



Missouri Department of Elementary and Secondary Education

— *Missouri public schools: the best choice. . .the best results!* —

August 27, 2010

Dear Federal Programs Coordinator:

Indicator 3.5 - Equitable Services

In June the US Department of Education conducted a review of the Missouri Department of Elementary and Secondary Education's administration of Title I, Part A. Included in that review were visits to school districts to help determine if the state is informing school districts of their responsibilities under the law and if districts are understanding and administering the programs locally according to the statute. One of the main areas of non-compliance dealt with equitable services provided to non-public school children. The following five findings were cited:

Finding (1): The DESE has not ensured that its LEAs that provide Title I services to private school children maintain control of the program. In this case a non-public principal signed a public school Title I teacher's time sheet. The principal was not approving the timesheet but merely verifying the amount of service provided and the form was later signed by the Superintendent. The non-public principal signature on the timesheet (whatever the intent) constituted non-public oversight of public school activities.

Citation: Section 1120(d)(2) of the ESEA requires the Title I services to be provided by an employee of the LEA or by an employee through a contract by the LEA. The statute also requires that the employee shall be independent of the private school and of any religious organization.

What to do: All activities conducted on behalf of non-public equitable services must be under the control of the public school—one reason districts should talk about the level of services not the amount of funds to be spent for non-publics—this is not the non-public school's money. Therefore, all purchase orders and/or contracts must be initiated, invoiced to, and paid by the public school and all services must be conducted by public school employees or through public school district contracts with total oversight provided by the public school district. No contracts, purchase orders, invoices, timesheets, etc. can be approved by non-public school personnel.

Finding (2): The DESE has not ensured that its LEAs that provide Title I services to private school children meet requirements related to evaluation of the program. In one instance, a public school district failed to establish the evaluation measure to be used to measure the effectiveness of the Title I program. This measure must be identified at the beginning of the year and effectively set a target for improvement. At the end of the year, a determination must be made as to whether the target was met and the implications for program strategies for the following school year.

Citation: Section 1120(b)(1)(D) of the ESEA and section 200.63 (b)(5) of the Title I regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school students on issues such as how the LEA will assess the academically services to eligible private school students and how the LEA will use the results of that assessment to improve Title I services.

What to do: During the consultation, public and non-public officials should determine ways to assess the improvement in student outcomes that should be expected as a result of the provision of Title I services. This is not restricted to standardized achievement tests. Tests in reading fluency, comprehension, numeracy, etc. can be used for Title I students. An agreement must be made relative to the amount of progress that is to be expected. At the end of the year, a discussion should take place relative to the actual progress and what needs to happen to improve even more in subsequent years. It is appropriate to consult with the non-public teachers of Title I students to better understand the progress they are making in their regular classroom.

Finding (3): The DESE has not ensured that its LEAs that provide Title I services to private school children meet equitable service requirements. In one case, the Title I services for private school students began later than the services for public school students. For services to be equitable, districts must begin the services to non-public students at the same time as the public school services. If circumstances do require that services for non-public students start later, the district must make up that time during the year without creating an imposition to the non-public school or the non-public students and parents. These additional service times must be documented.

Citation: Section 200.64 of the Title I regulations indicates that, in order to meet Equitable Services requirements, an LEA must –

- Provide eligible private school children with an opportunity to participate;
- Meet the equal expenditure requirements for instruction, professional development, and parent involvement;
- Assess student needs and the effectiveness of the Title I program; and
- Begin Title I programs for participating private school students at the same time as the Title I programs for public school students.

What to do: Plan and initiate services to non-public students using the same timeframe as you do for public school services. It is not appropriate to wait until the school year is about to begin to find a Title I teacher for the non-public component or to initiate a contract for services for non-public students.

Finding (4): The DESE has not ensured that its LEAs that provide Title I services to private school children meet requirements related to allowable activities. In one case, Title I funds were used to administer the DIBELS test to all children in order to determine Title I eligibility.

Citation: Section 200.66(b) of the Title I regulations requires LEAs to use Title I funds only to meet the special education needs of participating children.

What to do: Consult with the non-public school relative to criteria for selection and how the data may reasonably be gathered. For K-2 students the criteria may based on teacher judgment, interviews with parents and developmentally appropriate measures. For older students, criteria may include achievement tests; teacher referrals based on objective, educationally related criteria; and grades (assuming there is some relative objectivity to grading).

Finding (5): The DESE has not ensured that its LEAs that provide Title I services to private school children meet requirements related to professional development activities for the private school teachers of the Title I participating children. In this case, the school district simply invited the non-public teachers of Title I students to participate in the public school professional development activities without any documentation that these activities would meet the needs of those non-public teachers in improving educational outcomes for Title I students.

Citation: Section 1119 of the ESEA requires that, if an LEA reserves funds from its Title I allocation for carrying out Title I professional development activities, the LEA must provide equitable services to teachers of private school participants from this set-aside.

Section 200.65 of the Title I regulations requires LEAs to plan and implement activities for the teachers of private school students after meaningful consultation with private school officials and teachers. The professional development activities for private school teachers should address how those teachers can serve Title I students better, such as by providing information on research-based reading and mathematics instruction.

What to do: This is a little more challenging and requires some judgment because it is not appropriate to use Title I funds to upgrade the instructional program in the regular classroom of the non-public school. A good starting point goes back to the agreed upon measures of progress and why they are appropriate to the non-public students. Activities that generally assist the non-public teachers to support the achievement of those students using research based methods should be the main criteria. For instance, if one of the foci is to improve reading comprehension of Title I, non-public students, it would be appropriate to provide PD targeted to help the non-public teacher support that objective.

Additional help: The following website maintained by DESE Federal Programs offers many supports for districts providing non-public services including US Department of Education non-regulatory guidance: <http://www.dese.mo.gov/divimprove/fedprog/financialmanagement/Nonpublicindex.html>

Now is a perfect time to ensure your district has taken care of these details. These issues will be provided even closer scrutiny during the ensuing monitoring reviews (on-site and telephone) conducted by the DESE Grants Management and Financial Management personnel.