

NEVADA DEPARTMENT OF EDUCATION
GUIDANCE DOCUMENT FOR
Equitable Services Ombudsman- Private Schools



Released 2018-2019

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OVERVIEW OF EQUITABLE SERVICES

Since the initial passage of the *Elementary and Secondary Education Act of 1965 (ESEA)*, private school students and teachers have been eligible to participate in certain federal education programs. The *ESEA* includes separate provisions governing equitable services for eligible private school students, teachers, and other educational personnel, and families under Title I and programs covered under Title VIII, Part F, Subpart 1-Private Schools: Equitable Services for Private School Students, Teachers, and Other Educational Personnel.

PURPOSE

This guidance document provides assistance to LEAs and private school officials in understanding equitable services for private schools as required by the *ESEA* as amended by the *Every Student Succeeds Act (ESSA)*. Many of the requirements remain unchanged from requirements under *ESEA* as amended by *NCLB*. The *ESSA*, however, made a number of significant changes. Some of those changes are common to the equitable services requirements under both Titles I and VIII; others are different. These changes include the following:

- Requires the state to give timely notice to private school officials regarding the amount of the allocation for educational services and other benefits for private school students
- Requires the proportional share of funds for equitable services to be calculated based on the district's entire Title I, Part A allocation prior to determining any allowable expenditures or transfers
- Requires all funding for equitable services be obligated in the fiscal year that funds are available to the districts
- Creates a state-level ombudsman to monitor and enforce equitable services requirements
- Strengthens the timely and meaningful consultation provisions by requiring discussion of additional topics
- Requires districts to submit the results of the timely and meaningful consultation to the ombudsman
- Requires the districts to provide private school officials with a written explanation of the reasons the district disagrees with the view of private school officials on a particular consultation topic
- Gives private school officials the option of signing an affirmation stating the district did not engage in timely and meaningful consultation
- Updates the states services option and procedures
- Adds specific timeframes for the SEA and USED to consider a complaint from private school officials

PROGRAMS REQUIRING EQUITABLE SERVICES

Equitable services requirements for non-public/ private schools apply to programs under §1117 and §8501 of the *ESEA as amended by ESSA*:

- Title I, Part A-Improving Basic Programs
- Title I, Part C-Migrant Education
- Title II, Part A-Supporting Effective Instruction
- Title III, Part A-English Language Acquisition
- Title IV, Part A-Student Support and Academic Enrichment
- Title IV, Part B- 21st Century Community Learning Centers

For more specific descriptions of these programs, consult Appendix E.

COMMON EQUITABLE SERVICES REQUIREMENTS UNDER TITLES I AND VIII

A. OMBUDSMAN

To help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families, an SEA must designate an ombudsman to monitor and enforce ESEA equitable services requirements under both Title I and Title VIII. (ESEA §1117(a) (4) (B) and §8501(a) (4) (B))

1. The ombudsman serves as the SEA's primary point of contact for addressing questions and concerns from private school officials and LEAs regarding the provision of equitable services under Titles I and VIII. In addition, the ombudsman is required to monitor and enforce the equitable services requirements under Titles I and VIII and, thus, should have a significant role in the state's monitoring process. Here are additional roles and responsibilities of the ombudsman:
 - Develop monitoring protocols applicable to the provision of equitable services and participate in monitoring activity
 - Provide technical assistance regarding equitable services requirements for SEA staff administering applicable programs, LEA staff, and private school officials
 - Establish a process for receiving documentation of agreement from LEAs consistent with the consultation requirement that the results of such agreement shall be transmitted to the ombudsman
 - Participate in the state's Title I Committee of Practitioners
 - Serve as the primary point of contact for responding to and resolving any complaints regarding equitable services that the SEA receives

The contact information for the ombudsman can be found at: [Equitable Services Ombudsman Webpage](#)

B. NOTICE OF ALLOCATION

An SEA must provide notice in a timely manner to appropriate private school officials in the state of the allocation of funds for educational services and other benefits under each ESEA program that an LEA has determined are available for eligible private school children, teachers and other educational personnel, and families. (ESEA §1117(a) (4) (C) and §8501(a) (4) (C))

1. The SEA must annually provide information on the amount of funds, by program, allocated for equitable services under Title I and each covered program under *ESEA §8501(b)* that each LEA responsible for providing equitable services has determined are available for eligible private school students, teachers and other educational personnel, and families. Such documentation should indicate how the allocation was determined.
2. Nevada Department of Education (NDE) will publicly post equitable services allocations on its Equitable Services Ombudsman webpage.

C. OBLIGATION OF FUNDS

Funds allocated to an LEA for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the funds are received by the LEA. (ESEA §1117(a)(4)(B) and §8501(a)(4)(B))

- The purpose of this requirement is to ensure that an LEA uses the funds available under Title I or a covered program under Title VIII to provide equitable services in the fiscal year for which the funds were appropriated to ensure that eligible students, teachers and other educational personnel, and families receive the services to which they are entitled in a timely manner.

- There may be extenuating circumstances in which an LEA is unable to obligate all funds within this timeframe in a responsible manner, and in these circumstances the funds may remain available for the provision of equitable services under the respective program during the subsequent school year.

Extenuating circumstances are accepted **at the discretion of the SEA**. Here are some examples:

1. Late start delivering equitable services
2. Major turnover of personnel at the LEA impacting delivery of services and consultation
3. Natural disaster

D. STATE SERVICES

An SEA must provide equitable services directly or through contracts with public or private agencies, organizations, or institutions, if appropriate private school officials have:

- *Requested that the SEA provide such services directly; and*
- *Demonstrated that an LEA has not met applicable equitable services requirements in accordance with the procedures for making such a request, as prescribed by the SEA. (ESEA §1117(a)(4)(C) and §8501(a)(4)(C))*

If a private school official would like equitable services to be provided by the SEA, the private school official must provide evidence to the Ombudsman that the LEA is not satisfactorily providing equitable services. See section E- Consultation and Appendix D for more information on filing a complaint.

