



# Illinois State Board of Education

## Equitable Services FAQ

November 2024

[isbe.net](https://isbe.net)



## Contents

|   |          |
|---|----------|
| Purpose .....   | 4        |
| Frequently Asked Questions .....  | 4        |
| A. General Every Student Succeeds Act .....   | 4        |
| 1. What is the Every Student Succeeds Act? .....  | 4        |
| 2. What are private school equitable services? .....  | 4        |
| 3. What is the definition of a private school in Illinois? .....  | 4        |
| 4. Why are equitable services requirements included twice in ESEA? .....  | 4        |
| 5. Are all private schools eligible for equitable services? .....   | 5        |
| 6. Is a private school required to be registered and/or recognized by ISBE to receive equitable services? ..                                    | 5        |
| B. Consultation .....   | 6        |
| 1. Is there guidance on “meaningful, timely, and ongoing”? .....  | 6        |
| 2. What is the goal of consultation? .....  | 6        |
| 3. What is the first step in the consultation process? .....  | 6        |
| 4. What other steps can a district take to ensure timely and meaningful consultation? .....   | 6        |
| 5. What are the roles and responsibilities of a private school in consultation? .....   | 6        |
| 6. May a district set submission deadlines for private schools? .....   | 7        |
| 7. What happens if a private school misses the initial consultation meeting? .....  | 7        |
| 8. If a private school does not want to participate in equitable services, does the district have any further obligations? .....                | 7        |
| 9. What is the district’s obligation if a private school initially declines participation and decides later it would like to participate? ..... | 7        |
| 10. Are there required topics that must be discussed during consultation? .....   | 7        |
| 11. Must a district contact the private school if the private school has previously declined services? .....                                    | 7        |
| 12. Are districts required to send consultation information to ISBE? .....  | 7        |
| 13. Does an offer of services from a district meet the requirement of consultation? .....   | 8        |
| 14. What happens if a district disagrees with the views of the private school during consultation? .....  | 8        |
| 15. What is the process for filing a complaint with the ombudsman? .....  | 8        |
| <b>C. Title I-A: Improving Basic Programs .....</b>   | <b>9</b> |
| 1. What is the purpose of Title I-A? .....  | 9        |
| 2. When should the proportionate share be calculated? .....   | 9        |
| 3. What happens when a student attends a private school located in one district but resides in another district? .....                          | 9        |

|   |           |
|---|-----------|
| 4. Can a district reserve funds off the top of its allocation?.....   | 9         |
| <b>D. Title I-A: Determining Equitable Share Allocation and Services .....</b>  | <b>10</b> |
| 1. What methods can a district use to determine income status?.....   | 10        |
| 2. Who has the final authority on which method is used to determine income status? .....  | 10        |
| 3. What information must a private school give a district to determine eligibility? .....   | 10        |
| 4. What criteria is used to determine which private school students will receive services? .....  | 10        |
| 5. May Title I-A services include initial identification of private school students? .....  | 10        |
| 6. What are the guidelines for Title I-A services?.....   | 11        |
| 7. What types of services are available for private school participants? .....  | 11        |
| 8. May a district hire a private school teacher to provide Title I-A services?.....   | 11        |
| 9. Is the district required to serve all the private school grade levels? .....   | 11        |
| 10. Who “owns” materials and equipment purchased with Title I-A funds?.....   | 11        |
| 11. Who is responsible for maintaining and servicing Title I-A technology? .....  | 11        |
| 12. What happens when a school district disagrees with a private school about Title I-A services? .....   | 12        |
| 13. What are the parent and family engagement requirements for Title I services? .....  | 12        |
| 14. Are religious symbols allowed where Title I-A services are provided? .....  | 12        |
| 15. Is the private school responsible for providing a space for Title I-A services?.....  | 12        |
| 16. Can preschool students receive Title I-A services?.....   | 12        |
| 18. Are school districts required to evaluate the academic progress of the students receiving Title I-A services?.....  | 12        |
| <b>E. Transferability .....</b>   | <b>12</b> |
| 1. Does the transferring of funds from Title II-A and/or IV-A impact consultation? .....  | 12        |
| 2. May a district transfer only those funds that are to be used for equitable services or leave a portion of transferred funds to be used solely for equitable services?..... | 13        |
| <b>F. Fiscal .....</b>  | <b>13</b> |
| 1. Can the district directly reimburse private schools for equitable services?.....   | 13        |
| 2. May private schools order or purchase equipment and materials needed for a Title program and be reimbursed by an LEA?.....   | 13        |
| 3. Who controls the equitable service funds? .....  | 13        |
| 4. What are different methods of reimbursement? .....   | 13        |

