

Summary of Topics & Assurances for Equitable Services to Private School Children Under ESEA

North Carolina Department of Public Instruction

Sections 1117 and 8501 of the Elementary and Secondary Education Act (ESEA, revised in 2015 as Every Student Succeeds Act) require that timely and meaningful consultation occur between school districts and private school officials prior to any decision that affects the opportunities of eligible private school children and educators to participate in specified programs and shall continue throughout the implementation and evaluation of any services accepted as a result of the consultation.

The following topics must be discussed during the ongoing consultation process:

1. How the children's and/or the school's needs will be identified;
2. What services will be offered;
3. How, where, and by whom the services will be provided, including those provided by other districts, if applicable*;
4. How the services will be assessed and how the results of that assessment will be used to ensure effective implementation and improve those services;
5. The size and scope of the equitable services to be provided to the eligible private schools and/or their children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined;
6. As applicable for Title I-A, the method or sources of data that are used to determine the number of children from low-income families living in Title I-A participating school attendance areas who attend private schools, including whether the district will extrapolate data if a survey is used;
7. How and when the agency will make decisions about the delivery of any such services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
8. How, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the district will provide in writing to such private school officials an analysis of the reasons why the district has chosen not to use a contractor;
9. Whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
10. Whether or not to provide equitable services by pooling funds per section 1117(b)(1)(J) for Title I-A and/or section 8501(c)(1)(H) for Title I-C, Title II-A, Title III-A, Title IV-A and Title IV-B;
11. When, including the approximate time of day, services will be provided; and
12. For Title I-A, whether to consolidate and use Title I-A funds provided in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1), to provide services to eligible private school children participating in programs.

***NOTE:** *The local district must ask consulting private school officials if they enroll students who may generate Title I-A proportionate share funds but reside in other districts. If so, the local district must advise the officials that the other district(s) may be required to offer Title I-A services, depending on residency and economic status. The local district will advise the other districts to invite the private school(s) to consult.*

The private school should be advised that the district will be asked to provide the following assurances to NCDPI:

- a. Each district shall maintain in the agency's records, and provide to NCDPI, a written affirmation signed by officials of each participating private school that the meaningful consultation required by federal law was offered and/or has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If the private school officials do not provide such affirmation within a reasonable period of time, the district shall provide to NCDPI documentation that such consultation was offered to the private school.
- b. The control of funds provided under these Acts and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.
- c. The educational services and other benefits offered for students and educators in nonpublic school are equitable in comparison to those provided in public schools.
- d. Funds allocated to a district for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.
- e. Nonpublic school officials have provided accurate and reliable information, including low-income data as applicable (for Title I-A), to the district for children residing in eligible school attendance areas for purposes of allocating applicable federal funds for use by the district at private schools.
- f. The services provided to private schools have been and/or will be designed to address identified needs and have been and/or will be implemented in accordance with the provisions of the respective statutes, rules and policies governing the use of funds.
- g. Educational services and other benefits, including materials and equipment, provided shall be secular, neutral and nonideological.