**Policy and Procedures for
Ensuring Equitable Services to Non-Public School Students Enrolled in a Private School Located in a Different LEA than their Residence**

Pursuant to the Every Student Succeeds Act (ESSA), all LEAs are required to ensure equitable services to students enrolled in participating non-public schools (as applicable). Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing, or most at risk of failing, to meet high academic standards and who live in participating public school attendance areas.

LEA funds for services to non-public/private school students and teachers are generated on the basis of the number of students from low-income families who reside in participating public school attendance areas and attend non-public/private schools.

To be eligible for Title I services, a private school student must reside in a participating public school attendance area and meet multiple, educationally related, objective criteria determined by the LEA and the private school officials during consultation. Poverty is not a criterion but certain students may be identified as eligible solely by virtue of their status: for example, students who are homeless or who in the preceding two years had participated in Head Start, a Title I preschool program, or a Title I, Part C (Migrant Education) program.

Services may include a targeted assistance pullout model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy, and/or early childhood programs. In addition, the law requires equitable services for non-public/private school teachers of Title I students in professional development activities and of parents of Title I students in parent involvement activities.

The exact number of qualifying students and the appropriate benefits, services, and materials provided for this number will be determined with the LEA during consultation with the non-public/private school.

Pursuant to this Memorandum of Understanding, the LEA in which students reside shall communicate and collaborate with both the non-public/private schools and the LEA in which the non-public/private school is physically located to ensure the provision of services to eligible students, teachers, other educational personnel, and families enrolled in non-public/private schools who are eligible under ESSA. The procedure shall be as follows:

1. By November, the LEA where the students reside shall send to private schools at their addresses and to their principals listed in the [Tennessee Schools Directory](https://k-12.education.tn.gov/sde/?mc_cid=29a80a0b09&mc_eid=37f41f6b01) an Intent to Participate letter to request whether the schools would like to participate and receive Title I equitable services. The LEA should send these letters to all non-public/private schools located in their boundaries and to any non-public/private schools that have enrolled students who reside in the LEA. The LEAs and non-public/private schools shall identify consultation committee members. Consultation committee members should include appropriate representatives from the non-public/private schools and the LEAs (e.g., ESEA director, LEA private schools contact, private school administrator, superintendent of private schools, etc.).
2. In January, the consultation committee members will determine how poverty will be calculated and the criteria that will be used to determine which students receive services. They also should reach an agreement on what pre-consultation documentation will be required. The non-public/private schools will draft a list of eligible fund-generating students. The list that is provided to the LEAs should contain addresses, grade levels, and income information (depending on the poverty measure that is agreed upon during consultation). If agreed upon during consultation, the non-public/private schools may opt to send more information at their discretion (this could include grades, assessment results, and other objective criteria agreed to be provided during consultation).
3. By February, the LEA in which the students reside verifies student eligibility using student addresses and grade levels to finalize the list of fund generators.
4. By February, non-public/private schools complete pre-consultation documentation that addresses which services are needed for eligible students, teachers, other educational personnel, and families in alignment with the criteria agreed upon by the consultation committees in January (based on the title program as appropriate). Pre-consultation documentation should include the agreed upon multiple, educationally related, objective criteria and projected budget and funding requirements for addressing the needs of the students, teachers, educational personnel, and families (per the related title program guidelines).
5. The LEA in which the students reside is responsible for determining funding available for equitable services based on eligible student counts. Title I equitable services for non-public/private school students are determined prior to any set asides.
6. By March, the LEAs jointly host consultation meetings with non-public/private school leaders to discuss service to eligible students, teachers, other educational personnel, and families for the following school year. During the meeting, the consultation committee discusses all ESSA-required consultation issues (as noted on the affirmation of timely and meaningful consultation) including:
* determining services to be provided,
* parental involvement,
* professional development plans,
* finalizing funding allocations, and
* scheduling mid-year check-ins/monitoring to ensure the agreement is effective and to address adjustments, if needed.
1. The LEA in which the students reside collects a signed affirmation from each participating non-public/private school attesting to the occurrence of the required timely and meaningful consultations. Copies of each affirmation shall be collected by the end of April. If the private school officials refuse to sign an affirmation, the LEA in which the students reside shall document the steps taken to provide the timely and meaningful consultation.

The LEAs affirm this agreement for the \_\_\_\_\_\_\_\_\_\_ school year:

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| Name of LEA in which Student(s) Reside |  | LEA in which Private School(s) is Located |

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| Signature of LEA Representative Date |  | Signature of LEA Representative Date |