**Tool #3: NCLB vs. ESSA Comparison**

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| ***No Child Left Behind*** | ***Every Student Succeeds Act*** |
| **TITLE IA SERVICES** |
| NCLB contained a simple statement of services to meet the needs of private school students. | ESSA expands this to include language adding services such as **counseling, mentoring, and one-on-one tutoring.** Additionally, ESSA states that the services can be provided **individually or in combination.** The language notes that the choice of services is requested by the officials or representative of private school students to best meet the needs of those students.  |
| **EQUITY/ OMBUDSMAN** |
| NCLB states that services shall be equitable when compared to services and other benefits to public school children.  | ESSA expands this to include the addition of an ombudsman in each state to help ensure that such equity is provided to private school children, teachers, and other educational personnel; the **ombudsman monitors and enforces the requirements** for equity to private school children.  |
| **EXPENDITURES UNDER TITLE IA** |
| NCLB states that expenditures shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.  | ESSA expands this language to make specific that the share of funds is to be determined based on the **total allocation** received by the local educational agency prior to any allowable expenditures authorized under Title IA. (This means the equitable share is calculated before other district set asides.)  |
| **CONSULTATION TOPICS** |
| NCLB contained specific topics for timely and meaningful consultation between public and private school students. They included needs of the students; how, where and by whom the services would be provided; how the services would be assessed; the size and scope of the program and the funds allocated.  | ESSA contains the same topics for timely and meaningful consultation, but **also adds:** 1. the goal of consultation is to reach agreement
2. the results of consultation are transmitted to the ombudsman
3. consultation includes a discussion of how the proportional share of funds is determined
4. whether or not funds should be pooled is part of consultation
5. the approximate time of day the services will be provided is discussed in consultation
6. whether to combine the funds across programs to provide coordinated services is part of consultation
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| **DISAGREEMENT** |
| NCLB provides for a written analysis by the public school district on its reasons for not allowing the use of a third party if one is requested by private school officials.  | ESSA adds language that states if the public school district disagrees with the views of the private school officials during consultation it must provide a **written analysis of the reasons the district has decided not to adopt the requested course of action.**  |
| **WRITTEN AFFIRMATION** |
| NCLB only required a written affirmation for the Title IA program. Private school officials were asked to sign the written affirmation to signify that timely and meaningful consultation had occurred.  | ESSA expands the **written affirmation to all programs** requiring equitable participation and provides an option for the private school official to **signify that timely and meaningful consultation did not occur.** |
| **STATE EDUCATIONAL AGENCIES** |
|  | Under ESSA, a **State educational agency can provide services directly or through contracts** with public or private agencies, organizations, or institutions if appropriate private school officials or their representatives have- (a) requested that the state provide such services directly; and (b) demonstrated that the LEA has not met applicable equitable services requirements in accordance with the OSPI procedures for making such a request. The State also has the responsibility to inform the private school officials in a timely manner of the allocation for all programs that require equitable participation, as the funding has been determined by the public school district. As noted above, the state must designate an ombudsman; this person will ensure equity and monitor and enforce the equitable participation provisions of ESSA. The ombudsman receives the result of the agreement reached in the consultation process.  |
| **FUNDING** |
| NCLB made it clear that funding should be equitable based on the proportion of private school children to all children in the district. For Title IA, this proportion for equitable services to private school students was based on the number of low-income private school children residing in Title IA attendance areas compared to all low-income children residing in Title IA attendance areas. For other programs, it was the number of children attending the private schools, regardless of their residence or income status, compared to all children attending public and private schools in the district. Under Title IA, this equitable share was determined after allowable set asides by the public school district. Under Title IA, this equitable share was based only on the funds used by the public school district for professional development.  | ESSA continues the equitable funding, but requires, as noted above, that the Title IA funds be determined **prior to any allowable set asides** by the public school district. Additionally, the Title IA funds are determined based on the **entire allocation,** **less administrative costs,** regardless of the uses the public school district makes of the funds. Furthermore, funds designated for equitable services must be obligated in the school year in which they were received by the public school district. The proportional share of funds can be determined every year or once every two years.  |
| **COMPLAINT PROCEDURE** |
| Under NCLB, the state was required to resolve a complaint by private school officials within a reasonable period of time. If the complaint was appealed to the U.S. Secretary of Education, the Secretary had 120 days to resolve the complaint.  | Under ESSA, the state must resolve the complaint within **45 days** and the U.S. Secretary of Education must resolve the complaint within **90 days**.  |