**Rhode Island 21st Century Community Learning Center (21st CCLC) grant**

**Private School Equitable Services Guide**

**February 2023**

**Purpose**

The Every Student Succeeds Act (ESSA) requires that services provided through a 21st Century Community Learning Center (21st CCLC) grant be made available to students from private schools in the area served by the grant on an equitable basis [Part F, Subpart 1, §§8501-8504]. Similar to other federal education grants, 21st CCLC grantees must:

1. Engage in “timely and meaningful consultation” with private school officials to discuss how private school students or their families might take part in the program.
2. Provide private school students with the opportunity to participate in the 21st CCLC grant on an equitable basis.
3. Assess and meet the needs of private school students served by the program.
4. Allocate an equitable amount of funds to provide services to private school students, taking into account the number and needs of students.

**Party Responsible**

Ultimately, this process is the responsibility of the fiscal agent for the grant, whether that is the local education agency (i.e., school district) or community-based organization. However, consultation may be conducted by the district even if it is not the fiscal agent, to do this more efficiently in combination with consultation for other federal programs. Grantees may also choose to engage in this process jointly and are encouraged to do so if they serve schools in the same district.

**Eligibility of Private Schools to Participate**

Consultation should be conducted with any private schools that are located in the attendance area of the target school(s) served by the 21st CCLC grant and that serve any of the same grades as the 21st CCLC program. Residency of the students does not matter; what is relevant is the location of the private school. If the private school is located in the geographic area served by the public school(s) with the 21st CCLC grant and if it includes any of the same grades, then consultation should be offered. RIDE maintains a[directory of schools](http://www2.ride.ri.gov/Applications/MasterDirectory/Report/repEduDirectory.aspx) with contact information (use the lists for “Schools For Children With Disabilities,” “Catholic Schools,” and “Independent Private Schools.”). Charter schools are considered public schools; therefore 21st CCLC grantees do not need to offer consultation to charter schools. Likewise, Rhode Island law does not treat homeschools as private schools; therefore this requirement does not apply to those students.

Unlike other federal programs, federal guidance says that 21st CCLC grantees serving charter schools – and by extension, mayoral academies, state operated schools, and other schools that are their own LEA (e.g., UCAP) – also must conduct consultation with private schools. Consultation should occur with private schools located “within a reasonable proximity of the charter school, even if the charter school LEA serves a larger geographic area.”

**Consultation**

Consultation with the private school officials – or at least a good faith offer to consult – is required; it is not adequate simply to provide services to private school students. Furthermore, ESSA states that consultation must occur prior to any decision that affects the opportunities of eligible private school children to participate in the program and continue throughout the design, implementation and assessment of the program. Per federal guidance, this means that consultation should begin before a proposal is submitted in response to a Request for Proposals and should continue each subsequent year of the grant, beginning prior to submission of the Annual Plan.

The goal of all parties in consultation should be to reach agreement on how to provide equitable and effective programs for eligible private school students. ESSA states that the consultation meeting should address certain topics [§8501(c)]:

* How the children’s needs will be identified;
* What services will be offered;
* How, where, and by whom the services will be provided;
* How the services will be assessed and how the results of that assessment will be used to improve those services;
* The size and scope of the services to be provided, the proportion of funds available for those services, and how that proportion is determined;
* How and when decisions will be made about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and
* Whether the grantee shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and
* Whether to provide services to eligible private school children by creating a pool of funds or on a school-by-school basis. [This only applies when more than one private school engages in consultation.]

**Services Provided**

Equitable services are provided directly to eligible students or their families. The simplest and most efficient way of providing services is for a 21st CCLC grantee to reserve a certain number of slots in their regular 21st CCLC program for students from the private school, based on the number of students from low-income families attending the private schools (see Funding below). However, as a result of the consultation process, other arrangements may be made (e.g. theoretically, funds permitting, a subcontractor could be hired to run an activity at the private school a few days a week). Private school services could be provided in summer, afterschool or both. Regardless of the nature or location of services provided, however, they must be secular, neutral, and non-ideological. All of the requirements and expectations that apply to the 21st CCLC grant as a whole also apply to services provided to private school students, including data collection and reporting, participation in state and local evaluation, adherence to quality standards, etc., though these may be adjusted based on the context of the private school (e.g., different assessments administered, etc.)

