

ESSA equitable services provisions went into effect in the 2017-2018 school year.

Title I and Title VIII (Titles II, III, and IV)

Under the Title I of the Elementary and Secondary Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), local education agencies”(LEAs)” must provide equitable services for eligible private school students, teachers, educational school personnel and their families.

NEW REQUIREMENTS

- **OMBUDSMAN**

To help ensure equitable services and other benefits for eligible private school children, teachers, and other educational personnel, and families, the state education agency (SEA) must designate an ombudsman to monitor and enforce ESEA equitable services requirements under both Title I and Title VIII (Titles II, III & IV respectively) and be a part of the monitoring process.

- **PRIVATE SCHOOL QUALIFICATIONS**

Use the current Brumfield vs Dodd list of private schools and check for non-profit status. Private schools without non-profit status cannot participate.

- **PRIVATE SCHOOL COUNT**

LEA must use correct data for obtaining and reporting economically disadvantaged (ED) to determine Title I funding for private schools. The ED count determines the allocation only; not services to eligible students who have an academic need.

- **EQUITABLE SERVICE FUNDING**

Funding is determined by the district based on the total allocation. State must notify the private schools of the amount of funds available.

- **OBLIGATION OF FUNDS**

No Carryover...Unless Extenuating Circumstances.

Private schools must explain extenuating circumstances to the LEA in writing.

Funds allocated to eligible private school children, teachers and other educational personnel, and families must be used in the fiscal year the funds are received by the LEA.

- **TIMELY AND MEANINGFUL CONSULTATION**

LEAs must conduct annual, timely, and meaningful consultations, as well as ongoing meaningful

consultations throughout the school year. Both parties must work toward reaching agreement on how to provide equitable services. “During consultation the LEA should discuss...”

- How the proportionate share was determined
- The administrative cost and how it will be used to service private schools
- The methods that will be used to provide services to eligible private school students (e.g., by the LEA or LEA third party contract)
- The scope and sequence of the Title I program for eligible private school students and teachers
- The multiple academic criteria needed for each eligible private school student (e.g., student standardized test scores, report card grades, teacher ranking form, and input from private school officials)
- The private school official’s suggestions/input regarding Title I program design and implementation
- The importance of maintaining control and monitoring the equitable services program, including contracts, budgets, personnel and third party contractors
- Whether private school services will be provided through pooling the total allocation or distributed on a school-by-school basis
- How non-public teachers of eligible private students will receive professional development services
- How parents and families of eligible private school students will receive Parent and Family Engagement services
- When the private school Title I program will begin (Services must start at the same time as the public school’s Title I program unless a later date is agreed upon in consultation)
- The Title VIII (which includes Titles II, III and IV) equitable services that will be provided to private schools
- How the equitable services program will be assessed at the end of the school year
- The section of the affirmation which indicates that timely and meaningful consultation has taken place
- The federal requirement that the Affirmation of Consultation and Agreement must be sent to the state ombudsman

NOTE: If the LEA disagrees with the private school officials regarding equitable services, it must provide a written explanation stating why it disagrees. If there is still a disagreement, it is forwarded to a complaint process at the SEA.

Ombudsman Contact Information

Daphne Flentroy, State Ombudsman
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Resources and Guidance

Elementary and Secondary Education Act, No Child Left Behind Act of 2001 (NCLB - Every Student Succeeds Act of 2017 (ESSA) - Equitable Services for Eligible Private School Students, Teachers, and other Educational Personnel Comparison Chart

<https://innovation.ed.gov/files/2016/07/NCLB-ESSA-EquitableServices-Comparison-Chart-FINAL.pdf>

Ensuring Equitable Services to Private School Children

<https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>

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>

<https://www2.ed.gov/programs/teacherqual/guidance.doc>

For Your Equitable Services Library

What Do I Do When...The Answer Book on Title I (Updated for ESSA 2016) - Third Edition
by LRP Publications

Serving Private School Students, Families and Teachers: A Compliance Guide for Title I Practitioners -
Second Edition by LRP Publications