

Elementary and Secondary Education Act (ESEA)

Equitable Services to Nonpublic
Schools



OKLAHOMA
Education



Topics

- Elementary and Secondary Education Act (ESEA) Grant Programs
- Local Educational Agency (LEA) Responsibilities
- Nonpublic School Responsibilities
- Consultation
- Nonpublic Schools Equitable Share
- Administrative Costs for Equitable Services
- Transferability
- Nonpublic School Carryover
- Right to File a Complaint
- Questions

ESEA Grant Programs

- **Title I, Part A** – Improving Basic Programs Operated by State and Local Education Agencies
- **Title I, Part C** – Education of Migratory Children
- **Title II, Part A** – Supporting Effective Instruction
- **Title III, Part A** – English Language Acquisition, Language Enhancement and Academic Achievement
- **Title IV, Part A** – Student Support and Academic Enrichment
- **Title IV, Part B** – 21st Century Community Learning Centers

Definition of Equitable Services

Educational services and other benefits provided for **nonpublic school children, teachers, and other educational personnel** shall be **equitable** in **comparison** to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a **timely manner**.

ESEA Section 1117(3)(A)

Responsibilities

LEA

- Conduct and document timely and meaningful consultation.
- Have a goal of reaching **agreement**.
- Determine proportional share of funds for providing equitable services.

Nonpublic Schools

- Participate in timely and meaningful consultation.
- Have the goal of reaching an **agreement**.
- Review and sign the Participation Status form along with the LEA.

Responsibilities

LEA

- Provide services that meet the needs of eligible nonpublic school students and, as applicable, their teachers and families.
- Assess services.
- Obligate funds in the year the funds are received.

Nonpublic Schools

- Assist the LEA in obtaining information necessary to provide equitable services.
- Participate in programs assessments.

Statute and Non-Regulatory Guidance

Title I, Part A

Statute – ESEA Section 1117

Non-Regulatory Guidance – [Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families 2023](#)

Title II, Part A through Title V

Statute – ESEA Section 8501

Non-Regulatory Guidance – [Title VIII, Part F Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel 2023](#)

Consultation – Initial

The initial contact with the nonpublic school representatives will take place in the winter and/or spring of the school year **prior to** the year of participation.

The Office of Title Services (OTS) will release the **Equitable Services to Nonpublic Schools Application** in January. The application will be due March 31st in the **Grants Management System (GMS)**.

Title Services					
	Application Name	Revision	Status	Date	
	Consolidated Application (I-A, II-A, III-A, IV-A, V-B, CAC)	Original Application ▼	Final Approved	1/13/2025	Open
	Equitable Services for Nonpublic Schools	Original Application ▼	Final Approved	5/1/2025	Open

Equitable Services to Nonpublic School Application (GMS)

- The Equitable Services to Nonpublic School Application is a mix of uploaded completed forms and data entry.
- An instructional document will be posted on the Office of Title Services (OTS) website in January 2027.
- Even districts that do not have participating nonpublic schools must at least complete the Nonpublic Schools – Participation Status page as an annual attestation.

Equitable Services to Nonpublic School Application (GMS)



Applicant: 55-I089 OKLAHOMA CITY
Application: 2024-2026 Equitable Services for Nonpublic Schools - 00-
Cycle: Original Application
Application Due Date: 3/31/2026

Equitable Services for Nonpublic Schools▼

[Printer-Friendly](#)
[Click to Return to Organization Select](#)
[Click to Return to GMS Access/Select Page](#)
[Click to Return to Menu List / Sign Out](#)

The application has been submitted. No more updates will be saved for the application.

Overview

Contact Information

Nonpublic Schools - Participation Status

Nonpublic Schools - Not Participating

Nonpublic Schools - Participating

Submit

Application History

Application Print

Overview

According to the Elementary and Secondary Education Act (ESEA), every local educational agency (LEA) receiving federal funding is required to consult with nonpublic school representatives each year. [ESEA Section 1117](#) and [ESEA Section 8015](#) To demonstrate compliance with this requirement, each LEA must complete the Equitable Services for Nonpublic Schools application in GMS. For assistance contact the Office of Title Services.

What tabs in this application need to be completed?

