

### **Timely and Meaningful Consultation**

The obligation to initiate the consultation process lies with the LEA that is responsible for providing equitable services. In most cases, the LEA contacts officials of private schools located within its jurisdiction to begin the consultation process on key issues that are relevant to the equitable participation of private school students, teachers and, in some cases, parents in *ESEA* programs. If this does not occur, private school officials should contact the LEA in which their school is located and ask to speak to the individual(s) responsible for administering *ESEA* programs.

**Section 1117 of *ESEA as amended by ESSA* requires that participants in the consultation process include the LEA and appropriate private school officials during the design and development of the *ESEA* programs.** Private school officials can facilitate consultation by providing the LEA the names of the private school officials who should be included in the consultation process along with their roles and levels of authority.

### **Timeline**

Section 1117 of *ESEA as amended by ESSA* requires that consultation between the LEA and private school officials occur **before** the LEA makes any decision (such as ordering materials or hiring staff) that affects the opportunities of private school children, teachers, and other educational personnel to participate in programs requiring their equitable participation. In order to ensure timely consultation, LEAs should begin the consultation process early enough in the decision-making process to allow for participation of private school students and teachers at the start of each school year. Therefore, the LEA should engage in a process of timely and meaningful consultation with private school officials and provide them with information related to the projected and/or final funding amounts for programs and services, including on the process the LEA will use in preparing its competitive grant application. The LEA should also develop a process for determining mutual expectations for implementation and assessment of programs.

An LEA generally begins the consultation process each year by contacting private school officials representing the private schools located within its boundaries. One way to accomplish this is for the LEA to extend an invitation to officials of the private schools and convene a meeting with them during which LEA officials describe the *ESEA* programs and allowable activities available to private school students and teachers, explain the roles of public and private school officials, address the specific needs of private school students and teachers, and provide opportunities for the private school officials to ask questions and offer suggestions. A consultation process that involves an LEA simply sending a letter to private school officials explaining the purpose of federal education programs and the LEA's intent to apply for funds is **not** adequate consultation. Likewise, a letter describing the services that an LEA intends to provide for private school students, without any prior consultation, is **not** sufficient to meet the consultation requirement.

## BEFORE GETTING STARTED TO PROVIDE EQUITABLE SERVICES

To make sure things run smoothly as you begin the process of consultation and program implementation for private school students and teachers, **it is important to lay some groundwork both within your district and with the private school officials.** Below are some suggestions for things to do, people to contact, and procedures to consider as you begin this process.

### Preparing the District

*Because procedures and requirements for providing services with federal funds to private school students and teachers differ in some ways from those used with district programs, it is important to make sure everyone who might be involved with the programs is aware of these requirements and works out necessary procedures to support these services. To make sure your district is prepared:*

- Identify Title I programs available in the district for which private school students and teachers are eligible; include potential competitive grant funding services
- Identify district contacts for various federal programs available to private school students and teachers.
- Review requirements for serving private school students and teachers with district program consultants.
- Determine what procedures will be used and who will be involved in the consultation process.
- Discuss approval processes for services (contracts, conferences, etc.) for private school students and teachers with cabinet representatives.
- Meet with business services staff to review procedures for payments, reimbursements, and contracts as they apply to services for private school students and teachers. Make sure they understand the prohibition on providing funding (reimbursement) directly to private schools.
- Identify any potential roadblocks in the district system (i.e., fiscal procedures for reimbursing private school teachers for professional development, paying for consultant services, approval process for contracts, etc.).
- Establish procedures to ensure all expenditures related to programs for private school students and teachers are made in a legal and appropriate manner.
- Determine administrative needs and associated costs required to implement and monitor services (clerical, administrative time required for consultation, documentation, budget oversight, review/approval of requests, etc.) and budget for these costs.

*(Excerpts from Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel: Non-Regulatory Guidance: Office of Non-Public Education; March 2009)*

## Preparing the Private School Officials

*It is important to keep in mind that private school officials may not be familiar with many of the processes, procedures and protocols that public school staff "live with" and take for granted. They may not be used to working with systems such as school boards, administrative processes or public school business practices. Also, they may not be familiar with the planning and evaluation processes generally associated with program development and implementation of programs in most public schools. Although private school officials may be very familiar with what programs are available to private school students and teachers through federal programs, the specific legal requirements that fall upon districts may not be as clear to them. To help prepare private school officials to support effective program implementation:*

- Utilize the initial consultation meeting as an opportunity to assist private school officials in understanding the purposes and requirements for various programs and determine whether the intent of each program matches their program goals.
- Work with private school officials to develop plans that are based on student needs and meet the intent of the law. Provide sample plans and plan development assistance as part of the consultation process.
- Inform private school officials that services must benefit eligible children, not the needs of the private school.
- Inform private school officials of fiscal requirements for federal programs (public control of funds, provision of "services" vs. funding, equipment control, purchasing).
- Inform private schools of funding cycle (Spring — rough estimates based on current year allocations; Summer/Fall — estimated allocation based on federal number/prior to state adjustments; January-final allocations/adjustments on Consolidated Application).
- Provide training and information regarding accountability and use of data in designing programs and developing evaluation procedures.
- Work with private school staff to develop evaluation questions and methods for collecting data for program evaluation and improvement.
- Provide specific information regarding procedures for approval and processing of contracts, purchase requests, etc.
- Provide information regarding district procedures, timelines, and contacts (i.e., items needing board approval, timelines for such approval, list of program contacts).
- Establish procedures and ground rules regarding how the district will monitor federal programs.