## Purpose

The Elementary and Secondary Education Act (ESEA) of 1965, reauthorized in 2015 as Every Student Succeeds Act (ESSA), supports public education. However, some children attending private schools may still receive benefits under ESSA. The purpose of this frequently asked questions document is to provide information to the most common themes and topics to Illinois school districts and private schools for use throughout the equitable services process. ESEA Section 8501 requires a Local Education Agency (LEA) participating in a covered ESEA program to provide eligible private school children and educators with services or other benefits that are equitable to those provided to eligible public school children and educators after consultation with appropriate private school officials. This document provides information on the requirements of ESEA Section 8501 and other applicable requirements in Title VIII.

## Frequently Asked Questions

### A. General Every Student Succeeds Act

#### 1. What is the Every Student Succeeds Act?

The federal ESEA was enacted in 1965 with the purpose of ensuring “quality and equality” education for our young people. ESSA, which was signed into law in December 2015, is the most recent federal reauthorization of ESEA. One of the requirements of ESSA mandates that students and teachers at eligible nonprofit private schools receive equitable services under the following Title programs:

Title I-A ..... Improving Basic Programs

Title I-C ..... Education of Migrant Children

Title II-A ..... Supporting Effective Instruction

Title III-A ..... English Language Learners and Immigrant Students, Language Enhancement, and Academic Achievement: English Learners (EL) and Immigrants Students

Title IV-A ..... Student Support and Academic Enrichment Grants

Title IV-B ..... 21<sup>st</sup> Century Community Learning Centers

#### 2. What are private school equitable services?

The term “equitable services” refer to the process of providing students, teachers, staff, and families at eligible private schools fair access to federally funded education programs and services. Eligibility is determined by specific program guidelines and requirements.

#### 3. What is the definition of a private school in Illinois?

As used in this definition, "private facility" means any nonprofit, non-home-based, nonpublic elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of the School Code, according to [105 ILCS 128/5](#).

However, this definition is limited to a private school voluntarily applying for registration and recognition. It is not a universal definition. In Illinois, any not-for-profit entity must be registered as a not-for-profit entity with the [Illinois Secretary of State](#).

#### 4. Why are equitable services requirements included twice in ESEA?

ESSA Section 1117 defines equitable services requirements for Title I-A. ESSA Section 8501 defines requirements for all other Title programs, which are collectively referred to as Title VIII.

5. Are all private schools eligible for equitable services?

ESEA Sections 8101(19) and (45) define “elementary school” and “secondary school” to mean a “nonprofit institutional day or residential school” that provides elementary or secondary education, respectively. Per 34 C.F.R. § 77.1, “nonprofit” is defined as an agency, organization, or institution that is owned and operated by one or more corporations or associations whose net earnings do not benefit -- and cannot lawfully benefit -- any private shareholder or entity. Children and educators at for-profit private schools are therefore **not eligible** to receive equitable services.

The school district is only required to consult with not-for-profit private schools regarding the provision of equitable services. **Eligibility is determined by specific program guidelines and requirements.** Furthermore, homeschools are not eligible for registration due to their status as a homeschool.

6. Is a private school required to be registered and/or recognized by ISBE to receive equitable services?

Federal guidance states private schools must be not-for-profit to be eligible. To be eligible for registration and recognition by ISBE, a private school must provide proof that it is registered as a not-for-profit with the Illinois Secretary of State. So it is safe to assume the registered and recognized private schools meet the requirement of being not-for-profit. However, private school registration and recognition by ISBE is voluntary. Federal guidance does not state that a private school must be "state certified." A private school that is neither registered nor recognized but is not-for-profit would be eligible for private school proportionate share if it could prove its not-for-profit status. The school must be registered with the [Illinois Secretary of State](#) as a not-for-profit entity.

## B. Consultation

### 1. Is there guidance on “meaningful, timely, and ongoing”?

Timely and meaningful consultation with appropriate private school officials is an essential requirement in the implementation by an LEA of an effective covered ESEA program for eligible private school children and educators. Consultation involves discussions between public and private school officials on key issues that affect the ability of eligible private school children and educators to participate equitably in covered ESEA programs. Successful consultation establishes positive and productive working relationships, makes planning effective, continues throughout implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible private school children and educators. A unilateral offer of services by an LEA with no opportunity for discussion, or the application of a blanket rule, is not adequate consultation. Only after discussing key issues relating to the provision of equitable services may an LEA make its final decisions with respect to those services.

