



PROMOTING MEANINGFUL EQUITABLE SERVICES: STRATEGIES AND RESOURCES TO SUPPORT LEAs

BRIEF

Purpose

The Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA), provides for the equitable participation of students attending nonpublic schools, their families, and teachers in key programs, including Title IV, Part A (Title IV-A) ([Section 8501](#)). State education agencies (SEAs) are responsible for ensuring that local education agencies (LEAs) comply with the statute and regulations related to equitable services as part of ESEA sections 8304(a)(1) and (3).¹ One way to fulfill this responsibility is for State Coordinators (SCs) and SEAs to provide LEAs with supports to improve their collaboration with private school officials.

This coaching guide helps Title IV-A SCs improve the technical assistance (TA) related to equitable services consultations provided to LEAs. It features tips, examples, and resources that SCs can adapt to support their LEAs as they aim to increase the quality and success of their equitable services consultations. The guide also includes suggestions on ways to collaborate with other SEA staff members to improve the provision of equitable services across all relevant Federal programs.

Introduction

Most formula-based Federal education programs receive funds based on the Title I allocation for each SEA, which is calculated with data from the U.S. Census Bureau for the children who reside in the local area. As all children in an area are accounted for when making these funding allocations, all students—those who attend public schools and those who attend nonpublic (i.e., private) schools—must be considered when determining the programming and services provided through Federal education programs. As a result, SEAs and LEAs are responsible for providing equitable services to private schools.

Here, **equitable services** is defined as providing eligible private school students and teachers with the opportunity to participate in activities, services, or other benefits supported by Federal funding comparable to those provided to their counterparts

in public school. In practice, providing equitable services can include assessing and addressing the needs of eligible private school students and teachers on a comparable basis to their public-school counterparts or spending an equal amount per student to serve similar public and private school students. Equitable services requirements





related to Title IV-A are defined primarily in [Title VIII, Part F of the ESEA](#).

The goal of providing equitable services is to meet the needs of students in both private and public schools. Meeting this goal requires meaningful collaboration and relationships between public and private school stakeholders, especially during **consultation**.² Sometimes, building these relationships can be challenging. In a recent [study conducted by the Government Accountability Office \(GAO\)](#), LEA officials surveyed in five key states expressed that managing equitable services—specifically the consultation process—can be an administrative burden that requires significant capacity, employee hours, paperwork, and outreach. LEA officials also described challenges with connecting with private school leaders, collecting data, monitoring, and auditing. Private schools cited challenges with the equitable services process, including a lack of meaningful and timely consultations and provision of services.

The most recent legislation to reauthorize the ESEA, the ESSA, created a position to mitigate these challenges. Each state is now required to have a **state-level Ombudsman** responsible for

mediating concerns related to equitable services at the LEA level. Although some stakeholders from LEAs and private schools have asked for further state-level involvement in administration of equitable services, officials from the U.S. Department of Education, several Ombudsmen, and other state-level officials have asserted that a fully state-administered program would not be appropriate. These officials explain their decision by citing states' lack of capacity to provide direct services at schools and the desire to maintain the relationships between LEAs and private schools that the current system fosters.³

It is the responsibility of LEAs to conduct the equitable services consultation process with eligible local private schools. However, SEAs can provide guidance, resources, and tools to reduce some of the burden on LEAs and help address challenges that might result from a lack of collaboration with private schools. By contributing to these efforts, Title IV-A SCs can help foster more effective collaboration between LEAs and private schools. Better collaboration, in turn, leads to activities that meet the intent and priorities of the Title IV-A program.

The remainder of this resource is divided into three main sections: (1) an overview of the definition and key elements of meaningful consultation; (2) advice and resources that SEAs can use and/or adapt to inform supports they provide to LEAs to promote meaningful, effective consultation; and (3) tips on how Title IV-A SCs can collaborate with other SEA staff members to provide TA on improving equitable services across their state.

Your State Ombudsman as a Resource

Part of the Ombudsman's role is to serve as a resource for addressing questions and concerns of both private schools and LEAs related to equitable services. SCs can work with their State Ombudsman to promote positive relationships between LEAs and private schools.

