



**Kentucky Department of Education**  
**Equitable Services Consultation Packet**  
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## **Instructions (1/1)**

Sections 1117 and 8501 of the Every Student Succeeds Act (ESSA) require that timely and meaningful consultation between the local educational agency (LEA) and each nonpublic school occur prior to any decision about the equitable services to be provided to eligible nonpublic school students, teachers, and other educational personnel. Consultation must continue throughout the implementation and assessment of these activities.

The federal programs for which equitable services to nonpublic schools must be provided include:

- Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies
- Title I, Part C: Education of Migratory Children
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, Part A: Student Support and Academic Enrichment Grants
- Title IV, Part B: 21st Century Community Learning Centers

The forms contained in this packet must be used during consultation meetings to guide the conversation between the LEA and the nonpublic school. The forms include the following:

- A needs assessment for each federal program and
- A “Nonpublic School Consultation Agreement”.

For each federal program that is marked:

1. Jointly complete the applicable needs assessment(s) with the nonpublic school;
2. Use the needs assessment(s) to complete the “Nonpublic School Consultation Agreement” to describe how the LEA will provide equitable services to eligible nonpublic school students, teachers, and other educational personnel.
3. Maintain copies of these forms at the district office. When the Grant Management Application Program (GMAP) application is opened for new grant applications, you will be provided instructions for uploading this document into the system.

This agreement, in conjunction with the applicable needs assessments, contain the minimum requirements under federal law. LEAs that have uploaded these documents for each participating nonpublic school will have satisfied the ESSA requirement that consultation agreements be forwarded to the state’s private school ombudsman. This will be done through an upload into GMAP.

Kentucky has designated an ombudsman for equitable services who may be reached at [KPSO@education.ky.gov](mailto:KPSO@education.ky.gov).

**Nonpublic School Consultation (1/3)**

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies  
 Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title I-A for the

school year:

- Yes                       No (If no, do not complete this section.)

**How were needs identified? (Please check all that apply.)**

- Test scores                       Professional needs of teachers  
 Skills assessments               School plan  
 Surveys                               Other

<b>Prioritized Students' Academic Needs:</b> Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
<b>1.</b>	
<b>2.</b>	
<b>3.</b>	

<b>Professional Learning:</b> Describe the three most important professional learning needs as related to improving students' academic achievement.	
<b>1.</b>	
<b>2.</b>	
<b>3.</b>	

**Nonpublic School Consultation (2/3)**

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies  
 Needs Assessment

<b>Prioritize programs and services as related to meeting the needs noted above.</b>				
	Description of Program, Services, or Other Activities	Estimated Participants	Estimated Duration	Approximate Cost
1.				
2.				
3.				

**Describe how these services/programs contribute to increased parental involvement.**

**Describe how these services/programs contribute to improving student academic achievement.**

**Write performance goals for the identified need and planned activities.**  
*EXAMPLE: For an identified need for reading: "By \_\_\_\_\_ (date), students participating in planned activities will increase their reading scores by \_\_\_\_\_%"; or, for an identified need to enhance instruction in differentiated learning, "95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year."*

**Nonpublic School Consultation (3/3)**

Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies  
Needs Assessment

**Describe the formalized evaluation plan for determining the extent to which the goal was achieved.**

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**Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.**

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**Identify any additional information relevant to this particular needs assessment.**

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**Nonpublic School Consultation (1/2)**

Title I, Part C: Education of Migratory Children  
 Needs Assessment

Date                                  Name of LEA                                  Name of Nonpublic School

**The nonpublic school has migratory students participating in the Kentucky Migrant Education Program:**

Yes                                  No (If no, do not complete this section.)

**If so, how many students?**

**How were needs identified? (Please check all that apply.)**

- Test scores (district/state)
- Language barriers
- Skills assessments
- Attendance
- Current IEP's
- Other

<b>Prioritized Migrant Students' Academic Needs:</b> Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
<b>1.</b>	
<b>2.</b>	
<b>3.</b>	

<b>Prioritize programs and services as related to meeting the needs noted above.</b>					
	Description of Program, Services, or Other Activities (include location where services will be provided)	Provider Name	Estimated Participants	Estimated Duration	Approximate Cost (per pupil amount)
<b>1.</b>					
<b>2.</b>					
<b>3.</b>					

**Describe how these services/programs contribute to improving student academic achievement.**

**Nonpublic School Consultation (2/2)**

Title I, Part C: Education of Migratory Children Needs

Assessment

**Check all performance goals that apply based upon the identified need and planned activities.**

Reading/Language Arts: Each year beginning in Fall 2019, 50% of PFS or at-risk migrant students who receive two or more supplemental migrant services per week will advance at least one proficiency level on the KPREP Reading assessment.

