# Equitable Services Documentation of Consultation

## General Information

The Every Student Succeeds Act (ESSA) requires Local Educational Agencies (LEAs) to provide equitable participation to eligible independent school students, teachers, and other educational personnel in programs under the Act. The services, materials, or other benefits shall be secular, neutral, and nonideological. 20 U.S.C. §6320(a)(1)-(2) and §7881(a)(1)-(2).

ESSA prohibits the independent school from obligating or receiving ESSA 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 independent school and any religious organization. 20 U.S.C. §7881(d).

ESSA requires that timely and meaningful consultation occur between the LEA and independent school officials prior to any decision that affects the opportunities of eligible independent school students, teachers, and other educational personnel to participate in programs under the Act, 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 independent school officials on how to provide equitable and effective programs for eligible independent school students under Title I, Part A; Title II, Part A; Title III, Part A; and Title IV, Part A. 20 U.S.C. §6320(b) and §7881(d).

Services provided by the LEA must be designed to meet the educational needs and supplement the services provided by the independent school. In order to fully participate in services, independent school officials will need to cooperate 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 Title will meet those needs; and how services will be evaluated. Independent school officials may choose not to participate in one or more of the Titles under this Act. 20 U.S.C. §6320(b)(1) and §7881(c)(1).

This form lists the required consultation topics to be discussed by the LEA and independent school officials, requires the LEA and independent school official to identify the Titles the independent school will participate in and summarizes the services to be provided by the LEA.

## Required Consultation Topics

The following topics must be discussed during the ongoing consultation process. 20 U.S.C. §6320(b)(1) and §7881(c)(1)-(2).

1. How the LEA will identify the needs of independent school children.
2. If participating in Title I, the method or sources of best available data that the LEA and the independent school officials will use to determine the number of independent school students from low-income families residing in participating public Title I school attendance areas who attend independent schools.
3. The services the LEA will offer.
4. How, where, when and by whom the services will be provided.
5. How the services provided by the LEA will be assessed and how the results of the assessment will be used to improve those services.
6. The size and scope of equitable services to be provided to the eligible independent school students, their families, teachers, and other educational personnel. The amount of funds available for those services, how that amount is determined from the total amount of funds received by the LEA, and if funds will be used for direct and indirect administrative costs.
7. How and when the LEA will make decisions about delivery of services, including a thorough consideration and analysis of the views of the independent school officials on the provision of services through potential third-party providers.
8. How, if the LEA disagrees with the views of the independent school officials on the provisions of services through a contract, the LEA will provide to the independent schools, in writing, an analysis of the reasons why the LEA has chosen to use or not to use a contractor.
9. Whether the LEA shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor.
10. Whether the LEA will provide equitable services by a) creating a pool or pools of funds or b) on a school-by-school basis.
11. Whether to use funds provided under Title I, Part A in coordination with eligible funds available for services to independent school children under applicable programs as defined in Title VIII to provide services to eligible independent school children participating in programs.
12. If the LEA will transfer funds as allowed.

## Documentation of Consultation Form

This form must be submitted to the VT Agency of Education annually as part of a required data collection. Each LEA is asked to invite & consult all eligible independent schools within their district, and certain eligible Title I independent schools outside the LEAs district. \*Please confirm that the independent school is an [approved or recognized school AND a non-profit.](https://education.vermont.gov/documents/edu-cfp-recognized-or-approved-and-non-profit-independent-schools-list) If one or both of these conditions are not met than the independent school is not eligible to participate in equitable services, and a form is not required.

Section 1 (to be completed by the LEA official with consultation of the independent school, all bolded elements are required-please do not use abbreviations).

**Local Educational Agency (LEA) Name:**

**Independent School Name:**

**Date of Initial Invitation** (MM/DD/YYYY)**:**

**Method of Invitation** (Please check at least one, all that apply):

Email

Certified Mail

Phone/Voicemail

In person Meeting

Virtual Call

**Participation Choice Options** (Please check one):

The independent school did not respond to invitations for consultation. \*Please be sure to document the independent school’s non-response (email invitation that was sent, or copy of certified mail receipt)

The independent school responded after invitation due date and is not eligible based on unfeasible consultation timeline.

The independent school does not wish to participate in any equitable services.

The independent school was deemed to be ineligible to participate in any equitable services.

|  |
| --- |
| [Please list the reason for ineligibility here] |

The independent school will participate in equitable services for the following Titles:

Title I, Part A

Title II, Part A

Title III, Part A\*\*

Title IV, Part A

\*\*Only within LEAs that receive Title III funds

\*\*\*Please note that the LEA listed above controls all funds, title to materials, equipment, and property purchased. Independent schools wishing to participate will receive services, not funds, and have no authority to spend. **Reimbursement from an LEA to an independent school is not allowed.** The LEA plans, designs, and implements the program (including procurement, ordering, payments, etc.)—this cannot be delegated to the independent school.

Section 2: Verification by Independent School (to be completed by the independent school-all bolded elements required, except in cases of non-response).

**Was the LEA’s consultation provided in a timely and meaningful way, and was a satisfactory and equitable plan for services developed?**

Yes

Not Applicable-Consultation was not necessary/did not occur

☐ No

|  |
| --- |
| [If “No,” please provide a brief explanation of how consultation did not meet requirements of being timely, meaningful and yielding a satisfactory/equitable program design] |

**Independent School Official’s Printed Full Name:**

**Independent School Official’s Position/Title:**

**Independent School Official’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signed Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

### Section 3: Verification by Local Educational Agency (LEA) (to be completed by the LEA official, all bolded elements required.)

**LEA Official’s Printed Full Name:**

**LEA Official’s Position/Title:**

**LEA Official’s Signature: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Signed Date:** \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_