

SCHOOL DISTRICT REQUIREMENTS FOR PRIVATE SCHOOL PARTICIPATION IN FEDERAL PROGRAMS

Following are responsibilities districts must meet under the Elementary and Secondary Education Act (ESEA) as reauthorized by the Every Student Succeeds Act (ESSA) for private school participation in federal programs. Federal programs included are Title I, Part A; Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B. **Note:** Although Perkins IV is authorized under the Carl D. Perkins Career and Technical Education Act of 2006, it is included in the Private Participation in Federal Programs application and consultation processes.

Equitable Services to Private Schools

Services must be equitable to those provided in the public school and equal in expenditures. If the needs of the students enrolled in private schools are different from those of public school students, the school district shall provide different benefits. School districts must ensure services:

- Begin the same time as those in the district.
- Are secular, neutral, and non-ideological.
- Are supplemental and do not supplant.
- Benefit the private school students and teachers, not the private school.
- Are provided by staff under the direction of the district, and are independent of the private school. The district must supervise any employee or contractor.

Requirements and Actions

To meet federal requirements, school districts must:

- Access [EDS](#) to view the list of private schools located within district boundaries. See instructions to access EDS in **Attachment D**.
- Contact private schools that are within district boundaries to inform them of the federal program services that are available through the district.
- Contact the private schools in EDS that have not yet completed the Private Participation in Federal Programs application before the due date to ensure the application is completed. Document the attempted contacts with private schools.
 - Attempted contacts with the private school should be at least twice and documented in the EDS contact log. *Step-by-Step District Directions* are available on the private school webpage.
- Provide ongoing timely and meaningful consultation with eligible private schools that choose to participate in federal programs and services.
 - The consultation process must begin before the district makes any decisions that affect the opportunities and services provided to private school students, teachers, and parents. Transferring funds from one ESSA program to another must also be included in the required consultation topics.
 - Areas of required consultation are detailed on the *Affirmation of Consultation*.
- Complete an *Affirmation of Consultation* for each participating private school. This document is applicable to all ESSA programs the private school will participate in. Obtain the signature of the private school official, and upload this document in the Private Participation in Federal Programs application in EDS under the “Consultations” tab. Maintain a copy at the district and provide a copy to the private school.
- Inform the private school of the *Complaint Procedures* as part of the consultation.

- Maintain control of the program funds, as well as title to all materials, equipment, and property purchased with federal funds. No funds are paid to the private school.
- Equipment/materials purchased with Title I, Part A funds:
 - Inform the private school of limitations of the use of equipment/materials.
 - Obtain written assurance that equipment/materials will only be used for secular, neutral, non-ideological purposes.
 - Maintain an up-to-date inventory and perform periodic on-site monitoring to ensure the equipment/materials are used appropriately.

School District Responsibilities Specific to Title I, Part A

Private school students must meet eligibility requirements in order to receive Title I, Part A equitable services. Determining availability and level of services for private school students is a multiple step process.

1. Identify Students—determine the number of private school students who live within the boundaries of a Title I, Part A-served public school in the district.
2. Determine Funding Level of Services—of the students who live in the boundaries of a Title I, Part A-served public school or schools, determine the number of students whose families meet the low-income criteria. Only students whose families meet the low-income criteria generate funding for services. Use current year USDA Family Income Eligibility data (<https://www.fns.usda.gov/school-meals/fr-041017>) or another approved strategy (see the *Title I, Part A Record of Agreed Upon Services* for options).
3. Identify Students Who Will Be Served: Of the private school students who reside within the boundaries of a Title I, Part A-served public school, regardless of the family income level, identify how many students are struggling academically.

Title I, Part A—Out-of-District Private School Students

Each district must identify if district students attend private schools outside district boundaries and if the students are eligible to generate funding for Title I, Part A equitable services. If so, then the district is also responsible to provide equitable services to eligible students the same as students who attend private schools in district boundaries. Strategies to identify district students attending out-of-district private schools include:

- Direct contact with out-of-district private schools that indicate in EDS that they have district students enrolled in their school.
- Contact the district where the private school is located and work through them to determine a process to identify students in the private school. If funding is generated for services, then the district can pursue conversations related to an interlocal agreement with the neighboring district to provide services.

Districts must also complete the *Title I, Part A Record of Agreed Upon Services* for each participating private school for Title I, Part A equitable services. The topics outlined in the *Title I, Part A Record of Agreed Upon Services* are required by ESSA. Complete the document during the consultation and upload into EDS.

Find Step-by-Step District Instructions, sample Interlocal Agreements, Affirmation of Consultation, Complaint Procedures, and the Title I, Part A Record of Agreed Upon Services on the private school webpage at: <http://www.k12.wa.us/ESEA/PrivateSchools.aspx>.