

# *ESEA Equitable Services to Private Schools: Consultation Requirements and Best Practices-An Overview*

## **ESEA Consultation**

Each local education association (LEA) must comply with the requirements for timely and meaningful consultation with private school officials for all federal programs requested by private schools. ESEA 1117(a)(b) and 8501(1).

Two sources in ESEA:

- Section 1117, Title I ([GUIDANCE](#))
- Section 8501, Other Titles ([GUIDANCE](#))

## **Initial and Ongoing Consultation Process**

### **What's the initial consultation process the LEA is engaged in?**

- Information has been shared regarding the opening of the Private Participation in Federal Programs (Intent to Participate) Application in the Education Data System (EDS).
- Assistance offered to in-district private schools for help completing the Private Participation application.
- After application closes, the LEA is responsible for making timely and meaningful connections with private schools located within their district boundaries; all private schools have been contacted who have indicated a desire to participate in federal programs to set up initial conversations for planning for the upcoming school year.
- Review out-of-district private school list received from OSPI for any private schools requesting participation in Title I, Part A.
- Contact out-of-district private schools to establish initial consultation meeting.
- Contact out-of-district LEA if interested in discussing and developing Interlocal Agreements.
- Affirmation of Consultation document signed by both LEA and appropriate private school officials and uploaded to EDS. Decisions regarding services and evaluation processes are agreed upon to ensure timely, appropriate, and meaningful supplemental services to eligible students, teachers, and families for each private school. One size does not fit all!



- Affirmation of Consultation document completed and **signed** by both LEA and appropriate private school officials and uploaded to EDS.
- Title I, Part A Record of Agreed Upon Services document reviewed and **signed** by both LEA and appropriate private school officials and uploaded to EDS.

## What's the ongoing consultation process the LEA is engaged in?

- **Confirmation of eligibility.** For Title I, Part A, funds are generated by confirmation of current addresses, family income, and grade levels for funding for services. Both in-district and out-of-district private schools must provide LEA with appropriate information in order to determine funding available for services.
- **Data-based decision making.** For Title I, Part A services to be provided to the students with the highest needs, data must be shared between LEA and private school officials to determine which students will receive services. Low-income status is not a criteria for services.
- **Design of services, including parent and family engagement opportunities.** Services to private school students are supplemental to students' regular instruction and are based upon educational needs. Also, Title I, Part A requires private school parents and families of participating private school students are provided opportunities for involvement on an equitable basis. Reminder: No funds must ever be paid directly to the private school, and all services and materials must be secular, neutral, and non-ideological.
- **Contract for delivery of services.** This may be an employee of the LEA or the private school or a third-party contractor, but services must be supplemental in addition to the services provided already by the private school. Also, if a public or private school employee is hired to provide services, these services must be provided outside of the employee's regular contracted time.
- **Plan for monitoring implementation and potential adjustment of services.** LEA continues to provide support throughout the school year by monitoring services and providing adjustments as needed based upon assessments and established standards of progress.
- **Program evaluation.** LEA plans with private school to co-evaluate the impact of services upon student growth, including review of data, and pre-determined criteria for providing information for potential program modifications or continuation of services for the upcoming school year.

## Best Practices

### A "Partnership" Mindset: We're in this together to reach agreement

Consultation is an essential element of each LEA's implementation of effective equitable services for private school students, educators and families. Consultation meetings must be ongoing and

continue throughout the school year, providing a genuine opportunity for private schools to express their views and have those views given serious, due consideration.

Reaching agreement is ultimately the intended outcome of consultation and is built on a foundation of a positive working relationship between the LEA and each private school.

- Services to private schools should be equitable to the public school, not identical, based upon data. Sharing data is essential to the process of generating and identifying students most in need of support.
- Services to private schools should ideally begin at the same time as services begin in public schools, or as close as possible.
- Expenditures must be equal to the amount of funds expended for participating public school students and teachers.

### Getting to “Yes”: Agreement about services provided to private schools

- Consultation must be “timely and meaningful,” and the statute lists specific topics that must be covered.
- Sometimes thinking “outside of the box” regarding ways that equitable services can be provided, including potentially combining funds, can be a solution in certain situations.
- Consult private schools **before any decisions are made** (e.g., transferability) that could affect the ability of private schools to benefit from programs for which they are eligible.
- Private school students and teachers must receive equitable services under the programs that any funds are transferred to. Private schools are allowed to use set-aside funds for services from one year to the next.
- Eligible programs to transfer into other federal programs include:
  - Title II, Part A: Professional learning activities for private school teachers.
  - Title IV, Part A: School-level services that support a well-rounded education, improved conditions for student learning, and improved use of instructional technology.

The goal of reaching agreement can be attained when both the LEA and the private school(s) work to foster cooperative relationships, engaging in clear and respectful communications.

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