

TO: Federal Programs Directors, Category I-SP Non-public Schools
FROM: Keith Woodruff, Equitable Services & Charter Schools Programs Coordinator
Jonathan Bolding, Neglected/Delinquent Programs Coordinator & SEA Foster POC
DATE: April 12, 2017
SUBJECT: Neglected/Delinquent Facilities & Equitable Services

As required by the Every Student Succeeds Act (ESSA), districts are required to provide services to eligible private school and public school students. Section 1120 of Title I, Part A requires participating districts to provide eligible children attending private elementary and secondary schools, their teachers, and their families with services or other benefits that are equitable to their public school counterparts.

Several facilities in Tennessee have educational programs that meet the *state's* definition of non-public school. However, these facilities do not meet the definition of non-public or private school in accordance to the *Education Department General Administrative Regulations (EDGAR)* that provides the accepted federal definition for private schools and determines the recipient of equitable services.

If you have additional comments, concerns, or questions, please contact Keith Woodruff, equitable services & charter schools coordinator at Keith.Woodruff@tn.gov or Jonathan Bolding, neglected/delinquent programs coordinator & SEA foster care point of contact at Jonathan.Bolding@tn.gov.

Neglected/Delinquent Facilities & Equitable Services Questions and Answers

1. ***What is an institution for delinquent children and youth?***
A public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who have been adjudicated to be delinquent or those in need of supervision.
2. ***What is an institution for neglected children and youth?***
A public or private residential facility, other than a foster home, that is operated primarily for the care of children and youth who have been committed to the institution or voluntarily placed there under applicable state law due to (1) abandonment, (2) neglect, or (3) death of their parents or guardians.
3. ***What is a category I-special purpose (SP) non-public school?***
A special purpose school serves DCS students and encompasses some pre-k programs and transient care facilities.
4. ***How does the EDGAR define "private?"***
Private, as applied to an agency, organization, or institution, means that it is not under federal or public supervision or control.
5. ***How does EDGAR define "non-public?"***
Non-public, as applied to an agency, or organization, means that the agency organization, or institution, is non-profit and is not under federal or public supervisions or control.
6. ***Are category I-SP non-public schools classified as "private" in accordance to the EDGAR definition?***
No. Although category I-SP non-public schools are classified as non-public under Tennessee law, category I-SP non-public schools are under public supervision by the Tennessee Department of Education, and therefore do not meet the definitions of non-public or private as defined by EDGAR.
7. ***Can category I-SP non-public schools participate in equitable services?***
No. Facilities that have educational programs that are category I-SP non-public schools are not eligible to participate in equitable services. Therefore, they would not be able to participate in equitable services AND receive Title I, A (neglected) or Title I, D (delinquent) funding.
8. ***Should facilities complete "intent to participate forms?"***
No. These facilities are not eligible to participate in equitable services.
9. ***Should the district provide equitable services?***
No. These facilities are not eligible to participate in equitable services.
10. ***What do I do if a category I-SP school is on the private schools page of my consolidated funding application (CFA)?***
Do not mark these facilities as "participating." Do not mark these facilities as "profit" or "for profit." Instead, mark these facilities as "not participating."
11. ***Why are these schools listed on the private schools page of my CFA?***
The CFA populates from another server that contains a listing of all non-public schools in the state. This listing does not differentiate between non-public schools that meet the Tennessee state law definition of non-public and EDGAR's definitions.