



# **Elementary and Secondary Education Act (ESEA)**

## **Consultation Toolkit for Private School Equitable Participation**

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# Private School Equitable Participation Toolkit

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# I. Introduction

This toolkit explains the basics of equitable participation for private school students under the Elementary and Secondary Education Act (ESEA). It covers the responsibilities of both private schools and Local Educational Agencies (LEAs) and contains tools to support effective collaboration.

## A. ESEA Titles I-IV

ESEA is the main federal legislation that addresses education in the United States. The four Titles under ESEA fund grant programs that require LEAs to provide opportunities for equitable participation to private schools. The funding streams are separate, with separate requirements and goals, but coordinating them can produce a greater impact on student success. The graphic below shows the basic purpose of each of the four Titles: Title I supporting students with the greatest academic need, Title II supporting effective instruction, Title III supporting English learners and immigrant students, and Title IV supporting academic enrichment and student supports.

### **ESSA Funding for Equitable Participation of Private School Students: Four Grant Programs Working Together for Impact**

- Title I-A:** Supporting **students with the greatest academic needs** through
- Instructional services
  - Professional development for educators
  - Family engagement

- Title III-A:** Supporting **English learners & immigrant students** through
- English language instruction
  - Family & community engagement
  - Professional development for school employees



- Title II-A:** Supporting effective instruction through
- **Professional development for teachers & principals**

- Title IV-A:** Supporting **academic enrichment & student support** through
- Well-rounded education
  - Healthy & safe environment
  - Effective use of technology

## B. Equitable Participation for Private Schools Under ESEA

Any LEA receiving ESEA funding for Titles I, II, III, and /or IV must set aside a proportional share of each grant to address the needs of students, staff, and families in private schools. Private schools may choose to participate in equitable services for one or more Titles. The private school does not directly receive the funds, but rather receives services from the LEA. The LEA must work collaboratively with their private school(s) that choose to participate in equitable services to ensure the needs of the private school students, staff, and families are met.

### *How does the process work?*

ESEA grants operate on an annual cycle. Each year, usually in early spring, the LEA contacts all of the private schools located within its boundaries and invites them to participate in ESEA Title services for the next school year.

If a private school chooses to participate (i.e. receive services), the LEA and private school officials must consult in depth on required topics. Since both bring expertise to the table, consultation is critical for meeting student needs.

The LEA gathers student information from the private school, calculates available funding, and sets up additional consultation meetings. Together, private school officials and LEA staff look at any available school data to assess the students' greatest needs, agree on what kind of services will be provided, and decide how services will be evaluated.

The LEA is responsible for providing or contracting for services and maintains control of funds.

### *What might services look like?*

Under each Title, there are multiple allowable uses of grant funds, so services for private school students may vary from school to school. Depending on the Title, services might support eligible students directly, or they might support them indirectly through services for their families or their teachers and other educators. ESEA-funded services might include direct supplemental instruction, professional development for educators, family engagement activities, technology, or other options. Services might take place before, during, or after the school day, on weekends, or during the summer.

## **II. Roles and Responsibilities**

When a private school chooses to participate in any of the ESEA programs, the private school and LEA need to consult with one another to determine equitable services and opportunities. While planning for services, the LEA and private school review available data to assess the needs of the private school students. This needs assessment guides decisions about what services should be provided to most effectively meet the needs of the private school students, their educators, and families.

While implementing services, the LEA and private school should continuously monitor services to ensure things are going as planned, and collect and examine data to determine effectiveness. At the end of the year, the LEA and private school should review data to determine how things went so they can build on successes when planning services for the next school year.

## A. The LEA's Role

The LEA is ultimately responsible for guiding the overall process, providing or contracting for services, and ensuring grant requirements are followed.

### LEA RESPONSIBILITIES

#### Guiding the overall process

The LEA initiates and guides the overall process, which includes:

- Contacting private schools within LEA boundaries to invite them to consult in early spring and providing enough information to enable them to make an informed decision on whether equitable services may be beneficial to their students.
- Establishing any necessary deadlines and clearly communicating with private schools about expectations, deadlines, and responsibilities, as well as the consequences for not meeting them.
- Determining the amount of available funding based on student data.
- Scheduling and facilitating meaningful consultations with private school officials to plan services and support the private school's understanding of equitable participation and its requirements.
- Providing or contracting for services.
- Purchasing materials, supplies, or equipment necessary to support the Title services.
- Evaluating services to ensure effectiveness in addressing the needs of the students.

