

Frequently Asked Questions Equitable Services for Private Schools

The Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act of 2015 (ESSA), requires school districts to provide equitable services to private school students, teachers, and other educational personnel in some of its major grant programs. While private schools cannot receive direct funding from these federal grant programs, their students and teachers may be eligible to receive benefits, services, and materials. The amount and type of services available to private schools is determined by grant program, based on equitable participation requirements, and is discussed and determined as part of ongoing consultation with the school district. Below are frequently asked questions and answers regarding equitable services.

1. *What does “the goal of reaching agreement” between a school district and appropriate private school officials entail?*

The “goal of reaching agreement” between a school district and appropriate private school officials is grounded in timely, meaningful, and open consultation and communication between the school district and the private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other education personnel, and families in Every Student Succeeds Act (ESSA) programs.

Meaningful consultation between a school district and appropriate private school officials provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible private school students, teachers and other education personnel, and families. This assumes that the school district has not made any decisions that will impact the participation of private school students and teachers in applicable programs prior to consultation, or established a blanket rule that precludes private school students and teachers from receiving certain services authorized under applicable programs. The department has provided a sample timeline in “Sample District Policies - Equitable Services to Non-public/Private School Students & Teachers”, a document available on ePlan in [TDOE Resources](#). However, school districts should consult with private school officials about the specific timeline for consultation in the district and provide adequate notice in order to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making.

Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible private school students, teachers and other education personnel, and families.

2. *How should a school district transmit the result of agreement on consultation to the ombudsman?*

School districts should upload their agreements derived from consultation to their LEA Document Library in ePlan.

3. *How do school districts begin the consultation process?*

The obligation to initiate the consultation process lies with the school district that is responsible for providing equitable services. The school district should contact officials of private schools located within its jurisdiction (or for Title I—private schools with enrolled students who live in the school district) to begin the consultation process on key issues that are relevant to the equitable participation of private school students, teachers, and, in some cases, families in ESSA programs. School districts should search the [School Directory](#) for a list of private schools. If a private school official has not been contacted, he or she should contact the school district in which their school is located for most programs (or for Title I—where their enrolled students live) and ask to speak to the individual(s) responsible for administering ESSA programs. For additional ideas for school districts about initiating the consultation process, see [TDOE Resources](#) in ePlan in the *ESSA Non-public/Private Schools Information & Documents* folder for sample documents and presentations on Equitable Services programs.

School district should be initiating the consultation process at least annually. One way to accomplish this is for the school district to extend an invitation to officials of the private schools and convene a meeting with them at which school district officials explain the intent of the Title programs and the roles of public and private school officials and provide opportunities for the private school officials to ask questions. It is not adequate consultation merely to send a letter to officials of the private schools explaining the various Title programs.

4. *What is an “Intent to Participate” form?*

An “Intent to Participate” form is a document that a school district sends to private school officials annually inquiring about their interest in having their students and teachers participate in ESSA programs. The form assists the school district in determining early those private school officials who are interested in ESSA programs and, thus, will be included in the consultation process. The department provides a sample form that includes a brief description of the ESSA programs requiring equitable participation as well as a request for private school data on enrollment, the number of children from low-income families, the number of students who are English learners, and additional information necessary to implement the relevant ESSA programs. Some school districts send this form by registered mail in order to document receipt of the form by the private schools. For the sample form, see [TDOE Resources](#) under *ESSA Non-public/Private Schools Information & Documents* in ePlan.

5. *Should a school district contact private school officials every year even if the private school officials have declined ESSA benefits and services in the past?*

Yes. On an annual basis, the school district must contact private school officials and inquire whether the private school's students and teachers will participate in the ESSA programs available to them.

6. *What is a school district's obligation with respect to providing equitable services if a private school declines to participate in federal education programs authorized under the ESSA or does not respond to a school district's request to consult regarding the provision of services under such programs?*

The obligation to initiate the consultation process lies with the school district that is responsible for providing equitable services. Thus, a school district must annually contact appropriate private school officials to determine whether a private school's students, teachers, and, in some cases, families will participate in applicable ESSA programs. However, private schools have no obligation to participate in ESSA programs. If a private school chooses not to participate in one or more of the applicable federal

education programs under the ESSA, the school district has no obligation to provide equitable services under the respective programs to students, teachers, and, as applicable, families, in that private school; nor does it have an obligation to collect poverty and/or enrollment data for purposes of the ESSA programs for which the school is not participating. If a private school does not respond to a school district's attempts to engage in consultation, the school district should maintain a record of all attempted communication, including, at a minimum, documentation of the initial outreach.

7. *May a school district set deadlines for submission of requests from private school officials for services and materials?*

Yes. Assuming that the school district has provided clear and sufficient notice of the deadlines, identified potential consequences for not meeting the deadlines, and given adequate time for private school officials to gather the data and respond, school districts may set a time limit for submission of requests for services and materials by private school officials. These deadlines should not affect the district's requirement to obligate funds in a timely manner (see below).

8. *May a school district carry over unobligated funds despite the new statutory requirement regarding obligation of funds?*

In general, to ensure that equitable services are provided in a timely manner, a school district must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated (ESSA §§ 1117(a)(4)(B) and 8501(a)(4)(B)). There may be extenuating circumstances, however, in which a school district is unable to obligate all funds within this timeframe in a responsible manner. Under these circumstances, **the funds will remain available for the provision of equitable services for the private school(s) under the respective program during the subsequent school year.** In determining how such carryover funds will be used, the school district must consult with appropriate private school officials (ESSA §§ 1117(b) and 8501(c)).

If you have additional comments, concerns, or questions, please contact Debby Thompson, assistant commissioner of federal programs and oversight, at Deborah.Thompson@tn.gov.