Mathematics: Each year beginning in Fall 2019, 45% of PFS or at-risk migrant students who receive two or more supplemental migrant services per week will advance at least one proficiency level on the KPREP Mathematics assessment.

High School Graduation: By Fall 2021, 75% of High School migrant students will be on track to graduate as indicated by the MEP CCR Checklist.

High School Graduation: By Spring 2022, increase the percentage of High School Students targeted for supplemental academic services who receive 2 or more supplemental services per week that are on track to graduate by 10 percentage points over the baseline established in 2018-2019.

School Readiness: By Spring 2022, the percent of migrant preschool age children either enrolled in preschool or receiving 10 or more in home service contacts who demonstrate kindergarten readiness on KSCREEN (Brigance) will increase to 60%.

Out-of-School Youth (OSY): By Spring 2022, 75% of OSY who receive English language instruction will demonstrate improved language proficiency based on pre and post testing of lessons used.

Out-of-School Youth (dropouts): By 2022, 4 percent of OSY will participate in structured education programs (GED or HS Diploma/Credit Recovery).

**Provide name of assessment(s) used to evaluate student progress.**

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**Identify any additional information relevant to this particular needs assessment.**

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**Nonpublic School Consultation (1/3)**

Title II, Part A: Supporting Effective Instruction  
Needs Assessment

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title II-A for the

school year:

- Yes                       No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

- Test scores                       Professional needs of teachers  
 Skills assessments               School plan  
 Surveys                               Other

<b>Prioritized Students' Academic Needs:</b> Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
1.	
2.	
3.	

<b>Professional Learning:</b> Describe the three most important professional learning needs as related to improving students' academic achievement.	
1.	
2.	
3.	

**Nonpublic School Consultation (2/3)**

Title II, Part A: Supporting Effective Instruction  
 Needs Assessment

<b>Prioritize programs and services as related to meeting the needs noted above.</b>				
	Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.				
2.				
3.				

*\*Activities must be high quality, sustained, intensive, and classroom-focused in order to have a positive impact on instruction and the teacher’s performance in the classroom. Educational services or other benefits, including materials and equipment, must be secular, neutral, and non-ideological. Materials may only be purchased to be used during a professional learning activity, or to provide training on the specific use of the purchased materials. Materials for the classroom may not be purchased with Title II funds.*

<b>Describe how these services/programs contribute to improving student academic achievement.</b>

<b>Write performance goals for the identified need and planned activities.</b>
<p><i>EXAMPLE: For an identified need for reading: “By _____ (date), students participating in planned activities will increase their reading scores by _____%”; or, for an identified need to enhance instruction in differentiated learning, “95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year.”</i></p>

**Nonpublic School Consultation (3/3)**

Title II, Part A: Supporting Effective Instruction

Needs Assessment

**Describe the formalized evaluation plan for determining the extent to which the goal was achieved.**

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**Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.**

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**Identify any additional information relevant to this particular needs assessment.**

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**Nonpublic School Consultation (1/3)**

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act  
Needs Assessment

Name of LEA

Name of Nonpublic School

**The nonpublic school has elected to participate in Title III-A for the \_\_\_\_\_ school year:**

Yes                      No (If no, do not complete this section.)

Not Applicable (District does not receive Title III funds or elected not to participate in Title III and released all funds.)

**English Learner Identification**

Please list the number of identified EL students attending the private school at the time of the initial consultation meeting:

English learner (EL) students, as defined under the Elementary and Secondary Education Act Section 8101(20), have been appropriately identified in a timely manner using a valid and reliable English language proficiency assessment. (Check box to confirm)

<b>Describe how students are identified as ELs</b>

**Needs Assessment?** How were the needs of eligible ELs, their teachers, and other educational personnel who work with ELs identified?

- Test scores                      Professional needs of teachers
- Skills assessments              School plan
- Surveys                          Other

<b>Prioritized English Learner Students' Language Development Needs:</b> Describe the most important EL student language development need(s) to be addressed. Provide appropriate data and source for support.

<b>Professional Learning:</b> Describe the most important professional learning need(s) as related to improving EL students' language development.

**Nonpublic School Consultation (2/3)**

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act  
 Needs Assessment

**Title III Services**

Please indicate whether Title III services will include the following:

- Initial identification of ELs and annual assessment of their language proficiency.    Yes            No
- Determination of whether students should exit EL status.    Yes            No

<b>Prioritize programs and services as related to meeting the needs noted above.</b>			
Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.			
2.			
3.			

\*Educational services or other benefits, including materials and equipment, must be secular, neutral, and non-ideological.