### 2. What is the goal of consultation?

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. In the event of disagreement during the consultation process, an LEA and/or the appropriate private school officials may wish to contact the state ombudsman to help facilitate agreement.

### 3. What is the first step in the consultation process?

The district must annually contact officials of private schools that may be eligible depending on specific programs, guidelines, and requirements. A good faith effort should be made to locate and notify (certified letter, follow-up phone call, newsletter notification, etc.) private schools of meeting times and topics.

### 4. What other steps can a district take to ensure timely and meaningful consultation?

- A tentative agenda can provide a road map for well-run and focused consultation meetings. Both district and private school officials should have the opportunity to suggest agenda topics.
- Provide an annual calendar or list of follow-up meetings, due dates, and site visits.
- Document all communication, meeting minutes, and agreed-upon decisions.

### 5. What are the roles and responsibilities of a private school in consultation?

A private school should be an active participant in the consultation process. This includes:

- Having a current data-based needs assessment.
- Responding to consultation invitations in a timely manner.
- Reviewing consultation discussion topics.
- Participating in equitable services evaluation processes.
- Responding to requests for documentation, reports, etc. in a timely manner.
- Identifying and notifying the resident district of Title I-A student enrollment.
- Providing lists of addresses and grades of low-income families for Title I-A.
- Helping to notify parents/guardians that their child is eligible to receive Title I-A services.

- Suggesting ideas, program designs, and interventions that meet the needs of eligible students, teachers, and families.
- Assisting with the potential identification of English learners and immigrant students.

6. [May a district set submission deadlines for private schools?](#)

Yes. An LEA may set a reasonable deadline, taking into consideration private school schedules, for private school officials to indicate their intent to participate. An LEA should provide clear and sufficient notice of the deadline, identify potential consequences for not meeting the deadline, and give adequate time for private school officials to respond.

7. [What happens if a private school misses the initial consultation meeting?](#)

Consultation must include early discussions to prepare for the next school year so that there is a timely start of the Title program(s) at the beginning of each school year and should continue throughout its implementation and assessment of services. If a private school misses the consultation meeting because it was not provided any information regarding the opportunity to participate in equitable services under ESSA, the private school should initiate contact with the district as soon as possible. The private school also may contact the ombudsman at ISBE. In specific circumstances, the district can assume the private school declined services if the private school misses the consultation meeting even though it was given sufficient information to attend the meeting and did not ask the district to reschedule it.

8. [If a private school does not want to participate in equitable services, does the district have any further obligations?](#)

No. Districts must retain the documentation of the private school's decision not to participate. However, the district is required to contact the private school on an annual basis, regardless of the private schools' previous responses.

9. [What is the district's obligation if a private school initially declines participation and decides later it would like to participate?](#)

Timeliness for both the district and private school is critical. There are no hard and fast cut-off dates for a district to consult with a private school. However, budgets, staffing, application deadlines, and the allocation of resources need to be considered. If the decision to participate is made after all grant applications for the current school year are closed and finalized, the district can only offer to meet with the private school to review the consultation process and timelines so it will be prepared for the following school year. It is important that the district keep documentation of all phone calls, emails, and meetings.

10. [Are there required topics that must be discussed during consultation?](#)

Yes. Information on consultation requirements is located on the [Nonpublic School Consultation](#) form.

11. [Must a district contact the private school if the private school has previously declined services?](#)

Yes, the district must contact private school officials on an annual basis and inquire as to whether the private school students, teachers, and families will participate in the ESEA programs available to them.

12. [Are districts required to send consultation information to ISBE?](#)

Yes, school districts are required to upload the completed [Nonpublic School Consultation](#) form in the Consolidated District Plan, except for Title III. The Title III [Nonpublic School Consultation](#) form must be

uploaded in the Intent to Apply for Title III application. Evidence must be uploaded for each private school the district contacted for consultation, regardless of the private school's response.

13. Does an offer of services from a district meet the requirement of consultation?

No, just an offer of services by the district without an opportunity for timely and meaningful consultation does not meet the requirement of the law. Only after discussing key issues relating to the provision of services, identifying the needs of the students and teachers to be served, and receiving input from the nonpublic school officials, does a district make its final decisions with respect to the services and benefits it will provide to meet the needs of the eligible private school students, teachers, and families.

14. What happens if a district disagrees with the views of the private school during consultation?

The district must provide the reasons for the disagreement in writing to private school officials. The final decision rests with the district; however, a private school may contact the ombudsman for assistance if the private school believes specific statutes and/or regulations were broken.

15. What is the process for filing a complaint with the ombudsman?

The complaint process is located on the [ISBE Ombudsman webpage](#).



