

Tool #1: Consultation Checklist

The following consultation topics are part of the requirements under Section 1117 (applies to Title I) and Section 8501 (applies to Titles IIA, III, IVA and IVB) of ESSA regarding timely and meaningful consultation with private school officials. Consultation should be ongoing during the design, development, implementation, and assessment of the program. The goal of consultation is to reach agreement and, in so doing, develop and implement an effective program for the benefit of Title I students in the private school.

- How the children's needs will be identified;
- What services will be offered;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provide to the eligible private school children, teachers, and other educational personnel, the proportion of funds allocated for those services, and how the proportional amount of funding is determined;
- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers;
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a 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 funds allocated for the program's purpose.

Additionally, for the Title I program, these additional elements are part of the consultation process:

- Whether to provide equitable services to eligible private school children by (1) creating a pool or pools of funds with all of the funds allocated for Title I purposes based on all private children from low-income families residing in a participating school attendance areas; or (2) for each individual private school, funding based on the number of low-income children who reside in participating public school attendance areas attending each individual private school;
- 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, if the public school district disagrees with the views of the private school officials on the provision of services through a contract, the public school district will provide in writing to the private school officials an analysis of the reasons why the district has chosen not to use a contractor;
- When, including the approximate time of day, services will be provided.

Title I Consultation Checklist and ESSA References

Use this tool during consultation meetings to guide your discussions. Quotations from non-regulatory guidance printed below are from, "Fiscal Changes and Equitable Services Requirements Under the ESEA, as amended by the ESSA." (<http://www2.ed.gov/policy/elsec/leq/essa/essaguidance160477.pdf>). The text of the law, ESSA, can be found at <http://www2.ed.gov/documents/essa-act-of-1965.pdf>

FUNDING

_____ **The proportional share of funding is based on the total amount of funds received by the public school district for Title IA, prior to any allowable expenditures.**

Change to Existing Requirement: Allocating Funds for Equitable Services

Expenditures for equitable services to eligible private school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend private schools. An LEA must determine the proportionate share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds.

(See ESEA section 1117(a)(4)(A).)" (Page 29) See questions O-1 through O-4.

_____ **The size and scope of the equitable services to be provide to the eligible private school children, teachers, and other educational personnel, the proportion of funds allocated for those services, and how the proportional amount of funding is determined.**

ESSA: "Section 1117

(4) EXPENDITURES.—

(A) DETERMINATION.—

- (i) IN GENERAL.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.
- (ii) PROPORTIONAL SHARE.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency."

Changes to Existing Requirement: Consultation

The topics subject to consultation have been expanded to include the following:

- How the proportion of funds allocated for equitable services is determined.

- Whether to consolidate and use funds available for Title I equitable services in coordination with eligible funds available for equitable services under programs covered under section 8501(b) to provide services to eligible private school children in participating programs.

(ESEA section 1117(b)(1).)” (Page 32)

New Requirement: Obligation of Funds

Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the funds are received by the LEA.

(ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B).) “ (Page 25) See questions N-6 and N-7.

New Requirement: Notice of Allocation

An SEA must provide notice in a timely manner to appropriate private school officials in the State of the allocation of funds for educational services and other benefits under each ESEA program that an LEA has determined are available for eligible private school children, teachers and other educational personnel, and families.

(ESEA sections 1117(a)(4)(C) and 8501(a)(4)(C).)” (Page 26) See questions N-8 through N-10.

_____ **Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor of funds allocated for those services, and how the proportional amount of funding is determined.**

ESSA “Section 1117 (b)(1):

- (G) 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;
- (H) 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 to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated for the program’s purpose.**

Changes to Existing Requirement: Consultation

The topics subject to consultation have been expanded to include the following:

- Whether to provide equitable services to eligible private school children by pooling funds or on a school-by-school basis...” (Page 32)

STUDENT NEEDS

_____ **How the children’s needs will be identified.**

ESSA: “Section 1117

(a) GENERAL REQUIREMENT.—

(1) IN GENERAL.—To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall, after timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students’ academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs;”

SERVICES

_____ **What services will be offered.**

ESSA: See Section 1117 (a)(1)(A) above.

_____ **How, where and by whom the services will be provided, and when, including the approximate time of day, services will be provided.**

Changes to Existing Requirement: Consultation

The topics subject to consultation have been expanded to include the following:

- When, including the approximate time of day, services will be provided...” (Page 32)

How the services will be assessed and how the results of the assessment will be used to improve the services.

ESSA: “Section 1117 (b)(1)

(D) how the services will be academically assessed and how the results of that assessment will be used to improve those services;”

CONSULTATION

_____ **Agreement has been reached on all major issues, or plans have been made to resolve outstanding issues.**

Change to Existing Requirement: Consultation

The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children.” (ESEA sections 1117(b)(1) and 8501(c)(1), (5).)” (Page 28) See question N-13.