1. If the LEA does not have any nonpublic schools within the LEA's attendance area AND has made attempts to determine if any eligible students (residing in an LEA's participating Title I school attendance area) attend a nonpublic school outside the LEA's attendance area, the following tab must be completed and submitted to OTS -
 - a. *Nonpublic Schools -Participation Status*
2. If, after consultation, the nonpublic school does not wish for their students, teachers, and other educational staff to participate in any federal programs, the following must be completed for each non-participating nonpublic school and submitted to OTS -
 - a. *Nonpublic Schools - Not Participating (complete tab)*
 - b. *Declaration of Intent to Not Participate in Federal Programs for Nonpublic Schools*
3. If, after consultation, the nonpublic school wishes for their students, teachers, and other educational staff to participate in federal programs, the following forms must be completed for each participating nonpublic school and submitted to the OTS -
 - a. *Nonpublic Schools - Participating (complete tab)*
 - b. District Affirmation of Consultation with Nonpublic School Officials (signed uploaded document)
 - c. Nonpublic School Low-Income Student Count for Title I, Part A Services (complete tab under Consultation – Participating)
 - d. *Transferability and Equitable Services for Nonpublic Schools (signed uploaded document)*

Note: An LEA may have instances where 2 and 3 are both required.

10

Equitable Services to Nonpublic Schools



Consultation – Participation Status Form



Elementary and Secondary Education Act (ESEA) Equitable Services to Nonpublic Schools Participation Status Form

Each local educational agency (LEA) consulting with nonpublic schools regarding participation in any ESEA programs must complete this form. The forms for nonparticipating nonpublic schools must be uploaded to the Equitable Services to Nonpublic School Application in the Grants Management System (GMS). The data from the forms for participating schools will be entered into the Equitable Services to Nonpublic School Application and the completed form may be kept [on file](#) at the district.

Instructions

The nonpublic schools must place an X in the box indicating the desired participation status for the following school year. If the selection is Yes, the nonpublic school must enter the number of students enrolled (aged 5-17) on October 1. Please note that not all grants are received by every district.

1.	Does the nonpublic school intend to participate in Title I, Part A - Improving the Academic Achievement of the Disadvantaged?		Yes	No	Not Applicable (no students reside in a participating public school attendance area)
	If yes, please include the total number of Title I low-income nonpublic students from the district attendance area as of October 1 st from the most recent year.	Nonpublic Low-Income Student Count			

2.	Does the nonpublic school intend to participate in Title I, Part C – Education of Migratory Children?		Yes	No	Not Applicable (district does not receive the grant)
	If yes, please include the total number of nonpublic Migrant students from the district attendance area identified through a Certificate of Eligibility.	Nonpublic Migrant Student Count			

Form is submitted
as a part of the
Equitable Services
to Nonpublic
Schools
Application in
GMS.

Consultation – Participation Status Form

- If a nonpublic school is **participating** in any federal programs, they will complete and sign the form.
- The LEA will review the content to ensure the form is complete, sign, and upload the completed form to the Equitable Services to Nonpublic School Application on GMS.

Overview	Contact Information	Nonpublic Schools - Participation Status	Nonpublic Schools - Not Participating	Nonpublic Schools - Participating	Submit	Application History	Application Print
Participating		Consultation - Participation		Low-Income Student Count			

Consultation – Participation Status Form

- If a nonpublic school is present and has elected **not to participate** in any federal programs, they will also complete the form and sign.
- The LEA will review the content to ensure the form is complete, sign, and upload the completed form to the Equitable Services to Nonpublic School Application on GMS.

Consultation – Participation Status Form

- If a nonpublic school is present but does not wish to complete and sign the form – collect and maintain any relevant documentation in your files at the district.

Consultation – Transferability

- If the LEA is transferring funds from one program to another program, the LEA and the nonpublic school will need to will need to review and sign pages 4 and 5 of the Participation Status Form.

If transferability is applicable, please continue to the next page.

3

Oklahoma State Department of Education (OSDE)
Office of Title Services (OTS)
September 2026

Consultation – Transferability

- Any completed transferability form pages will be uploaded in the Equitable Services to Nonpublic School Application on GMS on the Nonpublic School Participating page section b.

