

ESEA Director's Training Curriculum

2.2 Policy and Procedures for Equitable Services

As required under the Every Student Succeeds Act (ESSA), the LEA shall work with non-public schools to ensure the provision of services to eligible students, teachers, other educational personnel, and families enrolled in eligible non-public schools. The information below is considered to be a framework for equitable services and will not encompass all provisions of an LEA's program.

Recommended Annual Deadlines:

- **November - January:** LEA and non-public schools shall identify consultation committee members. Additionally, the *Intent to Participate* is sent out to all known non-public schools in the LEA's boundary.
- **January:** consultation committee members will review collected *Intent to Participate* forms to determine which grants will be active with non-publics in the next funding year. They shall also reach an agreement on what pre-consultation documentation (i.e. non-public survey and other poverty identifying documentation) will be required.
- **February:** the LEA verifies student eligibility using student addresses and grade levels to finalize the list of fund-generators and inputs the information in the non-public school survey in ePlan.
- **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).
- **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.
- **May:** the LEA uploads the *Affirmation of Meaningful Non-Public School Consultation and Agreement* or the *Affirmation of Meaningful Non-Public School Consultation* form derived from consultation with each non-public school participating in each ESSA program as part of the LEA's consolidated funding application (CFA).

Available Resources:

- [Divisional Coordinators](#)
- Federal Programs Ombudsman: Michelle.Harless@tn.gov
- [ESEA Non-Regulatory Guidance: Title I Services to Eligible Private School Children](#)
- [ESEA Non-Regulatory Guidance: Title IX \(ESSA Title VIII\)](#)
- [ESSA Non-Regulatory Guidance: Fiscal Changes & Equitable Services ePlan > TDOE Resources >](#)
- [ePlan.tn.gov > TDOE Resources > ESSA/IDEA Non-Public / Private Schools Information & Documents](#)

Action Steps & Recommended Timeline:

The LEA procedure shall be as follows:

- ESSA §§ 1117 and 8501 require that timely and meaningful consultation between the LEA and private school officials occur prior to any decision that affects the opportunities of eligible private 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.
- **November:** the LEA where the students reside shall send to eligible non-public schools an *Intent to Participate* letter to request whether the schools would like to participate and receive any Title program equitable services. Send the *Intent to Participate* letter to the non-public school leader(s) at the addresses listed in the [Tennessee Schools Directory](#). Send these letters to all eligible non-public schools located within the LEA's boundaries. For Title I purposes, LEAs must also send the *Intent to Participate* letter to any eligible non-public schools outside their boundaries that have enrolled students who reside in the LEA.
- **November – January:** LEAs and non-public schools shall identify consultation committee members. Consultation committee members must include appropriate representatives from the non-public schools and the LEA (e.g., ESEA director, LEA non-public schools contact, non-public school administrator, superintendent of non-public schools, etc.). 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.
- **January:** the consultation committee members determine how low-income data will be calculated and the criteria that will be used to determine which students receive Title I services. 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 low-income 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).
- **Feb. 15:** the LEA verifies student eligibility using student addresses and grade levels to finalize the list of fund-generators. The LEA uses this information to complete and upload the non-public survey to ePlan. (*Note: The Non-Public School Survey deadline is subject to change.*)
- **Feb. 15:** 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 ESEA 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.
- **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 addresses all ESSA required consultation issues (as noted on the *Affirmation of Meaningful Non-Public School Consultation and Agreement*) including determining services to be provided, family engagement and professional development plans, finalizing funding allocations, and scheduling mid-year check-ins and monitoring to ensure the agreement is effective and to address adjustments, if needed.

- **May:** the LEA collects a signed affirmation and agreement 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 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 refuse to sign an affirmation, the LEA shall document the steps taken to provide the timely and meaningful consultation.
 - The LEA uploads the signed affirmations and agreements to the *Related Documents* folder of its CFA each year.
- The LEA must provide 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 the consultation. Affirmation and Agreement forms may be updated throughout the year based on non-public school needs.
- 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 to be considered by the ombudsman in deciding the dispute, to the *LEA Document Library*.