<b>Describe how these services/programs contribute to improve EL students' language development.</b>

<b>Describe how these services/programs contribute to increased parent, family, and community engagement for the families of EL students.</b>

<b>Describe how, where, and by whom Title III services will be provided.</b>

<b>Describe how EL students' English language proficiency will be assessed as well as how the district will determine a student should exit EL status.</b>

### **Nonpublic School Consultation (3/3)**

Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Act  
Needs Assessment

**Write performance goal(s) for the identified language development and professional learning need and planned activities.**

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**Describe the formalized evaluation plan for determining the extent to which the goal was achieved.**

--

**Describe how the program will be monitored for program effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.**

--

**Identify any additional information relevant to this particular needs assessment.**

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**List the names and roles of each person who participated in the Title III consultation.**

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**Nonpublic School Consultation (1/3)**

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

Name of LEA

Name of Nonpublic School

The nonpublic school has elected to participate in Title IV-A for the

school year:

- Yes                       No (If no, do not complete this section.)

How were needs identified? (Please check all that apply.)

- Test scores                       Professional needs of teachers  
 Skills assessments               School plan  
 Surveys                               Other:

<b>Prioritized Student Support and Academic Enrichment Needs:</b> Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
1.	
2.	
3.	

<b>Professional Learning:</b> Describe the three most important professional learning needs as related to improving students' academic achievement.	
1.	
2.	
3.	

**Nonpublic School Consultation (2/3)**

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

<b>Prioritize programs and services as related to meeting the needs noted above.</b>				
	Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.				
2.				
3.				

\* Nonpublic schools that receive at least \$30,000 must address all three content areas of the Student Support and Academic Enrichment (SSAE) grant program described in ESSA. Programs and services must be aligned accordingly and address needs identified through a comprehensive needs assessment. Nonpublic schools that receive less than \$30,000 are not required to conduct a needs assessment, but must align programs and services with 1 or more of the 3 SSAE content areas.

<b>Describe how these services/programs contribute to improving student academic achievement.</b>

<b>Write performance goals for the identified need and planned activities.</b>
<p><i>EXAMPLE: For an identified need for reading: “By _____(date), students participating in planned activities will increase their reading scores by _____%”; or, for an identified need to enhance instruction in differentiated learning, “95% of the students of the teachers participating in the professional learning will test proficient in reading by the end of the school year.”</i></p>

**Nonpublic School Consultation (3/3)**

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

**Describe the formalized evaluation plan for determining the extent to which the goal was achieved.**

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**Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.**

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**Identify any additional information relevant to this particular needs assessment.**

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**Nonpublic School Consultation (1/3)**

Title IV, Part B: 21st Century Community Learning Centers  
Needs Assessment

Name of LEA

Name of Nonpublic School

**Does your district have a 21<sup>st</sup> Century Grant?**

- Yes       No (If no, do not complete this section.)

**Has the nonpublic school elected to participate in the work under this district grant?**

- Yes       No (If no, do not complete this section.)

**How were needs identified? (Please check all that apply.)**

- Test scores       Professional needs of teachers  
 Skills assessments       School plan  
 Surveys       Other:

<b>Prioritized Students' Academic Needs:</b> Describe the three most important student academic needs to be addressed. Provide appropriate data and source for support.	
1.	
2.	
3.	

<b>Professional Learning:</b> Describe the three most important professional learning needs as related to improving students' academic achievement.	
1.	
2.	
3.	

**Nonpublic School Consultation (2/3)**

Title IV, Part B: 21st Century Community Learning Centers  
 Needs Assessment

<b>Prioritize programs and services as related to meeting the needs noted above.</b>				
	Description of Program, Services, or Other Activities*	Estimated Participants	Estimated Duration	Approximate Cost
1.				
2.				
3.				

**Describe how these services/programs contribute to improving student academic achievement.**

**Include the performance goal(s) from the approved 21st Century grant application that connect to the needs identified above. Describe planned activities from the grant program for that goal.**

**Nonpublic School Consultation (3/3)**

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

Needs Assessment

**Describe the formalized evaluation plan for determining the extent to which the goal was achieved.**

--

**Describe how the program will be monitored for effectiveness and how the results of these monitoring efforts will be used to improve program effectiveness.**

--

**Identify any additional information relevant to this particular needs assessment.**

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**Nonpublic School Consultation Agreement (1/5)**

**Contact Information**

LEA Name:

LEA Contact Person & Title:

LEA Contact Telephone Number:

LEA Street Address:

LEA City, State ZIP:

Nonpublic School Name:

Nonpublic School Contact Person & Title:

Nonpublic School Telephone Number:

Nonpublic School Street Address:

Nonpublic School City, State ZIP:

Location of Consultation:

Date of Consultation:

**Nonpublic School Consultation Agreement (2/5)**

At a minimum, the consultation process must include the following items. Check the boxes to indicate that each item was discussed.

