Washington, DC**



# Overview

The purpose of this session is to provide information that will ensure that LEA contracts for Title I services to eligible private school children meet requirements related to the Elementary and Secondary Education Act (ESEA) and the General Education Provisions Act (GEPA).



# ESEA Requirements

Section 9306(a) of ESEA requires that :

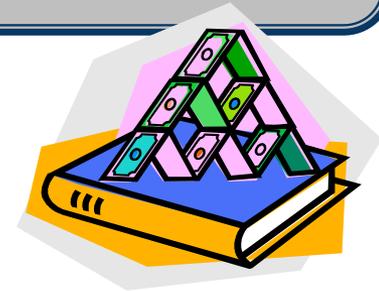
- ✓ The program will be administered in accordance with all applicable statutes and regulations; and
- ✓ The subgrantee will maintain control of the program.

# GEPA Requirements

Section 443(a) of GEPA requires subrecipients to maintain records that fully disclose:

- ✓ How the funds were used;
- ✓ Total cost of the activity for which the funds were used; and
- ✓ Other records that will facilitate an effective audit.

# Getting Started with the Process



The consultation process with private school officials is the first step or foundation for the contracting process.



In order to develop the RFP, consultation is necessary.

# Consultation

## Required consultation topics:

- How LEA will identify needs
- Services
- How, where and by whom
- Evaluation
- Size and scope of services
- Source of low-income data
- Services to teachers and families of participants
- Service delivery mechanism
- Third-party provider



# Consultation

Through the consultation process, the LEA should determine:

- Subject areas;
- Grade levels;
- How children will be selected;
- Professional development activities for classroom teachers of private school children participating in Title I;
- Activities that will be provided to families of private school children participating in Title I.



# Connecting the Consultation and RFP Processes



Once the LEA has consulted with private school officials, an LEA should use the information gathered during the consultation process to develop the RFP.

# Beginning the Procurement Process



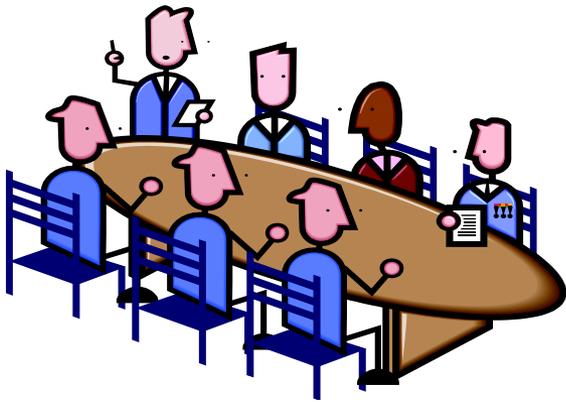
## Background



- Education Department General Administrative Regulations (EDGAR) requires LEAs to use the State's procurement procedures.
- LEAs may add other procedures as long as they are not in conflict with the SEA's procedures.

# Beginning the Procurement Process

An LEA may establish a committee to help with the procurement process.



# Beginning the Procurement Process

If an LEA does establish a committee, who should be on it?

The committee should include representation from:



Contracts  
Office



Title I  
Office



General  
Counsel

# Beginning the Procurement Process

## Committee Decisions/Responsibilities

- Determine the type of contract;
- Determine the tasks the contractor will perform;
- Decide the number of contractors;
- Develop the review process and the scoring rubric:
  - Determine who will serve on the review panel;
  - Determine the process for reviewing the proposals for compliance; and
- Write the RFP.

# Beginning the Procurement Process

The committee must also determine how it will monitor the third party for compliance with Title I and contract requirements; and



# Beginning the Procurement Process

What steps it will take if the contractor is not in compliance.



# Beginning the Procurement Process



The committee should develop a contracting timeline so that equitable services begin for eligible private school children at the same time as the program for public school children.

## The timeline should include important benchmarks:

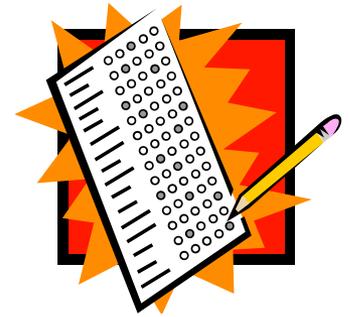
- Writing and approving of RFP;
- Length of time RFP is “on the street”;
- Dates of panel review;
- Bidders’ response time to panel’s questions;
- Financial negotiations; and
- Contract signing.

