

**Check if:**

- Private school declines services**
- LEA has no private schools**
- All private schools served are both State and Brumfield vs Dodd approved**
- Services are provided by third party contracts**

The Every Student Succeeds Act of 2015 (ESSA) requires that timely and meaningful consultation occur between the local education agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs funded under Titles I, II, III, and IV. The goal of consultation is for LEA and private school officials to reach a workable agreement on how the district will provide equitable and effective programs to the private schools. On-going consultation shall continue throughout the school year.

The following topics must be discussed:

- How the LEA will identify the needs of eligible private school students.
- Method and sources of data that the LEA will use to determine the number of children from low-income families in participating LEA school attendance areas, including whether the data will be extrapolated.
- Services that the LEA will offer to eligible private school children and educators.
- Size, scope/sequence and timeline of the LEA Non-Public Title I Program
- Instructional services must supplement and not supplant eligible Non-Public students' instruction. (Instructional services must be in addition to the services that would be available to the eligible Non-Public students in the absence of federal programs.)
- Title I services must be secular, neutral, and non-ideological. (LEA is no longer required to remove religious items from the room, but it is best not to have them in the room.)
- The Title I room is located in a separate room/space for the exclusive use of the LEA Title I teachers and eligible Non-Public Title I students. (If services are provided in a library, cafeteria, open area, etc. that cannot be locked or used exclusively, the space must be separated/partitioned off. LEA will provide locked cabinets/storage for Title I materials/equipment to be stored when not in use.)
- LEA orders materials, supplies and equipment for the exclusive use/control of the Title I teachers and eligible Non-Public Title I students.
- How the Title I allocation was calculated and taken off the top of the total LEA's Title I funding.
- Title I administrative cost and usage.
- Approximate time of day services will be offered.
- How the LEA will assess the academic services provided to eligible private school students.
- How the LEA will use the results of the assessment to improve the Title I Program.
- Whether to provide services directly by the LEA, or through a separate government agency, consortium, entity, or third party contractor.
- How, where and by whom the services will be provided, including thorough consideration and analysis of private school officials view on the provision of services through a 3<sup>rd</sup> party contractor.
- If applicable, written explanation of why the LEA disagrees with the views of the private school officials, for choosing not to use its third party contractor, etc.
- LEA cannot cede control of the equitable services programs to the private school officials or third party contractors/consultants. (However, any request from either the LEA or Non-Public School must be allowable, reasonable and necessary.)
- Private school officials cannot sign contracts, with, or supervise third party contractors. (LEA responsibility)

- All Title II, III and IV contracts must be approved by the LEA. 3rd party contractors and/or consultants must work with the LEA to have contracts prepared and approved.
- The option to pool Title I funds allocated for multiple private schools or provide services on a school - by-school basis.
- Transferability of federal funds. (Transfers are subject to equitable services and may not be waived.) LEA must provide equitable services based on the allocation left after the transfer.
- Title I Equitable services the LEA will provide to teachers and families of eligible private school children.
- ESSA's requirement that funds allocated for equitable services in Titles I and VIII (II, III, and IV) be used during the current fiscal year ending September 30<sup>th</sup> as per federal guidelines. Any remaining funds left over after the year end closing of books, on June 30<sup>th</sup> will be included in the LEA rollover to service the Non-Public schools until September 30<sup>th</sup>. Any remaining funds not expended by September 30<sup>th</sup> will carryover to the current/upcoming fiscal year. Both rollover and carryover will use current year codes. (eGMS will have a line item to put the Non-Public rollover funds in Titles I, II and IV.)
- Extenuating circumstances include fire, natural disasters, etc. (It is not the Non-Public equitable services program starting late.)
- Equitable services for Title VIII (Titles II, III and IV) and how each proportion of funds was calculated.
- All contracts for Title VIII (II, III, & IV) must be implemented and controlled by the LEA and not the private school. (LEAs must get details/input from the private schools.)
- How the administrative cost for equitable services was calculated and how it will be used for Title VIII services.
- Title I Professional Development services for teachers of eligible Non-Public Title I students. (Services are only for Non-public classroom teachers who teach eligible Non-Public Title I students.)
- Family and Parent Engagement Policy, as well as, complaint policies for the LEA, State Dept. of Education and The United States Department of Education will be given to the parents/guardian of eligible Non-Public Title I students.
- Needs Assessment/Activity Chart for Title VIII (Titles II and IV). (Planning and ordering of materials, supplies and equipment must be done at the beginning of the school year to ensure allocations are used for the Non-Public students, teachers and school officials in the current school year.)
- Title II professional development for Non-Public school teachers and educational personnel to specifically address the needs of the Non-Public students, improve teacher's knowledge/instructional strategies, as well as, support educational leadership development.
- Purpose of Title II professional development in Non-Public schools is to support specific student and instructional needs. (ESSA states professional development for Non-Public schools does not have to be the same as public schools. Funds are provided to the LEA to service Non- Public schools based on their specific professional development needs.)
- Title IV, Part A - Well-rounded Education, Safe and Healthy Schools, Effective Use of Technology
- Title IV Needs Assessment/Activity Chart. (Private schools do not have to follow the Title IV 20/20/60% even if it is above \$30,000)
- LEA must monitor the equitable services Titles I and VIII (II, III, and IV) programs and activities regularly.
- ESSA's requirement for the LEA to provide a written explanation if it disagree with the views of the Non- Public school official regarding equitable services program.
- Process for the Non-Public school officials and LEA will use to reach a workable agreement.
- If applicable, the Non-public school officials or LEA may contact the State Ombudsman via email if a workable agreement cannot be made.
- Option for private school officials to indicate that timely and meaningful consultation has/has not occurred, per ESSA.

*Check the equitable services programs the Non-Public school is participating in for the current school year.*

\_\_\_ Title I \_\_\_ Title IC Migrant \_\_\_ Title II \_\_\_ Title III \_\_\_ Title IV

**Confirmation of Consultation**

The LEA and Non-Public school official should sign and indicate whether each party agrees or disagrees:

- Timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible Non-Public school children in any of the equitable service programs above.
- The Title I Program design is equitable with respect to eligible Non-Public school children.

Non-Public School Official	School	Date	Agree	Disagree
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LEA School Official	District	Date	Agree	Disagree
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The LEA official and participating private school official should each maintain a copy of this form for their records and submit one to the State Ombudsman.

If either party does not agree with the consultation, please contact the State Ombudsman immediately via email: Daphne. Flentroy @la.gov.

**Protocol for Informal and Formal Complaints**

- 1<sup>st</sup> - Collaborate with Non-Public or Private School
- 2<sup>nd</sup> - Contact State Ombudsman/Division of Federal Programs
- 3<sup>rd</sup> - State Ombudsman/Division of Federal Programs contact The United States Department of Education

*We agree to follow the protocol above in order to establish workable agreements to create and maintain a compliant and effective equitable services program.*

\_\_\_\_\_  
LEA School Official

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Private School Official