

2025
FEDERAL
PROGRAMS
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Federal Programs
Driving Local Change

Equitable Services Overview and Panel Discussion

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Agenda

- Background and Overview
- Title VIII, Part F Uniform Provisions
- Panel Discussion
- Office Hour Dates and Resources



Background and Overview

Background and Overview

- The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), requires local education agencies (LEAs) to provide for the equitable participation of private school students, teachers, and, in some cases, parents and other education personnel in some of its major programs.

See 20 U.S.C. § 7881; 34 C.F.R. §§ 200.62 through -.68.



Programs and Statutory Requirements

20 U.S.C. § 6320 - Participation of Children Enrolled in Private Schools (Title I, Part A)

Program Included:

- Title I, Part A

20 U.S.C. § 7881 - Participation of Private School Children and Teachers (Title VIII)

Programs Included:

- Title I, Part C
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B

Title VIII, Part F

Uniform and General Provisions

Equitable Services Requirements

- For all ESSA programs, LEAs are required to:
 - engage in **timely and meaningful consultation** with private school officials; and
 - provide private school students and teachers with an opportunity to participate in activities **equivalent** to the opportunity provided to public school students and teachers.
- Additionally, LEAs are required to:
 - **assess** and address the needs of private school students and teachers;
 - provide benefits and services that **meet the needs** of private school students and teachers; and
 - spend an **equitable amount of funds** per student to provide services.

See 20 U.S.C. § 7881; 34 C.F.R. § 299.7.

Eligible Schools and Students

- Private school students, enrolled in **nonprofit** private elementary and secondary schools, including those in religiously affiliated schools, are generally eligible to receive services.
- Some ESEA programs restrict eligibility or participation to a particular group of students, in which case, the eligibility or participation of private school students is likewise restricted.

See 20 U.S.C. § 7881(b)(2).

Determining Allocations

- LEAs must ensure that expenditures for equitable services for eligible private school children and educators are equal on a per-pupil basis to the expenditures for participating public school children and educators, taking into account the number and educational needs of the eligible private school children and educators.

See 20 U.S.C. § 7881(a)(4); 34 C.F.R. § 299.7(a).

Determining Eligibility Title I, Part A

- ESEA sets forth a *student residency requirement*, rather than a school location requirement, for receipt of equitable services under Title I, Part A.
- **Only low-achieving students who live in a participating Title I public school attendance area are eligible for services**, and, therefore, the LEA where students reside is responsible for providing equitable services.

In short, eligible private school children are children who reside in a participating Title I public school attendance area and are low-achieving.

See 34 C.F.R. § 200.62(b)(1).

Title I, Part A Eligibility by Status

- In addition, children may be identified as eligible solely by virtue of their status as follows:
 - homeless children;
 - children who in the preceding two years had participated in Head Start, a Title I preschool program, or a Title I, Part C (Migrant Education) program; and
 - children in a local institution for neglected or delinquent children and youth or attending a community day program for such children.

See 20 U.S.C. § 6315(c)(2); 34 C.F.R. § 200.62(b)(1)(ii).

Title I, Part A - Funding vs. Services

- To calculate the proportionate share, the LEA will need:
 - addresses and
 - low-income data for the private school students.
- To determine which students are eligible to be served under Title I, the LEA will need:
 - addresses,
 - grade levels, and
 - information on the academic performance of the private school students.

What Counts as Low-Income Data

- ESEA permits an LEA, based on timely and meaningful consultation, to use:
 1. The same measure of poverty used to count public school children
 2. Comparable poverty data from a [survey](#)
 3. Comparable poverty data from a different source
 4. Proportionality
 5. An equated measure

- For more information see U.S. Dep't of Educ., "[Title I, Part A Equitable Services Non-regulatory Guidance](#)," (May 17, 2023).

See 20 U.S.C. § 6320(c)(1); 34 C.F.R. § 200.64(a)(3)(i).

Determining “At-Risk” Status

- In consultation with private school officials, an LEA must establish multiple, educationally related, objective criteria to determine which private school children are eligible for Title I services, and, within the eligible group, must identify those children in greatest academic need who will be served. *See 20 U.S.C. § 6315(a), (c)(1)(B))*
- Criteria may include achievement tests, teacher referrals, and recommendations based on objective, educationally related criteria, grades, and more.
 - These criteria may differ from the criteria an LEA uses to identify public school students for services.

