



United States Department of Education  
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

AUGUST 21, 2025

Dear Chief State School Officer:

The Trump Administration is committed to supporting parents in having the ability to select education options that best meet their children's needs. The U.S. Department of Education (Department) is pleased to provide information on several important aspects of the equitable services provisions under Title I, Part A (Title I) of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act of 2015*.

In general, the Department recognizes that families of students attending a private school are still Federal taxpayers. Congress also recognizes this and accordingly enshrined in ESEA that students in private schools are eligible recipients of services, similar to those provided to their public school peers using Federal funding. This Department stands ready to enforce and improve implementation of ESEA's equitable services provisions in the pursuit of an excellent education for all American children in the setting their parents choose.

The flexibilities under Title I provide State educational agencies (SEAs) and local educational agencies (LEAs) with discretion to support greater education choice. Specifically, this letter focuses on ways SEAs can help their LEAs provide Title I equitable services efficiently while effectively supporting LEAs with offering a choice of services to parents of participating private school children. Under some circumstances, the SEA might serve as the Title I equitable services provider in place of the LEA. In addition to what is highlighted in this letter, you are encouraged to consult the Department's non-regulatory guidance on equitable services (available at: [ESEA Title I, Part A Equitable Services Updated Non-Regulatory Guidance \(Updated May 17, 2023\)](#)).

This letter follows previous letters on improving parental choice that focused on ESEA section 1003A (direct student services) (available at: [Department of Education Encourages States to Expand Education Choice by Leveraging Flexibilities in Title I Funds](#)); ESEA section 8532, which provides school choice options for students attending public elementary or secondary schools that are identified as persistently dangerous (available at: [U.S. Department of Education Shares State Guidance on the Unsafe School Choice Option](#)); and Title I school improvement provisions (available at: [U.S. Department of Education Issues School Choice Guidance to States on Turning Around Failing Schools](#)).

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*The Department of Education's mission is to promote student achievement and preparation for global competitiveness by fostering educational excellence and ensuring equal access.*

### **Consultation Requirements for Title I Equitable Services**

ESEA section 1117 requires an LEA that receives Title I funds to provide equitable services to eligible children who reside in the LEA's participating Title I public school attendance areas and attend private schools. Under 34 C.F.R. § 200.62(b)(1), eligible private school children are generally those who reside in a participating Title I public school attendance area (regardless of whether the private school they attend is located in the area) and are low achieving. Before an LEA makes any decision that affects the opportunities of eligible private school children to participate in a Title I program, ESEA subsections 1117(b)(1) and (3) require the LEA to engage in timely and meaningful consultation with appropriate private school officials during the design and development of the program.

Consultation topics shall include issues such as, but not limited to:

- the criteria to use to identify eligible children;
- how eligible children's needs will be identified;
- what services will be offered;
- how, where, and by whom services will be provided;
- the sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- the proportion of funds available for the services and how that amount is determined;
- and whether to pool funds across LEAs to provide services to eligible children attending a private school that is part of a group of private schools.

In consultation with private school officials, an LEA must design an equitable services program under ESEA section 1117(a) that provides secular, neutral, and nonideological activities to improve the academic achievement of participating private school students.

SEAs are encouraged to promulgate a guide or rubric that private school officials and LEAs may use to make the consultation process more efficient. SEAs are also reminded of their duty under regulations implementing ESEA section 8503(a) to provide a clear process for "receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations" of ESEA's equitable services provisions (*see* 34 C.F.R. § 299.13). As discussed below, among other remedies to complaints, SEAs may determine that a direct provision of services is the best remediation of a complaint.

Furthermore, an LEA must ensure that parents and families of participating children participate, on an equitable basis, in services and activities aligned with the Title I parent and family engagement requirements in ESEA section 1116. As part of its parent and family engagement activities, the Department encourages LEAs to, in consultation with private school officials, hold meetings with parents of participating private school children to help identify a menu of services that the LEA will offer and more generally to participate in decisions regarding the activities that would best meet their child's education needs.

### **Providing Choices to Parents of Eligible Private School Children**

An LEA, in consultation with private school officials, might consider designing a program that provides parents of eligible private school children the opportunity to choose the best activity to meet their child's education needs.

For example, based on consultation with private school officials, an LEA could identify a range of activities from which parents may choose. This could include the following options:

- instructional services provided by the LEA or third-party contractors;
- expanded learning time, including before- and after-school programs;
- one-on-one tutoring;
- summer school programs;
- family literacy programs;
- counseling programs;
- mentoring programs;
- computer-assisted instruction;
- home tutoring;
- instruction using take-home computers; or
- any combination of the above.

