



ESSA: Fiscal Requirements for Nonpublic School Services

March 22, 2017 -NJ Forensic Science Center, Hamilton, New Jersey

March 28, 2017 -Morris Union Jointure Commission, New Providence, NJ

March 31, 2017 -Camden County Community College, Blackwood, NJ



AGENDA

Introduction:

Karen Campbell

EWEG Update:

- Availability
- Obligation Period
- Critical LEA Actions
 - Needs Assessment
 - Consultation

Office of Grants Management Staff
Office of Grants Management Staff
Program Office Staff

Title I, Part A Fiscal Changes

Title I Operations and Program Staff

- Statutory Changes
- Operational Changes: Overview of Title I, Part A Eligibility Page Changes
- Allowable Uses of Funds

Title II, Part A Fiscal Changes

Sandy O'Neil, Program Coordinator

- Statutory Changes
- Operational Changes
- Allowable Uses of Funds

Next Steps/Closing Remarks



EWEG Update

- July 1, 2017: Project Period Begins
- Application release: TBD
 - Issues impacting release
 - Release of 2017-2018 preliminary allocations
 - Availability of federal guidance
 - Redesign of application for ESSA



The Every Student Succeeds Act (ESSA)

- Passed December, 2015, *ESSA* provides new opportunities for shaping education policy in New Jersey to support educational equity.
- Ensures equitable access to resources and opportunities through:
 - **Funding opportunities for students and programming**
 - **Measuring and reporting school performance**
 - **Ensuring support for struggling schools and students**



Opportunities Under *ESSA*

- Provides opportunities for states and school districts around:
 - Assessment systems
 - Accountability systems, interventions, and student supports
 - Use of federal funds
- Prohibits any U.S. Secretary of Education from requiring states to adopt specific standards, assessments, teacher evaluation methods, or other key policies.



ESSA: The Big Picture

The Every Student Succeeds Act (*ESSA*) ensures opportunity for all of America's students:

- Holds ALL students to **high college-and career ready academic standards**
- Provides more kids access to **high-quality preschool**
- Guarantees steps are taken to **help students, and their schools, improve**
- **Reduces the burden of testing** while maintaining annual information for parents and students
- **Promotes local innovation** and **invests in what works**



Title I, Part A

Providing Equitable Services for Nonpublic School Students





ESSA SECTION 1117. Participation of Children Enrolled in Private Schools

(3) EQUITY.—

(A) IN GENERAL.—Educational services and other benefits provided under this section for **private school children, teachers, and other educational personnel** shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.



Equitable Services

- Secular, neutral and nonideological services or benefits Section 8501(a)(2)
- Services and benefits provided in a timely manner Section 8501(a)(3)
- Ombudsman Section 8501(a)(3)(B)
- Expenditures must be equitable Section 8501(a)(4)(A)
- Services and benefits within the fiscal year in which the funds are received Section 8501(a)(4)(B)



Equitable Services

- Notice of Allocation from the State Section 8501(a)(4)(C)
- Provision of services directly or through contracts Section 8501(a)(5)
- Consultation Section 8501(c)
 - Results of agreement following consultation must be transmitted to the SEA's equitable services ombudsman. (*ESEA section 1117(b)(1)*)
 - Ombudsman - 1117(a)(3)(B) and 8501(a)(3)(B)
- Pooling funds -Section 8501(c)(1)(H)(i)
- Disagreements Section 8501(c)(2)
- When, including time of day, services will be provided Section 8501(c)(2)



New Requirement: Allocating Funds for Equitable Services ***ESSA Section 1117(a)(4)(A)***

Expenditures for equitable services to eligible nonpublic school children, teachers and other educational personnel, and families must be **equal to** the proportion of funds allocated to participating nonpublic school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend nonpublic schools.

****** Now an Off the Top Allocation ******



New Requirement: Allocating Funds for Equitable Services

ESSA Section 1117(a)(4)(A)

Continued

An LEA must determine the proportionate share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA **prior** to any allowable expenditures or transfer of funds.



