

ARKANSAS DEPARTMENT OF EDUCATION
Affirmation of Consultation with Private School Officials
Information Sheet

Equitable Services under ESSA

The written affirmation is a tool that guides the timely and meaningful consultation between Local Education Agencies (LEAs) and private schools to ensure equitable services for private school children, teachers, and other educational personnel. The goal of the consultation process is agreement between the LEA and private schools. LEA officials must take into consideration the private school officials' views on how to serve students and the design of the program. Consultation includes meetings with private school officials before the LEA makes any decisions that affect the opportunities available to private schools choosing to participate in federal programs. Such meetings will continue throughout the implementation of the program and will include an assessment of the services provided.

If an LEA disagrees with the views of private school officials with respect to any topic subject to consultation, the LEA must provide the reasons why the LEA disagrees in writing to such private school officials. The final decision rests with the LEA.

USED ESSA Equitable Services Non-Regulatory Guidance:

[Title I Equitable Services Non-Regulatory Guidance](#)

[Title VIII Equitable Services Non-Regulatory Guidance](#)

For more information, please contact: Elizabeth.Gomez@ade.arkansas.gov or 501-682-5295

Discuss the following topics during the initial and ongoing consultation:

- ✓ Identification of children's needs.
- ✓ What services will be offered. Services including materials and equipment must be secular, neutral, and non-ideological.
- ✓ How, where, and by whom the services will be provided.
- ✓ How services are assessed and how the results of the assessment will be used to improve those services.
- ✓ The size and scope of the equitable services provided to eligible private school children, teachers, and other educational personnel.
- ✓ The proportionate share of funding allocated for services and how the funding allocated is determined.
- ✓ How and when decisions about delivery of services will be made and how the private school will be notified of those decisions.
- ✓ Whether services shall be provided by the school district directly or through a separate government agency, consortium, or entity, or through a third-party contractor.
- ✓ Whether to provide equitable services to eligible private school children by pooling funds allocated for the program's purpose.
- ✓ Administrative costs of providing equitable services.
- ✓ Indirect costs.
- ✓ Services and activities for teachers of participating private school students.
- ✓ Family engagement activities for families of participating students or students receiving Title services.
- ✓ Any funds available for carryover.
- ✓ Transfer of funds from one program to another and implications for private schools.

For Title I, Part A, discuss these additional topics:

- ✓ Methods or data sources will be used to determine the number of children from low-income families attending private schools in participating school attendance areas.
- ✓ If the LEA disagrees with the views of the private school officials on the provision of services through a contractor, the LEA will provide an analysis of the reasons for the decision in writing to the private school officials.
- ✓ When services will be provided (including the approximate time of day).
- ✓ Whether to coordinate and use Title I funds for equitable services with other applicable Title programs.

ESSA Title Program Descriptions

Title I, Part A: Educational Assistance to At-Risk Students

Title I, Part A, provides supplemental educational services for eligible private school students in need of instructional support who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards. The funding formula is based on the number of students identified as low-income. Eligible private school students must live in the Title I participating public school attendance area.

Title I, Part C: Education of Migratory Children

Title I, Part C supports educational programs and services that address the unique needs of migratory children (the children of migrant agricultural/fishery workers). Supplemental instructional services are designed for eligible students who are most at risk due to their high mobility and/or limited proficiency in English. Services are based on the migratory status of eligible students and are only available from the district or co-op in which the private school is located.

Title II, Part A: Professional Development/Supporting Effective Instruction

The goal of the Title II, Part A program is to provide assistance for preparing, training, recruiting, and retaining high-quality teachers, principals, and other school leaders. Funds are made available to improve teaching and student learning, addressing specific student needs. Activities include the provision of sustained and intensive evidence-based professional development that can help students achieve high academic standards. The funding formula is based on K-12 private school student enrollment data. Funds are only available from the district in which the private school is located.

Title III, Part A: Language Instruction for English Learners and Immigrant Students

The Language Instruction for English Learners (EL) and Immigrant Students program provides funds to help EL students attain English proficiency and meet the same challenging State academic standards required of all students. Supplemental educational services for eligible private school students who are identified as English Learners may be provided. Qualification criteria will be discussed during consultation. Funds may also be used to provide professional development to teachers of English Learners. The funding formula is based on K-12 private school EL student data. The school district must have qualified for this grant.

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

The Title IV, Part A, program is intended to increase the capacity of local educational agencies, schools, and local communities to provide all students with access to a well-rounded education, improve school conditions for student learning, and enhance the use of technology in order to improve the academic achievement and digital literacy of all students. The funding formula is based on K-12 private school student enrollment data. Funds are only available from the district in which the private school is located.

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

The 21st CCLC program is a competitive program that supports the creation of community learning centers that will provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools. The program helps students meet state and local standards in core academic

subjects, such as reading and mathematics; offers students a broad array of enrichment activities that can complement their regular academic programs; and offers literacy and other educational services to the families of participating children. The school district must have qualified for this grant and the private school must be located within the public school attendance area.

Equitable Services under IDEA

OSEP requires that timely, meaningful, and ongoing consultation occur with private schools (including homeschools) within the LEA's boundaries and shall continue throughout the implementation and assessment of activities. The consultation must be between the local education agency (LEA), private school officials, and representatives of parents of parentally-placed private school children. Consultation must occur prior to any decision being made regarding the equitable participation of eligible private school children with disabilities in Federally-funded special education and related services.

The written affirmation is a tool that guides the ongoing consultation process. The goal of the ongoing consultation process is agreement between the LEA and private schools. LEA officials must take into consideration the private school officials' views for how to serve students and the design of the program. A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation.

If an LEA disagrees with the views of private school officials with respect to any topic subject to consultation, the LEA must provide in writing to such private school officials the reasons why the LEA disagrees. The final decision rests with the LEA.

USED IDEA Non-Regulatory Guidance:

[OSEP Questions and Answers on Serving Children with Disabilities Placed by Their Parents in Private Schools](#)

For more information, please contact: Yvonne.greene@ade.arkansas.gov or 501-682-4221
Josh.hart@ade.arkansas.gov or 501-682-4223

Discuss the following topics during the initial and ongoing consultation process:

- ✓ The child find process and how parentally-placed private school children suspected of having a disability can participate equitably, including how parents, teachers, and private school officials will be informed of the process.
- ✓ The determination of the proportionate share of Federal funds available to serve parentally-placed private school children with disabilities,
 - o including the determination of how the proportionate share of those funds was calculated;
- ✓ How the consultation process among representatives of the agency, the private schools, and the parents of parentally-placed private school children will take place, including:
 - o how the process will operate throughout the school year to ensure that parentally-placed private school children with disabilities identified through the child find process can meaningfully participate in special education and related services;
- ✓ How, where, and by whom special education and related services will be provided, including:
 - o a discussion of types of services, including direct services and alternate service-delivery mechanisms,
 - o how the services will be apportioned if funds are insufficient to serve all children; and
 - o how and when decisions regarding services will be made;
- ✓ How, if LEA representatives disagree with the views of the private school officials on the provision of services or the types of services whether provided directly or through a contract, the LEA will provide to the private

school officials a written explanation of the reasons why the LEA chose not to adopt the recommendations of the private school officials. See 34 C.F.R. § 300.134(a)–(e).

IDEA Program Description

IDEA: Special Education Services

The Individuals with Disabilities Education Act (IDEA) requires that an LEA spend a proportionate amount of its IDEA Part B funds to provide equitable services to this group of children, which could include direct and/or indirect services. Eligible private school students must attend a private school within the public school's attendance area.