E. CONSULTATION

The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children. (ESEA §1117(b) (1) and §8501(c) (1), (5))

The goal of reaching agreement between an LEA and appropriate private school officials is grounded in timely, meaningful, and open communication between the LEA and private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other educational personnel, and families in ESEA programs.

- Agreement is the goal of consultation; however, **the final decision lies with the LEA**
- Timely consultation means that the consultation takes place before the LEA makes any decisions
- Meaningful consultation means that there is genuine opportunity for parties to express their views and those views are seriously considered
- LEAs must obtain written affirmation that timely and meaningful consultation has occurred
 - **(NEW)** LEAs must also give private school officials the option of signing a written affirmation indicating that timely and meaningful consultation did not occur or that the program design is not equitable with respect to private school children. This document is located in the Appendix (Appendix C) and must be submitted to the Ombudsman annually.
- If the LEA disagrees with a request made by private school officials regarding equitable services through a third-party provider, the LEA must provide notice, an analysis, and reasons to the private school officials in writing
- Private school officials also have the option of completing and submitting a complaint form (see Appendix D) to the Ombudsman if issues are not resolved through consultation with the LEA.

- The complaint form is available online at [Equitable Services Ombudsman Webpage](#) and must be submitted via email directly to the Ombudsman. The Ombudsman will review the complaint form and serve as liaison to assist in determining a resolution.
- **(NEW)** The General Provisions of *ESSA* (Title VIII) require that an SEA provide a written resolution to a complaint within 45 days.
 - If the SEA's resolution is not satisfactory, private school officials may appeal to the U.S. Secretary of Education
 - 30 days to appeal (or may appeal after SEA 45 day deadline passes if unresolved)
 - *ESSA* mandates that the Secretary must complete an investigation and resolve the appeal within 90 days

Required Consultation Topics for Titles I & VIII Programs

1. How the LEA will identify the needs of eligible private school children;
2. What services the LEA will offer to eligible students;
3. How, where and by whom the services will be provided;
4. How the LEA will academically assess the services and how the LEA will use the results to improve the Title I services;
5. The size and scope of the equitable services that the LEA will provide;
6. The methods/sources of poverty data used **(Title I only)**;
7. Delivery of services
8. How, if the LEA disagrees with private school officials regarding provision of equitable services through a contracted third-party provider, the LEA will provide notice and reasons to the private school officials;
9. Whether the agency shall provide services to eligible students direct or through a third-party contractor;
10. **(NEW)** Whether to provide funding through a pool of funds or with the proportion of funds allocated under this section;
11. **(NEW)** When services will be provided **(Title I only)**; and
12. **(NEW)** Whether to consolidate and use Title I, Part A funds in coordination with funds from other eligible programs that are dedicated to providing equitable services to private school students **(Title I only)**

F. ONGOING CONSULTATION TIMELINE

Consultation is an ongoing process and should take place with each private school within the LEA multiple times throughout the year. Consultation timelines may vary slightly among the LEAs; however there are two hard deadlines all LEAs must follow:

1. January 31st - **Private School Notification of Intent** (Appendix B) form must be uploaded by the LEA in the Private School Equitable Services tab under the LEA Document Library in ePAGE.
 - a. This form must be signed by both authorized representatives from the LEA and authorized representatives of the private school.
 - b. There must be a form submitted for each private school located within the LEA's service area.
2. May 15th - **Affirmation of Timely and Meaningful Consultation** (Appendix C) form must be uploaded by the LEA in the Private School Equitable Services tab under the LEA Document Library in ePAGE for each program the private school plans to participate. (A form for each Title program)
 - a. This form must be signed by both authorized representatives from the LEA and authorized representatives of the private school.

- b. This form is a requirement as evidence that timely and meaningful consultation occurred and that services will be provided by the LEA to eligible private school students, teachers and other educational personnel, and families.

SPECIFIC EQUITABLE SERVICES REQUIREMENTS UNDER TITLE I

A. ALLOCATING FUNDS

Expenditures for equitable services to eligible private school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those areas and attend private schools. An LEA must determine the proportionate share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds. (ESEA §1117(a) (4) (A)).

- **(NEW)** Proportionate share must be calculated before any allowable expenditures or transfer by the LEA
- **(NEW)** Proportionate Share Formula:
 - LEA determines the participating public attendance school areas
 - LEA determines the number of children from low-income families residing in each participating area who attend public and private schools
 - LEA determines proportion of children from low-income families residing in each participating area who attends private schools
 - LEA applies the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate share

B. OPTIONS FOR CALCULATING POVERTY DATA ON PRIVATE SCHOOL STUDENTS

To obtain the count of private school children from low-income families, LEAs may use one or a combination of:

1. Data from the same source
 - a. Free and Reduced Lunch
2. Survey, with extrapolation
 - a. Send the private schools a survey that protects the identity of the parents and students and use this data to calculate the number of private school children eligible for Title I services
3. Proportionality
 - a. The assumption that the poverty rate is the same or similar between public schools and private schools
4. Correlated measure/Comparable data
 - a. Using an equated measure of low-income that can be correlated with the measure of low-income used to count public school students
 1. Example: An LEA uses FRL data, but those data are not available for private school students. However, if TANF data are available, the LEA could determine an equated measure of low-income students in private schools based on FRL data by correlating the two sets of data as follows: TANF in the public school is to FRL as TANF in private schools is to "X".

C. CALCULATING PROPORTIONATE SHARE

Once the LEA has determined the number of eligible private school children, the LEA would then calculate the amount of funds available for equitable services based on the proportionate

share. The LEA may reserve an amount that is reasonable and necessary to administer equitable services.

