



New Hampshire

**Department of Education**

**New Hampshire Department of Education  
Title VIII, Part F ESEA Program  
Equitable Services Proportional Share  
Guidance**

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Office of ESEA Programs  
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## Purpose

Since the initial passage of the Elementary and Secondary Education Act of 1965 (ESEA), non-public school children and educators have been eligible to participate in certain ESEA programs. The reauthorization of the ESEA by the Every Student Succeeds Act (ESSA) in 2015 continues this requirement under Title VIII, Part F of the ESEA, which requires that a State educational agency (SEA) and local educational agency (LEA) that receive funds under a Title VIII, Part F covered program (ESEA programs) provide eligible non-public school children and educators with services or other benefits that are equitable to those provided to eligible public school children and educators. [[ESEA section 8501](#)]

Programs governed by Title VIII, Part F include the following formula grants:

- 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 Grants;
- Title IV, Part B - Nita M. Lowey 21st Century Community Learning Centers (21st CCLC); and
- Title IV, Part F, section 4631 - Project SERV.  
(ESEA section 8501(b)(1); 34 C.F.R. § 299.6(b)).

An LEA must consult annually with appropriate private school officials regarding equitable services under covered ESEA programs. The goal of consultation is reaching agreement between the LEA and appropriate non-public school officials on how to provide equitable and effective programs for eligible non-public school children and educators. [[ESEA section 8501\(c\)\(1\)](#)]. After timely and meaningful consultation, an LEA makes the final decisions with respect to the services to be provided to eligible non-public school children and educators. [[34 C.F.R. § 299.7\(b\)\(3\)](#)].

Consultation involves discussions between public and non-public school officials on key issues that affect the ability of eligible non-public 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 non-public school children and educators. The ESEA requires an LEA to maintain, and provide to the SEA, a written affirmation signed by officials of each participating non-public school or their designated representative that meaningful consultation has occurred.

An SEA must annually provide information on the amount of funds allocated for equitable services under each covered ESEA program that each LEA responsible for providing equitable services has determined is available for eligible private school children and educators. [[ESEA section 8501\(a\)\(4\)\(C\)](#); [34 C.F.R. § 299.7\(a\)\(4\)](#)]. NHED, Office of ESEA Programs, will collect this information semi-annually (August and February) to meet this requirement and can be found on the NHED website here: [ESEA Proportional Share Posting](#).

LEAs should coordinate with the participating non-public schools to appropriately budget for the correct share of equitable services the district must provide to the non-public schools. NHED has developed a [Title VIII, Part F Equitable Services Proportional Share Calculator](#) that can be used as a useful resource to assist the LEA in calculating the appropriate share for a non-public school.

Refer to the [Title VIII, Part F Non-Regulatory Guidance for Equitable Services](#) for additional information pertaining to equitable services requirements of the LEA who receives ESEA program funds.

## Providing ESEA Program Equitable Services

The following steps should be taken to ensure the district is meeting the equitable service requirement:

