



Kentucky Department of Education
Equitable Services Consultation Packet
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Instructions (1/1)

Sections 1117 and 8501 of the Every Student Succeeds Act (ESSA) require that timely and meaningful consultation between the local educational agency (LEA) and each nonpublic school occur prior to any decision about the equitable services to be provided to eligible nonpublic school students, teachers, and other educational personnel. Consultation must continue throughout the implementation and assessment of these activities.

The federal programs for which equitable services to nonpublic schools must be provided include:

- Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
- Title I, Part C: Education of Migratory Children
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, Part A: Student Support and Academic Enrichment Grants
- Title IV, Part B: 21st Century Community Learning Centers

The forms contained in this packet must be used during consultation meetings to guide the conversation between the LEA and the nonpublic school. The forms include the following:

- A needs assessment for each federal program and
- A “Nonpublic School Consultation Agreement”.

For each federal program that is marked:

1. Jointly complete the applicable needs assessment(s) with the nonpublic school;
2. Use the needs assessment(s) to complete the “Nonpublic School Consultation Agreement” to describe how the LEA will provide equitable services to eligible nonpublic school students, teachers, and other educational personnel.
3. Maintain copies of these forms at the district office. When the Grant Management Application Program (GMAP) application is opened for new grant applications, you will be provided instructions for uploading this document into the system.

This agreement, in conjunction with the applicable needs assessments, contain the minimum requirements under federal law. LEAs that have uploaded these documents for each participating nonpublic school will have satisfied the ESSA requirement that consultation agreements be forwarded to the state’s private school ombudsman. This will be done through an upload into GMAP.

Kentucky has designated an ombudsman for equitable services who may be reached at KPSO@education.ky.gov.

Nonpublic School Consultation (1/3)

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title I-A for the _____ school year:

Yes

No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

Test scores

Professional needs of teachers

Skills assessments

School plan

Surveys

Other

Will a portion of funds be used to pay for the cost of equitable services administration

Yes Yes, Amount:

No

Prioritized Students' Academic Needs: Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.

1.	
2.	
3.	

Professional Learning: Describe the three most important professional learning needs as related to improving students' academic achievement.

1.	
2.	
3.	

Nonpublic School Consultation (2/3)

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
 Needs Assessment

Prioritize programs and services as related to meeting the needs noted above.			
Description of Program, Services, or Other Activities	Estimated Participants	Estimated Duration	Approximate Cost
1.			
2.			
3.			

Describe how these services/programs contribute to increased parental involvement.

Describe how these services/programs contribute to improving student academic achievement.

Write performance goals for the identified need and planned activities.
EXAMPLE: For an identified need for reading: “By _____ (date), students participating in planned activities will increase their reading scores by _____%”; or, for an identified need to enhance instruction in differentiated learning, “95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year.”

Nonpublic School Consultation (3/3)

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
Needs Assessment

Describe the formalized evaluation plan for determining the extent to which the goal was achieved.

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Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.

--

Identify any additional information relevant to this particular needs assessment.

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Nonpublic School Consultation (1/2)

Title I, Part C: Education of Migratory Children
 Needs Assessment

Date Name of LEA Name of Nonpublic School

The nonpublic school has migratory students participating in the Kentucky Migrant Education Program:

Yes No (If no, do not complete this section.)

If so, how many students?

How were needs identified? (Please check all that apply.)

- | | |
|------------------------------|-------------------|
| Test scores (district/state) | Language barriers |
| Skills assessments | Attendance |
| Current IEP's | Other |

Prioritized Migrant Students' Academic Needs: Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.

1.	
2.	
3.	

Prioritize programs and services as related to meeting the needs noted above.

	Description of Program, Services, or Other Activities (include location where services will be provided)	Provider Name	Estimated Participants	Estimated Duration	Approximate Cost (per pupil amount)
1.					
2.					
3.					

Describe how these services/programs contribute to improving student academic achievement.