Overview	Contact Information	Nonpublic Schools - Participation Status	Nonpublic Schools - Not Participating	Nonpublic Schools - Participating	Submit	Application History	Application Print
Participating		Consultation - Participation			Low-Income Student Count		

Participating

If, after consultation, the nonpublic school wishes for their students, teachers, and other educational staff to participate in federal programs, the following forms must be completed for each participating nonpublic school and submitted.

a. Districts Affirmation of Consultation with Nonpublic School Officials [Click Here to Download](#)
If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school.

OKCPS Rosary Affirmation-20260422113425-9908.pdf

OKCPS Affirmation of Consultation-20260313100204-34656.pdf

OKCPS John Carrrol Affirmation-20260422113935-9908.pdf

b. Transferability and Equitable Services for Nonpublic Schools [Click Here to Download](#)
If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school.

Correct Transferability-20260423020144-9908.pdf

OKCPS Tranferability-20260313100214-34656.pdf

Consultation – Initial

Submitted as a part
of the Equitable
Services to
Nonpublic Schools
Application in GMS.

An LEA may
duplicate this
form to use for
ongoing
consultation
meetings
throughout the
year.



Elementary and Secondary Education Act (ESEA)
Local Educational Agency (LEA) Affirmation of Consultation with
Nonpublic School Officials

It is required that this form is completed during the initial consultation. The completed form must be uploaded in the Equitable Services to Nonpublic School Application in the Grants Management System (GMS). It is recommended that each local educational agency (LEA) consulting with nonpublic schools complete this form each time a consultation event occurs.

To ensure timely and meaningful consultation, the LEA shall consult with appropriate nonpublic officials during the design and development of programs. The LEA and nonpublic officials should both have the goal of reaching agreement on how to provide equitable and effective programs for eligible nonpublic school children.

Please check all that apply:

- ☐ How the children's and/or school's needs will be identified.
- ☐ What services will be offered.
- ☐ How, where, and by whom the services will be provided, including those provided by other districts.
- ☐ How the services will be assessed and how the results of the assessment will be used to improve those services.
- ☐ The size and scope of the equitable services to be provided to the eligible nonpublic school children, teachers, and other educational personnel, the amount of funds available for those services; and how that amount is determined.
- ☐ As applicable for Title I-A, the method or sources of data that are used to determine the number of children from low-income families living in Title I-A participating school attendance areas who attend nonpublic schools, including whether the district will extrapolate data if a survey is used.
- ☐ How and when the agency, consortium or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the nonpublic school officials on the provision of services through potential third-party providers.
- ☐ When services will be provided.
- ☐ How, if the LEA disagrees with the views of the nonpublic school officials on the provision of services through a contract, the district will provide in writing to such nonpublic school officials an analysis of the reasons why the district has chosen not to use a contractor.
- ☐ Whether the agency shall provide services directly or through a separate government agency,



Elementary and Secondary Education Act (ESEA)
Local Educational Agency (LEA) Affirmation of Consultation with
Nonpublic School Officials

consortium, entity, or third-party contractor.

- ☐ Administrative costs.
- ☐ Method/sources of poverty data used. (Title I only)
- ☐ Whether to provide equitable services to eligible nonpublic school children -
 - ☐ by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend nonpublic schools; or
 - ☐ in the agency's participating school attendance area who attend nonpublic schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend nonpublic schools ESSA Section 8501(c).
- ☐ If the LEA plans to transfer funds from one program to another, the LEA must first consult with the nonpublic school. The LEA must then provide nonpublic school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of transfer funds available to each program after the transfer ESSA Section 5103(e)(2).
- ☐ For Title I-A, whether to consolidate and use Title I-A funds provided in coordination with eligible funds available for services to nonpublic school children under applicable programs, as defined in section 8501(b)(1), to provide services to eligible nonpublic school children participating in programs.

Affirmation that timely and meaningful consultation has occurred and shall continue throughout the implementation and evaluation of services under ESEA.

Please check one: ☐ AGREE ☐ DISAGREE

District Name:				Nonpublic School Name:			
District School Official Name:							
District School Official Signature:					Date:		
Nonpublic School Official Name:							
Nonpublic School Official Signature:					Date:		



Consultation – Initial Affirmation of Consultation

- If a nonpublic school is **participating** in any federal programs, they will complete and sign the form.
- The LEA will review the content to ensure the form is complete, sign, and upload the completed form to the Equitable Services to Nonpublic School Application on GMS.