- The LEA determines this amount separately from the funds needed to administer the Title I program for students in public schools.
- The LEA should discuss administrative costs for implementing equitable services during consultation with appropriate private school officials.

Example 1. Determining the Amount of Title I Funds for Equitable Services

Public School Attendance Area	Number of Public School Low-Income Children	Number of Private School Low-Income Children	Total Number of Low-Income Children
A	500	120	620
B	300	9	309
C	200	6	206
D	350	15	364
TOTAL	1,350	150	1,500

Proportionate Share	90%	10%
Total Allocation*	\$900,000	\$100,000

*Out of \$1,000,000 total allocation

Family Engagement

ESEA §1116(a) (3) (A) requires an LEA to reserve and spend *at least* 1 percent of its Title I allocation to carry out required Title I parent and family engagement activities if the LEA's Title I allocation exceeds \$500,000. To determine the minimum amount it must spend on parent and family engagement activities, an LEA must calculate 1 percent of its total Title I allocation. The LEA then applies the proportionate share percentage for services to private school students to determine how much it must spend for parent and family engagement activities for the parents and families of eligible private school students. The LEA must then spend that amount from the proportion of its Title I allocation for equitable services for private school children.

D. DISTRIBUTING FUNDING

In consultation, the LEA and private school officials may choose one or both of the following options for using the funds reserved for instructional services for eligible private school children:

1. On a school-by-school basis: Provide equitable services to eligible children in each private school with the funds allocated for the children who reside in participating public school attendance areas and attend that private school.
2. Pooling option: Combine funds allocated for private school children in all participating areas to create a pool of funds from which the LEA provides equitable services to eligible private school students who are in the greatest educational need of those services and reside in participating public school attendance areas. If this option is selected, the LEA, in consultation with officials from the private schools, must establish criteria to determine the eligible private school students in greatest educational need who should receive services. Under this option, the services provided to eligible children attending a particular private school do not depend on the amount of funds allocated for children in that school.

LEA Control of Services- The LEA plans, designs, and implements the equitable services programs provided to eligible private school students and teachers. The LEA controls all funds, titles to materials, equipment and property purchased. The LEA may place equipment and supplies in a private school for the period of time needed for the program, and only for the program. The LEA is

required to remove the equipment and supplies from the private school if the LEA no longer needs these items to provide equitable services.

Carryover- Funds allocated to an LEA for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the LEA.

- **(NEW)** There may be extenuating circumstances in which an LEA is unable to obligate all funds within this timeframe.
 - Under these circumstances, funds may remain available for the provision of equitable services under the respective program during the subsequent school year.
 - The funds must be used on equitable services and should be added into the equitable services allocation for the next school year.

E. SUPPLEMENT NOT SUPPLANT

Title I services must be in addition to (supplement) and cannot replace (supplant) services that would be provided by private schools to their private school participants. School-wide programs are not allowable.

Questions to ask:

1. What materials, including books, do children use when they receive Title I services? Are these materials provided to non-Title I students?
2. How are Title I services supplemental?

SPECIFIC EQUITABLE SERVICES REQUIREMENTS UNDER TITLE II, PART A

The amount an LEA must reserve to provide equitable services for private school teachers and other educational personnel for Title II, Part A services is based on the LEA's total Title II, Part A allocation, less administrative costs. The LEA determines the amount of funds available for Title II, Part A equitable services for private school teachers and educational personnel by calculating, on a per-pupil basis, the amount available for all public and private school students enrolled in a participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency), taking into consideration the number and needs of the children, their teachers and other educational personnel to be served.

Example 2. Formula to Determine Amount for Title II, Part A Equitable Expenditures

A. Number of Students	
A1: LEA Enrollment	900
A2: Participating Private Schools Enrollment	100
A3: Total Enrollment = A1 + A2	1,000
B. Title II, Part A Allocation	
B1: Total LEA Allocation	\$1,000,000
B2: Administrative Costs (public and private programs)	\$50,000
B3: LEA Allocation Minus Admin Costs = B1 - B2	\$950,000
C. Per Pupil Rate	
C1: B3 divided by A3	\$950
D. Equitable Services	
Amount LEA must reserve for equitable services for private school teachers and other educational personnel = A2 x C1	\$95,000

Any use of Title II, Part A funds for the benefit of private school participants must:

- Be an allowable local use of Title II, Part A funds under the authorizing statute (*ESEA §2103(b) (3)*).

- Meet the specific needs of students enrolled in a private school, and not the school itself. In some instances, however, a program or activity that primarily benefits a private school's students (because it addresses specific, rather than general, needs of the students) will also incidentally benefit the school.
- Ensure the LEA responsible for providing equitable services retains control of the funds used to provide such services. In addition, equitable services must be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization. These employees, individuals, associations, agencies, or organizations must be independent of the private school and any religious organization and the employment or contract must be under the control and supervision of the public agency.

Title II, Part A funds may not be used to pay teacher salaries or to cover the costs of a substitute taking the place of a teacher attending a conference or workshop.

Using Title II, Part A funds for conferences and workshops is allowable and approvable if they are included as part of a larger strategy. Private school officials should be able to describe:

- How the conference or workshop is part of a sustained, job-embedded plan for professional learning
 - What additional activities/training/collaboration is taking place that builds on the learning gained from the conference or workshop attendance?
- The plan for delivering the content to other school staff so that the learning extends beyond those who attended
 - What method will your school use to spread the learning received at conferences and workshops?