#### Submitting required documentation to DPI

The LEA makes sure all necessary documents are submitted to DPI via WISEgrants, including Affirmation of Consultation with Private School Officials forms or documentation of schools' declining to participate, as applicable.

#### Collaborating with other LEAs as necessary

For Title I services, LEAs need to collaborate and exchange information with other LEAs. Sometimes a student eligible for Title I services resides within the boundaries of one LEA and attends a private school in a different LEA. The LEA where the student resides is responsible for services for that student, but staff at that LEA may not be aware that the student is attending the private school. This type of scenario makes information exchange crucial and requires coordination between the LEA where the student resides, the LEA where the private school is located, and the private school to determine the best way to provide services.

This document provides more detail regarding roles and responsibilities for collaboration: [Title I Services for Private School Students Attending a Private School Located in a Different LEA](#)

#### Requesting student data and calculating available funds

The LEA requests the private school enrollment data, uses the data to determine the amount of available funding for services, and communicates preliminary and final allocations to private school officials. LEAs may utilize the proportional share calculators to determine preliminary allocations for Titles I, II, and IV. Title III allocations are based on the number of students administered the ACCESS test in the prior year. Final allocations are calculated in WISEgrants– DPI's federal grants management system.

### Meaningful consultation and collaboration with schools to plan services

To make a real difference for students, services need to meet their needs. This requires collaborating in a meaningful way with private school staff who know and understand the students and their families' needs best. This collaboration begins with an initial consultation. To allow genuine input from private schools, the initial consultation must take place before any final decisions are made about public school Title programming for the year. The LEA initiates and facilitates the collaborative consultation process, which doesn't stop with the initial consultation.

### Ongoing consultation

ESEA requires that consultation between the LEA and private school officials be ongoing throughout the school year. Setting up a schedule of check-ins for the year during the initial planning session is a great way to make sure consultation is ongoing. Ongoing consultation allows for progress monitoring, collaborative problem solving, and relationship building between the LEA and private school.

### Providing or contracting for services

The LEA and the private school plan services during the initial consultation, but the LEA is ultimately responsible for ensuring services are delivered. As part of this responsibility, the LEA negotiates and contracts with any third-party providers or vendors involved.

### Handling all fiscal transactions

Funds may never be transferred to a private school. This means the LEA cannot reimburse a school for services, materials, supplies, or equipment. Besides maintaining control of the funds, LEAs are also responsible to :

- Completing the private school sub-budget of each Title application in WISEgrants to submit proposed private school-related expenditures for DPI approval;
- Paying third party providers or vendors when contract deliverables are met; and
- Submitting claims reflecting actual expenditures to DPI in order to get reimbursed.

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### ***Tool: ESEA Coordinator's Timeline***

The [ESEA Coordinator's Timeline Tool](#), is a spreadsheet of ESEA-related tasks intended for LEA staff, that is sortable by topic and date. It can be copied and customized. Equitable participation tasks are marked in light blue.

## B. The Private School's Role

The private school's role includes actively communicating with their LEA by providing necessary student data (i.e. enrollment and assessment data), sharing insights about student needs, and genuinely collaborating during consultation to plan and evaluate services. Private schools also help the LEA engage with students and families. The private school receives equitable services, not funds, from the LEA.

### PRIVATE SCHOOL RESPONSIBILITIES

#### Deciding whether or not to participate

Each year, in early spring, the LEA where the private school is located invites the school to consult regarding participation in Title services for the upcoming school year. Private schools should anticipate hearing from their LEA sometime in March, before the end of the third quarter. The private school should respond to the LEA's request to consult in a timely manner to prevent any delays in the planning process.

The LEA must provide private school officials with enough information to make an informed decision about participating in each Title, while the private school is responsible for either declining or accepting participation under each Title grant. Private schools are not required to participate in services, but are encouraged to consult with the LEA before deciding to opt out of services.

If a private school does decide to participate, the private school officials must:

- Provide necessary student data (i.e. enrollment, poverty, and assessment);
- Meet any requirements and deadlines determined and communicated by the LEA; and
- Follow any fiscal processes outlined by the LEA.

#### Verifying participation status

Private schools are required to verify their participation status by signing the [Affirmation of Consultation with Private School Officials](#) form. However, the affirmation form should not be signed until the LEA and private school have discussed the topics listed on the form.

