



MAINE DEPARTMENT
OF EDUCATION

ESEA Equitable Services for Non-Public Schools

Presented by: The ESEA Team, February 28th, 2024





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Meet Our Team

ESEA Federal Programs

We are tasked with the oversight of programs and activities carried out under the Elementary and Secondary Education Act (ESEA)

Our mission is to ensure that schools in Maine provide all children with significant opportunity to receive a fair, equitable, and high-quality education

Housekeeping Items

- This presentation is being recorded
- Please keep your microphone muted throughout the presentation
- We will be using the Q & A feature during the presentation for:
 - Participants to pose questions
 - Department staff to respond to questions
- A copy of the presentation slides as well as the recording will be available on the ESEA [resources](#) section of the Department's website
- Documents and resources will be shared at the end of the presentation



Learning Objectives

- ✓ **Gain an understanding of equitable services under the ESEA**
- ✓ **Discover best practices for ongoing and meaningful consultation**
- ✓ **Understand the process of requesting equitable services**
- ✓ **Learn of allowable and unallowable costs for each ESEA program**
- ✓ **Know the rules around fiscal oversight of ESEA funds**
- ✓ **Recognize statutory requirements governing equitable services**

Equitable Services

Overview of equitable services under the Elementary and Secondary Education Act



Equitable Services

The process of providing students, teachers, staff, and families at eligible non-public or private schools with equitable access to federally-funded education programs and services

Non-public schools do not directly receive equitable services funding under the ESEA; the provision of equitable services is the responsibility of the partnering public School Administrative Unit (SAU)

General Requirements



- ✓ Non-public schools only receive equitable **services** and never directly receive ESEA funding
- ✓ All equitable services provided to non-public schools must be **secular and non-ideological**
- ✓ Services provided for non-public school children **may differ** in subject area or grade level relative to public schools while following ESEA requirements
- ✓ All federally-funded activities in non-public schools must be supported by auditable **documentation**



Eligibility Requirements for Equitable Services

- State-approved non-profit non-public schools in Maine that serve students from Kindergarten through grade 12
- Completion of ESEA Equitable Services Survey on eligible student population(s)
- Participation in timely and meaningful consultation with public School Administrative Unit (SAU) partner
- Completion of required forms and portions of the SAU's ESEA funding application, performance reporting, and monitoring requirements
- Title I, Part A & Title III, Part A require a formal identification process to determine the students who are eligible to receive equitable services

The choice for whether a non-public school wishes to participate in equitable services under the ESEA rests with leadership of the non-public school

How to Obtain Equitable Services

- Provide student enrollment survey data to the Maine DOE each spring
- Conduct a school needs assessment to determine the high areas of student need
- Consult with public SAU on equitable services
- Complete and submit signed participation form (found within the ESEA Application)
- Work with SAU partner to complete ESEA project narrative, budget, and establish SMART goals for ESEA-funded work





Provision of Equitable Services

- Services may be provided directly by the partnering public SAU, through another public SAU, or through an agreement with a private company
- Programs and activities funded through equitable services can be provided on-site at the non-public school or at a location within the public SAU
- All services must be for the benefit of students enrolled in the non-public school and not the school itself

Consultation Process



Evaluate

Review local data on the needs of students, staff, and families and effectiveness of current programs



Connect

Discuss how the needs of students, staff, and families can be met through the use of federal funds



Plan

Create shared plan for how federal funds are leveraged to support the needs of students, staff, and families



Collaborate

Partner in applying for, accessing, and reporting out on the use of federal funds to support shared work

- Consultation on equitable services is an ongoing process
- Meetings include representatives (often administrative officials) from the public SAU and eligible non-public school(s)
- The overall goal of the consultation process is to identify, plan for, and ultimately address the needs of students attending the non-public school(s) through various federally-funded ESEA programs





Consultation Requirements

Consultation must include discussion of:

- How the needs of students have been identified
- What services will be provided
- How, where, and by whom services will be provided
- How services will be academically assessed for effectiveness and how the results of such assessments will be used to improve the services
- How and when the SAU will make decisions around the delivery of equitable services, including a thorough consideration and analysis of the views of non-public school official(s)
- Whether the SAU will provide equitable services directly or through a third-party organization