SPECIFIC EQUITABLE SERVICES REQUIREMENTS UNDER TITLE IV, PART A

The amount an LEA must reserve to provide equitable services for private school teachers and other educational personnel for Title IV, Part A services is based on the LEA's total Title IV, Part A allocation, less administrative costs. The LEA determines the amount of funds available for Title IV, Part A equitable services by calculating, on a per-pupil basis, the amount available for all public and private school students enrolled in a participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency), taking into consideration the number and needs of the children, their teachers and other educational personnel to be served.

The equitable share of Title IVA funds for private school students is a proportionate share and is calculated in the same way in which Title IIA funds are calculated (see Example 2).

NEVADA DEPARTMENT OF EDUCATION CONTACTS FOR EQUITABLE SERVICES FOR PRIVATE SCHOOLS

Name	Title	Email	Phone
Melissa Schroeder, M.S.	Ombudsman & EPP for Private Schools	mschroeder@doe.nv.gov	702-486-8259
Gabrielle Pingue, Esq.	Education Programs Supervisor	gpingue@doe.nv.gov	702-668-4309
Dr. Seng-Dao Keo	Director, Office of Student and School Supports	skeo@doe.nv.gov	702-687-9145

APPENDIX A: SAMPLE CONSULTATION TIMELINE

Month	LEA Activity
October - November in preparation for the next school year	<ul style="list-style-type: none"> • Obtain complete list of all private schools with students who are residents of the LEA.
November -December in preparation for the next school year	<ul style="list-style-type: none"> • Obtain from principals or a central office serving a group of private schools the following poverty data (as appropriate) on private school students: • Same poverty measure used to count public school students, which is usually free and reduced-priced lunch; • Survey of private school parents asking for income data, address, and grade level of children from which the LEA must extrapolate these data; • Alternative poverty data such as scholarships, Temporary Aid to Needy Families, Medicaid, etc. • Match addresses of private school students from low-income families to participating public school attendance areas. • <p data-bbox="537 768 602 789">~or~</p> <ul style="list-style-type: none"> • Decide through consultation to use proportionality
January in preparation for the next school year	<ul style="list-style-type: none"> • Complete and submit intention to participate form and submit in ePage LEA Document Library by January 31st.
February-May in preparation for the next school year	<ul style="list-style-type: none"> • Determine the multiple, educationally related, objective criteria to be used to select eligible students (educationally needy students who reside in Title I attendance areas) in consultation with private school officials. • Obtain from private school officials lists of names, addresses, and grades of private school students who meet the criteria. • From these lists, select for Title I services, those students most at-risk of failing, as decided in consultation. • Discuss with private school officials the needs of selected students, appropriate Title I services to serve those needs, and location of services. • Design services that meet participants' needs based on consultation, using the estimated amount of funds generated by private school students from low-income families, and the equitable share of funds reserved for districtwide instructional activities. • Determine with private school officials the standards and annual assessments for measuring progress of the Title I program. • Define annual progress. Determine criteria for making program modifications when annual progress is not achieved. • Assess the achievement of current year's program using the standards previously agreed upon last year. • After appropriate consultation, make modifications to next year's Title I program, if annual progress has not been met. • Complete and submit the Affirmation of Consultation form in the ePage LEA Document Library by May 15th.

APPENDIX A: SAMPLE CONSULTATION TIMELINE

Month	LEA Activity
February-May in preparation for the next school year	<ul style="list-style-type: none"> • Determine in consultation with private school officials the professional development and parent involvement needs of private school teachers and families of private school participants. • Design activities that LEA will implement the next school year (independently or in conjunction with LEA activities) for teachers and families of participants. • Inform private school officials of tentative program designs, service delivery models, number of Title I participants, allocations, location of services, and estimated costs. Provide opportunities for private school officials to comment. • Update private school officials if there are any changes. Generate a list of students who will receive Title I services beginning in September of the next school year. • Obtain written affirmation from private school officials or their representatives that timely and meaningful consultation has occurred. Consultation must be ongoing, however, and should continue throughout the school year. • Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc. Consultation should be completed for the next school year prior to LEA submitting its Title I CIP Budget Narrative to the SEA.
August in preparation for the beginning of school year	<ul style="list-style-type: none"> • Report on readiness of Title I program for private school participants to private school officials.
August/September of school year	<ul style="list-style-type: none"> • LEA begins services for students identified the previous spring as participants and provides private school officials with their names, services to be provided, and names of Title I teachers. • Obtain a list of newly enrolled students who meet eligibility criteria. Consult with private school officials on how new students might be accommodated in the program. • Initiate professional development and parent involvement activities based on previous spring's consultation.
October of school year	<ul style="list-style-type: none"> • LEA provides information about possible adjustments and program changes to private school officials. • Start planning for the next school year's consultation cycle.

APPENDIX B: INITIAL CONSULTATION FORM SAMPLE**Private School Initial Consultation and Notification of Intent for 2019-2020 Provision of Services
Affirmation of Initial Consultation and Intent Notification**

Local Education Agency (LEA): _____

LEA Federal Program Official(s): _____

Private School Name: _____

Address: _____ City: _____ State: _____ Zip: _____

Telephone: _____ Email: _____

Private School Official: _____

Federal program(s) offering services to private schools (Place an "X" in each box next to the program where the private school listed above intends to consult with the LEA on possible services):

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

(Title IA- Improving basic programs operated by LEAs) (Title IIA- Supporting effective instruction) (Title IIIA- English language acquisition, language enhancement, and academic achievement) (Title IC-Education of migratory children) (Title IVA-Student support and academic enrichment) (Title IVB- 21st Century Community Learning Centers)

Directions

Both School Officials (private and public) must initial under either YES or NO for each statement. School Officials must also sign and date this document, which must then be scanned and uploaded by the LEA in the Equitable Services for Private Schools tab in the LEA Document Library in ePAGE no later than January 31st.