Definition of Meaningful Consultation

In its sections on equitable services, the ESEA repeatedly refers to the need for “meaningful” equitable services consultations (Section 8501[c]). According to the U.S. Department of Education’s *Title VIII, Part F of the ESEA of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*, “the ‘goal of reaching agreement’ (ESEA section 8501(c)(1)) between an LEA and appropriate private school officials is predicated on the good faith efforts of all parties to reach agreement regarding the provision of equitable services. Meaningful consultation that results in agreement begins well before the decisions are made or services are implemented and provides a genuine opportunity for all parties to express their views, to have their views given serious, due consideration, and to discuss viable options for ensuring equitable participation of eligible private school children and educators.”⁴

Meaningful consultation is not only a statutory requirement but also a prerequisite for reducing some of the challenges LEAs face as part of the equitable services process. A lack of cooperation between LEAs and private schools can increase the amount of time and effort LEAs must spend on activities such as outreach, data collection, and monitoring. Meaningful consultation leads to improved relationships in which both private

schools and LEAs contribute, share information transparently, and ultimately meet the needs of students. The following section describes three key elements of meaningful consultation in further detail.

Meaningful Consultation Is Relational and Collaborative.

Relationships are the foundation of equitable services. In any interaction, people can often sense when an interaction is forced or compliance-oriented. Developing genuine relationships, with the best interest of students as the common goal, is key to successful interaction between LEAs and private schools. These key relationships are formed during the consultation process.

It is important that private schools participate actively in the process for consultation to be truly meaningful and for eligible students and their teachers to receive the support they need. (For tips on improving private school engagement, see *Consultation Best Practices and Resources*.) Active participation includes engaging in conversation and decision-making processes and providing relevant data and information to LEAs. All parties should have the opportunity to share their ideas and views. Keeping communication open and collaborative will also help LEAs and SEAs access the information

Figure 1. Key Elements of Meaningful Consultation

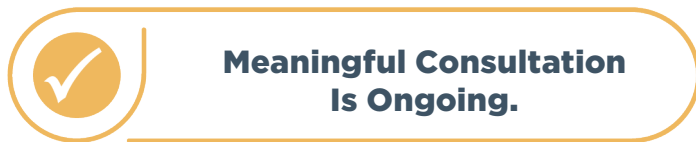


they need to monitor services provided.⁵ LEAs may face challenges in communicating with all eligible private schools. For advice on this issue, see [Strategies for Tough-to-Reach Nonpublic School Stakeholders](#).)



Student needs should fuel the conversation during consultation and determine the services provided (inside of the requirements for each program, such as Title IV-A). In addition to meeting statutory requirements, focusing on student needs can also remind public and private stakeholders of their shared goal—helping students succeed.

LEAs may need to provide private schools with guidance on methods of determining student needs, setting data-driven objectives, and identifying needed supports that align with Federal program goals. This process may include a discussion about which types of data to collect and analyze, support for designing services to meet needs, and best practices for evaluating and improving those services.⁶



LEAs should work to develop relationships and collaborate with the private schools in their area throughout the year. To be meaningful, consultation should start before making decisions or implementing services and should continue throughout the year. Private schools and LEAs should work together regularly to identify needs, develop plans to address those needs, coordinate funds, implement program activities, and monitor implementation challenges and successes. Experiences from prior years of working together can inform future planning and contribute to a continuous improvement cycle.

Meaningful Consultation Matters

Without timely and meaningful consultation, private school leaders may feel that decisions are made without them, that decisions lack transparency, and that services and materials are delayed. Ineffective consultation can lead to excessive costs or poor quality of services to private school students and staff members.

In one example cited in the GAO survey, a leader of a rural private school reported that the tutoring service their district contracted with was located far away from the school. As a result, a portion of the funds available to the school for equitable services had to be used to pay for the tutors' travel time—funds that the school felt could have been used to provide additional tutoring services to students had the provider been located nearby.⁷ Other factors may have led to the selection of this specific tutoring service, but the LEA might have maintained a better relationship with the private school if it had been more transparent in its decision-making process and heard the private school's concerns prior to choosing this provider.

In another example, a different private school leader explained that the limited funds made available to the school through equitable services provided only 20 minutes of group tutoring twice a week. This limited time was inadequate to meet the students' needs and disrupted regular learning.⁸ Had the private school leader and the LEA engaged in a more meaningful consultation process, they might have identified this issue prior to allocating funds and identified a better solution to meet students' needs with the funds available.

Consultation Best Practices and Resources

Note: The resources and tools described in this section are suggestions to help LEAs facilitate the consultation process and should be considered for possible use by both the SEA and the private school in cooperation with each other.