Consultation – Initial Affirmation of Consultation

Overview	Contact Information	Nonpublic Schools - Participation Status	Nonpublic Schools - Not Participating	Nonpublic Schools - Participating	Submit	Application History	Application Print
Participating			Consultation - Participation		Low-Income Student Count		

Participating

If, after consultation, the nonpublic school wishes for their students, teachers, and other educational staff to participate in federal programs, the following forms must be completed for each participating nonpublic school and submitted.

- a. Districts Affirmation of Consultation with Nonpublic School Officials [Click Here to Download](#)
If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school.

OKCPS Rosary Affirmation-20260422113425-9908.pdf
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- b. Transferability and Equitable Services for Nonpublic Schools [Click Here to Download](#)
If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school.

Correct Transferability-20260423020144-9908.pdf
OKCPS Tranferability-20260313100214-34656.pdf

Consultation – Initial Affirmation of Consultation

- If a nonpublic school is present and has elected **not to participate** in any federal programs the Affirmation of Consultation Form is not applicable.

Consultation – Initial Affirmation of Consultation

- If a nonpublic school does not wish to complete or sign the Affirmation of Consultation form – collect and maintain any relevant documentation and upload to the Nonpublic Schools – Participating page section a.

Overview	Contact Information	Nonpublic Schools - Participation Status	Nonpublic Schools - Not Participating	Nonpublic Schools - Participating	Submit	Application History	Application Print
Participating		Consultation - Participation			Low-Income Student Count		
Participating							
If, after consultation, the nonpublic school wishes for their students, teachers, and other educational staff to participate in federal programs, the following forms must be completed for each participating nonpublic school and submitted. a. Districts Affirmation of Consultation with Nonpublic School Officials Click Here to Download If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school. OKCPS Rosary Affirmation-20260422113425-9908.pdf OKCPS Affirmation of Consultation-20260313100204-34656.pdf OKCPS John Carrrol Affirmation-20260422113935-9908.pdf b. Transferability and Equitable Services for Nonpublic Schools Click Here to Download If possible, please scan and upload all forms in one file. A form must be completed and signed by representative for each participating nonpublic school. Correct Transferability-20260423020144-9908.pdf OKCPS Tranferability-20260313100214-34656.pdf							

Consultation – Title I, Part A

This form is for planning purposes the data will be entered on a table in the Equitable Services to Nonpublic School Application in GMS.



Elementary and Secondary Education Act (ESEA)
Nonpublic School Low-Income Student Count for Title I, Part A Services

This form is provided for planning purposes only. Data must be uploaded [in](#) the appropriate table in the Equitable Services to Nonpublic School Application in the Grants Management System (GMS).

To determine the appropriate amount of equitable services, each nonpublic school must consult with the local educational agency (LEA) to complete the table below. One form should be used for each nonpublic school located within the district attendance area.

LEA Name:

Nonpublic School Name:

List Public School Title IA Sites (NOT the nonpublic schools) – Nonpublic school students must live in the attendance area of a Title IA school.	Site Code	Grade Span	Number of Title I Low- Income students from district attendance area who attended nonpublic school in the preceding October (Aged 5-17)
Total			



Consultation

Purpose

The purpose of consultation is to design, implement, monitor, and evaluate a program to meet the needs of eligible students, teachers, and other educational personnel.

Transparency

All parties should be able to express their views, have the views seriously considered, and be able to discuss viable options for ensuring equitable participation of nonpublic school students, teachers, and other educational personnel.

Consultation

Timely

The nonpublic school services should start at the same time as the public school services.

Ongoing

The public and nonpublic school representatives should remain in contact throughout the school year.

Consultation

Documentation

It is highly recommended that each time there is contact between nonpublic school the instance is documented.

- phone calls
- emails
- virtual or in-person meetings

District Attendance Area

- LEAs are required to contact nonpublic school officials from all nonpublic school(s) **within their district attendance area** for Titles II, III, IV.
- **Title I, Part A** funds follow the student. If there are students who reside **within a participating public school attendance area** but attend a nonpublic school **outside the district's attendance area**, the district in which the student resides should contact the nonpublic school the student attends.