Nonpublic School Consultation (2/2)

Title I, Part C: Education of Migratory Children Needs
Assessment

Required Assurance: The district must check this box, affirming migrant education program interventions described here align with the current service delivery plan performance goals.

Provide name of assessment(s) used to evaluate student progress.

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Identify any additional information relevant to this particular needs assessment.

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Nonpublic School Consultation (1/3)

Title II, Part A: Supporting Effective Instruction
Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title II-A for the

school year:

- Yes No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

- Test scores Professional needs of teachers
 Skills assessments School plan
 Surveys Other

Prioritized Students' Academic Needs: Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
1.	
2.	
3.	

Professional Learning: Describe the three most important professional learning needs as related to improving students' academic achievement.	
1.	
2.	
3.	

Nonpublic School Consultation (2/3)

Title II, Part A: Supporting Effective Instruction
 Needs Assessment

Prioritize programs and services as related to meeting the needs noted above.			
Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.			
2.			
3.			

**Activities must be evidence-based, job-embedded, sustainable, data-driven, and classroom-focused in order to have a positive impact on instruction and the teacher’s performance in the classroom. Educational services or other benefits, including materials and equipment, must be secular, neutral, and non-ideological. Materials may only be purchased to be used during a professional learning activity, or to provide training on the specific use of the purchased materials. Materials for the classroom may not be purchased with Title II funds.*

Describe how these services/programs contribute to improving student academic achievement.

Write performance goals for the identified need and planned activities.
EXAMPLE: For an identified need for reading: “By _____ (date), students participating in planned activities will increase their reading scores by _____%”; or, for an identified need to enhance instruction in differentiated learning, “95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year.”

Nonpublic School Consultation (3/3)

Title II, Part A: Supporting Effective Instruction

Needs Assessment

Describe the formalized evaluation plan for determining the extent to which the goal was achieved.

--

Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.

--

Identify any additional information relevant to this particular needs assessment.

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Nonpublic School Consultation (1/3)

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title III-A for the _____ **school year:**

Yes No (If no, do not complete this section.)

Not Applicable (District does not receive Title III funds or elected not to participate in Title III and released all funds.)

English Learner Identification

Please list the number of identified EL students attending the private school at the time of the initial consultation meeting:

English learner (EL) students, as defined under the Elementary and Secondary Education Act Section 8101(20), have been appropriately identified in a timely manner using a valid and reliable English language proficiency assessment. (Check box to confirm)

Describe how students are identified as ELs

Needs Assessment? How were the needs of eligible ELs, their teachers, and other educational personnel who work with ELs identified?

- | | |
|--------------------|--------------------------------|
| Test scores | Professional needs of teachers |
| Skills assessments | School plan |
| Surveys | Other |

Prioritized English Learner Students' Language Development Needs: Describe the most important EL student language development need(s) to be addressed. Provide appropriate data and source for support.

Professional Learning: Describe the most important professional learning need(s) as related to improving EL students' language development.

Nonpublic School Consultation (2/3)

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
 Needs Assessment

Title III Services

Please indicate whether Title III services will include the following:

- Initial identification of ELs and annual assessment of their language proficiency. Yes No
- Determination of whether students should exit EL status. Yes No

Prioritize programs and services as related to meeting the needs noted above.			
Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.			
2.			
3.			

*Educational services or other benefits, including materials and equipment, must be secular, neutral, and non-ideological.

Describe how these services/programs contribute to improve EL students' language development.

Describe how these services/programs contribute to increased parent, family, and community engagement for the families of EL students.

Describe how, where, and by whom Title III services will be provided.

Describe how EL students' English language proficiency will be assessed as well as how the district will determine a student should exit EL status.

Nonpublic School Consultation (3/3)

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
Needs Assessment

Write performance goal(s) for the identified language development and professional learning need and planned activities.

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Describe the formalized evaluation plan for determining the extent to which the goal was achieved.

--

Describe how the program will be monitored for program effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.

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Identify any additional information relevant to this particular needs assessment.

