Equitable Services to Non-public Schools



**FAQs**

**Question: What does the LEA need to submit to the non- public school ombudsman?**

A completed consultation form that includes the results of the consultation. This form must be uploaded to the LEA’s Consolidated Application no later than May 31st each year.

**Question: May an LEA reserve funds off the top of its Title I allocation before it allocates funds for equitable services?**

No. An LEA must determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds. This includes all reservations previously taken “off the top” of an LEA’s Title I, Part A allocation, including reservations for administration, parental involvement, and district-wide initiatives.

**Question: Who should I contact for more information about the requirements regarding the provision of equitable services to students attending a non- public school?**

For more information, please contact the Ombudsman for Equitable Services, Christina Adeboye Sullivan (adeboye- [sullivan\_c@cde.state.co.us](mailto:sullivan_c@cde.state.co.us)).

[**For more answers to FAQs,**](http://www.cde.state.co.us/fedprograms/equitableservicescolorado)[**please visit the Equitable**](http://www.cde.state.co.us/fedprograms/equitableservicescolorado)[**Services to non-public Schools**](http://www.cde.state.co.us/fedprograms/equitableservicescolorado)[**webpage.**](http://www.cde.state.co.us/fedprograms/equitableservicescolorado)

**Annual Consultation Form**

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# Goal of Consultation

**The goal of consultation is agreement between the LEA and appropriate non-public school officials on how to provide equitable and effective programs for eligible non- public school children.** The “goal of reaching agreement” between an LEA and appropriate non-public school officials is grounded in timely, meaningful, and open communication between the LEA and the non-public school officials on key issues that are relevant to the equitable participation of eligible non-public school students, teachers and other education personnel, and families in ESEA programs.

## Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible non-public school students, teachers and other education personnel, and families. This assumes that the LEA has not made any decisions that will impact the participation of non-public school students and teachers in applicable programs prior to consultation or established a blanket rule that precludes non-public school students and teachers from receiving certain services authorized under applicable programs. An LEA must consult with non-public school officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making.

Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible students and teachers.

**Note: Consultation forms must be submitted to the Ombudsman via the online Consolidated Application system for Equitable Services to non-public Schools after timely and meaningful consultation. LEAs must submit a consultation form for every non-public school, regardless of whether the school chooses to participate. If the non- public school elects not to participate in the ESSA programs, select the appropriate option as provided below.**

**Contact Information**

LEA:

LEA Representative:

Phone/Email(s):

Non-Public School:

Address:

School Code:

School Administrator:

Phone/Email(s):

**Dates of Consultation**

List the date that the initial invitation was sent to the non-public school. Add the date that consultation occurred between the LEA and the non-public school or, if consultation did not occur, indicate the dates on which the LEA attempted to contact the non-public school to provide a timely and meaningful consultation.

Initial invitation sent to non-public school: Date of Consultation:

**If the LEA was unable to conduct a meaningful consultation, complete the Signature section and leave the remaining sections blank.**

* If the non-public school did not respond to initial invitation, list the dates additional attempts were made to consult with the non-public school. (If the LEA was unable to conduct a meaningful consultation sign the last page and do not complete the remaining sections.)

Additional date(s) of consultation:

**Program Participation**

Select the ESEA program(s) below to indicate the programs in which the non-public school intends to participate.

* Title I, Part A – Improving the Academic Achievement of the Disadvantaged
* Title I, Part C – Education of Migratory Children
* Title II, Part A – Supporting Effective Instruction
* Title III, Part A – English Language Acquisition and Language Enhancement
* Title III, Part A - Immigrant Set-Aside - Agencies Experiencing Substantial Increases in Immigrant Children and Youth
* Title IV, Part A – Student Support and Academic Enrichment Grants
* Title IV, Part B – 21st Century Community Learning Centers