**Funding**

* The 21st CCLC grantee maintains control of funds used for equitable services and may provide services directly or through a third party. Private schools may not receive funding directly.
* Funds allocated for services to eligible private school children must be obligated in the fiscal year for which the funds are received. Carry-forward of funds should only occur under extenuating circumstances.
* Like all federal education funding, services provided must be supplemental in nature, not supplanting what the private school would otherwise provide absent the services provided by the grant.
* All costs must be allowable, reasonable, necessary, allocable, and documented.
* In general, the amount of funding allocated – or as the case may be, the number of slots reserved – should be calculated on equitable basis, taking need into consideration. This generally means proportionate to the number of students from low-income families enrolled. For example, say that there are 90 free-/reduced-priced lunch eligible students enrolled in the public school and 10 in the private school, the private school’s “proportionate share” would be 10%, since 90+10=100 and 10/100=10%. The administrative costs of operating private school services come from the equitable services proportionate share.

**Timeline and Steps**

Private school consultation is an annual process, with ongoing steps throughout the year. By law, the initial consultation must be completed before any decisions are made that impact the opportunity of eligible private school students to participate in the program. This means that it must be done before a new five-year application for 21st CCLC funding is submitted, and it must re-occur each year before a new Annual Plan is submitted to RIDE. Below is a general timeline of the steps of this process. Documentation should be maintained of all steps and copies of signed documents should be shared with private school officials.

***Spring***

* Begin the process for the following fiscal year by contacting private school officials in February. This should include a description of the program and an option to indicate if they are interested in participating (see sample letter and Intent to Participate form below). If sending a physical letter, it is recommended that you send it via registered mail. If sending an email, it is recommended that you send it with read receipt.
* Send at least one follow-up message to any private school(s) who did not respond initially.
* Hold a consultation meeting(s) with officials from each private school that indicated an interest in participating. At that meeting, private school officials should be given a Consultation Affirmation Form to complete, indicating whether or not they agree that timely and meaningful consultation occurred and that the program design is equitable (see sample below).
* Take follow-up steps, as appropriate.
* Provide documentation to RIDE. This should include all Consultation Affirmation forms received and, for any private schools that did not provide affirmations, documentation that consultation occurred or that attempts were made to provide consultation.

***Summer***

* Finalize the design of programs and services, in consultation with private school officials.
* Implement any agreed upon summer services and monitor implementation progress, in ongoing consultation with private school officials.

***Fall/Winter***

* Continue to implement services and monitor implementation progress, in ongoing consultation with private school officials.
* Reassess and revise, as necessary.

**Disagreement**

The 21st CCLC grantee has authority to make final decisions about the design of equitable services for private school students. However, if the grantee disagrees with the view of private school officials regarding any of the issues subject to consultation, it must provide private school officials written reasons outlining the reasons why it disagrees.

A private school official has the right to complain to RIDE that the 21st CCLC grantee did not engage in timely and meaningful consultation or did not give due consideration to the views of the private school official. If RIDE’s resolution of a complaint is not satisfactory, private school officials may appeal to the U.S. Secretary of Education.

**Ombud**

ESSA also requires RIDE to designate an ombud to monitor and enforce equitable services requirements. The ombud should work with RIDE staff administering federal programs to develop monitoring protocols applicable to the provision of equitable services under each program. The ombuds should also serve as the primary point of contact for responding to and resolving any complaints regarding equitable services that RIDE receives under its complaint procedures. Questions about the provision of equitable services may be directed to the RIDE Ombuds at [ombudsman@ride.ri.gov](mailto:ombudsman@ride.ri.gov).

**Federal Guidance**

The US Department of Education released comprehensive guidance on these requirements under the previous version of the law (No Child Left Behind) [*Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*](http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc) (revised 2009). In 2016, they released [*Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)*](https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf), which focuses on new or updated requirements and was intended for use in conjunction with existing guidance. In 2022, they released [*Draft Title VIII, Part F of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers and Families – Non-Regulatory Guidance (2022)*](https://oese.ed.gov/files/2022/03/Draft-Title-VIII-Equitable-Services-Guidance.pdf)*.* These have not yet been finalized.

**Sample Resources**

The following sample documents have been developed to support 21st CCLC grantees during private school consultation:

**Letter of Introduction**

* To be sent to private schools to begin the annual consultation process. Typically, this is sent with the Intent to Participate form.

**Intent to Participate in Title IV-B**

* To be included with the annual letter of introduction. This form assists grantees in identifying which private schools wish to participate. It also captures enrollment of students from low-income families to help calculate the private school’s equitable share prior to the initial consultation meeting. If no response is received initially, this form and the letter of introduction should be sent at least once more. Maintain documentation that these were sent.