*(Excerpts from Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel: Non-Regulatory Guidance: Office of Non-Public Education; March 2009)*

**Consultation Checklist for Local Education Agencies: *New under ESSA***

Section 1117 of the ESEA, as amended by ESSA mandates consultation with private school officials on the following issues:

<b>A.</b>	<u>Send notice</u> about ESEA programs (Intent to Participate form) to private school administrators asking if they are interested in having their students and teachers participate in ESEA programs.
<b>B.</b>	Schedule a consultation meeting with private school officials and provide information about the ESEA education programs ( <i>including competitive grants the LEA will apply for</i> ) available to eligible private school students and teachers, allowable activities, and the appropriate roles of public and private school officials.
<b>C..</b>	How the LEA will identify private school students' needs.
<b>D.</b>	What services will be offered.
<b>E.</b>	How, where, and by whom the services will be provided.
<b>F.</b>	How the services will be academically assessed and how the results of that assessment will be used to improve the services.
<b>G.</b>	The size and scope of the equitable services to be provided, the proportion of funds that is allocated for these services, <i>and how that proportion of funds is determined.</i>
<b>H.</b>	The method and sources of data that will be used to determine the number of children from low-income families in participating school attendance areas who attend private schools.
<b>I.</b>	How and when the LEA will make decisions about the service delivery mechanism that the LEA will use to provide equitable services. The discussion must allow for a thorough consideration and analysis of private school officials' view on the provision of services through a third-party provider.
<b>J.</b>	How, if the LEA disagrees with the private school officials about the provision of services through a contractor, the LEA will provide the private school officials a written analysis of its reasons for decision.
<b>K.</b>	<i>Whether the LEA will provide services directly or through a separate government agency, consortium, entity or third-party contractor.</i>
<b>L.</b>	Whether to provide services to eligible school children: <ul style="list-style-type: none"> <li>● <i>Under a pool arrangement; or</i></li> <li>● <i>To individual schools, based on the number of children from each school</i></li> </ul>
<b>M.</b>	<i>When, including the approximate time of day services will be provided</i>
<b>N.</b>	<i>Whether to consolidate and use TI funds for equitable with other programs</i>

*(Excerpts from Serving Private School Students, Families and Teachers: A Compliance Guide for Title I Practitioners 2nd Ed.)*

**Consultation Checklist for Private School Officials:**

<b>A.</b>	I have a general understanding of the ESEA programs available to my students and teachers.
<b>B.</b>	I have discussed with LEA officials how my students' needs will be identified.
<b>C.</b>	The LEA official has explained what services can be offered.
<b>D.</b>	I have been given a genuine opportunity to present the needs of my students and teachers.
<b>E.</b>	I have been given the opportunity to explain how my students' needs can best be met through this program.
<b>F.</b>	I participated in a discussion of how, where, and by whom the services will be provided.
<b>G.</b>	I have had an opportunity to genuinely express my views on the use of a third-party provider.
<b>H.</b>	If a third-party provider was requested, there was a thorough consideration and analysis of this proposal.
<b>I.</b>	If a third-party was requested and not granted, a written explanation has been provided as to the reasons why the LEA has chosen not to use a third-party provider.
<b>J.</b>	Student and program assessment were discussed, and I understand how the results of the assessment can be used to improve the services to my students and teachers.
<b>K.</b>	I have been told how much funding is available for services and how the funding was determined.
<b>L.</b>	I know how and when the LEA will make the final decision about services and how and when I will be informed about the services.
<b>M.</b>	Together, the LEA and I have set dates for periodic meetings throughout the implementation of the program so that we can discuss the progress of the program or make modifications, if needed, to improve effectiveness.
<b>N.</b>	I have provided (if required by the district or State) a sign-off on the consultation process and the program services to be provided to my students and teachers.
<b>O.</b>	I am aware of deadlines for submitting requests and providing necessary information.
<b>P.</b>	I have been given a genuine opportunity to have my views heard and considered.
<b>Q.</b>	I know whom to contact if I have questions or concerns.

*(Excerpts from Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel: Non-Regulatory Guidance: Office of Non-Public Education; March 2009)*