

State – Level Equitable Services Statute and Non-Regulatory Guidance

ESEA of 1965 - Statute

PART A—SUPPORTING EFFECTIVE INSTRUCTION SEC. 2101. ø20 U.S.C. 6611¿ FORMULA GRANTS TO STATES.

(d) STATE APPLICATION.—

(l) An assurance that the State educational agency will comply with section 8501 (regarding participation by private school children and teachers). Page 159 Sec. 2101(l)

Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Private School children, Teachers, and Other Educational Personnel Pages 36 - 37

H-3. Which entities must provide equitable services under Title II, Part A?

SEAs that reserve funds for State activities under ESEA section 2101(c) and LEAs that receive a Title II, Part A subgrant under ESEA section 2102 must provide equitable services under Title II, Part A. (ESEA section 8501(a)(1)).

H-4. What options are available to SEAs for using funds to provide State-level equitable services under Title II, Part A?

Under section 8501(a)(1), an SEA is responsible for implementing equitable services for private school teachers, principals, and other school leaders to the extent that it reserves any funds under section 2101(c)(1) or (3) for State-level activities. ESEA section 2101(c)(1) allows an SEA to reserve up to five percent of its overall Title II, Part A allocation for State-level activities (specified in ESEA section 2101(c)(4)); and section 2101(c)(3) allows an SEA to reserve an additional amount of not more than three percent of the amount otherwise reserved for LEA subgrants for State-level principal or other school leader activities. For additional information regarding State reservations under Title II, Part A, please see Part 3, p. 27, of the Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading available at <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>. The SEA determines the amount of Title II, Part A funds to reserve for equitable services to private school teachers, principals, and other school leaders by calculating, on a per-pupil basis, the amount available for all public and private school children in the area of the State to be served, taking into consideration the number and needs of the eligible private school children and educators to be served. (ESEA section 8501(a)(4)(A)). State-level activities in which private school educators may participate must be determined in consultation between the SEA and appropriate private school representatives (ESEA section 8501(c)(1)), such as a State-level private school working group.