Title I, Part A

Nonpublic Schools Equitable Share

- Title I, Part A proportional share = per pupil amount (PPA) of the served public school x eligible nonpublic school students that reside in the participating public school attendance area.
- The calculation does not consider any LEA reservations, set-asides before determining the proportional share (see Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families Non-Regulatory Guidance 2023 B-10)

Nonpublic Schools Equitable Share

An LEA with four Title I public school attendance areas and a total Title I allocation of \$1,000,000 would determine the proportional share as follows:

EXAMPLE OF DETERMINING THE PROPORTIONAL SHARE AVAILABLE FOR TITLE I EQUITABLE SERVICES			
Public School Attendance Area	# of Public school Low-Income Children	# of Private School Low-Income Children	Total # of Low- Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	365
TOTAL	1,350	150	1,500
PROPORTIONAL SHARE	90%	10%	
	\$900,000	\$100,000	

Nonpublic Schools Equitable Share

Example

- Public Elementary A has a PPA of \$600.00
- Public Elementary B has a PPA of \$750.00
- Nonpublic School C has 3 students that reside in Public Elementary B attendance area so $3 \times \$750.00 = \$2,250.00$
- Nonpublic School C also has 2 students that reside in Public Elementary A so that is $2 \times \$600.00 = \1200.00

Title I, Part A Student Data

The first through third columns must contain the **public school** information in which the **nonpublic school student(s)** reside.

The fourth column is the number of low-income nonpublic school students age 5-17.



This form is provided for planning purposes only. Data must be uploaded in the appropriate table in the Equitable Services to Nonpublic School Application in the Grants Management System (GMS).
To determine the appropriate amount of equitable services, each nonpublic school must consult with the local educational agency (LEA) to complete the table below. One form should be used for each nonpublic school located within the district attendance area.

LEA Name:

Nonpublic School Name:

List Public School Title IA Sites (NOT the nonpublic schools) – Nonpublic school students must live in the attendance area of a Title IA school.	Site Code	Grade Span	Number of Title I Low- Income students from district attendance area who attended nonpublic school in the preceding October (Aged 5-17)
Total			



Administrative Cost for Equitable Services

[Click to return to Home List / Sign Out](#)

Overview	Low Income Rank and Order				Program Detail	Budget	Job Description
Low Income Data Step 1	Promote to Serve Step 2	Ranking Method Step 3	Intent to Serve Step 3.5		District Allocation and Set Asides Step 4		Parent and Family Site Allocations

District Allocation and Set Asides Step 4

Number of Low Income Students
Attending Title I:

Public 27,419.00

NonPublic 502.00

Non-Public Proportional Percentage
(rounded to two decimal places) 1.80%

ADA Count 30,094.00

Equitable Share	Public	Non-Public	Total
Students Served	27,419.00	502.00	27,921.00
Percentage	98.20%	1.80%	100.00%
Proportional Amounts available for LEA Distribution	22,737,893.32	416,784.20	23,154,677.52
Set-Asides			
Parent and Family Engagement	231,546.78	4,167.84	235,714.62
Homeless	231,546.78		231,546.78
Administration	0.00		0.00
LEA Administration for Equitable Services	0.00	0.00	0.00
Indirect Costs	2,049,007.52		2,049,007.52
Preschool (District Wide)	0.00		0.00
Professional Development (District wide)	2,279,828.57		2,279,828.57
Foster Care	78,303.80		78,303.80
Other			
Mental health specialists, summer school, attendance advocat	4,249,982.02		4,249,982.02
Total all Set-Asides	9,120,215.47	4,167.84	9,124,383.31
Carryover	7,258,025.89	249,294.72	
Total Distribution Amount	19,615,120.97	666,078.92	20,281,199.89

Minimum Per Pupil Amount (equal to 125% if applicable). \$0

Title II, Part A

Nonpublic Schools Equitable Share

- Title II, Part A LEA Total Allocation ÷ total number of public and nonpublic school students residing within the district = per pupil amount x number of nonpublic school students residing within the district

Example

- \$200,000 ÷ 500 public (450) and nonpublic students (50) = \$400
- 50 nonpublic school students x \$400 = \$20,000 Title II, Part A Equitable Share for the nonpublic school

Title IV, Part A

Nonpublic Schools Equitable Share

- Title IV, Part A LEA Total Allocation ÷ total number of public and nonpublic school students residing within the district = per pupil amount x number of nonpublic school students residing within the district

Example

- \$100,000 ÷ 400 public (350) and nonpublic students (50) = \$250
- 50 nonpublic school students x \$250 = \$12,500 Title IV, Part A Equitable Share for the nonpublic school

Transferability

- LEAs may transfer funds they receive out of certain ESEA grant programs.
- Before the LEA completes any transfer of funds the LEA **must** consult with nonpublic school officials on what this means for the participation of the nonpublic school. ESEA Section 5103(e)(2)
- LEAs are **not** able to share funds on a program they do not operate.

