south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

AFFIRMATION OF CONSULTATION WITH PRIVATE SCHOOL OFFICIALS

FORM SUBMISSION: Public and private school officials must review and complete this form together. Once completed, the LEA will upload the document into the Grants Management System. Each party should keep a copy for your records.

Name of Public School District: _____

Name of Private School: _____

The Every Student Succeeds Act (ESSA) requires Local Education Agencies (LEAs) to provide equitable participation to eligible participation to eligible private school children, teachers, and other educational personnel in programs under sections 1117(b)(1) (Title I) and 8501(c)(1) (includes Title I Part C; Title II Part A; Title III Part A; and Title IV Parts A and B). The services, materials, or other benefits shall be secular, neutral, and nonideological.

ESSA prohibits the private school from obligating or receiving funds. The control of funds used to provide equitable services is maintained by the LEA. Materials purchased with the funds are administered by the LEA and remain the property of the LEA. Services shall be provided by an employee of the LEA or through a contract by the LEA with an individual or entity independent of the private school.

Therefore, ESSA requires that timely and meaningful consultation occur between the LEA 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 programs under sections 1117 and 8501, and shall continue throughout the implementation and assessment of activities under this section. The goal of consultation is to reach an agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children under Title I, Part A; Title II, Part A; Title III, Part A; and Title IV, Part A.

Before an LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials. (ESEA section 5103(e)(2).) An LEA may not transfer funds to a particular program solely to provide equitable services for private school students or teachers. Rather, an LEA, after consulting with appropriate private school officials, must provide equitable services to private school students and teachers based on the rules of each program and the total amount of funds available to each program after a transfer.

Services provided by the LEA must be designed to meet the educational needs and supplement the services provided by the private school. In order to fully participate in services, private school officials will need to collaborate with public school officials to determine student eligibility; how the needs of the students will be identified; how the services (including family engagement activities) provided under each program will meet those needs; and how services will be evaluated. Private school officials may choose to not participate in one or more of the programs under sections 1117 and 8501.

Districts eligible for the flexibility provisions provided by the Rural Education Achievement Program (REAP) may exercise the REAP flexibility authority on behalf of the private school.

The special needs of the private school may be different from the public school, and therefore, the program provided may be different.

This form lists the required consultation topics to be discussed by the LEA and private school officials, requires the LEA and private school official to identify the federal program(s) the private school will participate in, the estimated amount of proportionate share available, and the services to be provided by the LEA. The South Dakota Department of Education (SD DOE) ombudsman will review the consultation form to help ensure equity for private school children, teachers, and other educational personnel.

** Title IV, Part B has a separate consultation document that can be found on the SD DOE website.

REQUIRED CONSULTATION TOPICS

The following topics must be discussed during the ongoing consultation process:

Section 1117 (b)(1)	Section 8501 (c)(1)	*Section 1117(b)(1)- Title I, Part A.* *Section 8501(c)(1)- Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Parts A*
		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;
		How the services will be 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, teachers, and other educational personnel, the proportion/amount of funds that are allocated for such services, and how that proportion/amount of funds is determined;
		The method or sources of data that are used under subsection (c) and section 1113(c)(1) to determine the number of children from low-income families in participating school attendance areas who attend private schools;
		How and when the LEA will make decisions about the delivery of services to such 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 the services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;
		Whether the LEA shall 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 (1) By creating a pool or pools of funds will all of the funds allocated under subsection (a)(4)(A) based on all the children from low-income families in a participating school attendance area who attend private schools or (2) In the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(A) and (a)(4)(C) based on the number of children from low-income families who attend private schools;
		When, including the approximate time of day, services will be provided; and
		Whether to consolidate and use funds provided under subsection (a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in section 8501(b)(1) to provide services to eligible private school children participating in programs.

PARTICIPATION AND SUMMARY OF SERVICES

For each federal program, the LEA and private school official must:

1. Determine the estimated amount of proportionate share and provide in the space provided. The calculation is an estimate based off prior year's allocation unless the current year's allocation is available prior to consultation. Actual amounts will be determined after the final release of next year's allocation;
2. Identify if the private school will participate in services by selecting Yes or No for each program below; and
3. Summarize the equitable services agreed upon during the consultation that the LEA will provide (either directly or through a contract). It is not acceptable to state, "Services are to be determined."

A response is required for each federal program.

LEAs should keep detailed records related to the services agreed upon and the process used to determine the services.

Private school officials may choose to not participate in one or more program under sections 1117 and 8501.

Title I, Part A
What is the estimated proportionate share:
Services determined based on the number of low income families residing in each participating public school attendance area who attend public schools and private schools.
Participation Status: ☐ Yes ☐ No ☐ N/A
Summary of equitable services provided by the LEA. Limit response to space provided.

Title II, Part A/ REAP Flex
Estimated Amount of Proportionate Share:
Services provided by the district in which the private school is located.
Participation Status: ☐ Yes ☐ No ☐ N/A
Summary of equitable services provided by the LEA. Limit response to space provided.

Title III, Part A
Estimated Amount of Proportionate Share:
Services provided by the district in which the private school is located.
Participation Status: ☐ Yes ☐ No ☐ N/A
Summary of equitable services provided by the LEA. Limit response to space provided.

Title IV, Part A
Estimated Amount of Proportionate Share:
Services provided by the district in which the private school is located.
Participation Status: ☐ Yes ☐ No ☐ N/A
Summary of equitable services provided by the LEA. Limit response to space provided.

PRIVATE SCHOOL VERIFICATION

Completed by the Private School Official

In each section below, the private school official will need to make a selection stating if consultation was completed appropriately and timely and if the services provided are equitable and meet the needs of the students. If the private school does not feel consultation was appropriate or services are equitable, please complete the narrative with a detailed explanation.

Check one	☐ The LEA provided consultation before the LEA made any decision(s) that affects a private school equitable participation in ESSA services. ☐ The LEA did not provide consultation with the private school in a timely manner. **Please provide a description of why the official believes the consultation was not timely in the space provided below.**
Check one	☐ The program design is equitable with respect to eligible private school children. ☐ The program design is not equitable with respect to eligible private school children. **Please provide a description of why the official believes the design is not equitable in the space provided below.**

This space is provided for the private school official to provide more information for the questions above.

Private School Name *Please Print*	School Mailing Address	
Name of Private School Representative *Please Print*	Email	School Phone Number
Private School Representative Signature		Date Signed

LEA VERIFICATION

Completed by the LEA Official

Local Educational Agency Name Please Print	Local Educational Agency Official Please Print
Local Educational Agency Official Signature	Date Signed

* Proportionate Share calculators can be found at doe.sd.gov/title/privateschools.aspx