



ESSA Equitable Services Verifying and Documenting Private School Nonprofit Status

Private schools must demonstrate nonprofit status in order to participate in equitable services under Title IA and Title VIII (IC, IIA, IIIA, IVA, IVB)

The Every Student Succeeds Act of 2015 (ESSA), like the earlier *No Child Left Behind Act of 2001 (NCLB)*, requires LEAs to ensure that private schools that participate in equitable services have active nonprofit status.

Nonprofit, as defined by 34 Code of Federal Regulations (CFR) Part 77.1, means an “agency, organization, or institution, that is owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.”

It is important to note that nonprofit does not mean tax-exempt. While all tax-exempt entities are nonprofits, not all nonprofits are tax-exempt. Tax-exempt status is granted by the IRS and nonprofit status is granted by states.

Georgia’s students attend private schools in and out-of-state which means that the documentation available for verifying nonprofit status may vary depending on the state.

How to Verify Nonprofit Status

In Georgia, private school nonprofit status must be verified **annually**. Annual verification is available on Secretary of State websites. In order to look up the status of a private school, LEAs will need the legal business name of the school and/or legal business name of the primary business under which the school falls.

If the school is registered/covered under another business, the school must provide foundational documentation to verify the relationship between the school and other organization and will require the legal business name of the umbrella business to verify nonprofit status.

STATE	DEADLINE FOR RENEWAL	BUSINESS SEARCH	NONPROFIT STATUS
GEORGIA	APRIL	https://ecorp.sos.ga.gov/BusinessSearch	ACTIVE COMPLIANT
ALABAMA	APRIL/SEPTEMBER	http://arc-sos.state.al.us/CGI/CORPNAME.MBR/INPUT	EXISTS
FLORIDA	SEPTEMBER	http://search.sunbiz.org/Inquiry/CorporationSearch/ByName	ACTIVE
NORTH CAROLINA	ROLLING DEADLINE	https://www.sosnc.gov/search/index/corp	CURRENT ACTIVE
SOUTH CAROLINA	MAY	https://businessfilings.sc.gov/BusinessFiling/Entity/Search	GOOD STANDING
TENNESSEE	SEPTEMBER	https://tnbear.tn.gov/ecommerce/default.aspx	ACTIVE

How to Document Nonprofit Status

In consultation, LEAs and private schools must verify eligibility. While some nonprofit status of businesses may be readily available for online look-up, information verifying that a private school is a subordinate organization underneath a nonprofit may require the private school to provide a copy of original documentation.

Nonprofit status documentation should be annually requested/gathered in consultation and updated in the LEA's files. This documentation will be subject to GaDOE monitoring. These documents do not have to be submitted in the GaDOE portal or ES3PS application in SLDS.

The GaDOE will accept printouts and screenshots as well as copies of official documents verifying the annual non-profit status of private schools.

Title IX, Part E Non-Regulatory Guidance, 2009

E. ELIGIBILITY

E-1. Which private school students are eligible to receive benefits?

Private school students who are enrolled in nonprofit private elementary and secondary schools, including those in religiously affiliated schools, located in the LEA generally are eligible to receive services. Some *ESEA* programs restrict eligibility or participation to a particular group of students, such as LEP students, in which case the eligibility or participation of private school students likewise is restricted. See the Department's guidance on individual programs for specific eligibility requirements. See also J-1: *Federal Resources and Guidance*.

E-2. Does the law require an LEA to provide equitable services to students and teachers in private for-profit schools?

No. Section 9501(a) of *ESEA* requires an LEA to provide equitable services to teachers and students in "private elementary and secondary schools." Section 9101(18) and (38) of *ESEA* defines "elementary schools" and "secondary schools" to mean "nonprofit institutional day or residential school[s]" that provide elementary and secondary education, respectively.

TITLE IX, PART E, UNIFORM PROVISIONS, SUBPART 1—PRIVATE SCHOOLS, Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance 2009

Questions? Reach out to Georgia's State Ombudsman ombudsman@doe.k12.ga.us