Transferability

LEA's may transfer from:

- Title II, Part A – Supporting Effective Instruction State Grants
- Title IV, Part A – Student Support and Academic Enrichment

LEA may transfer to the following:

- Title I, Part A – Improving Basic Programs Operated by LEAs
- Title I, Part C – Education of Migratory Children
- Title I, Part D – Prevention and Intervention Programs for Children and Youth who are Neglected, Delinquent, or At-Risk
- Title II, Part A – Supporting Effective Instruction
- Title III, Part A – English Language Acquisition and Language Enhancement
- Title IV, Part A – Student Support and Academic Enrichment Grants
- Title V, Part B – Rural and Low-Income Schools

Transferability

- LEA must offer to provide nonpublic school students and teachers equitable services under the program(s) to which the funds are transferred based on the total amount of funds available to the receiving program after the transfer.
- LEAs must consult with nonpublic schools **prior to transferring** funds from one program to another.

Transferability

- ESEA section 5103 gives an LEA flexibility to transfer some or all of its funds under two covered ESEA programs to other eligible ESEA programs. Under the transferability authority, an LEA may transfer up to 100 percent of funds received under Title II, Part A and Title IV, Part A into, for example, Title I, Part A. An LEA may not, however, transfer funds out of Title I, Part A. An LEA does not need prior approval from the SEA or the Department to exercise the transferability authority, but before an LEA may transfer funds from a covered ESEA program, it must engage in timely and meaningful consultation with appropriate private school officials. ESEA section 5103(e)(2).

Transferability and Equitable Services for Nonpublic Schools



Elementary and Secondary Education Act (ESEA)
Transferability and Equitable Services for Nonpublic Schools

It is required that this form is completed during the initial consultation if a local educational agency (LEA) is opting to transfer funds from one ESEA program to another ESEA program. The completed form must be uploaded in the Equitable Services to Nonpublic School Application in the Grants Management System (GMS).

Transferability is authorized under ESEA Section 5103(b). Each program covered by the LEA transferability authority is subject to equitable participation requirements. **Before transferring any funds**, an LEA must engage in timely and meaningful consultation with appropriate private school officials and give due consideration to the views of these officials prior to making decisions regarding transfers.

Review each of the questions and answers provided below.

Question 1
If, after timely and meaningful consultation, an LEA chooses to transfer funds to another authorized program under ESEA section 5103, does this have any impact on its equitable service responsibilities under the programs from which and to which funds are transferred?

Answer 1
Yes. With respect to the transferred funds, the LEA must provide eligible private school children and educators equitable services under the applicable program(s) to which, and from which (if less than 100 percent of funds are transferred), the funds are transferred, based on the total amount of funds available to each program after the transfer. For example, if an LEA transfers 50 percent of its Title II, Part A allocation to Title IV, Part A, it must provide Title II, Part A equitable services based on the amount of funds left in the Title II, Part A program after the transfer and must provide Title IV, Part A equitable services based on the total amount of funds available under Title IV, Part A, including the transferred funds.

Question 2
Under ESEA section 5103(b), after timely and meaningful consultation, may an LEA transfer funds into a program or retain funds in a program from which it transfers funds solely to provide equitable services for eligible private school children and educators?

Answer 2
No. The ESEA does not authorize an LEA to transfer or retain only the portion of funds available for equitable services for eligible private school children and educators from one or both of the programs whose funds may be transferred. If, after timely and meaningful consultation, an LEA decides to transfer funds, it must provide services to public and private school children and educators in accordance with all the requirements of the program(s) to which and from which the funds are transferred based on the amount of funds in each program after the transfer. ESEA section 5103(e)(1)



Elementary and Secondary Education Act (ESEA)
Transferability and Equitable Services for Nonpublic Schools

Check all boxes that apply:

Transfer Funds From:	Transfer Funds To:
☐ Title II, Part A Preparing, Training and Recruiting High Quality Teachers, Principals and Other School Leaders	☐ Title I Part A Improving the Academic Achievement of the Disadvantaged
☐ Title IV, Part A Student Support and Academic Enrichment	☐ Title I, Part C Education of Migratory Children
	☐ Title I, Part D Neglected and Delinquent
	☐ Title II, Part A Preparing, Training and Recruiting High Quality Teachers, Principals, and Other School Leaders
	☐ Title III, Part A EL and Immigrant Students
	☐ Title IV, Part A Student Support and Academic Enrichment
	☐ Title V, Part B Rural and Low-Income School

By signing below, the nonpublic school official affirms that timely and meaningful consultation regarding transfer of funds has occurred before the LEA made any decision that affected the participation of eligible nonpublic school children under ESEA.

District Name: Nonpublic School Name:

District School Official Name:		
District School Official Signature:		Date:

Nonpublic School Official Name:		
Nonpublic School Official Signature:		Date:

Submitted as a
part of the
Equitable Services
to Nonpublic
Schools
Application in
GMS.



Nonpublic School Carryover

- The LEA in consultation with the nonpublic school shall **obligate** the equitable share of funds in the fiscal year in which the funds are shared.

ESEA Section 1117(a)(4)(B) and 8501(a)(4)(B)

Nonpublic School Carryover

- It is recommended the LEA share the internal procurement timeline and process with the nonpublic school representatives.
- It is recommended the LEA send reminders throughout the year of upcoming procurement due dates.

Nonpublic School Carryover

- The public school and nonpublic school representatives will determine **any carryover decisions** during **consultation**.
- There should be legitimate **extenuating circumstance**, but OTS does not have a role in this decision.

Nonpublic School Carryover

Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families 2023

- See B-26, B-27, B-28, B-29, B-30, and B-31

Title VIII, Part F Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel 2023

- See B-9, B-10, and B-12

Nonpublic School Carryover

If a deadline is established in consultation and in the context of the requirement to obligate funds generated for equitable services in the current fiscal year, 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 to have declined services.

Nonpublic School Carryover

An LEA may set a reasonable deadline, taking into consideration private school schedules, for private school officials to submit information necessary to provide equitable services. For example, an LEA may set a reasonable deadline for private school officials to indicate their intent to participate or request services and materials. 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.

Nonpublic School Carryover

- Funds are only available for a maximum of **27-months** from July 1 in the fiscal year in which the funded services were initially shared with the nonpublic school.

Nonpublic School Carryover

- The public school district will calculate the proportional share on the current year allocation (total before any consolidations, transfers, or set asides) + only the carryover amount the nonpublic schools failed to obligate in the preceding fiscal year.
- The proportional share amount should **not** include the portion of carryover that was not expended by the public schools.

Right to File a Complaint

- The final decision on grants management activity rests with the LEA.
- If an LEA disagrees with the views of nonpublic school officials with respect to any topic subject to consultation, the LEA must provide in writing to nonpublic school officials the reasons why the LEA disagrees.
- The LEA must let the nonpublic school know of their right to file a formal complaint with the LEA.

Right to File a Complaint

The following items must be included with the formal written complaint:

- a) A statement that an LEA has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation;
- b) The facts on which the statement is based, and the specific statutory or regulatory requirement allegedly violated; and
- c) The signature of the complainant. [34 CFR 299.15](#)

Right to File a Complaint

- The LEA must issue a decision on the formal complaint within a reasonable period of time.
- The LEA must let the nonpublic school know of their right to appeal any decision to the state educational agency (SEA).

Right to File a Complaint

Nonpublic schools may file a complaint with the SEA if they believe that:

1. Timely and meaningful consultation did not occur;
2. The district did not give due consideration to the views of the nonpublic school officials, or;
3. The funds generated or services to be provided are not equitable.

Oklahoma State Department of Education Complaint Procedures

[OAC 210:10-17-1](#)

Resources

[Office of Non-Public Education \(ONPE\)](#)

- ONPE represents the interests, activities and needs of the nonpublic elementary and secondary school community.
- ONPE consults with the nonpublic school community on the participation of students and teachers in programs and initiatives.
- ONPE is now a part of the Department of Health and Human Services in the Office of Administration for Children and Families (ACF).

Resources

- [Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families](#) May 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](#) July 2023

Contact Information

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