Affirmation of Initial Consultation and Intent Notification**Part 2: Notification of Intent to Participate in 2019-2020 Services**

The private school intends to continue consultation and participate in 20xx-20xx equitable services. It is the responsibility of the LEA to design, develop, and implement the services provided to the private school students & teachers after ongoing consultation with the private school.

Yes No

Signature of Private School Official _____

Printed Name and Title of Private School Official _____

Date _____

Signature of Public School District Official _____

Printed Name and Title of Public School Official _____

Date _____

APPENDIX C: AFFIRMATION FORM SAMPLE

2019-2020 Private School Title I, Part A Final Equitable Services Plan

The Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA), requires that timely and meaningful consultation occur between the Local Education Agency and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in equitable services programs. Consultation shall continue throughout the implementation and assessment of activities.

Per ESSA § 1117 and 8501, the district and private school shall consult and both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. The results of this agreement-the district's Final Equitable Services Plan- for the individual private school shall be transmitted to the State Ombudsman for each ESSA program in which the private school intends to participate. A dispute resolution procedure is available to resolve any disagreements. The private school may file a complaint form with the State Ombudsman. The district must upload the Final Equitable Services Plan to the LEA Document Library section titled 'Private School Equitable Services' in ePAGE under the Equitable Services for Private Schools tab in the LEA Document Library by May 15th.

General Information

School District	Private School
District Name:	Private School Name:
Address:	Address:
Representative:	Representative:
Phone:	Phone:
Email:	Email:

Equitable Services: Title I, Part A Proportionate Share

Number of public school low-income children in Title I schools	Number of private school low-income children residing in Title I attendance zones	Percentage used to determine proportionate share
#	#	%

Private School Allocation

Allocation Components	Fund Amounts
Total Title I, Part A allocation	\$
Proportionate share of Title I funds available to provide equitable services	\$
School district administrative set-aside (optional)	\$
Indirect Cost	\$
Total Private School set-aside	\$

Consultation

Meaningful consultation has taken place between the local education agency and private school official to design and develop the program services and benefits provided. Records of meetings such as agenda and sign-in sheets must be kept on file at the district and be made available upon request.

- a) List the dates of meetings:

Selected Title I, Part A Services

Select the options agreed upon for Title I, Part A services following consultation.

- | | |
|---|---|
| <input type="checkbox"/> Direct teacher services in private school | <input type="checkbox"/> Weekend school program |
| <input type="checkbox"/> Direct teacher services in district building | <input type="checkbox"/> Extended day |
| <input type="checkbox"/> Direct teacher services at neutral site | <input type="checkbox"/> Summer school program |
| <input type="checkbox"/> Services through a third-party contractor | <input type="checkbox"/> Professional development |
| <input type="checkbox"/> Services through district staff | <input type="checkbox"/> Materials/supplies and equipment |
| <input type="checkbox"/> Other, explain: | |

- a) Describe the educational criteria used to select eligible private school children:
- b) Describe how academic services will be evaluated and how evaluation results will be used to improve services:
- c) Describe how the parent program activities involve private school parents:
- d) Indicate whether single services will be provided or whether a pooling plan will be in place:
- e) If a pooling plan will be used involving multiple private schools, describe:
- f) Will funds from other (non-Title I-A) ESSA programs for which the private school receives equitable services be “consolidated and coordinated” with the Title I-A funds to essentially target the Title I-A service recipients and their teachers exclusively with all available equitable services? If yes, describe below. Remember to use a separate plan for form for each ESSA program involved.

The foregoing plan is hereby certified by the undersigned district representative as true and correct:

District Representative Title:

District Representative Name:

District Representative Signature & Date:

The following page is the final page of this plan and serves as the required Private School Affirmation of Consultation and Agreement. It must be completed by the private school representative after his/her review of the finalized plan.

Instructions:

The following Private School's Written Affirmation of Consultation and Agreement form must be conveyed to the private school with the Final Equitable Services Plan and is thus included as the final page of the plan. After reviewing the finalized plan, the private school representative must return the marked and signed form to the district. The district then forwards the plan and written affirmation to the State Ombudsman via upload to ePage. A separate written affirmation form will accompany each plan form if the district is providing equitable services for multiple ESSA programs.

Private School's Written Affirmation of Consultation & Agreement

This portion is to be completed by the private school representative after receipt and review of the school district's Final Equitable Services Plan for the indicated ESSA program for school year 2019-2020. **The foregoing Final Equitable Services Plan deals only with Title I, Part A.**

The private school, through its representative, hereby *affirms* that timely and meaningful consultation occurred, and the program design represented in the district's Final Equitable Services Plan appears equitable.

or

The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services *did not occur*.

If the private school declares disagreement, the private school representative must complete and submit a complaint form to the State Ombudsman.

Private School Representative Name:

Private School Name:

Private School Representative Signature & Date:

2019-2020 Private School Title II, Part A Final Equitable Services Plan

The Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA), requires that timely and meaningful consultation occur between the Local Education Agency and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in equitable services programs. Consultation shall continue throughout the implementation and assessment of activities.

Per ESSA § 1117 and 8501, the district and private school shall consult and both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. The results of this agreement-the district's Final Equitable Services Plan- for the individual private school shall be transmitted to the State Ombudsman for each ESSA program in which the private school intends to participate. A dispute resolution procedure is available to resolve any disagreements. The private school may file a complaint form with the State Ombudsman. The district must upload the Final Equitable Services Plan to the LEA Document Library Private Schools section in ePAGE by May 15th.

General Information

School District	Private School
District Name:	Private School Name:
Address:	Address:
Representative:	Representative:
Phone:	Phone:
Email:	Email:

Allocation Components	Fund Amounts
Total Title II, Part A allocation	\$
Total Number of Private School Students	#
Determined per Pupil Rate	\$
School district administrative set-aside (optional)	\$
Indirect Cost	\$
Total Private School set-aside	\$

Consultation

Meaningful consultation has taken place between the local education agency and private school official to design and develop the program services and benefits provided. Records of meetings such as agenda and sign-in sheets must be kept on file at the district and be made available upon request.

