

GENERAL EQUITABLE PARTICIPATION GUIDANCE

Section 6151(c)(8) of the ESEA requires an LEA, in consolidating and using funds under its Local-Flex agreement, to provide for the equitable participation of private school students and staff consistent with section 9501 of the ESEA. Sections 9502, 9503, and 9504 apply to all services and assistance provided with the consolidated funds.

To meet this requirement, an LEA must first determine the amount of funds that are generated by private school students under the programs that the LEA plans to consolidate. (See the special provision in section 9501(b)(3) regarding Part A of Title II.) The LEA must reserve these funds for the benefit of private school students and teachers. Thus, the total amount of funding that is used for the benefit of private school students and teachers is not affected by an LEA's participation in Local-Flex.

An LEA must engage in timely and meaningful consultation with private school officials to determine how these reserved funds should be expended for the benefit of private school students and teachers. These funds may be used for an authorized activity under any ESEA program in which private school students and teachers are eligible to receive benefits, and need not be the same activities or programs for which an LEA uses its consolidated funds for public schools.