



UNITED STATES DEPARTMENT OF EDUCATION
OFFICE OF ELEMENTARY AND SECONDARY EDUCATION

October 7, 2019

Summary Response to Comments on Title I, Part A, of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families – Updated Non-Regulatory Guidance (October 7, 2019)

On March 11, 2019, the U.S. Department of Education (Department) published, in draft, for public comment the document titled *Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families – Updated Non-Regulatory Guidance (October 7, 2019)* (Title I Equitable Services Updated NRG). Nearly 100 individuals/organizations submitted over 500 comments cumulatively for the Department to consider in finalizing the Title I Equitable Services Updated NRG. The Department reviewed these comments and sought to address relevant and substantive issues by adding new questions, revising language for clarity, and providing specific examples to illustrate complex provisions.

Comments addressed a variety of topics, including the following key issues: administrative costs, allowable uses of funds, consultation, obligation of funds, carryover, calculation of poverty data, proportional share of Title I funds for equitable services, pooling of funds, parental involvement, third-party contractors, religious organizations as third-party contractors, and transferability. Many commenters provided specific edits and suggestions for enhancing clarity or expanding a particular topic.

In response, the Department added the following new questions:

- A-6: Who is responsible for initiating consultation?
- B-9: May an LEA make a unilateral decision to pool funds among several private schools to provide equitable services?
- B-28: How does the 15 percent carryover limitation in ESEA section 1127(a) apply to equitable services carryover?
- B-31: May an LEA impose reasonable deadlines on private school officials to facilitate meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B)?
- C-2: Are preschool children in a private school eligible to receive equitable services under Title I?
- C-32: If an LEA contracts with a third-party provider, must the third-party provider employ Title I teachers and paraprofessionals who meet the State's qualification requirements?
- C-33: Must a paraprofessional employed by an LEA to provide equitable services work under the direct supervision of a public-school teacher?

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- F-3: If private school officials or another interested party are dissatisfied with an SEA's resolution of a complaint, what recourse is available?
- F-6: If an SEA determines that it must provide equitable services in lieu of an LEA in accordance with ESEA section 1117(b)(6)(C), what funds does it use to provide the services?
- F-9: How do private school officials request a bypass?

The Department also received suggestions to provide greater clarity and/or illustrative examples. As a result, the Department revised its responses to a number of questions, including those on consultation, pooling, and carrying over unobligated funds, and made substantive edits to the following questions:

- A-9: What topics must an LEA address during consultation?
- B-8: What are the options available for providing equitable services to private school children?
- B-27: May an LEA carry over unobligated funds despite the statutory requirement regarding obligation of funds?
- B-29: When does an "obligation" occur?
- B-34: Is there a specific timeline for the SEA to disseminate the notice of allocation?
- C-13: What does it mean to consolidate and use Title I funds in coordination with eligible funds available for equitable services under programs covered under ESEA section 8501(b) to provide services to eligible private school children in participating programs?
- C-34: How does an LEA provide equitable services for parents and families of private school students participating in the Title I program?

The Department greatly appreciates the public's helpful and insightful commentary on the draft Title I Equitable Services Updated NRG which has served to enhance the document. We trust that this guidance, used in conjunction with the Title I statute and applicable regulations, will serve to assist both public and private school officials involved with implementing the ESEA Title I equitable services provisions.