- g) List the dates of meetings:

Selected Title II, Part A Services

Select the options agreed upon for Title II, Part A services following consultation.

- | | |
|--|---|
| <input type="checkbox"/> Content-specific professional development | <input type="checkbox"/> Coursework |
| <input type="checkbox"/> Instructional teaching strategies | <input type="checkbox"/> On-site workshops; conferences |
| <input type="checkbox"/> Classroom management/improving behavior | <input type="checkbox"/> Off-site workshops; conferences |
| <input type="checkbox"/> Differentiation strategies | <input type="checkbox"/> Virtual courses/professional development |
| <input type="checkbox"/> Instructional leadership | <input type="checkbox"/> Onsite coaching/mentoring |
| <input type="checkbox"/> Other, explain: | |

- a) Describe criteria used to select professional development for private school staff:
- b) Describe how professional development will be evaluated (data source) and how evaluation results will be used to improve services :
- c) If conferences are a selected service, describe any additional activities/training/collaboration that will take place that builds on the learning gained from the conference or workshop attendance:
- d) Indicate whether single services will be provided or whether a pooling plan will be in place:
- e) If a pooling plan will be used involving multiple private schools, describe:

The foregoing plan is hereby certified by the undersigned district representative as true and correct:

District Representative Title:

District Representative Name:

District Representative Signature & Date:

The following page is the final page of this plan and serves as the required Private School Affirmation of Consultation and Agreement. It must be completed by the private school representative after his/her review of the finalized plan.

Instructions:

The following Private School's Written Affirmation of Consultation and Agreement form must be conveyed to the private school with the Final Equitable Services Plan and is thus included as the final page of the plan. After reviewing the finalized plan, the private school representative must return the marked and signed form to the district. The district then forwards the plan and written affirmation to the State Ombudsman via upload to ePage. A separate written affirmation form will accompany each plan form if the district is providing equitable services for multiple ESSA programs.

Private School's Written Affirmation of Consultation & Agreement

This portion is to be completed by the private school representative after receipt and review of the school district's Final Equitable Services Plan for the indicated ESSA program for school year 2019-2020. **The foregoing Final Equitable Services Plan deals only with Title II, Part A.**

The private school, through its representative, hereby *affirms* that timely and meaningful consultation occurred, and the program design represented in the district's Final Equitable Services Plan appears equitable.

or

The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services *did not occur*.

If the private school declares disagreement, the private school representative must complete and submit a complaint form to the State Ombudsman.

Private School Representative Name:

Private School Name:

Private School Representative Signature & Date:

2019-2020 Private School Title III, Part A Final Equitable Services Plan

The Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA), requires that timely and meaningful consultation occur between the Local Education Agency and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in equitable services programs. Consultation shall continue throughout the implementation and assessment of activities.

Per ESSA § 1117 and 8501, the district and private school shall consult and both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. The results of this agreement-the district's Final Equitable Services Plan- for the individual private school shall be transmitted to the State Ombudsman for each ESSA program in which the private school intends to participate. A dispute resolution procedure is available to resolve any disagreements. The private school may file a complaint form with the State Ombudsman. The district must upload the Final Equitable Services Plan to the LEA Document Library Private Schools section in ePAGE by May 15th.

General Information

School District	Private School
District Name:	Private School Name:
Address:	Address:
Representative:	Representative:
Phone:	Phone:
Email:	Email:

Private School Allocation

Allocation Components	Fund Amounts
Proposed set-aside to support English Learners (ELs)	\$
Private school English Learner enrollment	#
Estimated value of services form 2019-2020 allocation	\$

Consultation

Meaningful consultation has taken place between the local education agency and private school official to design and develop the program services and benefits provided. Records of meetings such as agenda and sign-in sheets must be kept on file at the district and be made available upon request.

- a) List the dates of meetings:

b) Selected Title III, Part A Services

Select the options agreed upon for Title II, Part A services following consultation.

- | | |
|--|---|
| <input type="checkbox"/> Initial identification of ELs | <input type="checkbox"/> Online language programs for ELs |
| <input type="checkbox"/> Assessment of English Language proficiency | <input type="checkbox"/> Materials to support English acquisition |
| <input type="checkbox"/> Professional development to meet EL needs | <input type="checkbox"/> Off-site workshops; conferences |
| <input type="checkbox"/> EL services to eligible private school students | <input type="checkbox"/> Virtual courses/professional development |
| <input type="checkbox"/> Instructional leadership | <input type="checkbox"/> Onsite coaching/mentoring |
| <input type="checkbox"/> Other, explain: | |

- a) Describe criteria used to support private school English Learners:
- b) If a subset of students will receive these services, describe how these students are identified:
- c) Identify whether services will be provided by district personnel, third-party contractor, or otherwise.
If a third-party contractor is selected, please list who it is:
- d) Indicate whether single services will be provided or whether a pooling plan will be in place:
- e) If a pooling plan will be used involving multiple private schools, describe:

The foregoing plan is hereby certified by the undersigned district representative as true and correct:

District Representative Title:

District Representative Name:

District Representative Signature & Date:

The following page is the final page of this plan and serves as the required Private School Affirmation of Consultation and Agreement. It must be completed by the private school representative after his/her review of the finalized plan.

2019-2020 Private School Title III, Part A Final Equitable Services Plan

Instructions:

The following Private School's Written Affirmation of Consultation and Agreement form must be conveyed to the private school with the Final Equitable Services Plan and is thus included as the final page of the plan. After reviewing the finalized plan, the private school representative must return the marked and signed form to the district. The district then forwards the plan and written affirmation to the State Ombudsman via upload to ePage. A separate written affirmation form will accompany each plan form if the district is providing equitable services for multiple ESSA programs.