- How the proportion of funds allocated under Title I for equitable services, and/or how the amount of funds available for Titles II, III, and IV for equitable services, are determined;
- For Title I, the method or sources of data that the LEA will use to determine the number of nonpublic school children from low income families residing in participating public school attendance areas;
- Whether to coordinate funds available for Title I equitable services with funds available for equitable services required by Title VIII;
- The size and scope of equitable services to be provided to eligible nonpublic school children, teachers, and other educational personnel and the amount of funds available for those services;
- Whether the LEA responsible for providing equitable services will provide the services directly, through a separate LEA, or through a third-party contractor;
- Whether to provide equitable services to eligible nonpublic school children by pooling funds or on a school-by-school basis;
- How the students' needs will be identified;
- What services will be provided, including how, when, where, and by whom; and
- How decisions about the services will be made, how the services will be assessed, and how the results of the assessment will be used to improve those services.

The nonpublic school official affirms that for the \_\_\_\_\_ school year, and for the following programs in which the nonpublic school is participating, as marked:

- Title I-A    Title I-C    Title II-A    Title III-A    Title IV-A    Title IV-B

(a) That timely and meaningful consultation has occurred:  Yes       No

**If No, meaning timely and meaningful consultation has not occurred, please provide an explanation:**

AND

**Nonpublic School Consultation Agreement (3/5)**

(b) That the program design is equitable for eligible nonpublic school children:  Yes  No

**If No, meaning the program design discussed is not equitable, please provide an explanation:**

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For the federal programs in which the nonpublic school will participate, as identified above—

**The LEA responsible for providing equitable services will provide the services:**

directly  through a separate LEA  through a third-party contractor

**The LEA is providing services to eligible nonpublic school students, teachers, and other educational personnel by:**

pooling funds  on a school-by-school basis

**The LEA is actively coordinating and collaborating across federal programs, in order to ensure that federal funds and resulting services maximize efficiency and eliminate duplication of effort:**

Yes  No

**The LEA describes below how the proportion of funds allocated for equitable services is determined:**

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## Nonpublic School Consultation Agreement (4/5)

For Title I, Part A only, describe the method or sources of data the LEA will use to determine the number of nonpublic school students from low-income families residing in Title I-participating public school attendance areas.

### Other Terms and Conditions

**Obligation of Funds: Parties understand and acknowledge that under ESSA, funds are to be obligated for services during the school year for which they are allocated, as required in Sections 1117(a)(4)(B) and 8501(a)(4)(B).**

**No Consultation Agreement:** If nonpublic school officials do not provide an affirmation that consultation has occurred under ESSA Section 1117(b)(1) within a reasonable period of time, the LEA shall forward the documentation that such consultation, or attempts at such consultation, have taken place, to the State Education Agency, as required in ESSA Sections 1117(b)(5) and 8501(c)(5). If the LEA disagrees with the views of the nonpublic school officials with respect to an issue described above or the nonpublic school's request to receive services through a contract, the LEA shall provide in writing to such private school officials the reasons why the LEA disagrees, as required in ESSA Sections 1117(b)(2) and 8501(c)(2).

**Complaint Process:** Parties understand and acknowledge that pursuant to ESSA Section 1117(b)(6) and 8501(c)(6), nonpublic school officials have the right to file a complaint with the SEA if they believe that LEA officials have not complied with appropriate legal requirements including but not limited to:

- Engagement in consultation that was meaningful and timely;
- Consideration of the views of the nonpublic schools; or
- Decisions that treat the nonpublic school equitably as required by ESSA.
- Any dispute involving the poverty data on nonpublic school students may be appealed to the SEA, as allowed in ESSA Section 1117(c)(2).

Complaints may be filed by emailing a detailed and signed letter to the Kentucky Equitable Services Ombudsman at [KPSO@education.ky.gov](mailto:KPSO@education.ky.gov). The SEA is required to provide a written resolution within 45 days. If the SEA's resolution is not satisfactory, nonpublic school officials may appeal to the United States Secretary of Education within 30 days of receipt of the SEA's decision, or after the 45 day deadline has passed, if unresolved. ESSA mandates that the Secretary must complete an investigation and resolve the appeal of the SEA's decision within 90 days.

**Nonpublic School Consultation Agreement (5/5)**

For the program(s) marked and described in this agreement, the nonpublic school official and the LEA affirms this agreement for the \_\_\_\_\_ school year.

Name of LEA

Name of Nonpublic School

Signature of LEA Official

Date

Signature of Nonpublic School Official

Date

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**[THIS SECTION MUST ONLY BE COMPLETED IF APPLICABLE]**

If the LEA provides services through a third-party contractor or a through an agreement with a separate LEA, the third-party contractor or separate LEA affirms this agreement for the \_\_\_\_\_ school year.

A copy of any such agreement shall be kept on file at the district office for inspection upon request.

LEA Providing Services through MOA

Name of Third-party Contractor

Signature of LEA Official

Date

Signature of Third-party Contractor

Date