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List the names and roles of each person who participated in the Title III consultation.

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Nonpublic School Consultation (1/3)

Title IV, Part A: Student Support and Academic Enrichment Grants
Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title IV-A for the

school year:

- Yes No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

- Test scores Professional needs of teachers
 Skills assessments School plan
 Surveys Other:

Prioritized Student Support and Academic Enrichment Needs: Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
1.	
2.	
3.	

Professional Learning: Describe the three most important professional learning needs as related to improving students' academic achievement.	
1.	
2.	
3.	

Nonpublic School Consultation (2/3)

Title IV, Part A: Student Support and Academic Enrichment Grants
 Needs Assessment

Prioritize programs and services as related to meeting the needs noted above.				
	Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.				
2.				
3.				

Describe how these services/programs contribute to improving student academic achievement.

Write performance goals for the identified need and planned activities.

EXAMPLE: For an identified need for reading: “By _____(date), students participating in planned activities will increase their reading scores by _____%”; or, for an identified need to enhance instruction in differentiated learning, “95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year.”

Nonpublic School Consultation (3/3)

Title IV, Part A: Student Support and Academic Enrichment Grants
Needs Assessment

Describe the formalized evaluation plan for determining the extent to which the goal was achieved.

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Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.

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Identify any additional information relevant to this particular needs assessment.

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Nonpublic School Consultation (1/3)

Title IV, Part B: 21st Century Community Learning Centers
Needs Assessment

Name of LEA

Name of Nonpublic School

Does your district have a 21st Century Grant?

- Yes No (If no, do not complete this section.)

Has the nonpublic school elected to participate in the work under this district grant?

- Yes No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

- Test scores Professional needs of teachers
 Skills assessments School plan
 Surveys Other:

Prioritized Students' Academic Needs: Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.

1.	
2.	
3.	

Professional Learning: Describe the three most important professional learning needs as related to improving students' academic achievement.

1.	
2.	
3.	

Nonpublic School Consultation (2/3)

Title IV, Part B: 21st Century Community Learning Centers

Needs Assessment

Prioritize programs and services as related to meeting the needs noted above.			
Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.			
2.			
3.			

Describe how these services/programs contribute to improving student academic achievement.

Include the performance goal(s) from the approved 21st Century grant application that connect to the needs identified above. Describe planned activities from the grant program for that goal.

Nonpublic School Consultation (3/3)

Title IV, Part B: 21st Century Community Learning Centers

Needs Assessment

Describe the formalized evaluation plan for determining the extent to which the goal was achieved.

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Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.

--

Identify any additional information relevant to this particular needs assessment.

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Nonpublic School Consultation Agreement (1/5)

Contact Information

LEA Name:

LEA Contact Person & Title:

LEA Contact Telephone Number:

LEA Street Address:

LEA City, State ZIP:

Nonpublic School Name:

Nonpublic School Contact Person & Title:

Nonpublic School Telephone Number:

Nonpublic School Street Address:

Nonpublic School City, State ZIP:

Location of Consultation:

Date of Consultation:

Nonpublic School Consultation Agreement (2/5)

At a minimum, the consultation process must include the following items. Check the boxes to indicate that each item was discussed.

- How the proportion of funds allocated under Title I for equitable services, and/or how the amount of funds available for Titles II, III, and IV for equitable services, are determined;
- Whether a reasonable, necessary amount of funds will be reserved for administering equitable services under each program. If funds are reserved, the district must discuss why the reservation is reasonable and necessary and how they will be used. **Note, funds reserved for administering Title I, Part A equitable services must be taken from the amount calculated for such services.**
- For Title I, the method or sources of data that the LEA will use to determine the number of nonpublic school children from low income families residing in participating public school attendance areas;
- Whether to coordinate funds available for Title I equitable services with funds available for equitable services required by Title VIII;
- The size and scope of equitable services to be provided to eligible nonpublic school children, 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 nonpublic school children by pooling funds or on a school- by-school basis;
 - How the students' needs will be identified;
 - What services will be provided, including how, when, where, and by whom; and
 - 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.

