

SUMMARY OF TOPICS FOR CONSULTATION AND STATEMENT OF ASSURANCES FOR THE PROVISION OF EQUITABLE SERVICES TO PRIVATE SCHOOL CHILDREN

Section 1117 of Title I, part A and section 8501 of Title VIII of the Every Student Succeeds Act (ESSA) require that timely and meaningful consultation occur between the local educational agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

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

- How the children's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined;
- The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- How and when the agency will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- How, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;
- Whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the allocated funds based on all the children from low-income families in a participating school attendance area who attend private schools; or in the agency's participating school attendance area who attend private schools with the proportion of allocated funds based on the number of children from low-income families who attend private schools;
- When, including the approximate time of day, services will be provided; and
- Whether to consolidate and use Title I funds provided in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

STATEMENT OF ASSURANCES

Assurances are given that –

- Each LEA shall maintain in the agency's records, and provide to the SEA involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the LEA shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the SEA.
- The control of funds provided under this part and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property.
- The educational services and other benefits offered to eligible nonpublic children, teachers, and other educational personnel are equitable in comparison to services and benefits for public school children.
- Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.
- Nonpublic school officials have provided accurate and reliable low-income data to the district for children residing in eligible school attendance areas for purposes of allocating applicable federal funds.
- Each nonpublic school child receiving services has been determined to have an educational need.
- Educational services and other benefits, including materials and equipment, provided shall be secular, neutral, nonideological.