

Dear Colleagues,

I wanted to let you know that the U.S. Department released the final version of the updated guidance for equitable services under Title I. The document, and a summary of the changes from the draft version published this spring, can be found at: <https://www2.ed.gov/policy/elsec/leg/essa/index.html>.

Best,
Patrick Rooney

Secretary DeVos Issues Updates on Equitable Services for Private School Students under ESSA

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- **WASHINGTON**— U.S. Secretary of Education Betsy DeVos released [updates](#) today to clarify existing statutory obligations of local education agencies (LEAs) to provide equitable educational services to eligible private school students, their teachers, and their families under Title I, Part A of the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA). The updates reflect changes to the statutory provisions governing equitable services by ESSA, emphasize collaboration and consultation between public and private school officials to provide needed services to eligible students, and consolidate information previously spread across multiple documents.

Updated topics include allowable uses of funds, consultation between public and private school officials, obligation of funds to ensure services occur in a timely manner, carryover of unobligated funds to provide services in the next year, and calculation of the share of Title I funds available for equitable services.

Two important clarifying topics include:

- The permissibility of inter-district pooling of Title I funds to provide equitable services
- The permissibility of religious organizations serving as third-party contractors to provide equitable services

Pooling of Title I funds across districts does not change the total amount of funds generated for Title I equitable services, and it can only occur when agreed upon by private school officials and LEAs. Clarifying the flexibility to allow such a practice helps ensure that the lowest-achieving students in a group of schools receive Title I services, reduces burden on LEAs and private school officials, and promotes efficiency through the use of shared services.

The updates also clarify the permissibility of religious organizations serving as third-party contractors to provide equitable services. This is consistent with the Secretary's March 11, 2019, letter to

Congress in which she stated that the Department would no longer enforce a ban on LEAs from contracting with religious organizations to provide equitable services in light of the U.S. Supreme Court's decision in *Trinity Lutheran Church of Columbia, Inc. v. Comer*.

Secretary DeVos stated, "We are pleased to support public and private school stakeholders who implement Title I equitable services. The Department is responding to questions from education leaders across the nation with direct answers that will aid them in delivering equitable services to students in need."

The Department's process reflects the additional transparency and accessibility focus of President Trump's recent Executive Order. A draft of the Department's updated document received over 500 comments from the public, which informed the final product.

The Department also published a corresponding [Summary Response to Public Comments](#), which provides a brief summary of significant changes and/or additions between the draft updated document published in the spring and the final version published on Oct. 7, 2019.