Crosswalk Between Draft Title I, Part A of the Elementary and Secondary Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Children, Teachers, and Families, Non-Regulatory Guidance and Prior Non-Regulatory Guidance

Question from Draft Guidance	Relevant Prior Guidance ¹
	(Document Title and Question Number)
A-1. What is consultation?	Title I Services to Eligible Private School Children, Non-Regulatory
	Guidance (October 2003) (available at
	http://www2.ed.gov/programs/titleiparta/psguidance.doc)
	Reference: A-1
A-2. Who is responsible for initiating	Title I Services to Eligible Private School Children, Non-Regulatory
consultation and how should it begin?	Guidance (October 2003)
	Reference: A-2
A-3. What is an "Intent to Participate" form?	Title IX, Part Uniform Provisions, Subpart 1, Private Schools, Equitable
	Services for Eligible Private School Students, Teachers, and Other
	Educational Personnel, Non-Regulatory Guidance (Rev. March 2009)
	(available at https://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc)
	Reference: D-13
A-4. May an LEA set a deadline for private	Title IX, Part Uniform Provisions, Subpart 1, Private Schools, Equitable
school officials to indicate their intent to	Services for Eligible Private School Students, Teachers, and Other
participate?	Educational Personnel, Non-Regulatory Guidance (Rev. March 2009)
	Reference: D-23
A-5. How does an LEA determine which	Title IX, Part Uniform Provisions, Subpart 1, Private Schools, Equitable
private schools to contact?	Services for Eligible Private School Students, Teachers, and Other
	Educational Personnel, Non-Regulatory Guidance (Rev. March 2009)
	Reference: D-2

¹ Please note that information from prior guidance referenced in this document may have been revised as necessary based on statutory changes or to provide additional clarification.

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
A-6. When and how often does an LEA consult with private school officials?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: A-3, A-5
A-7. May a group of private school officials designate a single private school official to represent their interests?	Title IX, Part Uniform Provisions, Subpart 1, Private Schools, Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel, Non-Regulatory Guidance (Rev. March 2009) Reference: D-4
A-8. What topics must an LEA address during consultation?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: A-6
A-9. What is entailed in achieving "the goal of reaching agreement" between an LEA and appropriate private school officials?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) (available at https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf) Reference: N-13
A-10. What documentation of consultation must an LEA maintain?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: A-7
A-11. Is other documentation that meaningful consultation has occurred helpful?	New
A-12. Is there a specific time by which an LEA must obtain the signature of appropriate private school officials regarding written affirmation/results of agreement?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: A-8
A-13. What should an SEA do when an LEA has not provided it with written affirmations from private school officials?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: A-9
A-14. In general, what documentation does an LEA need from private school officials in order to provide Title I services to eligible students in those schools?	New
A-15. What is an LEA's obligation to consult with, and provide services to eligible students in,	New

Question from Draft Guidance	Relevant Prior Guidance ¹
	(Document Title and Question Number)
a new private school that opens after the LEA's	
deadline for indicating an intent to participate?	
A-16. What is an LEA's obligation to provide	New
equitable services under Title I if a private	
school declines to participate or does not	
respond to the LEA's request to consult?	
A-17. Must an LEA provide a copy of its Title I	Title I Services to Eligible Private School Children, Non-Regulatory
application if a private school official requests	Guidance (October 2003)
it?	Reference: A-11
A-18. How might an SEA help foster positive	New
working relationships between the LEA and	
private school officials to assist with	
consultation and program implementation?	
B-1. May an LEA reserve funds off the top of	Non-Regulatory Guidance: Fiscal Changes and Equitable Services
its Title I allocation before it determines the	Requirements under the Elementary and Secondary Education Act of 1965
proportional share for equitable services?	(ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November
	21, 2016)
	Reference: O-1
B-2. What does it mean for an LEA to	New
determine the proportional share of Title I funds	
available for equitable services based on the	
total amount of Title I funds received by the	
LEA prior to any allowable expenditures or	
transfers of funds?	
B-3. What information does an LEA need to	New
calculate the proportional share under section	
1117(c)(1) of the ESEA?	
B-4. How does an LEA calculate the	Non-Regulatory Guidance: Fiscal Changes and Equitable Services
proportional share of Title I funds available for	Requirements under the Elementary and Secondary Education Act of 1965
equitable services in the next school year?	(ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November
	21, 2016)
	Reference: O-2
B-5. How does an LEA determine participating	Title I Services to Eligible Private School Children, Non-Regulatory
public school attendance areas?	Guidance (October 2003)