## C. Title I-A: Improving Basic Programs

### 1. What is the purpose of Title I-A?

The purpose of the Title I program is to provide supplemental educational services so that all children have a fair, equal, and significant opportunity to obtain a high-quality education. This includes equitable participation of private school students, teachers, and families. In general, to be eligible for Title I services, a private school child must reside in a participating Title I public school attendance area and must be identified by the LEA as low achieving on the basis of multiple, educationally related, objective criteria. (See ESEA Sections 1115(c)(1)(B) and 1117(a)(1).)

### 2. When should the proportionate share be calculated?

A district must determine the proportionate share for equitable services prior to any expenditures, including administrative costs, parental engagement, and districtwide initiatives.

### 3. What happens when a student attends a private school located in one district but resides in another district?

The private school should notify adjacent/neighborhood school districts if it has students in attendance. The school district will then ask where student resides to consult for equitable services. Furthermore, the school district will request student address, poverty data, and a consultation meeting.

### 4. Can a district reserve funds off the top of its allocation?

No. The ESEA requires an LEA to determine the proportional share of Title I funds available for providing equitable services prior to any expenditures or transfers of funds. (See ESEA Section 1117(a)(4)(A)(ii).)

## D. Title I-A: Determining Equitable Share Allocation and Services

**Note:** Allocations are based on RESIDENCY and POVERTY  
Services are based on RESIDENCY and ACADEMIC NEED

### 1. What methods can a district use to determine income status?

There are six methods available:

- The same measure as the district (most commonly free and reduced-price lunch or direct certification data),;
- Comparable poverty data from an income survey;
- Comparable data from other sources (tuition assistance, scholarships, financial aid);
- Proportionality;
- an equated measure; or
- a combination of any of the methods. (See ESSA Section 1117 (c) (1)). See B-11 in the [Providing Equitable Services to Eligible Private School Children, Teachers, and Families](#) document.

### 2. Who has the final authority on which method is used to determine income status?

This topic is discussed during consultation. The district has the final authority in determining the calculation method to be used but must give the private schools views due consideration. (See ESSA Section 1117 (c) (1).)

### 3. What information must a private school give a district to determine eligibility?

A district only needs to collect the addresses, grade levels, and income status of students from a private school. The private school must maintain all other the poverty data that was collected in its files. If district officials, ISBE, or auditors wish to review this information, the private school must allow them to do so at the private school facilities.

### 4. What criteria is used to determine which private school students will receive services?

The district and private school will establish multiple, educationally related, objective criteria during the consultation process to identify which private school students are eligible for services. Those students identified as most at risk of failing to meet high student academic achievement standards are the ones that will receive services. The private school does not need to use standardized assessments to identify students. After students are identified, the district and/or third-party contractor may need to assess or reassess students to set student learning targets so that services can be effectively evaluated.

### 5. May Title I-A services include initial identification of private school students?

No. The private school is responsible for identifying which private school students may be eligible for services based on greatest academic need. The private school is not required to use a standardized test for the initial assessment, but may do so. Other options may include grades; end-of-unit exam scores; teacher recommendations or referrals based on multiple, objective, academic criteria; and other methods based on multiple, objective, academic criteria. After students have been identified by the private school, the district and/or third-party contractor may use Title I-A funds to further assess private school students' needs and baseline data that will be used to measure student academic progress and growth. If the private school identifies students with the same standardized test that the district and/or third-party contractor uses, the student does not need to be reassessed after identification.

## 6. What are the guidelines for Title I-A services?

- Instructional services must be supplemental to what the private school already provides.
- The service must meet a specific need of the student and not a general need of the private school.
- Services must be reasonable, necessary, and allocable to Title I-A.

## 7. What types of services are available for private school participants?

Services for eligible private school students, which are based on a private school's needs assessment, may include, but are not limited to, the following:

- Instructional services provided by public school employees or third-party contractors;
- Extended day services;
- Family literacy programs (reserved for families with students eligible for Title I-A services);
- Counseling programs;
- Computer-assisted instruction;
- Home tutoring;
- Professional development to the teachers of students eligible for Title I-A services;
- Parent and family engagement to eligible students (required); and
- Other supplemental services that meet the intent and purposes of Title I-A.

Title I services or other benefits, including materials and equipment, must be secular, neutral, and nonideological. (See ESEA Section 1117(a)(2).)