Control of the Program

- The **LEA remains in control of the federal funds** and maintains ownership of materials, equipment, and property purchased with such funds.
 - **No funds may be directly paid to the participating non-public school.**
- Any services provided to an eligible private school or student must be provided by an employee of the LEA or a third party contracted by the LEA.
- The LEA must provide assurances that it will:
 - administer the program in accordance with all applicable statutes and regulations; and
 - maintain control of the program.

See 20 U.S.C. § 7881(d)(1); 34 C.F.R. § 299.9.

Carryover Funds

- Funds allocated to an LEA for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the LEA receives the funds. *See* 20 U.S.C. § 7881(a)(4)(B).
- If an LEA is providing equitable services as required and meeting the obligation of funds requirement, it generally **should not have any, and certainly not significant, carryover.**
- LEAs will set reasonable deadlines to ensure the use of funds during the fiscal year.
- ESEA *does not* prohibit carryover of funds for equitable services if the private school notifies the district of obstacles to meeting the deadline in a timely manner.

Services Provided

- Must be secular, neutral, and non-ideological
 - Equipment, supplies, and materials to be removed if not used appropriately
- Must supplement and not supplant the level of services provided.

See 20 U.S.C. § 7881(a)(2), -(d)(2)(C); 34 C.F.R. § 299.8(a).

“Timely and Meaningful” Consultation

- Consultation must:
 - include **early discussions** to prepare for the next school year so that there is a timely start of ESSA programs;
 - occur **during** the design and development of the programs;
 - occur **before** the LEA makes any decision that affects the opportunity for eligible private school children, their teachers, and their families to participate in Title I programs; and
 - must be **ongoing** throughout the school year to help ensure effective implementation, service delivery, and assessment of equitable services.

See 20 U.S.C. § 7881(c).

Consultation

- **Timely and meaningful consultation** between the LEA and private school officials must include:
 - how children's **needs** will be identified;
 - what **services** will be offered;
 - **how and when decisions** about the delivery of services will be made;
 - **how, where, and by whom services** will be provided;
 - how services will be **academically assessed** and **improved** based upon assessment results;
 - **the size and scope** of services; and
 - the proportion of **funds** allocated for services and how the amount of funds is determined.

See 20 U.S.C. § 7881(c)(1).

Intent to Participate

- LEAs must maintain documentation of consultation, including annual outreach to eligible private schools. An Intent to Participate form is available.
 - The data collected on the intent form should inform the completion of the annual Non-Public School Survey and Consolidated Funding Application (CFA).
 - LEAs are not required to submit intent forms to the state; forms and other documentation should be maintained for monitoring and audit purposes.

See 20 U.S.C. § 7881(c)(5).

TN Department of Education

Private School Intent to Participate Form
ESEA Programs for the 2025-26 School Year

I. The local educational agency (LEA) should complete this section and send this form to private schools within their boundaries or, for Title I, to those schools whose students reside in the LEA. Information collected should be used to complete the private school survey and the Consolidated Funding Application.

Name of LEA: _____
Address of LEA: _____
LEA Federal Programs Contact Person: _____
LEA Federal Programs Contact Title: _____
Phone: _____ Email: _____

II. Each private school should complete this section and return this form to the LEA at the address listed in Section I.

Private School Name: _____
Address of School: _____
Name of School Administrator: _____
Administrator Title: _____ Email: _____
Phone: _____ Fax: _____

School Profit Status: ☐ NON-PROFIT ☐ FOR PROFIT (Note: For-profit private schools cannot participate.)

Private School Category: ☐ I ☐ I-SP (formerly VII) ☐ II ☐ III ☐ IV ☐ V

For the 2025-26 school year: ☐ Our school plans to participate. * ☐ Our school elects not to participate.

School Administrator's Signature: _____ Date: _____

III. Each participating private school should complete this section (and pages 2-4) and return this form to the LEA at the address listed in Section I.

Total school enrollment based on the first month of the **2024-25** school year: _____

Enrollment Counts by Grade

Pre-K	K	1	2	3
4	5	6	7	8
9	10	11	12	

RETURN THIS FORM TO THE LEA FEDERAL PROGRAMS DIRECTOR LISTED ABOVE BY JAN. 3, 2025.