Question from Draft Guidance	Relevant Prior Guidance ¹
	(Document Title and Question Number)
	Reference: B-1
B-6. What data does an LEA use when	Title I Services to Eligible Private School Children, Non-Regulatory
determining eligible public school attendance	Guidance (October 2003)
areas?	Reference: B-2
B-7. How does an LEA determine the amount	Non-Regulatory Guidance: Fiscal Changes and Equitable Services
of Title I funds to be used for parent and family	Requirements under the Elementary and Secondary Education Act of 1965
engagement activities for participating private	(ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November
school students?	21, 2016)
	Reference: O-4
B-8. What are the options available for	Title I Services to Eligible Private School Children, Non-Regulatory
providing equitable services to private school	Guidance (October 2003)
children in a single school or in a pool of	Reference: B-16
schools?	
B-9. After an LEA determines the proportional	New
share, the administrative costs amount, and, if	
applicable, the parent and family engagement	
activities amount, how does the LEA allocate	
the remainder of the proportional share to	
provide equitable services?	
B-10. How does an LEA determine the number	Title I Services to Eligible Private School Children, Non-Regulatory
of children, ages 5 through 17, who are from	Guidance (October 2003)
low-income families, reside in participating	Reference: B-4
public school attendance areas, and attend	
private schools?	
B-11. How does an LEA determine whether it	Title I Services to Eligible Private School Children, Non-Regulatory
collects poverty data annually or biennially	Guidance (October 2003)
(every two years) and must the collection of	Reference: B-5
poverty data be uniform across the LEA?	
B-12. May an LEA use more than one method	Title I Services to Eligible Private School Children, Non-Regulatory
of collecting poverty data on children in	Guidance (October 2003)
different private schools?	Reference: B-8
B-13. If an LEA does not collect the names of	Title I Services to Eligible Private School Children, Non-Regulatory
counted students, how do LEA officials or	Guidance (October 2003)
auditors determine the poverty numbers	Reference: B-6

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
provided by the private school officials are	
accurate?	
B-14. If a private school declines Title I services	New
for its eligible children, and the LEA has	
poverty data for children in the private school,	
does the LEA include the poverty data in	
calculating the proportional share?	
B-15. If an LEA, after consultation with private	Title I Services to Eligible Private School Children, Non-Regulatory
school officials, decides to establish a pool or	Guidance (October 2003)
pools of funds allocated for private school	Reference: B-17
children and, later, one or more private schools	
in the pool decline services for eligible students	
enrolled in the school, what happens to the funds	
generated by children from low-income families	
in the private school(s)?	
B-16. When an LEA elects not to serve an	Title I Services to Eligible Private School Children, Non-Regulatory
eligible public school attendance area, as	Guidance (October 2003)
permitted under ESEA section 1113(b)(1)(D),	Reference: B-19
what are the procedures for serving the private	
school children who reside in that attendance area?	
B-17. How are private school children	Title I Services to Eligible Private School Children, Non-Regulatory
identified as residing in a participating public	Guidance (October 2003)
school attendance area if an LEA is operating	Reference: B-20
under an open enrollment, desegregation, or	Reference. B-20
magnet plan?	
B-18. What is the Community Eligibility	The Community Eligibility Provision and Selected Requirements Under Title
Provision?	I, Part A of the Elementary and Secondary Education Act of 1965, as
	Amended (March 2015)
	(available at https://www2.ed.gov/programs/titleiparta/15-0011.doc)
	Reference: Question 1
B-19. If a private school is a CEP school, does	The Community Eligibility Provision and Selected Requirements Under Title
every child in the private school automatically	I, Part A of the Elementary and Secondary Education Act of 1965, as