### **SEA Activities to Support Title I Equitable Services**

When a private school's students reside in multiple LEAs' participating Title I public school attendance areas, that private school may need to consult with multiple LEAs and have multiple LEAs operating Title I equitable services programs in the private school. As noted above, each LEA with eligible private school children who reside within its Title I public school attendance areas is responsible for providing equitable services. In these situations, absent other arrangements such as the ones discussed below, the need to engage in timely and meaningful consultation with multiple LEAs can be burdensome for private school officials and can potentially restrict student access to equitable services. To alleviate this and other burdens, SEAs can support LEAs to operate more efficient and effective equitable services programs to ease burdens on parents, eligible private school students, private school officials, LEA officials, and education services providers in the following ways:

#### **1. Pooling**

One of the most effective ways to support equitable services is to encourage LEAs and private school officials to explore the benefits of pooling across LEAs during the consultation process. Pooling is a service delivery option that enables LEAs to combine the Title I funds generated by private school children from low-income families from each LEA to create a pool of funds and identify a single LEA or other entity that will provide the services on behalf of those LEAs. Pooling may provide a more manageable process for a private school whose students reside in multiple LEAs by simplifying consultation for the private school and streamlining service delivery for students. Absent pooling or the other arrangement discussed below, private school officials will have to consult with multiple LEAs and coordinate services from multiple LEAs. For more information on pooling, see pages 17-19 of the Department's non-regulatory [guidance](#) on Title I equitable services.

2. Third-party providers

An SEA can encourage an LEA to partner with third-party providers to provide equitable services on its behalf. These external providers include other public or private agencies, organizations, and institutions. For example, if there is an educational service agency (ESA) in the State with the capability to provide equitable services, the LEA, after consultation with private school officials, may choose to arrange for the ESA to provide equitable services on its behalf. LEAs with limited staff capacity or LEAs that pool equitable services funds may find it especially useful for an ESA or other external partner to meet their Title I equitable services responsibilities.

3. Facilitating arrangements with third-party providers

The SEA can also support LEA implementation of equitable services by making it easier for LEAs that desire to use a third-party provider for equitable services to do so. For example, consistent with the procurement standards in [2 CFR Part 200 Subpart D - Procurement Standards](#), an SEA could develop a list of other LEAs that use third-party providers to facilitate cooperation and knowledge sharing. If applicable, the SEA could provide a list of ESAs in the State that provide equitable services for other LEAs.

An SEA, in consultation with private school officials, may also conduct its own procurement to identify entities that provide services. Consistent with the State's procurement standards, this would permit any interested LEA to use entities the State selected through its procurement to provide the services (again, after the LEA consulted with private school officials).

**Note that this approach would not necessarily need to be limited to the LEAs within a particular State.** If the State and local procurement rules supported it, an LEA in State A could request to use available entities (e.g., LEA, separate government agency, education service unit, or third-party contractor) identified in State B to provide the services (with the LEA's consultation with its private school officials). In this instance, the SEA in State A would still have responsibility for ensuring that its LEAs comply with the equitable services requirements even if the LEA is using State B's identified entities.

An SEA may also consider taking other actions to streamline the procurement process at the SEA and LEA levels. For example, an SEA can provide technical assistance on the procurement standards referenced above and sharing model procurement requests and contracts with LEAs, especially for LEAs that conduct procurements less frequently than others.

**SEA as Provider of Title I Equitable Services**

ESEA requires that the LEA provide equitable services. However, under certain circumstances, an SEA may take over this responsibility. ESEA section 1117(b)(6)(C) requires an SEA to provide Title I equitable services (directly or through contracts with a third-party provider) if private school officials have: (1) requested that the SEA provide such services directly; and (2) demonstrated, in accordance with the SEA's procedures for filing a complaint, that an LEA has not met the requirements to provide equitable services. SEAs are encouraged to promulgate to private school officials the procedure for a request for direct provision of equitable services from the state and the metrics by which the SEA will determine if direct services from the SEA are an appropriate response to an LEA not meeting the requirements for equitable services.

To provide equitable services in place of an LEA, the SEA may retain the funds generated by eligible private school students from low-income families in the involved private school(s) from the applicable LEA's Title I allocation. The SEA may also retain administrative costs from the proportional share of Title I funds generated for equitable services that are reasonable and necessary for arranging the services.

In selection of a third-party provider, SEAs and LEAs should be aware that the provisions of Section 1117(d)(2)(B) regarding the religious status of a potential provider should not preclude their consideration, in accordance with recent Supreme Court decisions and subsequent Department interpretation. See *Carson v. Makin*, 596 U.S. 767 (2022) (upholding the principles applied in *Trinity Lutheran Church of Columbia, Inc. v. Comer*, 582 U.S. 449 (2017) and *Espinoza v. Montana Department of Revenue*, 591 U.S. 464 (2020), to protect against conditioning the availability of benefits based on an organization's religious character); see also "Title I-Improving the Academic Achievement of the Disadvantaged and General Provisions; Technical Amendments," 84 Fed. Reg. 31660, at 31665 (July 2, 2019) (noting that the Department, in consultation with the Department of Justice, had determined Section 1117(d)(2)(B) to be unconstitutional, and had notified Congress as such pursuant to [28 U.S.C. 530D](#)). Please note, any provider of equitable services must be independent of the private school in which services are provided (ESEA section 1117(d)(2)(B)).

Thank you for your continued focus on providing meaningful options for parents and private school officials to ensure all children receive the Federal education services available to them, regardless of where they attend school. The Department encourages States to reach out to the Title I and Office of Non-Public Education teams for details on how these and other strong practices can be tailored to provide more meaningful choices to parents in your State. If you have any questions or need additional information, please contact us at: [OESE.TitleI-A@ed.gov](mailto:OESE.TitleI-A@ed.gov) and [onpe@ed.gov](mailto:onpe@ed.gov).

Sincerely,



Hayley B. Sanon  
Principal Deputy Assistant Secretary  
and Acting Assistant Secretary  
Office of Elementary and Secondary Education

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