The nonpublic school official affirms the following programs in which it is participating, as marked:

Title I-A Title I-C Title II-A Title III-A Title IV-A Title IV-B

(a) That timely and meaningful consultation has occurred: Yes No

If No, meaning timely and meaningful consultation has not occurred, please provide an explanation:

AND

Nonpublic School Consultation Agreement (3/5)

(b) That the program design is equitable for eligible nonpublic school children: Yes No

If No, meaning the program design discussed is not equitable, please provide an explanation:

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For the federal programs in which the nonpublic school will participate, as identified above—

The LEA responsible for providing equitable services will provide the services:

directly through a separate LEA through a third-party contractor

The LEA is providing services to eligible nonpublic school students, teachers, and other educational personnel by:

pooling funds on a school-by-school basis

The LEA is actively coordinating and collaborating across federal programs, in order to ensure that federal funds and resulting services maximize efficiency and eliminate duplication of effort:

Yes No

The LEA describes below how the proportion of funds allocated for equitable services is determined:

--

Nonpublic School Consultation Agreement (4/5)

For Title I, Part A only, describe the method or sources of data the LEA will use to determine the number of nonpublic school students from low-income families residing in Title I-participating public school attendance areas.

Other Terms and Conditions

Obligation of Funds: Parties understand and acknowledge that under ESSA, funds are to be obligated for services during the school year for which they are allocated, as required in Sections 1117(a)(4)(B) and 8501(a)(4)(B).

No Consultation Agreement: If nonpublic school officials do not provide an affirmation that consultation has occurred under ESSA Section 1117(b)(1) within a reasonable period of time, the LEA shall forward the documentation that such consultation, or attempts at such consultation, have taken place, to the State Education Agency, as required in ESSA Sections 1117(b)(5) and 8501(c)(5). If the LEA disagrees with the views of the nonpublic school officials with respect to an issue described above or the nonpublic school's request to receive services through a contract, the LEA shall provide in writing to such private school officials the reasons why the LEA disagrees, as required in ESSA Sections 1117(b)(2) and 8501(c)(2).

Complaint Process: Parties understand and acknowledge that pursuant to ESSA Section 1117(b)(6) and 8501(c)(6), nonpublic school officials have the right to file a complaint with the SEA if they believe that LEA officials have not complied with appropriate legal requirements including but not limited to:

- Engagement in consultation that was meaningful and timely;
- Consideration of the views of the nonpublic schools; or
- Decisions that treat the nonpublic school equitably as required by ESSA.
- Any dispute involving the poverty data on nonpublic school students may be appealed to the SEA, as allowed in ESSA Section 1117(c)(2).

Complaints may be filed by emailing a detailed and signed letter to the Kentucky Equitable Services Ombudsman at KPSO@education.ky.gov. The SEA is required to provide a written resolution within 45 days. If the SEA's resolution is not satisfactory, nonpublic school officials may appeal to the United States Secretary of Education within 30 days of receipt of the SEA's decision, or after the 45-day deadline has passed, if unresolved. ESSA mandates that the Secretary must complete an investigation and resolve the appeal of the SEA's decision within 90 days.

Nonpublic School Consultation Agreement (5/5)

For the program(s) marked and described in this agreement, the nonpublic school official and the LEA affirms this agreement for the _____ school year.

Name of LEA

Name of Nonpublic School

Signature of LEA Official

Date

Signature of Nonpublic School Official

Date

[THIS SECTION MUST ONLY BE COMPLETED IF APPLICABLE]

If the LEA provides services through a third-party contractor or a through an agreement with a separate LEA, the third-party contractor or separate LEA affirms this agreement for the _____ school year.

A copy of any such agreement shall be kept on file at the district office for inspection upon request.

LEA Providing Services through MOA

Name of Third-party Contractor

Signature of LEA Official

Date

Signature of Third-party Contractor

Date