DPI requires LEAs to submit the affirmation form to confirm that all private schools, whether or not they are participating, were invited to consult and to officially acknowledge the private school's decision regarding participation. This reinforces the need for a private school to respond to their LEA's request to consult, regardless of whether or not they plan to participate.

#### Providing essential student data

As part of the equitable participation consultation process, an LEA is required to collect specific student data from the private school. The private school is responsible for providing this student data to the LEA in a timely manner. Required data includes student enrollment information and any data necessary to identify the needs of the private school's students, their families, and staff.

#### Collaborating with the LEA to plan and evaluate services

The private school must follow through with their decision to participate by communicating and collaborating with the LEA to conduct a needs assessment to identify their students' greatest needs. This needs assessment informs the LEA and private school on the services that would best serve the private school students, their families and staff. Together, the LEA and private school officials

develop a plan to use ESEA funds to meet the identified needs. All services must be secular, neutral, and non-ideological and it is the LEA's responsibility to ensure the plan is implemented.

In addition to the who-what-when-where-how of services, the plan must include a mechanism for evaluating their effectiveness. The LEA and private schools should consider how services will be evaluated to ensure that the greatest areas of need are being properly addressed. As needed, the LEA and private school should collaborate to discuss any modifications to their plan that need to be made.

### **Ongoing consultation and partnership**

Because collaboration between the LEA and private school is necessary to support students effectively, ongoing consultation is not only essential but also required by federal law. The LEA and private school should schedule check-ins throughout the year. To help make collaboration as natural as possible, the private school should designate a specific person to manage the consultation process and ongoing communications with the LEA. In turn, the private school should request the LEA identify a specific person who they can contact with any questions or concerns.

Both the LEA and private school should invest the time to establish a collaborative relationship with one another that includes open lines of communication, especially since the amount of available funding and a private school's participation status may change year to year.

Remember, the private school is a necessary partner to ensure eligible students, families, and staff have access to any services under ESEA and to ensure their school community understands the benefits of the services being provided.

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### ***Tool: Roles and Responsibilities Document***

The [Roles and Responsibilities Document](#) is a chart that defines the roles and responsibilities of the LEA and a private school in regards to ESEA equitable participation.



# III. Collaborating through Ongoing Consultation

## A. Timely and Meaningful Consultation

ESEA requires timely and meaningful consultation between the LEA and the private school officials. The goal of consultation is to discuss and come to agreement on how to provide equitable and effective programs for eligible private school students, their families, and staff.

Timely means the LEA has given advance notice of planned consultation meetings to the private school located within its boundaries. The LEA should reach out in early spring to set up the initial consultation. LEAs are encouraged to share [Roles and Responsibilities Document](#) with the consultation invitation.

The private school should respond to the LEA's consultation request in a timely manner in order to prevent delaying the process. Together, both are responsible for ensuring that ongoing consultation takes place throughout the year. When possible, face-to-face meetings are most effective and are encouraged.

### *To Help Ensure Meaningful Consultation:*

- Put students' welfare first.
- Include LEA staff with the necessary range of expertise—both programming and fiscal—to allow for the development of a plan that meets requirements.
- Plan ahead for meetings and provide enough notice so everyone can prepare and compile necessary data.
- Ensure the timeline enables genuine communication by scheduling the initial consultation during the design and development of LEA Title programming.
- Ensure all required topics are covered and that the private school is given an opportunity to provide input.
- Establish deadlines for the private school when necessary data or follow up is required to prevent a delay for services being provided.

### *To Help Prevent a Less Meaningful Consultation:*

- Don't consult when it's too late for the private school to have real input on the services to be provided.
- Don't present take-it-or-leave-it services.
- Don't rush through the process to get the form signed and submitted, thinking "We'll decide on a plan later".
- Don't focus more on logistics of delivery than addressing the greatest needs.
- Don't decide to "just do the same thing we did last year" without assessing the current needs or efficacy of the services provided in the prior year.
- Do prepare ahead of time—for example, compile necessary data (i.e. student enrollment and assessment data).
- Do have all stakeholders at the meeting—for example, include an LEA representative who understands and can articulate the fiscal requirements, limitations, and procedures; and include a private school official who understands student outcome data.
- Do cover all the required topics listed on the [Affirmation of Consultation with Private School Officials](#) form.