Title I, Part A: Within-LEA Allocation Process

Eligibility-Step 1

- Selection of Poverty Measure
- School data entry: Enrollment, low-income; homeless enrollment



Title I, Part A: Within-LEA Allocation Process

Eligibility-Step 1

New for 2017-2018: Allows non-Community Eligibility Provision middle and high school percentages to be derived from the poverty percentage of lower level schools feeding into them

New worksheet added in Step 1B



Title I, Part A: Within-LEA Allocation Process

- **Eligibility-Step 2:** Selection of ranking values
 - Public only vs. Public and nonpublic
- **Eligibility-Step 3:** Ranking method
 - Grade-span; at or above LEA poverty level, etc.



Title I, Part A: LEA Allocation Process

Eligibility-Step 3: Each school with a poverty percentage of greater than 75% must be served

- **New Provision:** High Schools with 50% or Greater Poverty can designate in Step 2 as a MUST SERVE School
- **Then:** Nonpublic High Schools get funding



Title I, Part A: Within-LEA Allocation Process

Eligibility Step 4: Under *ESSA*, nonpublic schools are entitled to a pro-rata share based on poverty counts of Title I, Part A allocations and transfers **BEFORE** district reserves are set aside

**** Now substantially more in Districts with Targeted Schools or Comprehensive Schools ****



Title I, Part A: LEA Allocation Process

*New Requirement: Allocating Funds for
Equitable Services*

ESEA Section 1117(a)(4)(A)

SAMPLE COMPUTATIONS



New Requirement: Allocating Funds for Equitable Services

Scenario #1				Pub	Non Pub	Per	Pub	Non Pub
Prior Year Eligibility Step 4				Low Inc	Low Inc	Pupil	Alloc	Alloc
School	A	Public Sch		100	5	500	50,000	2,500
School	B			100	5	500	50,000	2,500
School	C		X	100	5	500	0	2,500
School	D			100	5	500	50,000	2,500
School	E			100	5	500	50,000	2,500
Current Year Data								
School	A			120	7			
School	B			120	7			
School	C*	(Excluded Counts)		120	7			
School	D			120	7			
School	E			120	7			
	Note:	School C	Excluded	480	35	515		
				93.20%	6.80%			



New Requirement: Allocating Funds for Equitable Services

Scenario #2				Pub	Non Pub	Per	Pub	Non Pub
	Prior Year Eligibility Step 4	Skip	Low Inc	Low Inc	Pupil	Alloc	Alloc	
School	A		100	0	500	50,000	0	
School	B		100	0	500	50,000	0	
School	C		100	0	500	50,000	0	
School	D		100	0	500	50,000	0	
School	E		100	0	500	50,000	0	
Current Year Data								
School	A		120	0				
School	B		120	0				
School	C		120	0				
School	D		120	0				
School	E		120	5				
			600	5	605			
			99.17%	0.83%				



New Requirement: Obligation of Funds

ESEA Sections 1117(a)(4)(B) and 8501(a)(4)(B)

- May an LEA carry over unobligated funds despite the new statutory requirement regarding the obligation of funds?
 - Generally speaking, to ensure that equitable services are provided in a timely manner, Funds allocated to an LEA for educational services and other benefits to eligible nonpublic school children, teachers and other educational personnel, and families **MUST** be obligated in the fiscal year for which funds are received by the LEA.
- The “purpose” of this requirement is to ensure that services are executed in a *timely manner*
- Additionally, this provision reinforces the requirement that an LEA **MUST** conduct timely and meaningful consultation with nonpublic officials in an effort to design appropriate programs and services that ideally begin at the start of the school year.



Changes to Existing Requirement: Consultation

ESEA Section 1117(b)(1) and 8501(c)(1),(5)

The goal of consultation is agreement between the LEA and appropriate nonpublic school officials on how to provide equitable and effective programs for eligible and participating nonpublic school children.



Nonpublic Consultation Requirements

ESEA Section 1117(b)(1) and 8501(c)(1),(5)

LEAs must consult with nonpublic school officials during the design and development of programs for Title I with the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children.

- **Topics for Discussion:** Full list of mandatory topics for the district/non-public consultation are included in appendix but generally the required topics are: What services will be provided? When will they be provided? Where, and by Whom?
- **Documentation:** Each year, districts must keep a record of and provide to the state documentation signed by officials from each participating nonpublic school indicating that timely and meaningful consultation did, or did not, take place.



