

Sample Policy and Procedures for Ensuring Equitable Services to Non-Public School Students

Pursuant to this policy and procedure, the local educational agency (LEA) shall work with non-public schools to ensure the provision of services to eligible students, teachers, other educational personnel, and families enrolled in non-public schools who are eligible under the Every Student Succeeds Act (ESSA). This policy is considered to be a framework and will not encompass all provisions of an equitable services program. The following guidance documents from the U.S. Department of Education (ED) are incorporated into this document:

- [Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families Non-Regulatory Guidance](#)
- [Title VIII, Part F: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel Non-Regulatory Guidance](#)

The LEA procedure shall be as follows:

ESSA in §§ 1117 and 8501 requires that timely and meaningful consultation between the LEA and non-public school officials occur *prior* to any decision that affects the opportunities of eligible non-public school students, teachers, other educational personnel, and families for equitable services. This consultation must be ongoing, continuing throughout the implementation and assessment of these activities.

By **November**, the LEA where the students reside shall send to non-public schools at their addresses and to their principals listed in the [Tennessee Schools Directory](#) 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 schools located in their boundaries and to any non-public schools that have enrolled students who reside in the LEA. The LEAs and non-public schools shall identify consultation committee members. Consultation committee members should include appropriate representatives from the non-public schools and the LEA (e.g., ESSA director, LEA non-public schools contact, non-public school administrator, superintendent of non-public schools).

If there is no response from the non-public schools, the LEA should make multiple attempts to communicate. These attempts should include certified mail and may also include but are not limited to regular mail, email, telephone calls, text messages, site visits, and facsimile. The LEA shall document these attempts.

Between **November and January** each year, the LEA and non-public schools shall identify consultation committee members. Consultation committee members should include appropriate representatives from the non-public schools and the LEA.

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 Title I services as applicable. They also should reach an agreement on what pre-consultation documentation will be required. The non-public 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 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.) The non-public survey in ePlan will open in January and close in February (see FPO monthly updates each year for specific open and close dates).

By **February** of each year, the LEA verifies student eligibility using student addresses and grade levels to finalize the list of fund-generators for Title I. The LEA utilizes this information to complete and upload their non-public survey to ePlan by the February due date.

By **February**, non-public 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).

By **March**, the LEA hosts consultation meetings with non-public 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 and 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.

The LEA collects a signed affirmation from each participating non-public school attesting to the occurrence of the required timely and meaningful consultations. The affirmation must have an option for non-public school officials to state that timely and meaningful consultation did not occur and/or that the services being provided are not equitable. Copies of each affirmation shall be collected by the end of April each year. If the non-public school officials refuses to sign an affirmation, the LEA shall document the steps taken to provide the timely and meaningful consultation.

The LEA uploads the signed affirmations of timely and meaningful consultation to the related documents folder of their CFA each year. LEAs who use the combined affirmation and agreement forms will upload that version. If the non-public school officials refuses to sign an affirmation, the LEA shall upload the documented steps taken to provide the timely and meaningful consultation. In addition, if the LEA has the combined affirmation of timely and meaningful consultation along with the signed agreement, the LEA can upload this form in the related documents folder of their CFA each year.

The LEA shall finalize all ESSA equitable services agreements with the non-public school officials by September 15 of each year. The agreements shall be signed by the LEA and the non-public school officials. Memorandums of Understanding (MOUs) or third party contracts being used by the LEA for equitable services shall be attached to the agreements.

By **September 15** (if using the traditional affirmation and agreement forms) each year, the LEA uploads (to the LEA Document Library in ePlan) the signed written agreement derived from consultation for each non-public school participating in each ESSA program. The LEA shall include any MOUs or third party contracts being used

by the LEA for equitable services. *Note: If the LEA has previously uploaded all the combined consultation and agreement form in the CFA, no action is needed.*

The LEA shall start providing equitable services to participating non-public school students, teachers, other educational personnel, and families at the same time as services are provided to public school students.

Consultation between the LEA and the non-public school shall continue as an ongoing process throughout the implementation and assessment of the activities over the school year. As part of this process, the program shall be assessed for effectiveness using the agreed upon measures derived from consultation.

If a formal complaint is filed with the state's ombudsman for equitable services, the LEA shall upload the complaint and any documentation the LEA or the non-public school wants considered by the ombudsman in deciding the dispute to the LEA Document Library.