## B. Minimum Required Topics for Consultation

ESEA requires that LEAs and private schools cover the following topics during the initial consultation. (20 U.S.C. §§ 6320(b)(1) and 7881(c)(1)-(2))

- How the LEA and private school will identify the needs of private school children.
- The method or sources of best available data that the LEA and the private school officials will use to determine the number of private school children from low income families residing in participating public Title I school attendance areas who attend private schools.
- The services the LEA will provide.
- How, where, when (including the approximate time of day), and by whom the services will be provided.
- How the LEA will assess services and how the results of the assessment will be used to improve those services.
- The size and scope of equitable services to be provided to the eligible private school children, 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.
- How and when the LEA will make decisions about delivery of services, including a thorough consideration and analysis of the views of the private school officials, specific to whether services will be provided by a separate government agency, consortium, entity, or third-party provider.
- How, if the LEA disagrees with the views of the private school officials on the provisions of services through a contract, the LEA will provide to the private schools, in writing, an analysis of the reasons why the LEA has chosen not to use a contractor.
- If there is more than one private school, whether the private schools prefer to pool equitable shares for services or if they prefer the LEA to provide equitable services to each individual private school.
- Whether to use funds provided under Title I, Part A in coordination with eligible funds available for services to private school children under applicable programs as defined in Title VIII.
- If the LEA will transfer Title II or Title IV funds as allowed under Title V, Section 5103.

## C. Ongoing Consultation: Recommended Annual Cycle

### Late Winter/Early Spring: Invitation to Consult and Initial Consultation Preparation

- **Invitation to consult regarding equitable participation:** LEAs must contact the private schools within their boundaries to provide information about the opportunities available under each grant and the private school's role if they choose to participate. The LEA must provide enough information so they can make an informed decision about participating.
- This outreach serves as an initial invitation to consult.

- If a school does not respond to an LEA after three good-faith attempts to consult, the LEA should refer to the [When a Private School Does Not Respond to an LEA's Attempts to Consult technical assistance](#) for additional guidance.
- **Prepare for initial consultation:** The more preparation, the better. Providing additional information in the initial contact with the private school on the following topics can make a big difference:
  - Share the [Roles & Responsibilities](#) document as a reference to clarify the different roles the LEA and private school have.
  - Outline what student data is required for participation (i.e. enrollment, poverty, and assessment data), and inform the private school that it's important this data is available for any initial consultation meeting(s).
    - This may include contacting the private school to identify the types of assessment and poverty data they have available.
  - Ensure the proper expertise is in the room to make decisions about programming/services and fiscal processes. (Example: program staff AND business manager or staff)

### Spring: Initial Consultation

The LEA is responsible for setting up an initial consultation meeting with private school officials so both entities can work together to develop a plan that addresses the greatest needs of the private school students, their families, and staff. This initial meeting is central to the equitable participation process and the development of a plan for the next school year. It requires prior planning and gathering of information by both entities to make the most of the meeting.

When developing a plan for services, the more detailed the plan, the better, as it will make it easier to implement the services and leave less room for misunderstandings throughout the school year. Taking the time to understand each other's preferences will also help build an ongoing collaborative relationship that will simplify joint decision making.

Input from both entities is crucial and required. Both LEAs and private schools have knowledge and expertise essential to ensure the students' needs are met. When consulting, both the LEA and private school must come prepared to consider the following:

- **Needs Assessment:** The deeper the understanding of student needs, the more strategic the planning for benefits can be. Look at any available data – such as formative and summative assessments and teacher observations – to see where the greatest needs are within a school. Discuss how individual student needs will be identified, so services (including professional learning for educators) can be delivered to those who will benefit most.
- **Funding:** The LEA must explain how much funding is available under each Title, and how the amounts are calculated. This includes an explanation of any difference between the amount available for services and the total amount of the equitable share—for example, will the LEA use a portion of funds for direct and indirect administrative costs necessary for coordinating services to the private school? Is there anticipated carryover from the prior year? Does the LEA plan to transfer funds from one Title to another?
  - ESEA prohibits private schools from obligating or receiving federal funds (20 U.S.C. § 7881(d)). The LEA is responsible for maintaining control over the funds and should, as much as possible, follow the same fiscal procedures as those implemented in the LEA

when dealing with expenditures for the private school. The LEA should clarify the fiscal process to the private school and ensure that the private school understands they cannot be reimbursed.