Nonpublic Consultation Requirements

ESEA Section 1117(b)(1) and 8501(c)(1),(5)
Continued

- **Timing:** Consultation shall include meetings of agency and private school officials and shall occur before the local educational agency makes any decision that affects the opportunities of eligible private school children to participate in programs. Such meetings shall continue throughout implementation and assessment of services provided.
-  **Ombudsman:** A new position of ombudsman has been created in the law at the state DOE level **to monitor and enforce compliance** with the equitable services provisions pertaining to the participation of non-public school students and teachers.



Nonpublic Consultation Requirements

ESEA Section 1117(b)(1) and 8501(c)(1),(5)
Continued

Definition of OMBUDSMAN

- *plural ombudsmen*
- play\ 'äm-, бүdz-mən, 'öm-, -bädz-; äm-'bүdz-, öm-\
- **1:** a government official appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials.
- **2:** one that investigates, reports on, and helps settle complaints.



Ombudsman – Roles and Responsibilities

- General resource regarding equitable services requirements for both LEAs and nonpublic school officials
- Develop, in partnership with other relevant SEA staff, monitoring protocols applicable to provision of equitable services and participate in monitoring with respect to resolution of any findings on equitable services
- Primary point of contact for responding to and resolving any complaints regarding equitable services



Ombudsman – Roles and Responsibilities

- Provide technical assistance regarding equitable services requirements for SEA staff administering applicable programs, LEA staff, and nonpublic school officials
- Establish process for receiving documentation of agreement of consultation from LEAs and nonpublic school officials
- Participate in State's Title I Committee of Practitioners and, as applicable, nonpublic schools' working groups



Available Resources

- Nonpublic.ombudsman@doe.state.nj.us
- <http://www.state.nj.us/education/grants/entitlement/nclb/>
 - This website has the following updated forms for FY18 grant year:
 - Affirmation of Consultation
 - Refusal of Funds
 - Sample of Nonpublic School Request for Consultation Letter
- NJDOE ESSA site: <http://www.state.nj.us/education/ESSA/>



Changes to Existing Requirements: Consultation

ESEA Section 1117(b)(1) and 8501(c)(1),(5)

Topics for consultation have been expanded to include:

- How proportion of funds allocated for equitable services is determined.
- Whether LEA will provide services directly or through a third-party provider of services.
- Whether to provide equitable services to eligible nonpublic school children by pooling funds or on a school-by-school basis.
- When, including the approximate time of day, services will be provided.
- Written 'Affirmation of Consultation' must provide option for nonpublic school officials to indicate such officials believe timely and meaningful consultation has not occurred or that the program designed is not equitable with respect to eligible nonpublic school children.



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

- **Legislative Purpose (ESSA § 1001)** “to provide all children significant opportunity to receive a fair, equitable, and high-quality education, and to close educational achievement gaps.”
- **Legislative Intent (Part A):** Improving Basic Programs Operated by Local Educational Agencies



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Consistent with Uniform Grant Guidance

2 CFR 200.403 *Factors affecting allowability of costs*

“ costs must meet the following general criteria in order to be allowable under Federal awards:

. . . Be **necessary** and **reasonable** for the performance of the Federal award and be **allocable** thereto under these principles.



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Uniform Grant Guidance

Critical questions for meeting the “necessary and reasonable” standard

1. How is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. What need, as identified in the comprehensive needs assessment, does the expenditure address?
3. How will the expenditure be evaluated to measure a positive impact on student achievement?



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Uniform Grant Guidance

Critical questions for meeting the “necessary and reasonable” standard

How will the expenditure increase the academic achievement of participating nonpublic school students?