Division of Federal Programs and Oversight
710 James Robertson Parkway • Andrew Johnson Tower • Nashville, TN 37243
tn.gov/education

1 / October 2024

Written Affirmation & Private School Agreement Forms

- LEAs must maintain documentation of consultation and submit final agreements with private schools to the ombudsman. See 20 U.S.C. § 7881(c)(5).

Traditional Forms	Due Date
Affirmation of Timely and Meaningful Consultation Form	Due in May with the CFA
Non-Public School Agreement Form	Due by September 15 in ePlan

Combined Form	Due Date
Affirmation of Meaningful Non-Public Consultation and Agreement Form	Due in May with the CFA

- All forms are available in [ePlan](#) > TDOE Resources > ESSA Non-Public/Private Schools Information & Documents

Complaints

- A private school may file a complaint with the state's ombudsman if it believes that:
 - timely and meaningful consultation did not occur;
 - the LEA did not give due consideration to the views of the private school officials; or
 - the funds generated or services to be provided are not equitable.
- The complaint process is outlined in the Official Equitable Services Complaint to Ombudsman form:
 - [ePlan](#) > TDOE Resources > ESSA/IDEA Non-Public/Private Schools Information and Documents > ESSA Non-Public/Private Schools Information and Documents > Samples and Templates for Providing Equitable Services to Non-Public/Private Schools & Complaint Form /Procedures > [Equitable Services Complaint to the Ombudsman](#)

See 20 U.S.C. § 7881(c)(6)(A).

Panel Discussion

Meet the Panel

- Dr. Brent Webb, Hamilton County Schools
 - Coordinator of Federal Programs
 - Focuses on school improvement efforts, grant development, budget management, and maintaining compliance
 - 24 Private Schools Participating in Equitable Services
- Dr. Rhonda Stringham, Kingsport City Schools
 - Director of Federal Programs
 - Focuses on overseeing critical initiatives in Title grants, professional development, tech integration, and curriculum development
 - 2 Private Schools Participating in Equitable Services



Panel Discussion

- Please discuss how the LEA communicates with private schools to identify who want to participate in equitable services.
- Please describe how services are discussed and agreed upon during the meaningful consultation meetings. How do you ensure your process involves meaningful and ongoing consultation?
- Please describe how professional development is planned for private schools. How do you ensure the PD planned is based on the needs of private school students?



Panel Discussion

- Please discuss how the LEA keeps private schools updated on remaining funds and establishes due dates to discourage unnecessary carryover.
- Please discuss the inventory procedures and additional internal controls used in overseeing equitable services.
- Please provide best practices for establishing and keeping a good relationship with private schools.



Reminders and Resources

Reminders

- Final Agreement forms are due in ePlan on Sept. 15th
- Quarterly Office Hours for 2025-2026:
 - Thursday, Aug. 14th
 - Thursday, Nov. 13th
 - Thursday, Feb. 12th
 - Thursday, May 14th
- Office hours will be held on the second Thursday of the designated months at 9 a.m. CT | 10 a.m. ET
- Office Hours [link](#)



Reminders

- A suite of resources can be found in ePlan > TDOE Resources> ESSA Non-Public Schools Information and Documents:
 - [2024 ESSA Equitable Services Toolkit](#)
- Department of Education
 - [Every Student Succeeds Act](#)
 - [Title I, Part A of the Elementary Secondary Education Act of 1965 – Equitable Services Non-Regulatory Guidance](#)
 - [Title VIII, Part F of the Elementary Secondary Education Act of 1965 – Equitable Services Non-Regulatory Guidance](#)



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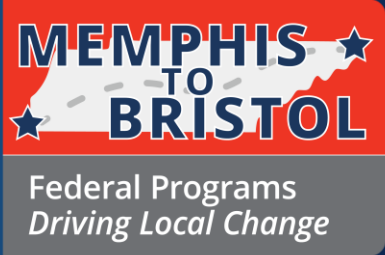
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You may access the PD Survey by navigating here:

<https://forms.office.com/r/sbRAwQUV0d>



Up Next...

Click one of the links below to seamlessly join the next session of your choice.

11:40-12:50 p.m. ET 10:40-11:50 a.m. CT	EL Family Engagement Hannah Gribble
	Carryover, Waivers, & Expiring Funds Kate Smitheal & Alfred Garrett



Thank You!



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