## 8. May a district hire a private school teacher to provide Title I-A services?

Yes, provided certain conditions are met. An LEA may hire a private school teacher to provide Title I services only if the teacher is independent of the private school in the provision of Title I services. The private school teacher must be employed by the LEA for Title I purposes outside of the time he or she is employed by the private school, and the private school teacher must be under the direct supervision of the LEA with respect to all Title I activities. (See ESEA Section 1117(d)(2).)

## 9. Is the district required to serve all the private school grade levels?

No. Title services may only be provided to the grades that are being served at the Title I public school. For example, if the Title I public school attendance area serves Grades K-5, a private school sixth grader would not be eligible for services.

## 10. Who "owns" materials and equipment purchased with Title I-A funds?

The control of funds and title to materials, equipment, and property purchased with Title I funds must be with the LEA, and the LEA must administer such funds, materials, equipment, and property. (ESEA Section 1117(d)(1).)

## 11. Who is responsible for maintaining and servicing Title I-A technology?

The district is responsible for servicing and maintaining technology purchased with Title I-A funds and maintaining an up-to-date inventory. Private schools may help with gathering and preparing any items that are out of date or no longer being used to provide Title I-A services.

12. What happens when a school district disagrees with a private school about Title I-A services?

The district must explain in writing and provide reasons for why it disagrees with a private school official's view. Reasons should be fact-based and based on data, if available. The district has the final authority on how services are provided, but the private school can contact the ombudsman stating that the district did not give the private school's views due consideration. (See ESSA, Section 1117 (b) (2).)

13. What are the parent and family engagement requirements for Title I services?

If the district's allocation exceeds \$500,000, 1% of the proportionate share must be used to provide parent and family engagement activities. Parental involvement services and activities must be comparable to the services and activities provided to public schools.

Activities for parents of private school participants are part of the meaningful consultation process. Activities can be in conjunction with the district's activities or provided independently.

14. Are religious symbols allowed where Title I-A services are provided?

Yes, a private school is not required to remove religious symbols from the space where Title I-A services are provided. Private schools also are not required to provide a space for services, but many choose to do so for convenience of the students. Services and other benefits to private school students must be secular, neutral, and non-ideological.

15. Is the private school responsible for providing a space for Title I-A services?

If the Title I-A services are held in a private school, the private school needs to provide a space that is appropriate for academic purposes. For example, a corner of the gym or school hallway would not be suitable for academic purposes.

If space is not available in a private school -- or if the private school chooses not to make its facilities available to the district for this purpose -- Title I-A services must be provided in another location that is appropriate for academic purposes. The district has the responsibility of providing equitable Title I-A services for private school children and must provide a location outside the private school. The extra costs of providing services at a location outside the private school would be taken from the proportionate share. Funds used to transport students to another location can be taken from the administrative set-aside for the proportionate share.

16. Can preschool students receive Title I-A services?

Pre-K students do not generate funds to pay for these services. The district is not required to provide services to pre-K students.

18. Are school districts required to evaluate the academic progress of the students receiving Title I-A services?

Yes. A component of the consultation process is an agreement on how services will be assessed and how the results of that assessment will be used to improve those services.

## E. Transferability

1. Does the transferring of funds from Title II-A and/or IV-A impact consultation?

Yes. A district must consult with a private school about the decision to transfer II-A and IV-A funds *before* the funds are transferred. The district must give due consideration to the private school's views before transferring funds.

2. May a district transfer only those funds that are to be used for equitable services or leave a portion of transferred funds to be used solely for equitable services?

No. A district, after consulting with appropriate private schools, must provide equitable services based on the rules of each program and the total amount of funds available to each program after a transfer.

## F. Fiscal

1. Can the district directly reimburse private schools for equitable services?

Private school officials have no authority to obligate or receive Title I funds. The ESEA requires an LEA to maintain control of Title I funds, materials, equipment, and property. (See ESEA section 1117(d)(1).) Thus, no Title I funds may be paid to a private school, even as reimbursement.

2. May private schools order or purchase equipment and materials needed for a Title program and be reimbursed by an LEA?

No. The district must always remain in control of Title funds. The ESEA requires an LEA to maintain control of Title I funds, materials, equipment, and property. (See ESEA section 1117(d)(1).) Thus, no Title I funds may be paid to a private school, even as reimbursement.

3. Who controls the equitable service funds?

Control of funds and title to equipment and supplies must remain with the district. No funds may go directly to a private school.

4. What are different methods of reimbursement?

Following consultation, an LEA may provide Title I services directly or indirectly through contracts with individuals and public and private agencies, organizations, and institutions so long as those entities are independent of the private school in the provision of those services. (See ESEA Section 1117(d)(2).) The LEA remains responsible, however, for the oversight of the Title I program.