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Requirements to Ensure that Funds do Not Benefit a Private School

34 CFR § 200.66

Child Benefit Theory

- Title I services benefits the “individual” child, NOT the entire school.
- Services are provided by the district, not the nonpublic school.
- Child Benefit Theory complies with the Constitutional prohibition against federal funding- **NO funds are to EVER go “directly” to the nonpublic school!**



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Types of Services

- Direct instruction outside the regular classroom
- Direct Tutoring
- Services to four-year old children who are enrolled in a preschool program at the private school (Early Childhood)
- Counseling
- Computer assisted instruction
- Extended day/year programs (i.e. , Saturday, summer)
- Transitional program



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Program Considerations

- During the school day, the program is a pull-out model in a space separate from the regular nonpublic school children
- Title I services can not be provided in the regular classroom through cooperative learning or co-teaching.
- Nonpublic schools can not operate a schoolwide program.



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Location of Services

- Title I services may be provided onsite at the nonpublic school, including religious affiliated schools. The district has exclusive use of the space when providing Title I services.
- If space is not available at the nonpublic school, the district (in consultation-to the extent possible) is required to find other appropriate space.



Equitable Services: Title I, Part A: Uses of Funds

What has not changed?

Supplement NOT Supplant

Defined a new way in 2017-2018 under Section 1118(b)

- Must allocate State and Local Funds Consistently to individual schools
- No individual expenses under this provision

***** Watch Necessary and Reasonable and Demonstrated Need**

Aspect Outside of SUPPLANTING ***



Title II, Part A of ESSA Providing Equitable Services for Nonpublic Schools Under





II-A Funds



Geographical Area



Title I funds

\$\$\$ follow

the child



Title II-A Funds Are For
Nonpublic Schools within
the LEAs Geographical
Area/District





Statutory Changes

- Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families **must be obligated in the fiscal year for which the funds are received** by the LEA. *ESSA sections 1117(a)(4)(B) and 8501(a)(4)(B)*
- An SEA must provide **notice in a timely manner** to appropriate private school officials in the State of the allocation of funds for educational services and other benefits under each ESEA program that an LEA has determined are available for eligible private school children, teachers and other educational personnel, and families. *ESSA sections 1117(a)(4)(C) and 8501(a)(4)(C)*



More Statutory Changes

- Professional Development activities are **sustained, intensive, collaborative, job-embedded, data-driven and classroom-focused**. *ESSA Section 8101(42)*
- **Title II, Part A funds may not be used to meet the needs of a private school or the general needs of the students enrolled in the private school.** (34 CFR 76.658.)
- An SEA must reduce an LEA's allocation under a covered program if the LEA **fails to maintain effort** in a given fiscal year and also failed to maintain effort in one or more of the five immediately preceding fiscal years. (*ESSA section 8521(b)(1)*). *This will reduce the nonpublic school's funds.*



Operational Changes

Funding formula changes

- Hold Harmless to the State reduced over years
- Formula to Local Education Agencies
 - No class-size reduction set aside for public schools
 - Proportionate share to nonpublic school most likely increases (can pool funds)





Title II, Part A Allocation

- Crucial to consult prior to completing application
- If a Nonpublic school refuses funds, the allocation for all schools (public and remaining nonpublic) will change immediately

Example: Happytown School District receives a \$100,000 allocation and has 4 nonpublic schools within its geographical boundaries

