

ESEA-ESSA Nonpublic Equitable Services Affirmation of Consultation

The consultation process is a required collaboration between the district and nonpublic school officials to ensure equitable and effective programs for eligible nonpublic school students. Consultation must be timely, meaningful, and open, allowing both the district and nonpublic school officials to discuss key issues affecting the participation of eligible students, teachers, other educational personnel, and families in ESEA programs

Meaningful consultation includes:

- Providing sufficient time for nonpublic school officials to review and share their views,
- Considering the input of nonpublic school officials, and
- Discussing practical options to ensure equitable participation.

Requirements:

Consultation must occur before the district makes any decisions that could impact the participation of eligible nonpublic school students, teachers, or other personnel. For Title I programs, the district must consult with nonpublic school officials during the design and development of its program and prior to final decisions regarding students' participation (ESEA §1117(b)(1), (3)).

Consultation topics must include, as appropriate:

- Administrative costs for providing equitable services
- Indirect costs
- Services and activities for teachers and participating private school students
- Parent and family engagement activities
- Funds available for carryover
- Transfer or commingling of Title funds

Documentation:

For each nonpublic school that participates in an ESEA program, the district must upload a completed and signed Affirmation of Consultation form in the Equitable Services section of the Consolidated Application in WebGrants.

If a nonpublic school elects not to participate, a completed and signed Intent to Participate form must be uploaded instead.

Affirmation of Consultation with Nonpublic School Officials for Title I Part A, Title II Part A, Title III Part A, Title IV Part A, and Title IV Part B

Updated March 2026

Each district must upload a copy of all consultation documentation into the Equitable Services section of the Consolidated Application in WebGrants. For districts participating in the 21st Century Community Learning Center Grant Program (21st CCLC), this documentation must be uploaded into the Continuing Application. A signed copy of the documentation must be provided for each nonpublic school participating in equitable services, and the district must maintain a copy in its records.

SECTION I – DISTRICT INFORMATION

District Name:

District Contact:

District Contact Phone Number:

SECTION II – NONPUBLIC SCHOOL INFORMATION

Name of Nonpublic School:

Name of Nonpublic School Official:

Nonpublic Official Phone Number:

Nonpublic Official Email Address:

SECTION III – DATES OF CONSULTATION

List the date(s) consultation occurred between the district and nonpublic school or, if consultation did not occur, indicate the dates on which the district attempted to contact the nonpublic school and the method of contact (fax, email, signed delivery receipt requested).

Initial invitation sent to nonpublic school:

Follow-up 1:

Follow-up 2:

Follow-up 3:

No Participation Due to Lack of Response

Select this box only after three unsuccessful attempts to engage the nonpublic school in consultation.

The nonpublic school did not respond to consultation regarding equitable services under ESEA; therefore, the nonpublic school will not participate in any Title programs.

Important:

If this box is selected, do not complete the remaining sections or sign the last page. The district must document all attempts to contact the nonpublic school for consultation.

SECTION IV – PROGRAM PARTICIPATION

Select the ESEA program(s) in which the nonpublic school intends to participate for services:

Title I Part A – Improving Basic Programs Operated by Local Educational Agencies

Title II Part A – Supporting Effective Instruction

District is comingling or transferring funds. Title IV, Part A funds will comply with the requirements of the program to which they comingled or transferred to.

Title III Part A – Language Instruction for English Learners

Title IV Part A – Student Support and Academic Enrichment Grants

District is comingling or transferring funds. Title IV, Part A funds will comply with the requirements of the program to which they comingled or transferred to.

Title IV Part B – 21st Century Community Learning Center Grant *(Not part of the Consolidated Application- please contact the NDDPI 21st CCLC Program Manager)*

SECTION V –General ESEA Program Consultation Requirements

The Every Student Succeeds Act (ESSA) requires school districts to consult with appropriate nonpublic school officials before making any decisions that could affect the participation of eligible private school students, teachers, and other educational personnel in federal Title programs. Federal law requires districts to consult with nonpublic school officials on both general and program-specific topics (ESEA §§1117(b)(1) and 8501(a)(3); 34 C.F.R. §200.63).

During consultation, the district and nonpublic school officials must discuss the following topics:

Sources of data to determine the number of low-income private school students in participating public school attendance areas.