Consultation Best Practices



- Hold periodic check-in meetings throughout the year monitor progress, the effectiveness of services, and funding that supports the delivery of equitable services
- Establish shared plans for collecting and reporting required program data for ESEA applications, performance reports, and monitoring processes, which may include:
 - Data on progress made towards established goals
 - Project-based expense reporting
 - Producing evidence of meeting various statutory requirements for the use of federal funds
 - Discussion and documentation of extenuating circumstances that may have led to unspent funds
- Meet at least once or twice before the end of the current school year to discuss equitable services for the upcoming school year

Consultation Timeline



- March:** Non-public school official completes **Equitable Services Participation Survey** for Maine DOE
- April/May:** Consultation between public SAU and non-public school occurs for equitable services in upcoming school year
- June/July:** Public SAU and non-public school plan/develop ESEA-funded project narratives, budgets, and goals for upcoming school year to include in the ESEA Consolidated Funding Application

Continued...

Consultation Timeline



- July:** Non-public school completes, signs, and submits the **Equitable Services Participation Form** to its public SAU partner for inclusion in the ESEA Consolidated Funding Application
- October:** Non-public school submits outcome data for equitable service project to public SAU partner for inclusion in the ESEA Consolidated Performance Report
- October:** Non-public school completes, signs, and submits **Carryover Reconciliation Form** to public SAU partner for inclusion in the ESEA Consolidated Performance Report

Non-Public Consultation Form

Elementary and Secondary Education Act (ESEA)
EQUITABLE SERVICES PARTICIPATION FORM

Non-Public School Information	
School Name	<input type="text"/>
School Address	<input type="text"/>
School Phone	<input type="text"/>

Non-Public School Official Information			
Full Name	<input type="text"/>	Phone	<input type="text"/>
Position/Title	<input type="text"/>	Email	<input type="text"/>
<input type="checkbox"/> <i>The official named above has undergone all state-required training on ESEA equitable services</i>			

Affirmation of Required Consultation	
As the non-public school official named above, I agree that my school has been consulted in a timely and meaningful way in the planning and development of equitable services for my students.	Yes <input type="checkbox"/> No <input type="checkbox"/>
<i>If answering "no" above, you have a right to file a complaint with the State of Maine.</i>	
Consultation Method <input type="text"/>	Consultation Date <input type="text"/>

Notice of Right to File a Complaint
A non-public school official shall have the right to file a complaint with the State Education Agency (SEA) asserting that its local educational agency partner did not engage in consultation that was meaningful and/or timely, did not give due consideration to the views of the non-public school official(s), and/or did not make a decision that treats the non-public school students equitably as required under law.
<i>Click here for non-public school complaint procedures for ESEA equitable services.</i>

Must check off box to ensure official has watched this training video. Will be hyperlinked!



Non-Public Consultation Form

Non-public School Participation in Equitable Services under the Elementary and Secondary Education Act			
The non-public school named above, following consultation with its local education agency partner, wishes to participate in the following ESEA program(s) this year:			
Title I, Part A - Supplemental Instructional Services	Yes <input type="checkbox"/> No <input type="checkbox"/>	Title III, Part A – English Language Acquisition	Yes <input type="checkbox"/> No <input type="checkbox"/>
Title II, Part A - Teacher Quality & Professional Development	Yes <input type="checkbox"/> No <input type="checkbox"/>	Title IV, Part A - Student Support & Academic Enrichment	Yes <input type="checkbox"/> No <input type="checkbox"/>
<p>Required Assurance: As the non-public school official named above, I hereby assure the Maine Department of Education that my staff and I will regularly engage with our</p> <input type="checkbox"/> partnering local education agency throughout the year to coordinate equitable services, maintain appropriate records related to such equitable services, and complete any required data collection or reporting related to the federally-funded equitable services provided to my school under the ESEA program(s) we have chosen to participate in.			