Scenario 1: All accept Funds

LEA = \$20 K
NP 1 = \$20K
NP 2 = \$20K
NP 3 = \$20K
NP 4 = \$20K

\$100K

Scenario 2: NP 2 Refuses Funds

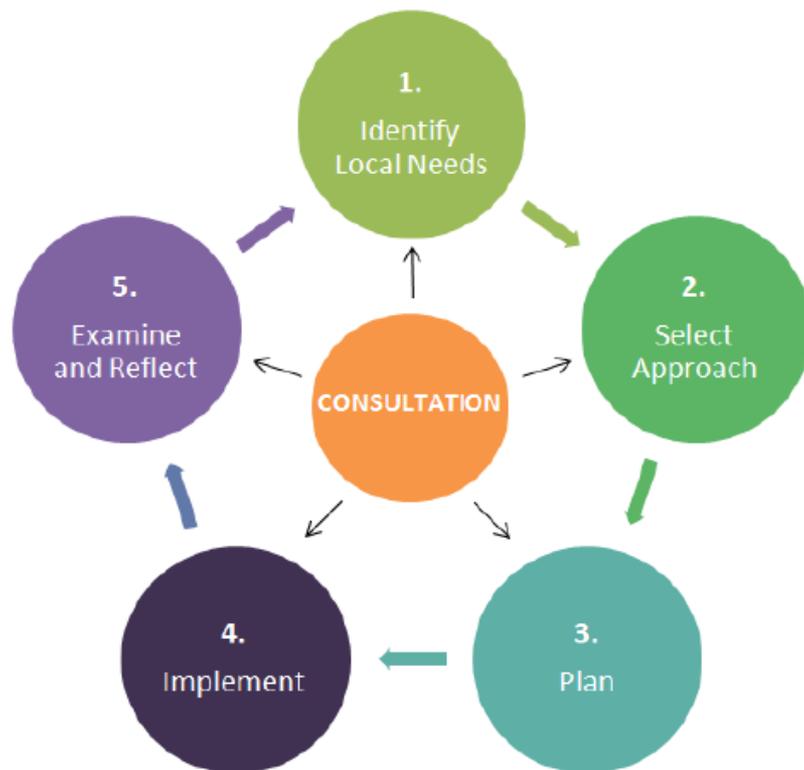
LEA = \$25 K
NP 1 = \$25K
NP 2 = Refused
NP 3 = \$25K
NP 4 = \$25K

\$100K

44



A Cyclical Framework for Maximizing the Title II, Part A Investments



Using Evidence to Strengthen Education Investments:
<https://www2.ed.gov/policy/elsec/leg/essa/guidanceusesinvestment.pdf>



Uses of Funds - What has not changed?

1. How is the expenditure reasonable and necessary to carry out the intent and purpose of the program?
2. What need, as identified by the nonpublic school's internal needs assessment does the expenditure address?
3. What evidence-based criteria was used to identify the need?
4. How will the expenditure be evaluated to measure a positive impact on student achievement?
5. The public school agency retains control of the funds.
6. Educational services or other benefits, including materials and equipment, shall be secular, neutral, and nonideological.
7. Supplement, Not Supplant



Allowable Uses of Funds

- Be an allowable local use of Title II, Part A funds under the authorizing statute. *ESEA section 2103(b)* Professional development activities for teachers, instructional leadership teams, principals, and other school leaders must address the specific needs of their students and be **evidence-based**.
 - developing or improving a rigorous, transparent, and fair evaluation and support system ... based on **evidence**
 - high-quality, personalized professional development that is **evidence-based**
 - reducing class size to a level that is **evidence-based**



Allowable Uses of Title IIA Funds

- Evaluation and support systems
- High-quality personalized professional development
 - integrate technology into instruction, using data to drive student achievement, engaging families & communities, develop policy, participate in experiential learning through observation
- Training for school personnel (trauma, referrals, mental health, safety, alcohol & drug abuse, absenteeism)
- Training - how to prevent and recognize child sexual abuse
- Support for STEM instruction, including computer science



More Allowable Uses of Title IIA Funds

- Support teachers to effectively teach children with disabilities and English learners
- Increase knowledge on instruction in the early grades
- Training on selecting and using formative assessments and data
- Professional development on effective strategies to integrate rigorous content, career and technical education and work-based learning
- Other activities that are evidence-based that meet the purpose of this title (Please get confirmation prior to implementation)



Questions?



Contact:

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ESSA Resources

- **USDE ESSA Resources Page**
<http://www2.ed.gov/policy/elsec/leg/essa/index.html>
- **Uniform Grant Guidance**
<http://www.ecfr.gov/cgi-bin/text-idx?SID=f03d83ff0389d71fec561f713fe1b69b&mc=true&node=pt2.1.200&rgn=div5>
- **Every Student Succeeds Act (ESSA)**
<http://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>
- **New Jersey Department of Education ESSA Web page:**
<http://www.state.nj.us/education/ESSA/>
- **Non-Regulatory Guidance Fiscal Changes and Equitable Services Requirements Under ESEA**
<https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>
- **Title I Services to Eligible Private School Children**
<http://www2.ed.gov/programs/titleiparta/psguidance.doc>



Every Student Succeeds Act (ESSA)





Thank You!



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