**Overview**

**CONSULTATION REQUIREMENT**

§8501(c) of the Every Student Succeeds Act (ESSA) requires that timely and meaningful consultation must occur between the local education 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 subject to equitable participation. ESSA requires that *consultation continue throughout the implementation and assessment of activities* in programs subject to equitable participation requirements.

The materials in this resource packet are designed to assist LEAs in meeting the private school consultation requirements for the following programs:

* Title II, Part A (Title II-A) – Improving Teaching and Student Learning Achievement
* Title IV, Part A (Title IV-A) - Student Support and Academic Enrichment Grants.

**GOAL OF CONSULTATION**

§8501(c) of ESSA states that 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 students. The “goal of reaching agreement” between an LEA and appropriate private school officials is grounded in timely, meaningful, and open communication between the LEA and the private school officials on key issues that are relevant to the equitable participation of eligible private school students and their teachers or other education personnel in Titles II-A and IV-A.

**TIMELY AND MEANINGFUL CONSULTATION**

Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible private school students, teachers and other education personnel, and families. *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.* The law outlines specific topics, which are included in the *Sample Consultation Letter.* An LEA should consult with private school 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.

**FUNDING**

Districts should keep the following in mind as they design their equitable services programs with participating private schools:

* The district must maintain control of funds used for equitable services and may provide services directly or through a third party. Private schools may not receive direct funding.
* Educational services or other benefits, including materials and equipment, must be secular, neutral and non-ideological.
* Funds allocated for services to eligible private school children must be obligated in the fiscal year for which the funds are received. Carry forward of funds should only occur under extenuating circumstances e.g. hurricane, as ongoing consultation should eliminate any need for funds to be carried forward.
* Like all federal education funding, services provided must be supplemental in nature, not supplanting what the private school would otherwise provide absent the services provided by the grant.
* All costs must be allowable, reasonable, necessary and allocable to the program to meet the identified educational needs of private school students, teachers and other educational personnel.
* The amount of funding which may be available for services should be calculated on an equitable basis. Calculators are available in each programs document library.
* The administrative costs of operating the LEA’s private school services comes from the equitable services proportionate share. For Title IV-A, no more than 2% of the private school reserve may be spent on direct administrative services.

**DOCUMENTATION OF CONSULTATION**

Each local educational agency must maintain in the agency’s records, and provide to the Rhode Island Department of Education (RIDE), 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 also provide the option for private school officials to indicate that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If private school officials do not provide such affirmation within a reasonable period-of-time, the LEA shall forward the documentation that such consultation has occurred, or documentation of attempts they have made at consultation, to the Rhode Island Department of Education.

**OMBUDSMAN**

To ensure such equity for private school children, teachers, and other educational personnel, RIDE has designated an ombudsman to monitor and enforce the requirements of equitable services. Copies of all written affirmation forms will be provided to the ombudsman for the purposes of review, technical assistance, and monitoring related to the LEA’s programmatic and fiscal obligations. Questions about the provision of equitable services may be directed to the RIDE Ombudsman at [ombudsman@ride.ri.gov](mailto:ombudsman@ride.ri.gov).

**Private school students and teachers, and other educational personnel may receive appropriate benefits and services from the Title II-A and the Title IV-A programs, but private schools cannot receive direct funding from these programs. The district maintains control of the funds.**

**CONSULTATION RESOURCES**

The following sample documents have been developed to support district during private school consultation for Titles II-A and IV-A:

**Letter of Introduction** (page 4)

* + Send to private schools to begin the annual consultation process.

**Intent to Participate in Titles II-A and/or IV-A** (page 5)

* + Include with the annual letter of introduction. This form assists districts in identifying which private schools wish to participate. It also allows districts to capture the student enrollment data for any private schools that did not complete their enrollment count. Districts can then use this information to calculate each private schools equitable share prior to the initial consultation meeting. Note: Private school count data should be from on or about October 1st.

**Identify of Needs** (page 6)

* + Include with the annual letter of introduction. Private schools are asked to complete this form and bring it to the initial consultation meeting. Districts can then use this information to inform their program planning.

**Consultation Affirmation** (page 7)

* + To be completed by the district and private schools during the initial consultation meeting. Districts will need to upload this form into Accelegrants for each program, share a copy with the private school, and maintain a copy for their own records.

**Initial Consultation Worksheet** (page 8)

* + For use by districts during private school consultation. District can use this information when completing their CRP applications for Titles II-A and IV-A, and as documentation for initial consultation.

**Ongoing Consultation Worksheet** (page 9)

* + For use by districts during private school consultation. District can use this information when completing their CRP applications for Titles II-A and IV-A, and as documentation for initial consultation.