Agreement on Equitable Services to be Provided			
As a result of this consultation process for equitable services this year, please answer the following questions for the State Ombudsman:			
This non-public school has been consulted on the needs of its <u>students</u> and is satisfied with the design of equitable services that will be <u>provided</u> under each of the ESEA program(s) it is participating in.	Yes <input type="checkbox"/> No <input type="checkbox"/>	If there was disagreement between the LEA and the non-public school regarding equitable services, did the LEA provide the reason(s) for the disagreement, in writing, to the non-public school?	Yes <input type="checkbox"/> No <input type="checkbox"/>
If "no", you have a right to file a complaint with the State of Maine.	N/A <input type="checkbox"/>	If "no", the non-public school should request this written explanation.	N/A <input type="checkbox"/>

Non-Public School Official Certification	
The undersigned hereby assures the Maine Department of Education that all <u>information</u> provided within this document is true and accurate and that the decision to participate in equitable services <u>has</u> been approved by the non-public school's governing body.	
_____	_____
Non-Public School Official Signature	Date

Select yes or N/A to receive approval. No can get approval with additional evidence.

Must be a written signature

Consultation Form for Title I, Part D

- Like SAUs with non-publics, 3 public SAUs consult with non-public residential facilities who provide academic support for adjudicated youth. (NFI North satellite facilities)
- There is a separate consultation form for those SAUs with Title I, Part D recipients. If that pertains to your SAU, please ensure you are sending them Title I, Part D form for consultation process
- Allowability will differ for Title I, Part D. SAUs with Title I, Part D subrecipients can reach out to Title I coordinators with specific questions



Non-Public School Carryover Reconciliation Form

Non-Public School Statutory Carryover						
This table must be completed for each non-public school that has an unspent equitable service balance within any of the following ESEA programs after September 30 th each year:						
		Title I, Part A	Title I, Part D	Title II, Part A	Title III, Part A	Title IV, Part A
Row A	Non-Public School Project Balance as of September 30 th	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Row B	Non-Public School Project fund obligations made prior to September 30 th but NOT yet paid out	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Row C	Non-Public School Project Carryover Balance as of September 30 th (Row A – Row B = Row C)	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>	\$ <input type="text"/>
Row D	Using the option descriptions below, indicate, by program, the preference for disposition of each amount in Row C	Option 1	Option 1	Option 1	Option 1	Option 1
		Option 2	Option 2	Option 2	Option 2	Option 2
		Option 3	Option 3	Option 3	Option 3	Option 3
		N/A	N/A	N/A	N/A	N/A
<p>Option 1: The public school district has been unable to fully provide equitable services to the non-public school during the initial period of availability for the funds. The non-public school has additional need(s) and is requesting carryover funding to support equitable services. Using justification(s) "A" and/or "B" below, the Non-Public School Official must <u>explain</u> (1) why funds were not fully leveraged during the initial period of availability and (2) what specific needs still exist that cannot be met with current year equitable service funding.</p> <p>A. Delayed Services Carryover Justification Equitable services have been delayed due to extenuating circumstances (i.e. natural disaster, delayed consultation, inability to employ qualified personnel, or procurement challenges) and additional need for funds still exists</p> <p>B. Under Budget Carryover Justification Equitable services were provided, but the cost for such services was less than anticipated and there was insufficient time for further consultation to determine a reasonable alternative use of the funds and additional need for funds still exists</p>						
<input type="text"/>		<input type="text"/>				
Option 2: The non-public cannot reasonably justify the need for carryover funds and is returning the funds to their partnering school district.						
Option 3: Both parties forfeit the use of these funds, which will be returned to the Federal Government.						
N/A: There are no carryover funds in Row C.						

Carryover amounts written here

The non-public must decide between one of the three options if carryover remains

Equitable Services Carryover



- USED has clarified when carryover is allowable for equitable services provided under the ESEA:
 - Delayed services due to **extenuating** circumstances
 - The cost of equitable services came in under budget and there was insufficient time to provide additional services
- In either case, there must be a need for equitable services **above and beyond** what is being provided in the new fiscal year's application



Unresponsive Partners & Equitable Services

- If partners become unresponsive, formal communication must be attempted at least three different times, via three different methods:
 - (1) Email, (2) Phone Call, (3) Certified Letter
- Certified letters must clearly outline that the other party has two weeks to respond
- Copies or logs of all communication must be maintained for ESEA monitoring purposes and could provide evidence of:
 - Refusal to participate in equitable services by the non-public school; or
 - Non-compliance with statutory requirements by public SAU, which would be grounds for complaint to the State Ombudsman

