February \_\_, 2017

Dear Federal Programs Directors:

The new year begins the FY19 equitable services process, whereby equitable services will be provided to participating private schools for the 2018-19 school year. Model materials have been created to assist you (attached).

The steps below must be followed to ensure your District’s compliance with the equitable services requirements of the Every Student Succeeds Act (ESSA).

1. If you have not already done so, you must immediately mail an *Initial Contact Letter* and *Private School Intent to Participate* response form to every private school in your district’s territory, inviting the private school to participate in equitable services. A sample *Contact Letter* and *Intent to Participate* form is attached. Send your *Contact Letter* and *Intent to Participate* form to each private school by both email and Certified Mail, and retain evidence of sending and receipt.

*Special case for Title I-A equitable services*: Your district, as “residing district,” must provide an equitable services amount from your Title I-A allocation for Title I-A equitable services for each student who resides in a Title I school attendance area in your district but attends a participating private school outside of your district’s attendance area (in another district).

In this special case, the responsibility for identifying currently enrolled eligible students and contacting your district lies with the outside district acting as “fiscal agent” providing the Title I-A services to the private school in question (the “fiscal agent” is the outside district within whose boundaries the private school is located). This fiscal agent must contact your district to request verification that the student resides in a Title I served school attendance area in your district.

The deadline for a fiscal agent’s request to a suspected “residing district” for verification of student residency is March 15, 2018.

If the verification attempt reveals the student’s residency to be elsewhere, the fiscal agent may immediately convey (though the deadline has passed) a request for verification to the newly discovered residing district. Upon verification by a residing district that the student resides in a Title I served school attendance area in the residing district, the residing district will owe an equitable services amount for the identified student to the fiscal agent, paid using 2018-19 (FY19) school year funding. The amount paid over to the fiscal agent is the amount the student generated in the residing district.

2. If a private school has not responded to your contact letter by a week prior to the 30-day response deadline, you must make additional follow-up calls. Your goal in calling is to reach an administrator who will either verify the private school does not intend to participate in equitable services, or indicate the private school does intend to participate but has not yet returned the *Intent to Participate* form. Keep a log of these calls, to demonstrate your complete effort in trying to contact the private school if they are ultimately non-responsive. Private schools that do not respond by the deadline are, by default, non-participating and cannot receive equitable shares.

When the private school returns the *Intent to Participate*, upload it to MCAPS by April 6, 2018.

3. After establishing which private schools are participating, a series of meetings and/or communications will be held between you and each participating private school. This is the “consultation” through which the District’s *Final Equitable Services Plan* for each private school is developed. All student counts for the purposes of equitable services funds-generation for the upcoming 2018-2019 school year will be based on March 2018 enrollment. An *Equitable Services Consultation Checklist* and a template for creating a *Final Equitable Services Plan* are attached. The consultation process should begin in the early spring.

4. The District’s detailed *Final Equitable Services Plan* for each private school must be completed during the spring and summer, and conveyed to the State Ombudsman at the Office of Federal Programs, including the private school representative’s completed *Written Affirmation* form (the final page of the *Plan*). The *Final Equitable Services Plan\** and the *Written Affirmation\** must be conveyed to the Ombudsman via upload to MCAPS by July 31, 2018.

*\**As instructed in the attached materials, use a separate *Final Equitable Services Plan* form for each ESSA program for which you are providing equitable services to the private school. For example, if you are providing Title I-A, II-A and IV-A equitable services to a private school, you will use three separate *Final Equitable Services Plan* forms, and the separate *Written Affirmation* for each.

Your following the above steps and timeline is essential to your District’s compliance with the equitable services requirements of ESSA, and will be subject to monitoring. If you have any questions, please call your district contact at the Office of Federal Programs.

Attached are the following sample templates:

1. Initial Contact Letter and Intent to Participate
2. Equitable Services Consultation Checklist
3. Final Equitable Services Plan and Written Affirmation

Sincerely,

Bryan P. Lieb, Esq. | State Ombudsman

Office of Federal Programs

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