

## ESEA-ESSA Nonpublic Equitable Services Affirmation of Consultation

The consultation is an agreement between the district and nonpublic school officials on providing equitable and effective programs for eligible nonpublic school students. Reaching agreement between the district and nonpublic school officials is grounded in timely, meaningful, and open communication between the district and the nonpublic school officials on key issues relevant to the equitable participation of eligible nonpublic school students, teachers and other education personnel, and families in ESEA programs.

Meaningful consultation provides sufficient time and an opportunity for all parties to share their views, to have their views considered, and to discuss practical options for ensuring equitable participation of eligible nonpublic school students, teachers and other education personnel, and families. It is in the district's best interest to have consultation prior to making any decisions that will impact the participation of nonpublic school students and teachers in applicable programs.

A district must consult with appropriate nonpublic school officials during the design and development of the district's Title I program and before the district makes any decision that would affect the opportunities of eligible nonpublic school students to participate (ESEA section 1117(b)(1), (3)). Other topics of consultation 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,
- Any funds available for carryover, and
- Transferring funds from Title II, Part A or Title IV, Part A into Title I, Part A.

**Note:** For every nonpublic school that chooses to participate in an ESEA program, the district must upload a completed and signed consultation form in the Equitable Services section of the Consolidated Application in WebGrants. If the nonpublic school elects not to participate in an ESEA program, a completed and signed *Intent to Participate* form should be submitted to the NDDPI Ombudsman.



**Affirmation of Consultation with Nonpublic School Officials  
for Titles IA, IIA, IIIA, and IVA**

Updated May 2021

***\*Each district must upload a copy of this documentation into the Consolidated Application in WebGrants in the Equitable Services section. Provide a signed copy for each nonpublic school participating in equitable services and maintain a copy in district 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:

Select this box only after three unsuccessful attempts to engage the nonpublic school in the consultation process. The nonpublic school did not respond to consultation regarding nonpublic equitable services; therefore, the nonpublic school will not participate in ESEA programs. If the district selects this box, do not complete the remaining sections, and sign the last page. The district must have documentation of all attempts for consultation.

## SECTION IV – PROGRAM PARTICIPATION

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

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

Title II, Part A – Supporting Effective Instruction

Title III, Part A – Language Instruction for English Learners

Title IV, Part A – Student Support and Academic Enrichment Grants

## SECTION IV – CONSULTATION TOPICS

Every Student Succeeds Act (ESSA) requires school districts consult with appropriate private school officials, prior to any decision that would affect the opportunities of eligible private school children, teachers, and other educational personnel to participate in federal Title programs. Federal law requires a district to consult with private school officials on the ESEA general and program specific topics (ESEA section 1117(b)(1); 8501(a)(3)(B); 34 C.F.R. § 200.63):

### **General ESEA Program**

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

District administration reservation

Services offered, including the allowable use of funds under each participating program

Service delivery methods the district will use to provide equitable services to eligible nonpublic school students

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

When, including the approximate time of day, the services will be provided

Size and scope of equitable services provided to eligible private school students, teachers, and other educational personnel

How and when decisions about the delivery of services will be made

Thorough consideration and analysis of the view of nonpublic school officials regarding third-party contractor and written explanation by the district, if there is disagreement

Whether services will be provided directly by the district or through a separate agency, consortium, entity, or third-party contractor

Whether equitable services will be provided by creating a pool(s) of funds or on a school-by-school basis

Whether to coordinate funds under Title I, Part A with eligible funds under other federal programs, including: Title II, Part A; Title III; Title IV, Part A; through consolidation of funds

District fiscal policies that may impact the timeline for the provision of services (e.g., procurement requirements, consolidated application timeline, etc.)

Requirement the district retains control of all Title funds, materials, equipment, and property

### **Title I, Part A Program**

*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 of low-income used to count district public school children (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 each participating public school attendance area to the number of private school children who reside in that school attendance area

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

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

Proportion of funds allocated for services based on the number of students from low-income families who attend private school

How the proportion of funds is determined

How and when the addresses of low-income students will be provided to the district by the nonpublic school

Parent and family engagement activity reservation, if applicable

How the children's needs will be identified

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

### **Title II, Part A Program**

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

Requirement that prior to any transfer of funds an LEA must engage in timely and meaningful consultation

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

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

### **Title III, English Learner (EL) Program**

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

How nonpublic school students will be identified as ELs as per 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 needs 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

**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 of funds a district must engage in timely and meaningful consultation
- How the Title IV, Part A services will be assessed, and how the results of those evaluations will be used to improve the service

**SECTION VI - OUTCOME OF CONSULTATION**

*Check the statement that applies:*

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 these reasons in writing with a copy to the [State Nonpublic Ombudsman](#).

**SECTION VII – SIGNATURES**

<b>Signature of Nonpublic School Official</b>	<b>Date</b>
<b>Signature of DISTRICTs Authorized Representative</b>	<b>Date</b>