

# GUIDANCE

EQUITABLE SERVICES TO NON-PUBLIC SCHOOLS CONSULTATION



New York State Education Department

Office of ESSA-Funded Programs

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# Equitable Services to Non-Public Schools Consultation

## INTRODUCTION

This guidance is intended to assist local education agencies (LEAs) and other entities [such as state education agencies (SEAs), educational service agencies, consortia of these agencies, non-profit organizations or institutions of higher education] receiving federal financial assistance to fulfill their consultation obligations, under Title I, Part A and Title VIII, Part F, of the Elementary and Secondary Education Act of 1965, as amended, to provide equitable services to eligible private school students, teachers, and other educational personnel, and, under some programs, to parents. This guidance does not create for or confer on any person any rights or impose any requirements beyond those set forth under applicable laws and regulations.

## Consultation

Consultation involves communication and discussions between LEAs and private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers, and other education personnel in Every Student Succeeds Act (ESSA) programs.

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Consultation for all programs must be conducted before the LEA has made any decisions that will impact the participation of private school students and teachers in applicable programs and shall continue throughout implementation and assessment of services provided. Additionally, with respect to Title I, Part A programs, consultation must also be conducted during the design and development of officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making.

Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible students and teachers.



process to allow for participation of private school students and teachers at the start of each school year. An 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 consolidated application. LEAs should also develop a process for determining mutual expectations for implementation and assessment of programs. In order to meet the requirements for timely and meaningful consultation, many LEAs begin consultation for the following school year in mid- to late-winter of the school year prior to the year covered by the plan.

Q-5. How does an LEA begin the consultation process?

A-5. An LEA generally begins the consultation process each year by contacting private school officials representing the private schools located within its boundaries, or, in the case of Title I, Part A also private schools located outside of its boundaries who are serving district resident









- A-17. Yes. To ensure timely consultation, LEAs in consultation with private school officials, should work to develop yearly consultation timelines and specific agenda topics.
- Q-18. Are there requirements for private school officials in the consultation process?
- A-18. ESSA does not include any requirements for private school officials. However, to ensure that consultation is timely and meaningful, private school officials should participate actively in the consultation meetings. By participating, the private school officials will have an opportunity to: provide input in the development of a timeline for consultation; provide data and information about the needs of their students and teachers; offer suggestions regarding program design, implementation, and evaluation; inquire about participation in any discretionary grant programs; address the use of third-party providers, if appropriate; and complete any appropriate forms needed by the LEA to ensure the delivery of equitable services.
- Q-19. What administrative tasks and paperwork are required of private school officials whose students and teachers participate in ESSA programs?
- A-19. does not impose any administrative or paperwork requirements on private school officials. However, LEAs may request information from private school officials in order to provide services that meet the needs of their students and teachers. Therefore, there may be some paperwork that private school officials will be asked to complete to assist the LEA in administering the program on behalf of private school students and teachers. Such paperwork should not impose an administrative burden on the private school official and should not include completing purchase orders or signing contracts.
- Q-20. May an LEA set deadlines for submission of requests from private school officials for services and materials?
- A-20. Yes. Assuming that the LEA has provided clear and sufficient notice of the deadlines, identified potential consequences for not meeting the deadlines, and given adequate time for private school officials to gather the data and respond, LEAs may set a time limit for submission of requests for services and materials by private school officials.
- Q-21. If a private school official requests that certain services be delivered through a third party and the LEA chooses not to do so, what must the LEA do to explain the reasons why it chose not to grant that request?
- A-21. ESSA requires an LEA to provide a written explanation of the reasons why it chose not to use a

Q-22. Should an LEA provide a copy of its Consolidated Application if a private school official requests it?

A-22. Yes. The LEA should provide, in a timely manner, a copy of the Consolidated A