

Equitable Services Consultation  
Checklist of Topics for Titles I, II, and IV

**Initial Consultation: Eligibility Determination (April-May)**

- Identify and initiate contact with the Non-Public Schools (NPS), both within and outside of the district boundaries, that may be enrolling district residents.
  - Local Educational Agencies (LEAs) should utilize the Consultation Resource **and** List of 853 and 4201 schools found on our [equitable services webpage](#) when identifying potentially eligible NPS partners.
  - LEAs must also identify private schools *not listed* in the NYSED Consultation Resource and lack BEDS codes to ensure all eligible students are served.
- If an administrative reserve is appropriate to support the LEA's implementation and evaluation of the equitable services program.
- If [transferability](#) is being considered,
  - identify potential impacts to equitable services program
  - consult with non-public schools to determine how students' needs will be met if the LEA applies transferability
- Using available data:
  - Determine what funding streams will support equitable services programs
  - Use NYSED's Consultation Resource to contact potentially eligible NPS

**Initial Consultation: Program Development (May-August)**

- Identify the Title I attendance areas and [collaborate with non-public schools](#) to determine the data and methods that will be used to confirm the number of students eligible to generate funds.
- Determine how transferred funds will change the non-public school's proportional share(s) and how students' needs will be addressed with the available funds.
- Discuss how pooling of equitable shares might be used to improve the program.
- Identify the services to be delivered and evaluated based on the needs of eligible students and the evaluation measures utilized by the private school.\*
- Determine how these services will be delivered, including how the LEA will maintain control of funds.
- If any portion of the previous school year's equitable shares went unspent, the LEA and NPS must determine the fate of these funds.
  - The LEA and NPS may augment the current year's equitable services program by submitting an amendment after the current year's budget is approved.
  - The NPS may also choose to decline the funds due to the need having been met. The LEA will either redistribute or reclaim these funds according to USDE [guidance for Title I](#) (questions B-27 – B-31) and [Title VIII](#) (questions B-9 – B-12) equitable services.
- Schedule a meeting to finalize Affirmation of Consultation forms.

\*The type, mode, and evaluation methods of equitable services in private schools may differ from those offered to public school students. Consultation should always center on what students need to be academically and socially successful at the school in which they are enrolled.

**Affirmation of Consultation: Program Development (May - August)**

- Confirm the enrollment numbers using the most recent data available and calculate the per pupil amount and proportional share of each Title program. Generally, this results in

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the enrollment data for the current school year being applied to calculate the proportional shares for the upcoming school year.

- Title I shares are calculated based upon students' residence within a Title I attendance area AND their low-income status
- Title VIII shares, which include Titles II & IV, are based upon the total enrollment of non-public schools within the district's boundaries

□ Determine, if applicable, how Parent & Family Engagement reserves from Title I will be used.

- If the NPS chooses to use the Parent & Family Engagement reserve from Title I, there must be a component targeting the parents and families of Title I – eligible students.
- If the NPS has opted out of Parent & Family Engagement activities under Title I, this needs to be stated clearly on the Written Affirmation of Consultation form.

□ Confirm what, where, how, and by whom services will be provided.

- LEAs may not use "to be determined" or "various" when submitting budgets that include purchased services, such as tutoring or professional development. The NPS and LEA must identify likely service providers, such as "a teacher from the private school".
- If the service provider changes during implementation and ongoing consultation, the LEA may submit an amendment to approve the change.

□ Develop a schedule and plan for the evaluation of services by the LEA, including benchmarks to be used.

□ Resolve any disagreements arising from initial consultation.\*\*

**Affirmation of Consultation: Affirm the Program (May-August)**

□ Complete the Written Affirmation of Consultation Form based upon discussions with NPS officials and send to the appropriate official to be signed.

□ The required consultation should begin early enough for the Equitable Services program to start at the same time as the Title I program for public school participants, meaning generally at or near the beginning of each school year.

□ Upload the Affirmation of Consultation Forms, signed by both the non-public school and the LEA officials, to the Consolidated Application for ESSA-Funded program no later than August 31<sup>st</sup>.

- Send a copy of the completed form with all signatures to NPS officials.
- If requested, provide a copy of the approved application to the NPS officials.

\*\*The LEA has final decision-making authority when disagreements arise during consultation and must provide a written explanation to the NPS justifying the decision based upon the LEA's policies and procedures, ESEA, or Uniform Grants Guidance. If NPS officials are not satisfied with the LEA's decision or explanation, they may register a complaint with the Ombudsman by emailing [Ombudsman@nysed.gov](mailto:Ombudsman@nysed.gov).

**Ongoing Consultation (Throughout the Project Period: Sept. 1 – Aug. 31)**

The LEA and its NPS partner(s) should continue to have timely, meaningful, and ongoing consultation by scheduling regular check-ins.

Topics to be covered include:

□ Student progress

ESEA 1117(b)(1)(A-L)

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- Emerging student needs
- Parent & Family Engagement activities (if applicable)
- On-track obligation of funds during the project period (9/1-8/31)
- Amendment(s) necessary to ensure on-time obligation of funds

The LEA must maintain well-organized records of all communication with non-public partners, including disagreements and resolutions. These records will be requested during monitoring.

Additional Resources:

USDE's Title I Equitable Services guidance, revised May 2023:

<https://oese.ed.gov/files/2023/05>Title-I-ES-guidance-revised-5-2023.pdf>

USDE's Title VIII Equitable Services Guidance, revised July 2023:

<https://www.ed.gov/sites/ed/files/about/initiatives/ed/non-public-education/files/esea-titleviii-guidance-2023.pdf>