- Serve as the primary point of contact for both SAUs and non-public schools regarding disputes and complaints pertaining to equitable services under the ESEA
- Ensure that the statutory requirements in Title I, Part A Sec. 1117 and Title VIII Sec. 8501 pertaining to equitable services are followed throughout the State of Maine
- Investigate potential issues that arise during the annual consultation process between public SAUs and non-public schools and lead the dispute resolution process
- Develop, in partnership with ESEA, monitoring protocols and participate in monitoring activities



The Role of the

State Ombudsman

Equitable Service Considerations

- Consultation around equitable services must occur before any decisions are made that would impact the ability to participate in equitable services, such as transferring funds
- If there is disagreement between the public SAU and non-public school around equitable services, the public SAU must provide a **written** justification to the non-public school
- Provided all statutory requirements have been followed, final decisions regarding funding rest with the public SAU



Non-public schools that have not been provided opportunity for timely and meaningful consultation on equitable services have the right to file a formal complaint with the State Ombudsman

ESEA Federal Programs Overview



Title I, Part A



Title II, Part A



Title III, Part A

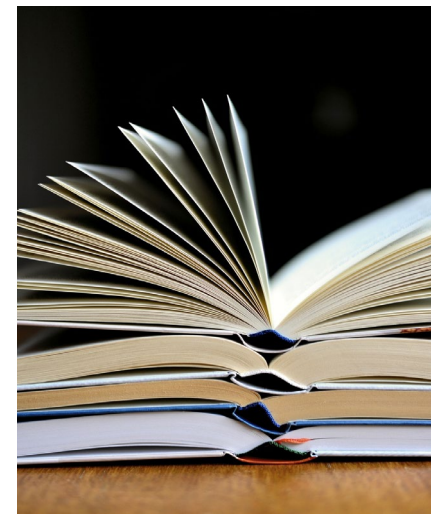


Title IV, Part A

Title I, Part A: Improving Academic Achievement

Allowable Uses of Funds

- Targeted Assistance academic programming model for Title I identified students with Title I certified personnel
 - Must ONLY serve Title I identified students with programming who reside in a Title I school in their resident district
 - Must have process for identifying Title I students with assessments, tracking Title I student progress
 - Must adjust programming according to progress
 - Must notify families of services
 - Must ONLY implement with Title I certified staff
- Academic supplies to improve high need areas for Title I students
- Family engagement activities and supplies for Title I students and families
- Professional Development for Title I staff



Title I, Part A: Improving Academic Achievement

Unallowable Uses of Funds

- Providing services to non-Title I identified students who do not reside in a Title I school in their resident district
- Using non-Title I certified staff to support Title I identified students
- Paying for any supplies, activities, or professional development for non-Title I staff or non-Title I students



Title II, Part A: Increasing Teacher and Principal Quality

Allowable Uses of Funds

- Supplemental programs and services that provide professional development for teachers, principals, and other building-based school leaders that are, “sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job embedded, data-driven, and classroom-focused”
- Travel expenses, stipends for work done outside of contractual hours, and supplies & materials that are all related to professional development



Title II, Part A: Increasing Teacher and Principal Quality

Unallowable Uses of Funds

- Staffing costs, such as paying for substitute teachers or class-size reduction projects
- Recruitment and retention activities
- Curriculum writing and the purchase of curricular materials for classroom use
- PD tied to the needs of the school or based on ideological concepts, instead of the needs of the students



Title III, Part A: Language Instruction for Multilingual Learners

English Language Acquisition and Academic Content Instructional Programs:

- Improving and enhancing existing English language acquisition and content instructional programs
- Bilingual teacher/tutor salaries (when supplemental to core programming)
- Targeted programs for Students with Limited or Interrupted Formal Education (SLIFE), MLs with disabilities, or refugee students



Title III, Part A: Language Instruction for Multilingual Learners

Professional Development:

- English as a Second Language (ESL) instructional coaching
- Specialized professional development regarding Multilingual Learners (MLs) for ESL teachers, general education teachers, administrators, and other school staff
- Educational consultants



Title III, Part A: Language Instruction for Multilingual Learners

Parent, Family, and Community Engagement:

- Partnerships with community organizations to improve student outcomes and/or supports to families
- Events to seek community input on general education and Title III programming
- Training activities designed to assist parents and families to become active participants in the education of their children



Title III, Part A: Language Instruction for Multilingual Learners

Unallowable Uses of Funds

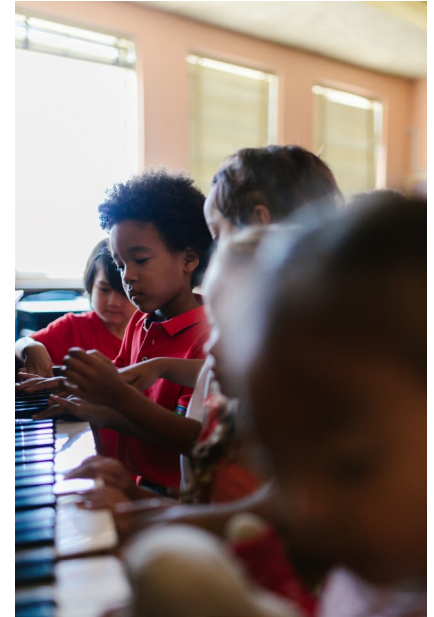
- Core services for MLs, including ESL endorsed teacher or ML coordinator salaries
- Intake and assessment of MLs
- Minimum, core professional development necessary to provide an effective English language acquisition and content instructional program for MLs
- Translation/interpretation of general communications to parents, enrollment documents, parent handbooks, ILAPs, IEPs, assessments, or other documents not directly related to Title III activities



Title IV, Part A: Student Support & Academic Enrichment

Well-Rounded Education Programming

- Supplemental programs and services that (1) directly support students and/or (2) provide professional learning opportunities for school teachers and other staff working directly with students related to:
 - Science, Technology, Engineering, and Math (STEM)
 - History & Civics
 - Music & Art
 - Volunteerism & Community Involvement
 - College & Career Readiness
 - Accelerate Learning Programs (AP, IB, Dual/Concurrent Enrollment)
 - Other allowable activities outlined in Section 4107 of the ESEA



Title IV, Part A: Student Support & Academic Enrichment

Safe & Healthy Student Programming

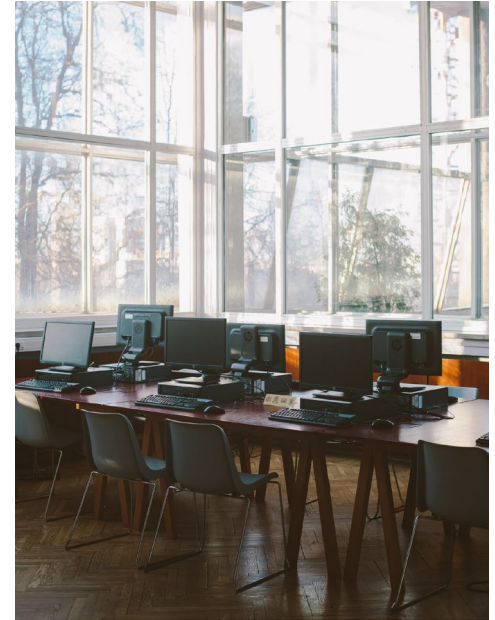
- Supplemental programs and services that (1) directly support students and/or (2) provide professional learning opportunities for school teachers and other staff working directly with students related to:
 - Bullying & Violence Prevention
 - Substance Abuse Prevention
 - Dropout Prevention & Re-entry Programs
 - Physical & Nutrition Education
 - Mentoring & School Counseling
 - School-based Mental Health Services
 - Other allowable activities outlined in Section 4108 of the ESEA



Title IV, Part A: Student Support & Academic Enrichment

Effective Use of Technology Programming

- Supplemental programs and services that (1) directly support students and/or (2) provide professional learning opportunities for school teachers and other staff working directly with students related to:
 - Personalized Learning
 - Remote & Hybrid Instruction
 - High-Quality Digital Learning Opportunities
 - Other allowable activities outlined in Section 4109 of the ESEA