LEAs lead the equitable services consultation process at the ground level. SEAs can help by providing LEAs with advice and tools to implement the process effectively and in a way that reduces unnecessary burden that might result from ineffective engagement with private schools.

The following are suggested best practices,⁹ accompanied by a table of examples of SEA-created resources, that can inform SCs' advice to LEAs or can be adapted to promote more meaningful, productive equitable services consultations that contribute to the overall goals and intent of Title IV-A. As equitable services consultation is required across multiple Federal programs, these practices can be generalizable to many Federal programs, and SCs may want to collaborate with other SEA staff members for support and to avoid duplicating efforts. (See [SEA-Level Collaboration to Improve Equitable Services](#) for more information on intra-agency collaboration.)



SCs Can Advise LEAs to:

Begin Early and Agree on a Schedule for Meeting.

As a first step to establishing collaborative relationships with private schools, LEAs should begin the consultation process early, *before* making decisions on how money will be spent. These decisions may affect opportunities for eligible private school students, their teachers, and their families to participate in Title IV-A programming. Many SEAs have developed suggested [consultation timelines or schedules](#) for LEAs and private schools, which Title IV-A SCs can share to support LEAs. LEAs may consider backward-planning based on hard deadlines (such as deadlines to submit evidence of consultation to the SEA) to ensure all requirements are met.

Reach out Through Multiple Channels of Communication.

LEAs should begin contacting private schools no later than early spring to begin the consultation process for the following school year. It is recommended that they follow up on initial outreach at least twice through multiple channels (e.g., email with read receipt, written letters, physical visits, phone calls). LEAs should document their outreach efforts to eligible private schools. If the SEA is comfortable with providing templates, SCs can share “intent to participate” [forms or letter templates](#) as examples for LEAs to customize.

Strategies for Tough-to-Reach Nonpublic School Stakeholders

LEAs may face challenges in communicating with all eligible private schools. Typically, LEAs must make an effort to engage with all eligible private schools, but some may fail to respond. Demonstrating (with documentation) that LEAs have made good-faith efforts to contact all eligible private schools in their area is a necessary step for LEAs to show compliance with equitable services requirements.¹⁰

A lack of response from private schools can be frustrating to LEAs. However, LEAs can implement strategies to increase the likelihood of receiving a response. Wisconsin's Private School Ombudsman developed a resource titled [When a Private School Does Not Respond to an LEA's Attempts to Consult](#), which includes several suggestions for LEAs to implement in such cases.

- Suggest a deadline for responding to any LEA outreach. Allow at least 10 days.
- Make at least three good-faith attempts on different days to contact the private school. Use different communication methods.
- Consider reaching out to the State Ombudsman for support.
- If the private school is not interested in participating, ask the leadership of the school to document its refusal in writing.
- LEAs should document all outreach attempts according to the SEA's protocol. If a private school has not responded after at least three attempts and a reasonable amount of time, then the LEA should document the attempts as evidence of compliance.

Non-regulatory guidance released by the U.S. Department of Education in July 2023 confirms that LEAs may set reasonable deadlines for private schools to submit information needed to provide equitable services (taking private schools' schedules into consideration). The guidance states, "If a deadline is established in consultation, it would be reasonable for the LEA to inform private school officials that, if the deadline is not met and the private school officials have not notified the LEA of obstacles to meeting the deadline in a timely manner, the LEA may consider the private school officials to have declined services." The guidance notes that ongoing consultation throughout the year should help prevent missed deadlines by providing private schools and LEAs with opportunities to discuss and overcome obstacles to meeting deadlines. The guidance also stipulates that LEAs should give clear notice of any deadlines, identify consequences for missing the deadlines, and provide adequate time for response.¹¹



Commit to Educating and Informing Stakeholders About the Title IV-A Program.

Private schools may appreciate more information on title programs or the processes involved in equitable services consultation. LEAs can help inform private schools and increase their engagement by providing [materials and information](#) on the roles and responsibilities of all stakeholders, logistical information, answers to frequently asked questions (FAQs), or an overview of title programs

and their intent. Title IV-A SCs may consider developing or sharing an existing [fact sheet on Title IV-A](#) and/or compiling a short list of program resources for LEAs to distribute to private schools as part of the consultation process. Doing so can help ensure that Title IV-A equitable services funds align with the program's overall goals.

