
Name of LEAName of Non-Public School or Agency

Affirmation of Meaningful Non-Public School Consultation & Final Agreement

Combined Affirmation & Agreement forms with non-public schools are due in ePlan by May 1.

Overview

The Every Student Succeeds Act (ESSA) §§ 1117 and 8501 require LEAs to provide equitable services to students and teachers in eligible non-public schools. The requirement of providing equitable services is achieved through timely and meaningful consultation between the local educational agency (LEA) and non-public school officials. The consultation process must occur prior to any decision that affects the opportunities of eligible non-public school students, teachers, and other educational personnel for equitable services. This consultation must be ongoing, continuing throughout the implementation and assessment of these activities. Further, LEAs are required to finalize all ESSA equitable service agreements with non-public school officials. An Affirmation of Meaningful Non-Public School Consultation and Agreement form shall be signed by the LEA and non-public official(s) and uploaded ePlan with the Consolidated Funding Application (CFA). LEAs that have uploaded consultation agreements for each participating non-public school will have satisfied the ESSA requirement that consultation agreements be forwarded to the ombudsman.

State Ombudsman

To help ensure equitable services and other benefits are being provided for eligible non-public school students, teachers, and other educational personnel, the state must designate an ombudsman to monitor and enforce the requirements under both Title I and Title VIII. Tennessee has designated the department's Title II and equitable services coordinator as the ombudsman for ESSA equitable services requirements. If there has been no consultation or agreement between the LEA and the non-public school, a complaint may be filed on behalf of the non-public school by completing the Complaint to the Ombudsman [form](#) found in [eplan.tn.gov > TDOE Resources](#) > ESSA/IDEA Non-public Schools Information & Documents. Complaints must be signed by the individual(s) or organization(s) filing the complaint and copied to the LEA. Complaints must be sent to the department to the attention of the ombudsman via email to Michelle.Harless@tn.gov.

Combined Affirmation of Meaningful Non-Public School Consultation & Agreement

This sample form covers the meaningful consultation process (Part I) and final agreement (Part II) between an LEA and a non-public school and can be edited to meet stakeholders' needs. The completed form must be uploaded annually (in May) by the LEA to ePlan as part of the initial submission of the Consolidated Funding Application (CFA). Agreements must be signed by representatives of both the LEA and non-public school. If a final agreement has not been reached by the May CFA deadline, LEAs have the option of submitting the final agreement by **Sept. 15** utilizing the [Traditional Non-Public Final Agreement](#) form.

Part I: Meaningful Consultation

Part I of this form documents the ESSA §§ 1117, 8501 requirement that timely and meaningful consultation between the LEA and non-public school officials:

1. occurs prior to making any decision that affects the opportunities of eligible non-public school students, families, teachers, and other educational personnel for equitable services and;
2. shall continue throughout the implementation and assessment of these activities.

At a minimum, the ongoing consultation process <u>must</u> cover the topics below for each applicable Title program. Check <i>Yes</i> or <i>No</i> , or <i>N/A</i> to indicate that the following topics were discussed during consultation:	Yes	No	N/A
For Title I, Part A only: How the proportion of funds allocated under Title I for equitable services are determined			
For Title I, Part A only: The method or sources of data that the LEA will use to determine the number of non-public school children from low-income families residing in participating public school attendance areas			
For Title I, Part A only: Whether to coordinate funds available for Title I equitable services with funds available for equitable services required by Title VIII (Title I, Part C; Title II; Title III; and Title IV)			
For Titles I-C, II, III, and IV: How the proportion of funds allocated under each applicable Title for equitable services are determined			

At a minimum, the ongoing consultation process <u>must</u> cover the topics below for each applicable Title program. Check <i>Yes</i> , <i>No</i> , or <i>N/A</i> to indicate that the following topics were discussed during the consultation:	Yes	No
The size and scope of equitable services to be provided to eligible non-public school students, families, teachers, and other educational personnel and the amount of funds available for those services		
Whether the LEA responsible for providing equitable services will provide the services directly, through a separate LEA, or through a third-party contractor		
Whether to provide equitable services to eligible non-public school students by pooling funds or on a school-by-school basis		
How students' needs will be identified		
What services will be provided, including how, when, where, and by whom		
How decisions about the services will be made, how the services will be assessed, and how the results of the assessment will be used to improve those services		

Check <i>Yes</i> , <i>No</i> , or <i>N/A</i> to indicate if the non-public school will be participating in the following programs (use <i>N/A</i> only for LEAs that do not receive the grant):	Yes	No	N/A
Title I, Part A: Improving Basic Programs Operated by State and Local Educational Agencies			
Title I, Part C: Migrant Education			
Title II, Part A: Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders			
Title III, Part A: Language Instruction for English Learners and Immigrant Students			
Title IV, Part A: Student Support and Academic Enrichment (SSAE) program			
Title IV, Part B: 21st Century Community Learning Centers			

For each Title marked “Yes” above, the non-public school or agency official affirms for the 2022-23 school year	Yes	No
That timely and meaningful consultation has occurred.		
The program design is equitable for eligible non-public school students, families, teachers, and other education personnel.		

Part II: Agreement

Part II of this form represents the agreement of equitable services between the LEA and the non-public school. This is not an exhaustive list and may not cover the entire agreement between the LEA and non-public school officials as each school may have individual or unique needs that could be defined as allowable for equitable services. LEAs should modify and add topics to this form as needed to reflect the actual consultation process and agreement between the LEA and the non-public school. **Use and submit a separate Part II form for each ESSA program in which the non-public school participates.**

The non-public school agency/school official and LEA agree on the terms below for the following program (check **one**):

- ☐ Title I, Part A
- ☐ Title I, Part C
- ☐ Title II, Part A
- ☐ Title III, Part A
- ☐ Title IV, Part A
- ☐ Title IV, Part B

Describe the size and scope of equitable services to be provided to eligible non-public school students, teachers, and other educational personnel and the amount of funds available for those services.

Example: “___ teachers and students are being provided services through an allocation of \$___.”

Describe how the needs of the students, teachers, or other educational personnel are identified:

Describe what services will be provided, including:

1. How,
2. When,
3. Where, and
4. By Whom.

Describe:

1. How decisions about the services/programs will be made,
2. How the services/programs will be assessed and monitored for progress and effectiveness, and
3. How the results of the assessment will be used to improve services/programs.

Describe how the LEA will ensure oversight (for issues including allowability, compliance with program requirements, inventories of equipment and materials, etc.):

For the program indicated and described above, the non-public school agency/school official and the LEA affirms this consultation agreement for the _____ school year.

Name of LEA

Name of Non-Public School or Agency

Signature of LEA Representative

Date

Signature of Non-Public School or
Agency Representative

Date