Title IV, Part A: Student Support & Academic Enrichment

Unallowable Uses of Funds

- Program and activities that:
 - Focus on core academic instruction in math, literacy, or science (such work would need to be interdisciplinary)
 - Provide medical, drug treatment, rehabilitation services
 - Provide reproductive health education, unless such instruction is age appropriate and includes the health benefits of abstinence
 - Distribute contraception in schools
 - Incur costs that fall outside of the content area spending requirements for the Title IV program
- Other costs prohibited in Sections 4107, 4108, 4109, or 8526 of the ESEA





Title IV, Part A

Content Area Spending

Requirements for expending Title IV, Part A funds:

- **Well-rounded Education:**
 - Minimum of 20% of total Title IV, Part A allocation
- **Safe & Healthy Students:**
 - Minimum of 20% of total Title IV, Part A allocation
- **Effective Use of Technology:**
 - Any amount greater than \$0.00
 - *Special Rule:* No more than 15% of funds budgeted under this category can be used to purchase technology infrastructure (devices, software licenses, etc.)

Spending Requirements & Equitable Services

Example: Public SAU receives \$100,000 allocation of Title IV, Part A funds and has different priorities for Title IV, Part A funds compared to the non-public school

Public SAU

- Student Enrollment: **900**
- SAU Share: **\$90,000** (90%)
- Priority: **Safe & Healthy Students**

Non-Public School

- Student Enrollment: **100**
- SAU Share: **\$10,000** (10%)
- Priority: **Well-rounded Education**



Fiscal Oversight

Overview of general fiscal requirements related to equitable services



General Cost Requirements

- Reasonable** Not excessive and based on prudent purchasing practices and policies
- Necessary** Essential for carrying out the resulting programs and services to meet student needs
- Allocable** Costs incurred specifically for the program or service approved in the ESEA application
- Allowable** Costs must be allowable for non-public schools under the applicable ESEA program(s)
- Documented** Costs are supported by sufficient and appropriate documentation
- Neutral** All costs must be secular and non-ideological in nature

Unallowable Uses - All ESEA Funding

- Direct payment to the non-public school
- Base pay for administrative and central office staff
- Construction, renovation, and remodeling
- Textbooks and general education materials for the school
- Advertising, public relations, and fundraising



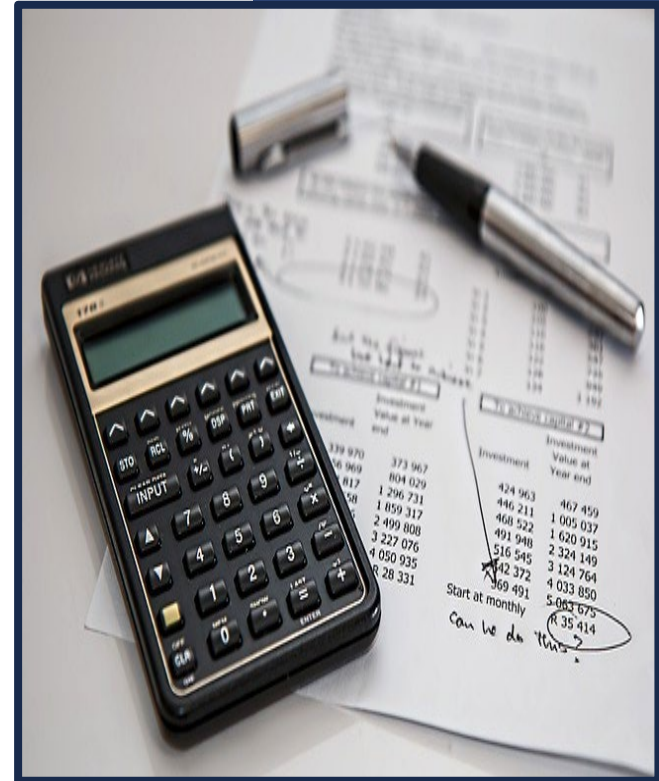
Unallowable Uses - All ESEA Funding



- Awards, award ceremonies, or other celebrations
- Gift cards and certificates
- Food (unless instructional supplies for students)
- Alcoholic beverages
- Non-educational trips, games, or other costs
- Any costs that are non-secular or ideological in nature

