



Initial Consultation Requirements for the LEA for Title I and Title VIII

The first step in the annual planning and implementation cycle is critical, as local educational agencies (LEAs) must give full consideration to the views and perspectives of the non-public school officials without abdicating any of their decision making responsibility. Non-public school officials must be asked to weigh in on topics such as how children's needs will be identified, how to count low-income students residing in participating LEA attendance areas, how to select students to participate, what service delivery method should be used, and how results will be assessed. In the end, however, the LEA is charged with making final decisions about the most effective way to raise the academic performance of participating students.

The following consultation topics are part of the requirements under Section 1117 (applies to Title I) and Section 8501 (applies to Title IIA, III, IVA and IVB) of ESSA regarding timely and meaningful consultation with non-public school officials. Consultation should be ongoing during the design, development, implementation, and assessment of the programs. The goal of consultation is to reach agreement, in so doing, develop and implement an effective program for the benefit of the non-public school students.

- How the LEA will identify non-public school students' academic needs;
- What services will be offered;
- How services will be assessed and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible non-public school children, teachers, and other educational personnel, the proportion of funds allocated for these services, and how the proportional amount of funding is determined;
- How and when the agency, consortium, or entity will make the decisions about the delivery of services, including a thorough consideration and analysis of the views of the non-public school officials on the provision of services through potential third party-providers;
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium or entity, or through a third party-provider;
- Whether to provide equitable services to eligible non-public school children by creating a pool or pools of funds allocated for the program's purpose.

Additionally, for the Title I program, these additional elements are part of the consultation process:

- Whether to provide equitable services to eligible non-public school children by (1) creating a pool or pools of funds with all of the funds allocated for Title I purposes based on all non-public school children from low-income families residing in participating school attendance areas; or (2) for each individual non-public school, funding based on the number of low-income children who reside in participating public school attendance area attending each individual non-public school;
- 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 non-public schools;
- How, if the public school district disagrees with the news of the non-public school officials on the provision of services through a contract, the public school district will provide in writing to the non-public school official an analysis of the reasons why the district has chosen not to use a contractor;
- When, including the approximate time of day, services will be provided.

A completed "[LEA Affirmation of Consultation with the Non-Public School Official](#)" for Title I must be submitted to the state's equitable services ombudsman. (Section 1117(b)(1))
ombudsman@doe.in.gov