**Note: This process may take as long as 8 months**

# Request for Proposal (RFP)



The LEA Committee should write and issue an RFP that meets the needs of eligible private school children.



# Request for Proposal (RFP)

## The RFP should:

- Reflect all the tasks that the LEA wants completed;
- Require bidders to describe in detail how each required task would be completed;
- Require bidders to provide a breakdown of costs by each task in the cost proposal.
- Contain a list of required deliverables with due dates;



# Request for Proposal (RFP)

- Include the scoring rubrics the review panel will use;



- State that the amount of funds available for instruction, professional development, and parental involvement are not negotiable and may vary from year to year;



- Require bidders to indicate the percentage of administrative costs. Administrative costs should be a percentage of the instructional funds; and



- Include instructions to bidders on how to complete the proposal.



# The Review Process



## The Review Panel:

- Consider whether the State procurement rules allow private school officials to participate or is it considered a conflict of interest.
- LEAs should establish a process to determine if bidders' proposals are compliant with Title I equitable services requirements.
- Review panel members must be knowledgeable about Title I equitable services requirements so they are able to accurately discern non-compliant proposals



# Reviewing the Responses to the RFP

## The Review Process:

- Non-compliant responses should not be awarded any points.
- Points should be awarded by the review panel to bidders who have plans or descriptions that accurately reflect the Title I equitable services requirements.



# Common Elements of Both the RFP and Contract

What should the LEA include in both the RFP and contract?

The LEA should include definitions and uses for:

- Instructional;
- Administrative;
- Professional development; and
- Parental involvement costs.



# Common Elements of Both the RFP and Contract



{ Example }

## **INSTRUCTIONAL COSTS**

For the purposes of this contract, instructional costs are defined as:

- Teacher and instructional aide salaries, including fringe benefits;
- Instructional materials, including such items as books, computers and software for student use, workbooks, and supplies.

# Common Elements of Both the RFP and Contract



{ Example }

## ADMINISTRATIVE COSTS

For the purposes of this contract, administrative costs are defined as:

- Costs the contractor incurs to administer the program, including but not limited to salaries and fringe benefits for the Director, assistants as needed, area supervisors, and support staff, office rent and utilities, office equipment and supplies, postage and mailings, telephone, travel, special capital expenses, escort time, professional development for Title I teachers and supervisors who are employees of the contractor, and the contractor's fee (profit).

# Common Elements of Both the RFP and Contract



{ Example }

## **PROFESSIONAL DEVELOPMENT COSTS**

For the purposes of this contract, professional development costs are defined as:

Costs the contractor incurs to provide professional development activities to private school teachers of participating private school children.

# Common Elements of Both the RFP and Contract



{ Example }

## **PARENTAL INVOLVEMENT COSTS**

For the purposes of this contract, parental involvement costs are defined as:

Costs the contractor incurs to provide parental involvement activities to parents of participating private school children.

# Common Elements of Both the RFP and Contract

REPORT CARD				
GRADING PERIOD	1	2	3	4
READING	A			
WRITTEN COMMUNICATION	A			
MATHEMATICS	C			
SCIENCE/HEALTH	B			
SOCIAL STUDIES	B			
ART	A			
MUSIC	A			
PHYSICAL EDUCATION	C			
Grade Average	B			
Attendance:	Present	40		
	Absent	0		
	Tardy	1		
<small>A = Excellent • B = Good • C = Satisfactory • N = Needs Improvement            U = Unsatisfactory • I = Insufficient / Incomplete</small>				
Student:	Grade:	Year:		



The LEA should provide the standards and assessment agreed to in consultation that the LEA will use to measure the effectiveness of the Title I program provided to private school children.

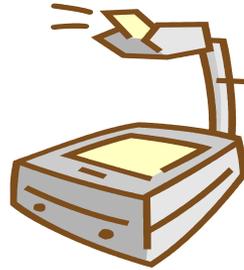


## Common Elements of Both the RFP and Contract

### Both should require:

- That invoices have separate categories for instructional, professional development, parental involvement, and administrative costs; and
- Sufficient documentation from the contractor prior to payment of the invoice.
- A description of the procedures for submission of invoices by the contractor including how often they are to be submitted.

# Common Elements of Both the RFP and Contract



## Statements that should be in both:

- All equipment purchased with Title I funds is the property of the LEA, not the contractor;
- The contractor will comply with all Title I statutory and regulatory requirements;
- The LEA has the right to withhold payment if any requirement is not met.



