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## CONSULTATION FOR EQUITABLE SERVICES: ESSA, CARES ACT, IDEA

### *Introduction*

To provide equitable services, public and private school officials participate in timely and meaningful consultation. This consultation occurs before the public school district makes any decision that would affect the ability of private school students to equitably participate. It occurs during the design, development, and implementation of the program, and it occurs in a timely manner to ensure program services for public and private school students begin on time.

The provision of equitable services by the public school district to private school students is required under many federal education programs. In general, the term “equitable services” means:

- Needs and progress of public and private school students are evaluated in the same manner;
- Approximately the same amount of services is provided for public and private school students;
- An equal amount of funds is allocated to public and private school students on a per pupil basis;
- Equal opportunities to benefit from the program is provided to public and private school students.

### *Consultation Topics*

The following table provides key consultation topics for programs that require the equitable participation of private school students. It is designed as a checklist for public and private school officials to use during the consultation process. Be sure that each time a topic appears, it is discussed for all appropriate programs.

<b>Title I of ESSA</b>	<b>Titles II, III, IVA, IVB of ESSA</b>	<b>CARES: Ed Stabilization Fund</b>	<b>IDEA</b>
Identify the needs of the private school children	Identify the needs of the private school children	What services will be offered	The child find process and access to it.
What services will be offered	What services will be offered	What services will be offered	Types of services, including direct services
How, where, and by whom the services will be provided	How, where, and by whom the services will be provided	How, where, and by whom the services will be provided	How, where, and by whom the services will be provided

<b>Title I of ESSA</b>	<b>Titles II, III, IVA, IVB of ESSA</b>	<b>CARES: Ed Stabilization Fund</b>	<b>IDEA</b>
How the services will be assessed and result used to improve program	How the services will be assessed and result used to improve program	How the services will be assessed and result used to improve program	How the consultation process will operate throughout the school year to ensure students can participate
Size and scope of program	Size and scope of program	Size and scope of program	
Proportion of funds allocated	Proportion of funds allocated	Proportion of funds allocated	Proportion of funds allocated
How the proportionate share was determined	How the proportionate share was determined	How the proportionate share was determined	How the proportionate share was determined
When decisions will be made	When decisions will be made	When decisions will be made	When decisions will be made
Whether to use a third party to provide services	Whether to use a third party to provide services	Whether to use a third party to provide services	Consideration of alternate delivery mechanisms
Whether or not to pool funds	Whether or not to pool funds	Whether or not to pool funds	
Method or source of data on low income students		Method or source of data on low income students	How services will be apportioned if funds are insufficient to serve all eligible children
Approximate time of day services will be provided			

### *Tips for Effective Consultation*

The goal of consultation under ESSA and CARES is for the public and private school officials to reach agreement on all of the required consultation topics. Private school officials are asked to sign a written affirmation for ESSA and CARES programs to indicate that the required topics have been discussed and agreement has or has not been reached. Under IDEA, private school officials are asked to sign a written affirmation of consultation. Other safeguards include a requirement for the public school district to provide an explanation of its decisions if made contrary to request of private school officials (Title I and CARES), and explanation of its decision if a third party was requested and not provided (ESSA, CARES, IDEA), and the assistance of the state ombudsman (ESSA, CARES).

Before your consultation meeting:

- Conduct a needs assessment that includes a review of test data, input from classroom and speciality teachers, input from parents as appropriate, and a review of classroom performance for your students.
- Summarize the information from your needs assessment, discuss this information with your classroom teachers, and determine which services for each program would be most beneficial to your students.
- Initially, focus on student needs, rather than each individual federal education program. Be sure that what you are requesting primarily benefits the students and not the private school.

Be sure to discuss (not simply get a response from the LEA):

- What is the funding available? How was this determined? Which of the CARES options for counting students is being used by the LEA?
- Can we use a third party provider for direct services? What steps do we need to take to make this happen?
- If LEA teachers are being used for services to students, can the private school officials meet with potential providers to ensure that there is a good fit at the school?
- How can third party providers deliver professional development and other services beyond direct services to students?
- How will we identify eligible students in each of the programs, including access to child find? For professional development, how will the needs of the student translate to the PD offerings?
- For IDEA, what are the criteria we should use to say a child is “suspected of having a disability” and therefore eligible for child find?
- How will we assess students whose home language survey indicates they may be English learners?
- Should we pool funds among the private schools or groups of private schools within the larger group? What would this look like in regard to use of funds and provision of services?
- How can we look effectively at our students and their needs, then make decisions about which federal education programs can assist in meeting those needs? How can services across programs be coordinated?
- Is your district receiving funds from the CARES Governors’ Fund? How can our students benefit from this program?

### *Conclusion*

There are many federal education programs providing equitable services to eligible private school students. The challenge for private school officials is to have a working knowledge of the programs available and understand the consultation process. With this knowledge, private school officials can enter into consultation with their public school counterparts confident that their students’ needs are effectively represented.