**Topics for Discussion**

## CROSS PROGRAM

* LEA Administration reservation
* Services to be offered, including the allowable use of funds under each participating program
* Service delivery mechanisms the LEA will use to provide equitable services to eligible non-public school children
* How, where, and by whom the services will be provided
* When, including the approximate time of day, the services will be provided
* Size and scope of equitable services provided to eligible non-public school children, teachers, and other educational personnel
* How and when decisions about the delivery of services will be made
* Thorough consideration and analysis of the view of non-public school officials regarding third-party contractor and written explanation by the LEA if the LEA disagrees with the use of a third-party contractor
* Whether services will be provided directly by the LEA or through a separate agency, consortium, entity, or third-party contractor
* Whether equitable services will be provided by creating a pool(s) of funds or on a school-by-school basis
* Whether to coordinate funds under Title I, Part A with eligible funds under other federal programs, including: Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and, Title IV, Part B, through consolidation of the available funds
* LEA Fiscal policies that may impact the timeline for the provision of services (i.e. procurement requirements, consolidated application timeline, etc.)
* Carryover waiver process (i.e. statutory requirement to obligate funds in the current fiscal year; carryover waiver option once every three years

## TITLE I, PART A

Section references are from [Title-I-ES-guidance-revised-5-2023](https://cdecolorado-my.sharepoint.com/personal/adeboye-sullivan_c_cde_state_co_us/Documents/Desktop/Complaint%20Process%20ESEA/Title-I-ES-guidance-revised-5-2023.pdf)

* How the children's needs will be identified
* What services will be offered
* How, where, and by whom the services will be provided
* How the services will be academically assessed and how the results of that assessment will be used to improve those services
* The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined;
* The method or sources of data that are used to determine the number of children from low income families in participating school attendance areas who attend private schools, including whether the LEA will extrapolate data if it uses a survey—i.e., depending on if there is a representative sample (see B-11 and B-11a)
* How and when the LEA will make decisions about the delivery of services to eligible children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers
* How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, it will provide in writing to such private school officials an analysis of the reasons why it has chosen not to use a contractor
* Whether to provide equitable services to eligible private school children by creating a pool or pools of funds with all of the funds allocated based on all the children from low-income families in a participating school attendance area who attend private schools or based on the children in the LEA’s participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools (see B-8 and B-9)
* Whether to consolidate and use funds in coordination with eligible funds available for services to private school children under applicable programs, as defined in ESEA section 8501(b)(1), to provide services to eligible private school children participating in those programs (see C-13).
* When, including the approximate time of day, services will be provided; and
* Whether the LEA will provide services directly or through a separate government agency, consortium, entity, or third-party contractor

If applicable:

* Administrative costs of providing equitable services (see B-36)
* Indirect costs (see B-40)
* Services and activities for teachers of participating private school students (see C-36)
* Family engagement activities (see C-34)
* Any funds available for carryover (see B-27); and
* Transferring funds from Title II, Part A or Title IV, Part A into Title I, Part A (see B-23 through B-25)

## TITLE I, PART C

* Identification of the regional contact in which services are provided to eligible migrant children and youth

Requirement that the LEA retain control of all Title funds, materials, equipment, and property*\*In many cases the LEA completing this form may not be the entity managing/receiving Title I, Part C funds. In the event that the non-public school has students eligible for Title I, Part C services, the LEA is responsible for connecting the non-public school with the entity providing Title I, Part C services.*

## TITLE II, PART A

* The amount of funding available to provide Title II, Part A services, including how the amount of funds set-aside to provide equitable services to non-public schools is determined

Requirement that the LEA retain control of all Title funds, materials, equipment, and property, including conference registration process

## TITLE III, PART A

* How non-public school students will be identified as English Learners (ELs)
* How the needs of eligible ELs, their teachers, and other educational personnel will be identified
* The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs of their teachers and other educational personnel at the school who work with ELs
* Whether services will include initial identification of ELs and assessment of their language proficiency, as well as a determination of whether students should exit EL status
* How the Title III services will be assessed, and how the results of those assessments will be used to improve the services
* The amount of funding available to provide Title III, Part A services, including how the amount of funds set-aside to provide equitable services to non-public schools is determined
* Whether the non-public school intends to participate in the Title III Immigrant Set-Aside, including the requirements of the program (i.e. definition of an immigrant student, tracking the length of time the student has attended school in the United States, etc.)
* Requirement that the LEA retain control of all Title funds, materials, equipment, and property

## TITLE IV, PART A

* The amount of funding available to provide Title IV, Part A services, including how the amount of funds set-aside to provide equitable services to non-public schools is determined
* Requirement that the LEA retain control of all Title funds, materials, equipment, and property, including conference registration process