Private School's Written Affirmation of Consultation & Agreement

This portion is to be completed by the private school representative after receipt and review of the school district's Final Equitable Services Plan for the indicated ESSA program for school year 2019-2020. **The foregoing Final Equitable Services Plan deals only with Title III, Part A.**

The private school, through its representative, hereby *affirms* that timely and meaningful consultation occurred, and the program design represented in the district's Final Equitable Services Plan appears equitable.

or

The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services *did not occur*.

If the private school declares disagreement, the private school representative must complete and submit a complaint form to the State Ombudsman.

Private School Representative Name:

Private School Name:

Private School Representative Signature & Date:

2019-2020 Private School Title IV, Part A Final Equitable Services Plan

The Elementary and Secondary Education Act (ESEA) as amended by the Every Student Succeeds Act (ESSA), requires that timely and meaningful consultation occur between the Local Education Agency and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in equitable services programs. Consultation shall continue throughout the implementation and assessment of activities.

Per ESSA § 1117 and 8501, the district and private school shall consult and both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. The results of this agreement-the district's Final Equitable Services Plan- for the individual private school shall be transmitted to the State Ombudsman for each ESSA program in which the private school intends to participate. A dispute resolution procedure is available to resolve any disagreements. The private school may file a complaint form with the State Ombudsman. The district must upload the Final Equitable Services Plan to the LEA Document Library Private School section in ePAGE by May 15th.

General Information

School District	Private School
District Name:	Private School Name:
Address:	Address:
Representative:	Representative:
Phone:	Phone:
Email:	Email:

Private School Allocation

Allocation Components	Fund Amounts
Total value of services for public schools from 2019-2020 allocation	\$
Value of services for participating private schools from 2019-2020 allocation	\$
Estimated value of services from 2019-2020 allocation	\$

Consultation

Meaningful consultation has taken place between the local education agency and private school official to design and develop the program services and benefits provided. Records of meetings such as agenda and sign-in sheets must be kept on file at the district and be made available upon request.

List the dates of meetings:

3. Selected Title IV, Part A Services

Select the options agreed upon for Title II, Part A services following consultation.

Activities to support well-rounded educational opportunities for students

- | | |
|--|---|
| <input type="checkbox"/> STEM program | <input type="checkbox"/> Foreign language offerings |
| <input type="checkbox"/> Music and art program | <input type="checkbox"/> Credits from institutions of higher learning |
| <input type="checkbox"/> Cost of accelerated learning examination fees | <input type="checkbox"/> Environmental education |
| <input type="checkbox"/> Volunteer/Community service programs | <input type="checkbox"/> Other, describe: |

Activities to support safe and healthy students

- | | |
|---|--|
| <input type="checkbox"/> School-based mental health services | <input type="checkbox"/> Physical education activities |
| <input type="checkbox"/> Drug and violence prevention activities | <input type="checkbox"/> Prevention of teen violence, stalking, and domestic abuse |
| <input type="checkbox"/> Nutritional education | <input type="checkbox"/> Improving school dropout and reentry programs |
| <input type="checkbox"/> Bullying and harassment prevention | <input type="checkbox"/> Other, describe |
| <input type="checkbox"/> Integrating health and safety practices into school programs | |

Activities to improve the use of educational technology

- Building technological capacity and infrastructure
- Support students in rural, remote, and underserved areas with high-quality digital learning experiences
- Developing effective academic courses through technology
- Providing educators, school leaders, and administrators with the professional digital learning tools
- Other, describe:

- a) What needs have been identified by the private school?:
- b) If a subset of students will receive these services, describe how these students are identified:
- c) Identify whether services will be provided by district personnel, third-party contractor, or otherwise.
If a third-party contractor is selected, please list who it is:
- d) Indicate whether single services will be provided or whether a pooling plan will be in place:
- e) If a pooling plan will be used involving multiple private schools, describe:

The foregoing plan is hereby certified by the undersigned district representative as true and correct:

District Representative Title:

District Representative Name:

District Representative Signature & Date:

The following page is the final page of this plan and serves as the required Private School Affirmation of Consultation and Agreement. It must be completed by the private school representative after his/her review of the finalized plan.

2019-2020 Private School Title IV, Part A Final Equitable Services Plan

Instructions:

The following Private School's Written Affirmation of Consultation and Agreement form must be conveyed to the private school with the Final Equitable Services Plan and is thus included as the final page of the plan. After reviewing the finalized plan, the private school representative must return the marked and signed form to the district. The district then forwards the plan and written affirmation to the State Ombudsman via upload to ePage. A separate written affirmation form will accompany each plan form if the district is providing equitable services for multiple ESSA programs.

Private School's Written Affirmation of Consultation & Agreement

This portion is to be completed by the private school representative after receipt and review of the school district's Final Equitable Services Plan for the indicated ESSA program for school year 2019-2020. **The foregoing Final Equitable Services Plan deals only with Title IV, Part A.**

The private school, through its representative, hereby *affirms* that timely and meaningful consultation occurred, and the program design represented in the district's Final Equitable Services Plan appears equitable.

or

The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services *did not occur*.

If the private school declares disagreement, the private school representative must complete and submit a complaint form to the State Ombudsman.