Proportion of funds available for equitable services and how it is calculated, including administrative reservations or set-asides (e.g., parent/family engagement).

Whether funds will be pooled across districts or allocated on a school-by-school basis.

Coordination with other federal programs, including comingling or transferring of funds (Title I, II, IV) and applicable program rules.

- Important: If funds are comingled or transferred, the proportionate share for equitable services will be calculated based on the total of all applicable funds, and the funds must comply with the program requirements of the program to which they are comingled or transferred

Criteria and process to identify eligible students and assess their academic needs.

Services offered and delivery methods, including allowable uses of funds.

Size and scope of equitable services for students, teachers, and other educational personnel.

How, where, and by whom services will be provided.

Whether services will be provided directly by the district or through a third-party provider.

Consideration of nonpublic school officials' views regarding third-party providers, with written explanation if there is disagreement.

Timeline for services, including start date and approximate time of day.

District fiscal policies affecting service delivery (e.g., procurement, consolidated application timelines).

District retains control of all Title funds, materials, equipment, and property used to provide equitable services.

Affirmation of Consultation- Title I , Part A

Method for determining the number of students from low-income families in participating school attendance areas who attend nonpublic schools (select one from the list below):

Using the same measure to count low income students as the district public school (e.g., NSLP free/reduced lunch data)

Using the results of a survey that may be extrapolated if actual data are unavailable

Applying the low-income percentage of public school attendance areas to private school students

Using an equated measure of low-income counts correlated to public school students

The following topics must be discussed during the ongoing consultation process:

Allocation of funds based on number of low-income private school students

Method for calculating proportion of funds

How and when student addresses will be provided

Reservation of funds for parent/family engagement, if applicable

Identification of students' educational needs

Assessment of services and use of results to improve programs

Affirmation of Consultation- Title II, Part A

The following topics must be discussed during the ongoing consultation process:

The amount of funds available to provide Title II Part A equitable services

Requirement that prior to any transfer/comingle of funds, a district must engage in timely and meaningful consultation. If the district does comingle, all Title II Part A funds will comply with Title I Part A regulations

How the Title II Part A services will be assessed, and how the results of those evaluations will be used to improve the services

Affirmation of Consultation- Title III, Part A

The following topics must be discussed during the ongoing consultation process:

How nonpublic school students will be identified as ELs as per the federal definition

How the needs of eligible ELs, teachers, and other educational personnel will be identified

The services the district will provide to meet the language development needs of identified ELs, as well as the professional development of their teachers and other personnel at the school who work with ELs

How the Title III services will be assessed, and how the results of those evaluations will be used to improve the services

Affirmation of Consultation Title IV, Part A Program

The following topics must be discussed during the ongoing consultation process:

The amount of funds available to provide Title IV, Part A equitable services

Requirement that prior to any transfer/comingle of funds, a district must engage in timely and meaningful consultation. If the district does comingle, all Title IV Part IPart A regulations

How the Title IV, Part A services will be assessed, and how the results of those evaluations will be used to improve the service

Affirmation of Consultation Title IV, Part B (21st CCLC, if applicable)

The following topics must be discussed during the ongoing consultation process:

How the needs of eligible private school children will be identified

How the services to eligible private school children will be assessed and how the results of the assessment will be used to improve those services

The equitable number of participant slots available to eligible private school children proportionate to the number of private school children from low-income families residing in participating public feeder school attendance areas

The method or sources of data used to determine the number of private school children from low-income families residing in participating public feeder school attendance areas

The equitable services the community learning center will provide to teachers and families of participating private school children

SECTION VI – OUTCOME OF CONSULTATION

Nonpublic school officials agree that timely and meaningful consultation occurred before the district made any decision that affected the participation of eligible resident nonpublic school children, their families, their teachers, or other educational personnel

Nonpublic school officials disagree that timely and meaningful consultation has occurred or that the program designed is equitable with respect to eligible private school children. The nonpublic school will provide the district with these reasons in writing with a copy to the NDDPI State Ombudsman- Angie Richter amrichter@nd.gov or (701)328-2287.

SECTION VI – SIGNATURES

Signature of NONPUBLIC School Official	Date
Signature of DISTRICT Authorized Representative	Date