**Consultation Affirmation**

* To be completed by the 21st CCLC grantee and the private school official during the initial consultation meeting. One copy should be kept on file by the grantee; one copy should be shared with the private school; and one copy should be sent to RIDE.

***[SAMPLE]* Letter of Introduction**

From: ***[21st CCLC Program Name and Contact Name]***

To: ***[Private School and Administrator Name]***

Date: ***[Date]***

Re: Consultation for 21st Century Community Learning Center Grant

Dear ***[Name of Private School Administrator]***

I am writing to begin the consultation process that is required by the Every Student Succeeds Act (ESSA) for the 21st Century Community Learning Center grant, for which we ***[have received / are applying for]*** funding for the upcoming ***[20XX-YY]*** school year.

21st Century Community Learning Centers are federally funded programs providing academic and other enrichment opportunities during non-school hours, as well as family engagement activities. For more information about 21st Century Community Learning Centers in Rhode Island, visit [RIDE’s website](http://www.ride.ri.gov/StudentsFamilies/EducationPrograms/After-School21stCenturyCLCs.aspx). Our ***[grant / proposed grant]*** serves students in grades ***[X through Y]*** at ***[Name of School(s)]*** and ***[provide brief description of the program]***.

Students who attend local private schools and their families are eligible to participate in the program on an equitable basis. If you are interested, please fill out the information on the attached formand submit it me by ***[method of submission]*** by ***[deadline]***. We will then schedule a Consultation meeting with you as soon as possible ***[or provide details of a previously scheduled consultation meeting]***.

Please contact me at ***[contact info]***, if you have any questions. Thank you.

Sincerely,

***[Program Contact Name]***

***[SAMPLE]* Intent to Participate in Title IV, Part B**

**21st Century Community Learning Center Grant**

**Please respond by [deadline]**

|  |  |
| --- | --- |
| ***[21st CCLC Program Name]*** | ***[21st CCLC Program Contact Name)*** |
|  |  |
| ***[Private School Name]*** | ***[Private School Contact Person]*** |
| ***[Street Address]*** | ***[Contact Telephone]*** |
| ***[City/Town, Zip Code]*** | ***[Contact Email]*** |

The purpose of the 21st Century Community Learning Center grant (ESSA Title IV, Part B) is to (1) provide students opportunities for academic enrichment during out-of-school time and (2) offer students a broad array of additional enrichment programs and activities during out-of-school time, and (3) provide families of students served opportunities for active and meaningful engagement in their children’s education.

|  |  |
| --- | --- |
|  | Yes, our school is interested in participating in Title IV, Part B during the ***[20XX-YY]*** school year.  \_\_\_\_\_ # of students from low-income families enrolled in grades ***[X through Y (i.e. those served by the grant)]*** |
|  | No, our school is not interested in participating in Title IV, Part B during the ***[20XX-YY]*** school year. |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Private School Administrator’s Signature |  | Date |

***[SAMPLE]* ConsultationAffirmation for Title IV, Part B**

**21st Century Community Learning Center Grant**

The Every Student Succeeds Act (ESSA) requires that timely and meaningful consultation occur with private school officials prior to any decision that affects the opportunities of eligible private school students or their families to participate in the 21st Century Community Learning Center grant and continue throughout the implementation and assessment of the program. The goal of consultation is reaching agreement on how to provide equitable and effective programs for eligible private school children, including:

* How the children’s needs will be identified;
* What services will be offered;
* How, where, and by whom the services will be provided;
* How the services will be assessed and how the results of that assessment will be used to improve those services;
* The size and scope of the services to be provided, the proportion of funds available for those services, and how that proportion is determined;
* How and when decisions will be made about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and
* Whether the grantee shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and
* Whether to provide services to eligible private school children by creating a pool of funds or on a school-by-school basis.

|  |  |
| --- | --- |
|  | I agree that timely and meaningful consultation occurred before any decision was made affecting the participation of eligible private school children. |
|  | I do not agree that timely and meaningful consultation hasoccurred or that the program design is not equitable with respect to eligible private school children. |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Name of Private School |  |  |
|  |  |  |
| Private School Administrator’s Signature |  | Date |
|  |  |  |
| Name of 21st Century Community Learning Center |  |  |
|  |  |  |
| 21st CCLC Director/Administrator’s Signature |  | Date |