

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 an 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, other education personnel, and families. It is in the district's best interest to have a 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, IVA, and IVB

Updated January 2023

****Each district must upload a copy of this documentation into the Consolidated Application in WebGrants in the Equitable Services section. For districts participating in the 21st Century Grant Program, upload in the continuing application. 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) 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
- Title III, Part A – Language Instruction for English Learners
- Title IV, Part A – Student Support and Academic Enrichment Grants
- Title IV, Part B – 21st Century Community Learning Center Grant (if applicable)

SECTION V – CONSULTATION TOPICS

Every Student Succeeds Act (ESSA) requires school districts to 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); Part F (1) section 8501; 8501(a)(3)(B); 34 C.F.R. § 200.63):

General ESEA Program

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

- 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 contractors 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 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 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

Title IV, Part B Program (if applicable)

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

- 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

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

Signature of Nonpublic School Official	Date
Signature of DISTRICTs Authorized Representative	Date