## Determining Equitable Services for Private Schools[[1]](#footnote-1)

* **Changes under the ESSA:** The federal Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) (2015) requires the opportunity for equitable participation of students and educators in private, non-profit elementary and secondary schools (private schools) in its federally funded programs and services. The public school district is required to have "timely and meaningful consultation" with private school officials regarding the participation of private school students and educators in ESSA funded programs and services and to submit the [Affirmation of Consultation and Agreement with Participating Non-Public School Officials](http://www.mass.gov/edu/government/departments-and-boards/ese/programs/accountability/financial-support/title-i-and-other-federal-support-programs/essa-every-student-succeeds-act/non-public-private-school-equitable-srvcs-under-essa.html) form as a part of the Title I application.
* The Title II, Part A legislation states that districts must set aside Title II, Part A funds for IIA approved services for private school educators in the district's geographic boundaries. The amount available for private school participation for services must be based on an LEA's 2018 Title IIA allocation, minus program administration costs. Funds reserved for equitable IIA approved services for private school personnel must be equal to the amount spent for public school personnel, on a per-pupil basis.

## Requirements for Private School Activities

* Any use of Title II, Part A funds for the benefit of private school participants **must**:
  1. Meet the **specific needs** of students enrolled in a private school, and not the school itself. Title II, Part A funds may not be used to meet the needs of a private school or the general needs of the students enrolled in the private school. In some instances, however, a program or activity that primarily benefits a private school’s students (because it addresses specific, rather than general, needs of the students) will also incidentally benefit the school. (34 CFR 76.658.)
  2. Ensure that the public agency (e.g., an LEA) responsible for providing equitable services retains control of the funds used to provide such services. In addition, equitable services must be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization. These employees, individuals, associations, agencies, or organizations providing the services must be independent of the private school and any religious organization and the employment or contract must be under the control and supervision of the public agency.

## Example Formula to Determine Equitable Expenditures for Private Schools

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| **A: Enrollment** |  |
| A1: LEA (District) Enrollment | 900 |
| A2: Participating Private School Enrollment | 100 |
| A3: Total Enrollment | 1000 |
| **B. Allocation** |  |
| B1: Total LEA Allocation | $1,000,000 |
| B2: Administrative Costs | $50,000 |
| B3: LEA Allocation Minus Admin Costs | (B1-B2) $950,000 |
| **C. Per Pupil Rate** |  |
| C1: Per Pupil Rate | (B3 divided by A3) $950 |
| Equitable Services Amount LEA must reserve for equitable services for private school teachers and other educational personnel | $95,000 |

1. [Equitable Services Requirements in ESSA](https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf), US Department of Education, Nov. 2016 [↑](#footnote-ref-1)