Districts should submit, as part of their Consolidated Resource Application (CRP), completed and signed copies of their Consultation Agreements for each participating private school; also share a copy of the documentation with private school officials and maintain copies at the district.

**For Non-Participating Private Schools**

If a private school has elected not to participate in either program, or is not eligible to participate a program, then the LEA only needs to complete the *Intent to Participate* (page 5).

The LEA should then submit, as part of its Consolidated Resource Application (CRP), completed and signed copies their documentation for each non-participating private school. LEAs are required to share copies of this documentation with private school officials and maintain copies at the district.

**For Private Schools that Do Not Respond**

If private school officials do not respond to any *Intent to Participate* communication within a reasonable period-of-time, the LEA shall forward the documentation that such consultation has, or documentation of attempts they have made at consultation, to the Rhode Island Department of Education. Districts may use the bottom/back of the intent to participate form, or upload an excel spread sheet with their documentation. Note that previous federal guidance has stated that one attempt to reach private schools is insufficient. Districts should keep this in mind as they outreach to private school programs.

**SAMPLE Letter of Introduction**

From: ***[Program and Contact Name]***

To: ***[Private School and Administrator Name]***

Date: ***[Date]***

Subject: ***[20XX – 20XX]*** Letter of Invitation to Private Schools to Participate in Titles II-A and IV-A Equitable Services

Dear ***[Name of Private School Administrator]***,

This letter begins the annual consultation process which invites private schools to participate in ***[District’s Name]*** Titles II-A and/or IV-A programs. To be eligible to receive services from either program, the private school must be located within the school district boundaries.

Title II, Part A (Title II-A) is a federally funded program that provides assistance for preparing, training, recruiting and retaining high quality teachers. Private school teachers, principals, and other educational personnel are eligible to participate in professional development activities to the extent that the LEA uses funds to provide for professional development.

Title IV, Part A (Title IV-A) is also known as the Student Support and Academic Enrichment grant. The purpose of the Title IV-A program is to improve students’ achievement by increasing the capacity of states and LEAs to provide opportunities for students to access a well-rounded education, improve school conditions for student learning, and improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Students, teachers and other educational personnel who attend local private schools are eligible to participate in the program on an equitable basis. If you are interested, please fill out the information ***[below/attached]*** and submit it me by ***[method of submission]*** by ***[deadline]***. We will then schedule a Consultation meeting with you as soon as possible ***[or provide details of a previously scheduled consultation meeting]***.

Please contact me at ***[contact info]***, if you have any questions. Thank you.

Sincerely,

XXXX

***[District’s Name]*** Representative

**SAMPLE Intent to Participate in Title II-A and/or Title IV-A**

|  |  |
| --- | --- |
| LEA Name ***(District’s Name)*** | LEA Contact Person ***(Name)*** |
|  |  |
| Private School Name | Private School Contact Person/Title |
| Street Address | Contact Telephone |
| City/Town, Zip Code | Contact Email |

For each program below, private school officials should indicate their intent to participate by marking the most appropriate box.

**Title II-A – Improving Teaching and Student Learning Achievement**

|  |
| --- |
| ❑ Yes, I am interested in participating in Title II, Part A during the ***(20xx-20xx)***school year.  # of students enrolled in grades ***(x – y e.g. K – 12)*** on October 1st of last year\_\_\_\_\_\_  ❑ No, I am not interested in participating in Title II, Part A during the ***(20xx-20xx)*** school year.    Title II-A is designed to provide students from low-income families and minority students with greater access to effective educators. Private school teachers, principals and other educational personnel are eligible to participate in professional development activities (with available services based on LEA funds calculated, on a per-pupil basis, on the LEA’s total Title II-A allocation, less administrative costs). Activities include those that are an integral part of school and strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with effective instructional teaching strategies; technology integration training; teaching students with different learning styles; using assessments to improve instruction and student outcomes; involving parents more effectively; and educational leadership development. The appropriate benefits, services, and materials provided will be determined with the LEA during consultation with the private school.\* |

**Title IV-A – Student Support and Academic Enrichment Grants**

|  |
| --- |
| ❑ Yes, I am interested in participating in Title IV, Part A during the ***(20xx-20xx)*** school year.  # of students enrolled in grades ***(x – y e.g. K – 12)*** on October 1st of last year\_\_\_\_\_\_  ❑ No, I am not interested in participating in Title IV, Part A during the ***(20xx-20xx)*** school year.  The purpose of Title IV-A is to improve students’ achievement by increasing the capacity of states and LEAs to provide opportunities for students to access a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students. The appropriate benefits, services, and materials provided will be determined with the LEA during consultation with the private school.\* |