## TITLE IV, PART B

* The difference between the non-public school participating in Title IV, Part B by a) students accessing services within the LEA’s schools that have been awarded funds under Title IV, Part B (if applicable) and b) applying to the 21st Century Community Learning Center competitive grant program to become a provider of services
* Whether the LEA has a school that has been awarded funds under Title IV, Part B to provide services as a 21st Century Community Learning Center site
* Whether an eligible entity outside the LEA has been awarded funds under Title IV, Part B or is utilizing a school within the LEA to provide services as a 21st Century Community Learning Center site
* When the Colorado Department of Education releases the Request for Proposals (RFP) for the new cohort of 21st Century Community Learning Center sites and how to access and submit the RFP, if interested

## STUDENTS WITH DISABILITIES

* Under both ECEA and IDEA, Administrative Units (AUs) are obligated to identify, locate and evaluate children parentally placed in a non-public school who may be a child with a disability and to spend a proportional share of IDEA Part B funds to provide services to children with disabilities enrolled by their parents in nonprofit non-public elementary and secondary schools located within the boundaries of the Administrative Unit. [See 34 C.F.R. §§ 300.130 through 300.144; ECEA Rules 4.02(1)(a), 4.02(1)(a)(ii) and](http://www.cde.state.co.us/cdesped/guidance)

[5.01(7).](http://www.cde.state.co.us/cdesped/guidance) cde.state.co.us/cdesped/guidance see sub-heading for “Non- public School”

* Administrative Units are required to engage in timely and meaningful consultation with representatives of parents and non-public schools in order to fulfill various obligations associated with providing parentally placed non-public school children with equitable services. [To contact the Special Education Director in your Administrative Unit please see:](http://www.cde.state.co.us/cdesped/sped-dir) cde.state.co.us/cdesped/sped-dir

**Provide a response to the following questions:**

* How many Parentally Placed Students with Disabilities are enrolled in your School?

students with disabilities in Preschool or Kindergarten

students with disabilities in Elementary grades 1-6

students with disabilities in Secondary grades 7-12

# Summary of Services to be Provided

*Provide a summary of the agreed upon equitable services to be provided to eligible non-public school children, teachers, and families below. (May be attached as an addendum.)*

Consultation Form: Equitable Services to Non-public Schools 

# Signatures

*Check the applicable box below.*

* + **Non-public School WILL participate:** The parties below agree that timely and meaningful consultation occurred between the LEA and the non-public school during the design and development of the LEA’s ESSA programs, as indicated above. Further, the parties agree that timely and meaningful consultation will continue throughout the implementation and assessment of the agreed upon equitable services.
    - Both the LEA and the non-public School will need to sign the bottom of this form.
  + **Non-public School will NOT participate:** The parties below agree that timely and meaningful consultation occurred between the LEA and the non-public school. The non-public school, at this time, will not participate and decided to not receive funding.
    - Both the LEA and the non-public School will need to sign the bottom of this form.
  + **Both parties met, but were unable to come to an agreement:** The parties were unable to come to an agreement regarding the equitable services to be provided to eligible non-public school children, teachers, and/or families. If applicable, select one or both of the options below.
    - The LEA’s signature below indicates that the LEA attempted to provide timely and meaningful consultation but was ultimately unable to come to an agreement with the non-public school official. If the LEA disagrees with the non-public school official with respect to an issue discussed during consultation, the LEA must provide the reasons for disagreement to the non-public school official. The LEA may provide that information below:
    - The non-public school official’s signature below indicates that the non-public school official attempted to engage in the consultation process with the LEA, however, either the non-public school official believes that timely and meaningful consultation did not occur, or the program designed through consultation is not equitable with respect to eligible non- public school children. If necessary, after contacting the Ombudsman for Equitable Services, [the non-public school official may file a complaint regarding the disagreement with the LEA](http://www.cde.state.co.us/fedprograms/equitableservicescolorado) with the Colorado Department of Education in accordance with section 1117(b)(6).
  + Non-public School did NOT RESPOND: The LEA was unable to conduct a timely and meaningful consultation due to a lack of response from the non-public school.
    - The LEA will still need to sign the bottom of this form.

Public School Superintendent or Designee Signature Date

Non-Public School Official Signature Date

EDAC Approval Stam for form OFP-140. Indicating this form is required to obtain benefit for the 2024-2025 school year. 

*A signed copy of this form must be submitted by the LEA to the Colorado Department of Education no later than May 31. Completed forms must be uploaded to the non-public School page within the* [*Consolidated Application.*](https://colorado.egrantsmanagement.com/user/signin.aspx?ccipSessionKey=638403337570338847)