Fiscal Requirements

- Services must be supplemental; and costs must be allowable, necessary, and reasonable
- A public SAU must control funds; non-public schools do not receive funds
- The SEA reimburses the public SAU for equitable services after services have been delivered
- Any materials purchased remain property of the public SAU and should be labeled accordingly



Reporting & Monitoring

Overview of data collection, data sharing, reporting, and ESEA monitoring requirements



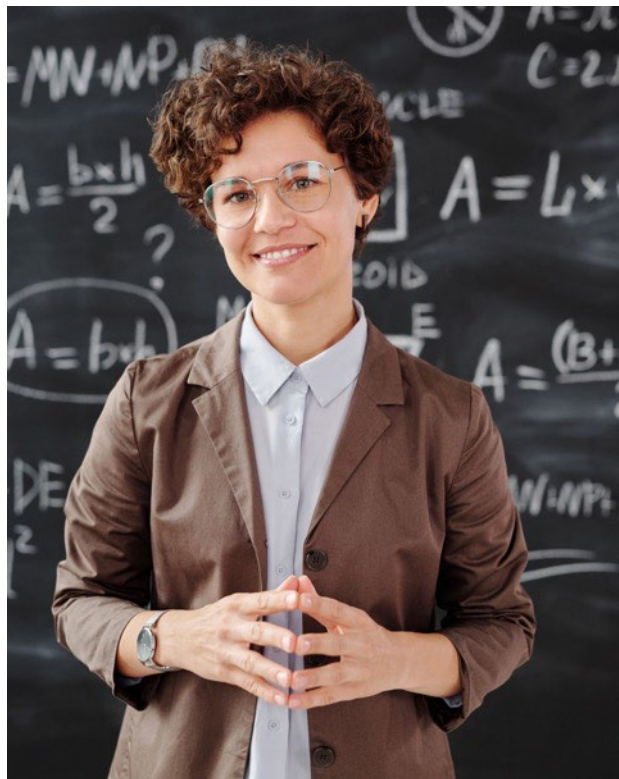
Title I, Part A Supplemental Data

- ESEA Consolidated Performance Report requires data on all students served with Title I, Part A funds, including non-public school students:
 - **Demographic Data**
 - **Grade Level Data**
 - **Instructional Services Data (math support, reading support, etc.)**

Monitoring Requirements

- In monitoring, we look for evidence of actions we have required. For example:
 - **Item D-1** - Meeting minutes from the consultation for an ESEA application
 - **Item B-1** - Data sources that showed the needs of various stakeholder groups was considered
 - **Item E-5** - Payments being made on behalf of, and not to, the non-public
 - **Item C-2 & C-3** - Professional development that aligns with the statutory definition
- All factsheets describing requirements for these items can be found on our [website](https://www.maine.gov/doe/learning/esea/monitoring):
 - <https://www.maine.gov/doe/learning/esea/monitoring>





We need to hear from you!

The ESEA team currently has two surveys out that are pertinent to everyone here today:

Non-Publics Equitable Services Participation Survey

Completed each year by nonpublic schools to indicate their interest in participating in equitable services and provide us with October 1 counts and data needed for Title IA calculations.

State Activities Survey

Completed by any stakeholders who wish to have a say in how Maine spends its state reservation of Title IIA and IVA funds.

More resources

- Title VIII Nonregulatory Guidance
- Sample Email Communications for Consultation
- Consultation Graphic Organizer
- Consultation Form
- Reconciliation Form
- Equitable Services Spending Snapshot

Questions?

ESEA State Resources



[Time & Effort](#)



[ESEA Coordinators: Annual Update](#)



[Funding Application Webinars](#)



[Equitable Services](#)



Contact Our Office

Public SAUs can always reach out to their Regional Program Manager with any questions.

Non-public schools should reach out to their public SAU partner with any questions and may reach out to the State Ombudsman if concerns persist.

ESEA Website

<https://www.maine.gov/doe/learning/esea>





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