**\*** *Participation in the Title II-A and IV-A programs require the private school to provide the total count of students in grades K-12 (regardless of a student’s district of residence) before an equitable services allocation can be determined.*

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Private School Administrator’s Signature |  | Date Signed |

**SAMPLE Identity of Needs for Title II-A and/or Title IV-A**

|  |  |
| --- | --- |
| Private School Name: | Date: |

**Needs Identified to Support Student Academic Achievement**

Needs identified via: (Mark all that apply and provide an explanation to justify the need.)

|  |  |
| --- | --- |
| ❑ Test Scores |  |
|  | |

|  |  |
| --- | --- |
| ❑ Skills Assessment |  |
|  | |

|  |  |
| --- | --- |
| ❑ Surveys |  |
|  | |

|  |  |
| --- | --- |
| ❑ Professional Needs of Teachers |  |
|  | |

|  |  |
| --- | --- |
| ❑ Other (describe) |  |
|  | |

**Priority Areas aligned with Identity of Needs**

Identify the priority areas the private school wishes to address based on the needs identified above for Titles II-A or IV-A:

|  |
| --- |
| 1. |
| 2. |
| 3. |
| 4. |
| 5. |

**When thinking about the needs of students, teachers and other educational personnel, be mindful of the following:** Activities and related materials must be allowable, reasonable, necessary, allocable to the specific program, and supplemental to what the private school would normally provide. Activities must also be of sufficient size, scope and quantity to positively impact student achievement; and meet the ESSA evidence-based requirements, as applicable. Educational services or other benefits, including materials and equipment, must be secular, neutral and non-ideological.

**Please bring this completed form to the consultation meeting.**

**SAMPLE Consultation Affirmation for Titles II-A and/or IV-A**

LEA Name: ***(District’s Name)*** Private School Name:

If the private school has elected to participate in the Title II-A, and/or Title IV-A programs, the LEA and Private School must review and sign this affirmation. The following topics must be discussed during the consultation process:

**Consultation Topics**

* 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 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, teachers, and other educational personnel, the amount of funds available for those services, and how that amount 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; and
* Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated under 8501(a)(4)(C) 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 funds allocated under subsection 8501(a)(4)(C) based on the number of children from low-income families who attend private schools.

**Title II-A:**The private school representative must check one of the following:

❑ I agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible private school children, teachers, and/or other educational personnel and that the program design is equitable with respect to eligible private school children.

❑ I do not agree that timely and meaningful consultation has occurred or that the program design is equitable with respect to eligible private school children. Please provide a brief explanation:

**Title IV-A:** The private school representative must check one of the following:

❑ I agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible private school children, teachers, and/or other educational personnel and that the program design is equitable with respect to eligible private school children.

❑ I do not agree that timely and meaningful consultation has occurred or that the program design is equitable with respect to eligible private school children. Please provide a brief explanation:

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Private School Administrator’s Signature |  | Date Signed |

|  |  |  |
| --- | --- | --- |
|  |  |  |
| Public School Administrator’s Signature |  | Date Signed |

**SAMPLE Worksheet for Initial Consultation**

|  |  |
| --- | --- |
| Private School Name: | Date: |

Districts can use this document to outline the supplemental activities agreed to during consultation for Titles II-A and

IV-A. Remember, activities and related materials must be allowable, reasonable, necessary, allocable to the specific program and supplemental to what the private school would normally provide. Activities must also be of sufficient size, scope and quantity to positively impact student achievement; and meet the ESSA evidence-based requirements[[1]](#footnote-2), as applicable.

**Activity Plan** (Add lines/use additional sheets if more space is required.)

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| Activities | # of Participants | Start Date | Duration | Cost | Applicable Program  (II-A or IV-A) |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |
|  |  |  |  |  |  |

**Evaluation Plan**

How will the activities be assessed? (If this activity is a continuation from the prior year, describe any modifications the LEA made to improve the program along with how the LEA and private school will periodically assess the effectiveness of the activity).

How will the results be used to improve services?

**SAMPLE Worksheet for Ongoing Consultation**

|  |  |
| --- | --- |
| Private School Name: | Date: |

**Program Evaluation**

Describe the impact each activity had on student academic achievement and teacher performance:

Identify the data sources used to measure the effectiveness of the professional development. Include test scores, classroom implementation and observation, teacher surveys or others indicators and/data to support the outcome.

Describe any changes made to the original activity plan as a result of the evaluation:

Additional Notes:

1. *For Title II, Part A: All activities must be* ***evidence based****, high quality, sustainable, intensive, and student* *focused in order to have a positive impact on teacher performance in the classroom and student achievement.* [↑](#footnote-ref-2)