Private School Representative Name:

Private School Name:

Private School Representative Signature & Date:

APPENDIX D: COMPLAINT FORM SAMPLE

Complaint Form for Equitable Services for Federal Programs Covered under ESSA and Title VIII to Private School Students and Teachers

This form must be signed and submitted to the Nevada Department of Education, and a copy provided to the LEA. In lieu of mailing, you may submit this completed form via email to:

Melissa Schroeder,
Ombudsman
mschroeder@doe.nv.gov

Complaint Process for Participation of Private School Children-Time Limit

The timeframe that an SEA has for responding to a complaint from parents, teachers, or other individuals concerning violations of ESEA section 8501 regarding the participation by private school children and teachers is 45 days. In addition, the Secretary must investigate and resolve an appeal of an SEA's resolution of a complaint within 90 days. (*ESEA section 8503*)

Consultation

The topics subject to consultation have been expanded to include the following:

- How the proportion of funds allocated for equitable services is determined.
- Whether the LEA will provide services directly or through a separate government agency, consortium, entity, or third-party contractor.
- Whether to provide equitable services to eligible private school children by pooling funds or on a school-by-school basis.
- When, including the approximate time of day, services will be provided.
- Whether to consolidate and use funds available for Title I equitable services in coordination with eligible funds available for equitable services under programs covered under section 8501(b) to provide services to eligible private school children in participating programs.
- The written affirmation that consultation has occurred must provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children.

(ESEA section 1117(b) (1).)

**Complaint Form for Equitable Services for Federal Programs Covered under ESSA and Title VIII to
Private School Students and Teachers**

1. Name of person filing complaint:
2. Title/position of person filling out complaint:
3. Name of private school:
4. Street address of private school:
5. Email:
6. Phone number:
7. Name of Local Educational Agency (LEA) this claim is against:
8. Street address of the LEA:
9. Contact name (LEA):
10. Email (LEA):
11. Phone number (LEA):

Title I and VIII programs (ESEA section 1117 and 8501):

- Title I, Part A-Improving basic programs operated by LEAs
- Title I, Part C- Education of migratory children
- Title II, Part A- Supporting effective instruction state grants
- Title III, Part A- English language acquisition, language enhancement, and academic achievement
- Title IV, Part A- Student support and academic enrichment grants
- Title VI, Part B- 21st Century Community LearningCenters

What federal or regulatory requirements that apply to equitable services do you feel have been violated? (Please attach any supporting documentation.)

Private School Representative Signature & Date:

APPENDIX E: PROGRAM DESCRIPTIONS

Title I, Part A – *Improving Basic Programs Operated by LEAs*

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are from low-income families and failing or most at risk of failing to meet high academic standards and who live in participating public school attendance areas.

Examples of allowable services:

- Special education services
- Instructional services (including evaluations to determine the progress in meeting such students' academic needs)
- Counseling or mentoring
- One-on-one tutoring

Title I, Part C – *Education of Migratory Children*

Title I, Part C supports high-quality educational programs and services during the school year and, as applicable, during summer or intersession periods that address the unique needs of migratory children. Additionally, the program ensures that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and challenging academic standards.

Moreover, these services ensure that migratory children receive full and appropriate opportunities to meet the same challenging academic state standards that all children are expected to meet. Finally these services help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to succeed in school. The appropriate benefits, services, and materials provided will be determined with the LEA during consultation with the non-public / private school.

Examples of allowable services:

- Tutoring
- Support services such as advocacy for migrant children; health, nutrition, and social services for migrant families; necessary educational supplies

Title II, Part A – *Supporting Effective Instruction*

The purpose of Title II, Part A is to increase student achievement consistent with the challenging State academic standards; improve the quality and effectiveness of teachers, principals, and other school leaders; increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and provide low-income and minority students greater access to effective teachers, principals, and other school leaders. Non-public / private school teachers, principals and other educational personnel are eligible to participate in professional development activities.

Services are based on the district's total Title II, Part A, allocated funds, less administrative cost and calculated on a per-pupil basis. Allowable services include those that are an integral part of school and strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with effective instructional teaching strategies; technology integration training; teaching students with different learning styles; using assessments to improve instruction and student outcomes; involving parents more effectively; and educational leadership development. The appropriate benefits, services,

and materials provided will be determined with the LEA during consultation

Title III, Part A – *English Language Acquisition, Language Enhancement, and Academic Achievement*

Title III, Part A provides for supplemental services that improves the English language proficiency and academic achievement of English learners (ELs). The appropriate benefits, services, and materials provided will be determined with the LEA during consultation with the non-public / private school.

Examples of allowable services under Title III, Part A are:

- Tutoring for ELs before, during, or after school hours
- Professional development for private school teachers of ELs
- Administration of an ELP assessment for identification of ELs and/or for the purpose of evaluating the effectiveness of services

Title IV, Part A – *Student Support and Academic Enrichment Grants*

The purpose of Title IV, Part A is to improve students' achievement by increasing the capacity of states and LEAs to provide opportunities for students to access a well-rounded education; improve school conditions for student learning; and improve the use of technology in order to improve the academic achievement and digital literacy of all students. The appropriate benefits, services, and materials provided will be determined with the LEA during consultation with the non-public / private school.

Title IV, Part B – *21st Century Community Learning Centers**

Title IV, Part B provides opportunities for children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet challenging state academic standards in a well-rounded education. The purpose of this program is to establish or expand community learning centers that provide students with academic enrichment opportunities along with activities designed to complement the students' regular academic program. Activities may include youth development activities, service learning, nutrition and health education, drug and violence prevention programs, counseling programs, arts, music, physical fitness and wellness programs, technology education programs, financial literacy programs, environmental literacy programs, mathematics, science, career and technical programs, internship or apprenticeship programs, and other ties to an in-demand industry sector or occupation for high school students that are designed to reinforce and complement the regular academic program of participating students.

APPENDIX F: ADDITIONAL RESOURCES

[Every Student Succeeds Act \(ESSA\) Laws and Guidance](#)

[Ensuring Equitable Services to Private School Children](#)

[Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements](#)

[Private Schools and the Every Student Succeeds Act](#)