1. Designate one person from the district to act as the district liaison.
2. Contact all [non-public schools](#) within the LEAs boundaries that may have students eligible to participate in ESEA programs —i.e., students who live in a participating ESEA program(s) public school attendance area in the LEA.
  - a. Districts without non-public schools in their boundary must still complete the [‘Equitable Services for Non-Public School Students’](#) form by checking off Option 1 and sign to complete.
3. Send each non-public school the Equitable Services Affirmation with a reasonable deadline for a response (i.e., 30 days).
  - a. Attempt at least three times before assuming no response. The same form should be used for each attempt with the date of each attempt.
  - b. If the non-public school does not respond after three attempts, attach evidence. Evidence may include phone log, email, and/or certified letter receipt. NHED highly recommends that districts send a certified letter as their final attempt.
4. During consultation with the non-public school:
  - a. Determine the indirect costs and any administrative cost (limit of 2%) charged by the district. Refer to the [Indirect Cost Allocation Plan for LEAs and Public Charter Schools](#).
  - b. Determine an accurate count of children from low-income families who attend public and non-public schools and reside in the participating ESEA program(s) public school attendance area to allocate the proportional share. Utilize the same measure of poverty used to count public school children (low-income counts).
  - c. Use the [Title VIII, Part F Equitable Services Proportional Share Calculator](#) along with the equitable services calculator guidance below to calculate necessary ESEA program equitable services proportional share contributions for the non-public schools in the LEAs attendance area.
5. Collect all forms and check for completion.
6. Deadline for submission will be indicated on the form. The LEA must provide a copy to NHED by:
  - Emailing to [ESAffirmation@doe.nh.gov](mailto:ESAffirmation@doe.nh.gov) and
  - Uploading the document to the LEA Homepage in the Grants Management System (GMS).
7. The LEAs ESEA program grants will not be made ‘Substantially Approved’ until all applicable Equitable Services Affirmations are provided, reviewed, and approved as fully executed. The LEA must maintain a copy of this form in its records.
8. The NHED, Office of ESEA Programs, will collect the LEA’s proportional share contributions for the non-public schools in the LEAs attendance area semiannually (August and February).

## Determining Methods and Sources of Poverty Data

*Consultation must occur before the LEA makes any decision that affects the opportunities of eligible non-public school children to participate in the ESEA programs.*

An LEA is required to consult with non-public school officials on the method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend non-public schools; this data is used to calculate the proportional share of ESEA program funds available for equitable services.

Generally, an LEA will calculate the per-pupil funding for equitable services based on public and non-public school data from the previous school year in order that timely consultation can occur. To ensure that this calculation is accurate, it is necessary that an LEA use data for non-public schools and public schools from the same school year. For example, during consultation for services for school year 2023-2024, the LEA might use enrollment data from the 2022-2023 school year.

Many LEAs calculate equal expenditures solely based on the relative enrollments of public and non-public school children, or, as applicable, eligible public and non-public school children, on the permissible assumption that these numbers also accurately reflect the relative needs of children and educators in public and non-public schools. For programs such as Title III, Part A, which limit services to a specific group of children, an LEA would use the number of eligible children in the defined group enrolled in both public and non-public schools. However, it is permissible for an LEA to use other factors relating to educational need and not base equal expenditures only on relative enrollments. [[ESEA section 8501\(a\)\(4\)\(A\); 34 C.F.R. § 299.7\(a\)](#)].

After the LEA has calculated the non-public proportional shares for each non-public school, if there are additional equitable service funds available, the LEA must adjust each non-public school's per-pupil amount to evenly distribute the left-over funds. In addition, an LEA may have Title II, Part A or Title IV, Part A funds transferred into their Title I, Part A allocation during the year. If a transfer takes place, the LEA must re-calculate the equitable services proportional share for the non-public schools that they have obligations to provide ESEA program funding to.

The LEA must complete the equitable services proportional share calculations for **EACH** ESEA program individually that non-public school has chosen to participate in.

# ESEA Equitable Services Proportional Share - Same Measure Poverty Counts Calculations

Note: Only enter data in the grey colored cells; all other cells will automatically be calculated.

**Step 1** - Fill out the required cells to determine the overall proportion of children attending non-public schools.

1. Enter the LEAs entire ESEA program allocation prior to the other required and authorized reservations, as well as prior to any expenditures or transfers of funds.
2. Enter each public school in the LEA attendance area.
3. Enter number of all low-income children from attendance area. This number includes children attending the public school and non-public school.
4. Enter non-public school name in LEA attendance area.
5. Enter number of non-public school low-income children from attendance area.