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
generate Title I funds for equitable services?	Amended (March 2015)
	Reference: Question 29
B-20. Is an LEA's collection of poverty data on private school students affected by CEP data?	The Community Eligibility Provision and Selected Requirements Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended (March 2015) Reference: Question 28
B-21. How does an LEA determine the number of low-income private school children in participating public school attendance areas if a private school participates in CEP?	The Community Eligibility Provision and Selected Requirements Under Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended (March 2015) Reference: Question 29a
B-22. If, after timely and meaningful consultation, an LEA transfers funds into Title I under ESEA section 5103(b), are those funds subject to the proportional share in order to provide equitable services?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: U-4
B-23. Under ESEA section 5103(b), after timely and meaningful consultation, may an LEA transfer funds into the Title I program solely to provide services for private school students?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: U-5
B-24. May an LEA, after timely and meaningful consultation, retain funds in a program from which it transfers funds to Title I solely to provide equitable services under that program?	New
B-25. What is the purpose of the obligation of funds requirement given that an LEA may carry over funds from a given fiscal year and spend those funds in the succeeding fiscal year?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: N-6
B-26. May an LEA carry over unobligated funds despite this new statutory requirement	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
regarding obligation of funds?	(ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: N-7
B-27. When does an "obligation" occur?	New
B-28. How long does an LEA have to meet the obligation of funds requirement in ESEA section 1117(a)(4)(B)?	New
B-29. What information must an SEA include in the notice of allocation that the SEA must provide to private school officials?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: N-8
B-30. Is an SEA required to use a particular method to disseminate the notice of allocation?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: N-9
B-31. Is there a specific timeline for the SEA to disseminate the notice of allocation?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: N-10
B-32. Is an LEA required to provide private school officials with the amount of funds available for equitable services for private school students in a specific private school or pool of schools?	New
B-33. How does an LEA reserve Title I funds for its administration of the Title I program to provide equitable services for private school students?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: O-3
B-34. May a third-party contractor hired by an LEA incur administrative costs?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003)

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
	Reference: B-58
B-35. May Title I funds be used to purchase furniture for a Title I classroom?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-59
B-36. If eligible private school children need transportation from the private school to another site in order to be served by the Title I program, who is responsible for providing this transportation?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-63
B-37. May an LEA charge indirect costs associated with providing equitable services to the proportional share of Title I funds available for equitable services?	New
C-1. What private school students are eligible for Title I services?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-21 and B-23
C-2. How are the criteria determined?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-24
C-3. What are some of the educationally related criteria that an LEA may use to identify the lowest achieving private school children for Title I services?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-25
C-4. What are the criteria for selecting private school children from preschool—grade 2?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-22
C-5. May Title I funds be used to identify eligible private school students?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-26
C-6. How does an LEA determine what services are provided to participating children?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-28
C-7. May an LEA implement a schoolwide program in a private school?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003)

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
	Reference: B-30
C-8. If after receiving an offer of equitable services, private school officials or parents choose to have participating children receive only some services, may the LEA provide only those services?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-31
C-9. When an eligible child resides in a Title I attendance area in one LEA and attends a private school in another LEA, which LEA is responsible for serving the child?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-32
C-10. May an LEA establish a minimum number of participating students in order to establish a Title I program in the private school? If so, what is the LEA's responsibility to serve children attending private schools with fewer than that minimum number?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-33
C-11. Who is responsible for planning and designing equitable services?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-35
C-12. What does it mean to consolidate and use Title I funds in coordination with eligible funds available or equitable services under programs covered under ESEA section 8501(b) to provide services to eligible private school children in participating programs?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) (November 21, 2016) Reference: O-7
C-13. How does the principle of supplement not supplant apply to equitable services under Title I?	New
C-14. What types of services are available for private school participants?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-37
C-15. If the funds allocated for private school children are not sufficient to provide instructional services, may the funds be used to	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-34

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
provide other services?	
C-16. In what subjects may an LEA provide services to participating students?	New
C-17. How might a Title I teacher coordinate Title I services with private school teachers for the benefit of participating private school students?	New
C-18. To meet the equitable services requirements under Title I, may an LEA just provide a private school with instructional materials and supplies paid for with Title I funds?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-38
C-19. When must Title I services for private school participants start?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-39
C-20. Where may Title I services take place?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-42
C-21. May Title I services be provided in religiously affiliated private schools?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-43 to B-45
C-22. Must an LEA require the removal of religious symbols in private school classrooms in which Title I services are provided?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-46
C-23. Are private schools required to make space available for Title I services?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-48
C-24. May the Title I teacher use the same textbooks as those used by the private school students in their regular classroom?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-50
C-25. May private school officials order or purchase materials and supplies needed for the Title I program and be reimbursed by an LEA?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: B-41