To build trust and encourage transparency and collaboration, LEAs may also consider sharing tools or worksheets with private schools showing how funds are allocated for equitable services (as

opposed to only sharing the amount available for equitable services). Such transparency could demonstrate LEAs' commitment to educating their partners about the process behind the scenes and could encourage a more reciprocal relationship. Title IV-A SCs can share budget allocation tools to assist with this process.

Focus on Student Data and Student Needs During Consultation Meetings.

To ensure activities meet the intent of title programs, LEAs should focus consultation conversations on student needs and the services (rather than funding) that programs can provide to help meet those needs. SCs may recommend that LEAs use the following three-step process to guide the conversation when considering appropriate equitable services.

1. Identify Needs. LEAs can help private schools implement effective services by first helping them align activities with student needs. LEAs can encourage private schools to analyze various types of data, including:

- Demographic data on students, staff members, and the community;
- Student achievement or outcome data measuring students' performance on local, state, and Federal assessments;
- Student behavioral data;
- Process data on the policies and systems that are in place; and
- Perception data gathered via surveys.

SCs may suggest that LEAs provide [needs assessment tools](#) to assist private schools in collecting and analyzing these data.

2. Plan. LEAs may work with private schools to develop goals and plan programming based on student and teacher needs. Planning could include evidence-based activities or interventions as well as strategies to evaluate impact. LEAs may consider working with private schools to create an improvement plan or professional development plan.



3. Coordinate Funds. Once they have planned programming and activities to meet students' needs, LEAs and private schools can work together to examine available funding sources and determine which source(s) to use based on program intent and allowability. Reviewing the intent and purposes of each title program at this time could prove useful. LEAs should reiterate that expenditures should be reasonable and necessary to meet the goals of the program, address documented needs, be timely, and meet all fiscal requirements (e.g., supplement, not supplant).¹²

Document, Organize, and Store Evidence of the Process.

Throughout the consultation process, LEAs must document their actions to show compliance with the equitable services requirements. SEAs can support LEAs with documentation by providing templates of overall [consultation checklists](#), an [affirmation of consultation or refusal](#), [needs assessment collection tools](#), and monitoring and [evaluation tools](#).

Create a Feedback Tool for All Stakeholders.

Ultimately, improving the consultation process depends on hearing and acting on feedback from all parties involved. SEAs may facilitate feedback by creating a simple survey or response form that allows stakeholders to share areas of success or needed growth. SEAs could then use the feedback to inform future consultations.

Table 1. Examples of SEA-Developed Resources That Can Be Adapted and Shared with LEAs

Example Type	Links
Calendars, Timelines, and/or Schedules	Equitable Services to Non-Public Schools – Consultation Timeline (CO)
	Suggested Timelines Related to Private School Equitable Services Under ESSA (MA)
Letter Templates	Sample Letter to Be Sent to Private Schools Located Within the Public School District’s Boundaries (download) (MI)
	Offer of Consultation for Eligible Non-Public (Private) Schools to Participate in ESSA Title Programs (MA)
FAQs and Information Sheets	Frequently Asked Questions Related to the Provision of Equitable Services (CO)
	Providing Services for Equitable Participation Under the Federal Every Student Succeeds Act (ESSA) (WI)
Consultation Checklists	Equitable Services to Non-public Schools – Annual Consultation Form (CO)
	Equitable Services Consultation Checklist (MS)
Affirmation & Other Documentation Templates	Consolidated Equitable Services Plan (MS)
	Private School Consultation Agreement (TN)
	Affirmation of Consultation with Private Nonprofit School (PNP) Officials: Formula Grants (TX)
	Instructions for Completing Affirmation of Consultation Forms with Private Nonprofit School Officials (TX)
Private School Needs Assessment Tools	Use of ESEA Funds to Meet Identified Nonpublic Student Needs: A Planning Template for Nonpublic Schools (NJ)
	Needs Assessment for Equitable Service Programs (OR)
Evaluation Tool	Evaluation of Equitable Service Programs (OR)
SEA Webpages with Additional Resources	State Ombudsman - ESSA & CARES (GA)
	ESSA and CARES Act, ESSER Private School Equitable Services (TX)
	Equitable Services for Private Schools (MI)

SEA-Level Collaboration to Improve Equitable Services

SEAs play an important role in fostering effective and meaningful equitable services among LEAs throughout their states in terms of both consultation and implementation. Title IV-A SCs may consider other SEA staff members as potential partners in overseeing equitable services provided across all applicable Federal programs in the state. The following list includes suggestions for ways that Title IV-A SCs can work with their fellow SEA staff members to standardize and improve equitable services outreach.¹³

Tips

Learn About Other Staff Members in Your SEA Who Work on Equitable Services and Offer to Collaborate.