## Title VIII, Part F - ESEA Title Program Equitable Services Proportional Share Calculator

**Title VIII, Part F Includes - Title I, Part C, Title II, Part A, Title III, Part A, Title IV, Part A, and Title IV, Part B**  
Provide All Necessary Information for Grey Cells

1. Entire Allocation Prior to the Other Required and Authorized Reservations: \$ **200,000.00**

Total amount of ESEA Title funds

2. Enter Public School Attendance Area		3. Enter # of all Low-Income Children from Attendance Area (Including Those Attending the Non-Public school)	4. Enter Non-Public School in Attendance Area		5. Enter # of Non-Public School Low-Income Children From Attendance Area
Public School #1	ABC School	50	Non-Public #1	ABC Non Public	15
Public School #2	DEF School	60	Non-Public #2	DEF Non Public	23
Public School #3	GHI School	85	Non-Public #3	GHI Non Public	20
Public School #4			Non-Public #4		
Public School #5			Non-Public #5		
Public School #6			Non-Public #6		
Public School #7			Non-Public #7		
Public School #8			Non-Public #8		
Public School #9			Non-Public #9		
Public School #10			Non-Public #10		
Total Low-Income Students in Attendance Area		195	Total Non-Public Low-Income Students From Attendance Area		58
Total Low-Income Students from Public and Non-Public Schools in Attendance Area					253

Public school names

# of low-income students

Non-public school names

# of low-income children from non-public schools

**Step 3** - Determine the indirect cost, if a negotiated rate is set, and any administrative cost (limit of 2%) charged by the district. These will be taken off the top of the total LEA allocation.

- 6. Enter the indirect cost percentage.
- 7. Enter the percentage set aside for administrative cost.

**Step 2** - The proportional share will automatically calculate based on the total low-income children and total non-public low-income children from the LEA attendance area.

**Step 4** - The proportional share of ESEA program funds available for equitable services after indirect costs, and administrative costs will automatically populate. There will be an amount per child calculated and presented.

6. Enter the Indirect Cost Percentage	2.00%	Set Aside for Indirect Cost	\$	3,921.57
7. Enter the Percentage Set Aside for Administrative Cost (2% unless otherwise dictated by the grant)	2.00%	Set Aside for Admin Cost	\$	4,000.00
Total Funds Available After Indirect Cost and Admin Cost			\$	192,078.43

Proportional Share	
Public School	Non-Public School
77.08%	22.92%
Determined Proportional Share of ESEA Title Funds	\$ 44,033.79
Determined Proportional Share of ESEA Title Funds per Non-Public Student for Equitable Services	\$ 759.20

Indirect cost percentage

Percentage set aside for admin cost

Proportional share percentages

Equitable services proportional share

Amount available per child

**Step 5** - Proportional share of ESEA program funds to serve eligible students in each non-public school will automatically populate providing a breakdown of how much of the proportional share will need to be allocated to each non-public school based off the number of low-income children in the attendance area.

These proportions will be used to calculate the ESEA program equitable share to each non-public school and provide the appropriate funding levels to request for the district to meet the equitable services contributions.

Amounts Available From Proportional Share of ESEA Title Funds to Serve Eligible Students in Each Non-Public School		
Non-Public School in Attendance Area	# of Non-Public School Low-Income Children From School	Determined Proportional Share of ESEA Title Funds per Non-Public School
<i>Non-Public #1</i> ABC Non Public	15	\$ 11,388.05
<i>Non-Public #2</i> DEF Non Public	23	\$ 17,461.68
<i>Non-Public #3</i> GHI Non Public	20	\$ 15,184.07
<i>Non-Public #4</i>		\$ -
<i>Non-Public #5</i>		\$ -
<i>Non-Public #6</i>		\$ -
<i>Non-Public #7</i>		\$ -
<i>Non-Public #8</i>		\$ -
<i>Non-Public #9</i>		\$ -
<i>Non-Public #10</i>		\$ -
<b>Total Non-Public Low-Income Children From Attendance Area</b>	<b>58</b>	<b>\$ 44,033.79</b>

Amount available per non-public school

Should match available proportional share above