Question from Draft Guidance	Relevant Prior Guidance ¹
	(Document Title and Question Number)
C-26. May an LEA employ a third-party	Title I Services to Eligible Private School Children, Non-Regulatory
contractor to provide equitable services?	Guidance (October 2003)
	Reference: B-53
C-27. May an LEA contract with a religious	New
organization to provide equitable services?	
C-28. What does it mean for a contractor to be	New
independent of the private school in the	
provision of equitable services?	
C-29. May an LEA employ a third-party	Title I Services to Eligible Private School Children, Non-Regulatory
contractor to provide equitable services? ²	Guidance (October 2003)
	Reference: B-53
C-30. May an LEA hire a private school teacher	Title I Services to Eligible Private School Children, Non-Regulatory
to provide Title I services to private school	Guidance (October 2003)
participants?	Reference: B-55
C-31. Must teachers and paraprofessionals hired	Title I Services to Eligible Private School Children, Non-Regulatory
by an LEA to deliver or support the delivery of	Guidance (October 2003)
Title I equitable services meet any qualification	Reference: B-52
requirements?	
C-32. How does an LEA provide equitable	Title I Services to Eligible Private School Children, Non-Regulatory
services for parents and families of private	Guidance (October 2003)
school students participating in the Title I	Reference: C-2
program?	
C-33. May funds for Title I instructional	New
services be used for parental engagement if the	
one percent set aside is insufficient?	

 $^{^{2}}$ Note: This is a duplicate question erroneously included in the draft guidance. It will be removed upon issuance of final guidance.

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
C-34. What are an LEA's responsibilities	Title I Services to Eligible Private School Children, Non-Regulatory
regarding professional development for teachers	Guidance (October 2003)
of private school participants?	Reference: D-1
C-35. May private school officials arrange for	Title I Services to Eligible Private School Children, Non-Regulatory
professional development services for staff who	Guidance (October 2003)
provide instruction to Title I participants and	Reference: D-4
submit the invoice to the LEA for	
reimbursement?	
C-36. May Title I funds be used to pay stipends	Title I Services to Eligible Private School Children, Non-Regulatory
to private school instructional staff who	Guidance (October 2003)
participate in Title I professional development?	Reference: D-5
C-37. Are staff employed by an LEA who	Title I Services to Eligible Private School Children, Non-Regulatory
provide equitable services eligible to participate	Guidance (October 2003)
in professional development?	Reference: D-2
D-1. In what subjects does an LEA assess	Title I Services to Eligible Private School Children, Non-Regulatory
private school children?	Guidance (October 2003)
	Reference: E-1
D-2. May Title I funds be used to assess private	Title I Services to Eligible Private School Children, Non-Regulatory
school children?	Guidance (October 2003)
	Reference: E-2
D-3. May an LEA use the private school's	Title I Services to Eligible Private School Children, Non-Regulatory
assessment data to determine progress of the	Guidance (October 2003)
LEA's Title I program?	Reference: E-3
E-1. What are the roles and responsibilities of	Non-Regulatory Guidance: Fiscal Changes and Equitable Services
an ombudsman?	Requirements under the Elementary and Secondary Education Act of 1965
	(ESEA), as Amended by the Every Student Succeeds Act (ESSA)
	Reference: N-1
E-2. What specific monitoring and enforcement	Non-Regulatory Guidance: Fiscal Changes and Equitable Services
responsibilities does an ombudsman have?	Requirements under the Elementary and Secondary Education Act of 1965
	(ESEA), as Amended by the Every Student Succeeds Act (ESSA)
E 2 Who may come as an amhudaman?	Reference: N-2
E-3. Who may serve as an ombudsman?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Florentamy and Secondamy Education Act of 1065
	Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA)
	(ESEA), as Amended by the Every Student Succeeds Act (ESSA)

Question from Draft Guidance	Relevant Prior Guidance ¹ (Document Title and Question Number)
	Reference: N-3
E-4. What funds are available to support an ombudsman?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) Reference: N-4
F-1. What information must a formal written complaint to the SEA include?	New
F-2. What responsibilities does an ombudsman have responding to and resolving complaints?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) Reference: N-2
F-3. What options are available to private school officials if the SEA does not answer their complaint in a timely manner or if the SEA's response fails to resolve the problem?	New
F-4. May an SEA require a private school official to file a formal complaint with the LEA and await the LEA's resolution before filing a complaint with the SEA?	New
F-5. Under what circumstances is an SEA required to provide equitable services directly or through a third-party provider?	Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA) Reference: N-11 and N-12
F-6. What is a "bypass"?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: Section F
F-7. Under what circumstances may the Secretary determine that a bypass is appropriate?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: Section F
F-8. How is a bypass implemented?	Title I Services to Eligible Private School Children, Non-Regulatory Guidance (October 2003) Reference: Section F