- Consider working within your SEA to develop policies, procedures, and/or guidance to standardize the way LEAs administer equitable services.
- Contribute to existing state-level efforts and events.
- Share resources and templates to assist LEAs.
- Consider sending a representative to speak specifically about Title IV-A at any state-level meetings or conferences related to equitable services.

Organize Workshops or Forums.

Collaborate with your SEA Colleagues, including your State Ombudsman to provide workshops or forums that:

- Provide opportunities for LEAs and nonpublic schools to network, share day-to-day experiences/operations, and discuss professional development, student academic achievement, or other concerns;
- Help ensure all parties receive the same information and TA; and

- Share promising practices, examples, and resources related to Title IV-A and other Federal programs.

Convene a Working Group.

Consider working with the State Ombudsman to hold a working group with representatives from the SEA, LEAs, and private schools with the goal of:

- Building collaborative relationships with stakeholders across the state, including staff members representing rural, urban, and suburban areas;
- Building upon promising practices to create resources;
- Developing or improving upon existing forms and templates; and/or
- Gaining a better understanding of LEA and nonpublic school concerns, a better understanding of statewide needs, and feedback on statewide initiatives, processes, and procedures.

Work with Your SEA to Create or Improve a Webpage About Equitable Services.

- Use the page to share guidance and resources and promote uniformity across LEAs' practices for providing equitable services.
- Share resources on the Title IV-A program that can be uploaded to the state's equitable services page. (See "ESSA & IDEA Equitable Services" on [Georgia's "State Ombudsman - ESSA & CARES" webpage](#) for an example.)
- Consider adding a section on equitable services to your Title IV-A webpage or linking to your SEA's page on the topic. (See the [California Department of Education's "Title IV, Part A: SSAE" webpage](#) for an example.)

Conclusion

This coaching guide for Title IV-A SCs has offered best practices and examples of SEA-developed materials to bolster the TA provided to LEAs to improve the quality of consultations about equitable services. SCs can work independently or with SEA-level peers to adapt the information and resources to suit the specific needs of their LEAs with the goal of making consultations more informed, meaningful, and effective. By working to improve the relationship between LEAs and private schools, SCs can help ensure that the provision of equitable services achieves its primary goal: providing title program supports and services to help all eligible students succeed.

Endnotes

¹ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. p. 10. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

² In this resource, consultation is defined as discussions between public and private school officials related to the provision of equitable services. See [Section 8501\(c\) of the ESEA](#) for further information.

³ Government Accountability Office. (April 2023). *K-12 Education: Additional Guidance Could Improve the Equitable Services Process for School Districts and Private Schools*. p. 27. <https://www.gao.gov/assets/gao-23-105469.pdf>

⁴ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. p. 7. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

⁵ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

⁶ U.S. Department of Education, Office of Elementary and Secondary Education. (2006). *Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit*. pp. 5–8. <https://oese.ed.gov/files/2020/07/titleitoolkit.pdf>

⁷ Government Accountability Office. (April 2023). *K-12 Education: Additional Guidance Could Improve the Equitable Services Process for School Districts and Private Schools*. p. 31. <https://www.gao.gov/assets/gao-23-105469.pdf>

⁸ Government Accountability Office. (April 2023). *K-12 Education: Additional Guidance Could Improve the Equitable Services Process for School Districts and Private Schools*. p. 31. <https://www.gao.gov/assets/gao-23-105469.pdf>

⁹ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

¹⁰ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. pp. 7–8. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

¹¹ U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. p. 5. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>

¹² Otten, Laura. (February 2023). *Equitable Services for Private Schools — Tools and Resources for Districts* [Presentation]. 2023 National ESEA Conference, Indianapolis, IN.

¹³ Flentroy, Daphne, & Guess, LaNetra. (February 2023). *Lift Up and Anchor: Collaborative Partnerships for Equitable Services Programs* [Presentation]. 2023 National ESEA Conference, Indianapolis, IN; U.S. Department of Education. (July 2023). *Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel: Non-Regulatory Guidance*. p. 10. <https://www2.ed.gov/about/inits/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>



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