- **Pooling Funds Among Private Schools:** Private schools can choose either to have the LEA provide equitable services on a school-by-school basis or to pool funds between private schools or across districts.
- **Services - Planning and Evaluating:** Together, the LEA and private school officials decide what services will be provided to best meet the needs—including how, when, where, and for whom. All services, materials, or other benefits provided must be secular, neutral, and non-ideological. Services must be evaluated by the LEA for effectiveness throughout the year.
- **Final Decisions:** The LEA must consider recommendations from the private school officials before making any final decisions regarding the delivery of services, including the service provider. This means not coming to the initial consultation with final decisions already made, but rather, offering the private school a voice in the decision-making process.
  - The LEA must clarify the timeline and their process for making final decisions.
- **Affirmation of Consultation Form:** Only after all required topics have been covered during the initial consultation(s), can the LEA and private school official complete and sign the form. The LEA is required to submit an Affirmation of Consultation with Private School Officials form for each school via DPI's WISEgrants portal.

### Summer: Summer Programming and Preparations for Fall

- (If applicable) Before any summer programming begins, the LEA should touch base with their private schools to make sure everyone is still on the same page and all preparations have been completed.
- To prepare for the Fall, the LEA should:
  - Review student needs assessment data from spring consultation meetings to finalize the service delivery plan and discuss with the private schools any slight adjustments to the plan, as needed.
  - Review and finalize any third-party provider contracts.
  - Order supplies & materials, or equipment in accordance with the LEA's procurement, property management, and inventory procedures.
  - Review criteria to be used to evaluate the effectiveness of programs.
  - Review the consultation schedule for the upcoming school year and send calendar reminders to the private school.

This may require additional follow-up with the private school to ensure everything is in order.

- The LEA is required to complete the ESEA End-of-Year Report each year by August 30. The report includes demographic information related to equitable participation from the prior school year and may require the LEA to contact the private school to collect the necessary information.
- Before the school year begins, the LEA should touch base with the private school about fall programming to make sure everyone is on the same page and collect any additional information needed to ensure services will start at the beginning of the school year.

### Fall/Early Winter: Implementation of Services and Benefits

Services to eligible private school students, their families, and/or teachers should be provided in a timely and consistent manner so that the services have the most impact. In order to prevent delays or disruptions to the services, including factors that affect the effectiveness of the services, the LEA should:

- Begin implementation of the service delivery plan and provide benefits as soon as possible, with the goal to start services in the same timeframe as for public school students.
- Communicate with the private school regarding these services throughout the school year.
- Continue to make any necessary purchases on behalf of the private school, in accordance with the LEA's procurement, property management, and inventory procedures.
- Begin progress monitoring and evaluate services for effectiveness, making any modifications as necessary.
- Are there any students receiving Title I services that met the benchmarks to exit the program?
- Review any upcoming deadlines with the private school and ensure ongoing consultation meetings are scheduled for the remainder of the calendar year.

### Late Winter: Evaluation and Needs Assessment

As the school year progresses, it is important there are no disruptions to the implementation of services. The LEA is responsible to not only ensure the continuity of services but also to ensure the services address the academic needs of the private school students, their teachers, and families as intended. To meet this responsibility, the LEA should:

- Continue to provide services and benefits, ensuring consistent communication with the private school regarding the services.
- Continue progress monitoring and to evaluate services for effectiveness, making any modifications as necessary to ensure students' needs are still being met. Are there any students receiving Title I services that met the benchmarks to exit the program?
- Document any adjustments to services being made during the current fiscal year to be utilized during consultation for the upcoming year.
- Discuss any remaining funds, including available carryover, with the private school to determine how best to utilize the funding before the end of the fiscal year. DPI usually posts carryover funds from the previous year in WISEgrants during this time.
- Begin to plan outreach for consultations for the upcoming school year.

Review any upcoming deadlines with the private school and ensure ongoing consultation meetings are scheduled for the remainder of the fiscal year.

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#### **Tool: [Equitable Participation Roles and Responsibilities Overview Handout](#)**

LEAs can include this handout with their initial invitation to private schools to participate in ESSA.

#### **Tool: [Affirmation of Consultation with Private School Officials Form](#)**

LEAs upload this form, indicating intent to participate and summarizing the results of the planning consultation, to WISEgrants. One form per school (or group of affiliated schools participating together).