# Common Elements of Both the RFP and Contract

- The LEA will inform the contractor by \_\_\_\_\_ the amount of funds available for all activities (instruction, professional development, and family involvement);
- The contract may be modified if there is a reauthorization of the ESEA during the performance period of the contract; and
- Clauses that address GEPA and ESEA requirements.

# Common Elements of Both the RFP and Contract

**Both should provide information on LEA oversight:**

## Examples

- Monthly unannounced visits;
- Monthly or bimonthly reports by school of activities for children's services, professional development and family involvement activities; and
- Requests for more documentation to support invoices.



# Common Elements of Both the RFP and Contract

Both should contain a list of all deliverables with due dates.



# Contract

## The contract should contain:

- RFP
- The bidder's proposal with all changes required by the LEA
- Other sections as required by the LEA contract office

## Types of Contracts

- ▶ **Cost Reimbursement** – LEA will reimburse the third-party for costs incurred as part of providing the services (e.g. salaries of teachers, materials and supplies, etc.)
- ▶ **Fixed Price Plus Fee** – LEA is charged a specific amount to provide services (E.g. \$150,000 to provide services to 175 children).



## Further Clarification



Whichever type, the contract must reflect that the contractor is required to provide information about:

- ✓ How the funds were used;
- ✓ Total cost of the activity for which the funds were used; and
- ✓ Other records as will facilitate an effective audit.



## Further Clarification

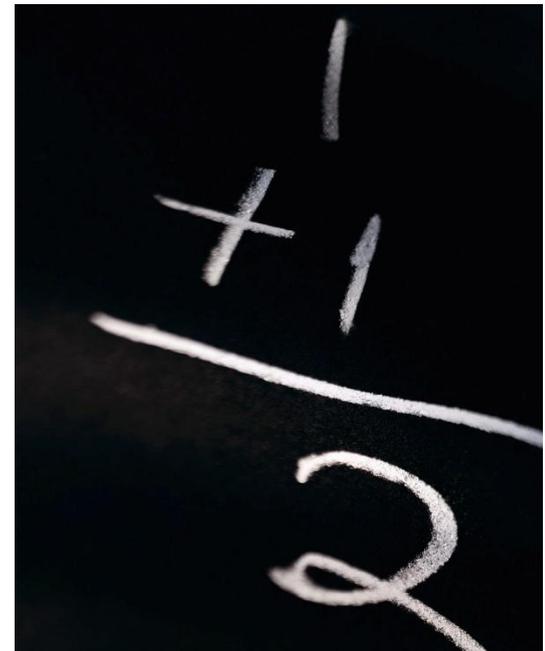
**\$100,000** – Instruction (salaries, materials, equipment)

**\$17,000** – Professional Development (personnel to provide professional development activities to classroom teachers of participating private school children)

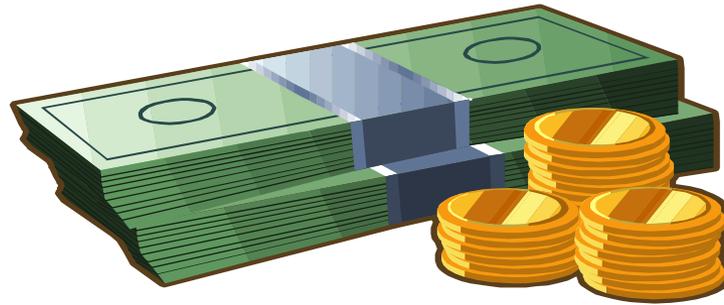
**\$5,000** – Family Involvement (personnel to provide activities to the families of participating private school children)

## Further Clarification

At the end of the school year, the instructional, professional development, and family involvement costs charged on the invoices should total the amount of funds generated by poverty private school children.



## Further Clarification



### **Contractor's administrative costs**

- Must be included in the LEA's reservation for administration (section 200.77(f))

# Discussion



## Discussion

ABC School District has contracted with a third party to provide services to private school children and their teachers. Private school officials told ABC to hire Great Services Company to provide the services.

According to the contract, Great Services Company will provide training for 15 teachers in 3 private schools on the implementation of the private schools' reading program.

## Discussion

Great Services will also provide tutoring in reading in grades 2-5. Participants will be provided 45 minutes of service 3 times per week for 15 weeks.

## Discussion

The total amount for this contract is \$37,000. This amount includes salary and benefits for all Great Services tutors and their supervisors, training for Great Services staff and private school classroom teachers of private school participants, and all materials, equipment and supplies needed.

# Questions?



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