

ESEA Equitable Services Learning Module 2  
Elementary and Secondary Education Act (ESEA)  
**The Basics of Consultation**

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## What is consultation?

A local education agency (LEA) must consult with appropriate private school officials during the design and development of equitable services programs. The goal of consultation is agreement between the LEA and private school officials on how to provide equitable and effective programs for eligible private school children.<sup>i</sup> In Oregon, LEAs are usually the district, but depending on the Title program, can also be referred to as a MEP Region ([Title I-C](#)) or a subgrantee ([Title IV-B](#)). In this document “district” is synonymous with LEA and refers to all entities providing equitable services whether or not the entity meets the definition of a district.

Consultation is an essential requirement in a district’s implementation of effective equitable service programs for private school students, educators and families. Consultation involves discussions between public and private school officials on key topics that affect the ability of eligible private school participants to access equitable service programs.

Consultation must occur for every Title program that is eligible for equitable services and for which a district receives an allocation. Title programs that are eligible for equitable services are [Title I-A](#) and Title VIII (which collectively refers to [Title I-C](#), [Title II-A](#), [Title III-A](#), [Title IV-A](#), [Title IV-B](#), and [Title IV-F](#)).

## What characteristics must consultation include?

**Timely:** consultation with private school officials must take place before the district makes any decision that affects the opportunities of participation for eligible private school students, educators and families. Generally, the initial offer to participate in equitable services is made in the spring or early summer before the beginning of the school year in which equitable services are provided. Consultation meetings must be ongoing and continue throughout the school year as services are provided.<sup>ii</sup>

**Effective:** providing a genuine opportunity for all parties to express their views and to have those views considered.<sup>iii</sup>

**Successful:** a positive and productive working relationship is established so that effective planning continues throughout the implementation of equitable services to ensure the needs of eligible private school students, their educators and families are being met.<sup>iv</sup>

Consultation must occur with “the goal of reaching agreement” between a district and private school officials. For this to ensue, consultation must be predicated on the good faith efforts of all parties to reach agreement for equitable services. It must provide a genuine opportunity for all parties to express their views, to have their views given serious, due consideration and to discuss all viable options regarding equitable services.<sup>v</sup>

Consultation is NOT a unilateral offer of services by a district to private school officials with no opportunity for discussion.<sup>vi</sup>

Consultation is NOT the application of a blanket rule by the district for the private school.<sup>vii</sup>

The district makes the final decision with respect to equitable services; however, this can only occur after discussing key issues relating to the provision of equitable services with private school officials.<sup>viii</sup>

**What are the roles of the ODE, district, and private school in consultation?** <sup>ix</sup>

<b>ODE</b>	<b>District</b>	<b>Private School</b>
Puts the welfare of the student first.	Puts the welfare of the student first.	Puts the welfare of the student first.
Designates the Ombuds.	Contacts private schools annually to determine their intent to participate in consultation.	Declines to attend or attends consultation meetings.
Collects <a href="#">Evidence of Consultation</a> from districts.	Conducts and documents ongoing, timely and meaningful consultation.	Participates in ongoing, timely and meaningful consultation.
Mediates, investigates and resolves conflicts.	Allocates an equitable share for equitable services.	Helps collect and provide necessary documentation.
Oversees and monitors equitable service programs.	Provides and evaluates services.	Communicates the specific needs of eligible participants.
Provides technical assistance.	Obligates the equitable share within the federal fiscal year or provides carryover.	Suggests ideas, program designs and modifications for services.

**When should consultation occur?**

Districts must consult with private schools every year, even if the private school has declined services or has not responded to communications in the past.<sup>x</sup> This also includes newly opened private schools unless the private school opened after consultation has concluded.<sup>xi</sup>

The consultation process should begin well before the start of the school year and must continue throughout the full implementation and evaluation of services. The following diagram is an example of a suggested consultation timeline that uses school years (SY) 2022-2023, 2023-2024 and 2024-2025 for examples.<sup>xii</sup>

<b>2023</b>			<b>2023</b>				<b>2023 - 2024</b>								
Mar	Apr	May	Jun	Jul	Aug	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May	Jun
<b>For the 2022-23 SY</b>			<b>For the 2022-23 SY</b>				<b>For the 2022-23 SY</b>								
<ul style="list-style-type: none"> <li>Evaluates services</li> </ul>			<ul style="list-style-type: none"> <li>Provides any summer services</li> </ul>				<ul style="list-style-type: none"> <li>Obligates equitable share by Sept 30<sup>th</sup> or provides carryover</li> </ul>								
<b>For the 2023-2024 SY</b>			<b>For the 2023-2024 SY</b>				<b>For the 2023-24 SY</b>								
<ul style="list-style-type: none"> <li>Intent to Participate Letter</li> <li>Begin consultation</li> <li>Submit Evidence of Consultation</li> </ul>			<ul style="list-style-type: none"> <li>Ongoing consultation to plan services</li> </ul>				<ul style="list-style-type: none"> <li>Provides services to eligible students, teachers and families beginning at the beginning of the school year</li> <li>Evaluates services in Mar/Apr/May</li> </ul>								
							<b>For the 2024-2025 SY</b>								
							<ul style="list-style-type: none"> <li>Mar/Apr/May: begins consultation for services</li> </ul>								

**How should the district notify private schools about equitable services?**

The district must initiate the consultation process. To do so, they notify the private school of consultation meetings in the spring or early summer before the beginning of the school year by

sending an [Intent to Participate](#). This communication is used to determine the private school's interest in participating in equitable services.<sup>xiii</sup>

The [Intent to Participate](#) can be a physical letter or an email, but the district must obtain evidence that the private school received the letter. This can be done by sending the letter through certified mail, requesting a read receipt on an email, or following up through another means of communication.<sup>xiv</sup>

### What should the Intent to Participate letter include?

A sample [Intent to Participate](#) letter can be found on the ODE webpage for Equitable Services. It is recommended that the form include the following:<sup>xv</sup>

- A brief description of the Title program(s) available to provide equitable services.
- A short list of allowable activities, services and benefits that may be provided by each Title program.
- A suggested meeting date, time and venue for consultation on services for the upcoming school year.
- District contact information and instructions on how to ask questions or reschedule consultation, if needed.
- A reasonable deadline that provides clear, sufficient and adequate notice for the private school to indicate its intent to participate in equitable services.
- The identification of possible consequences that will occur if the private school does not meet the deadline, such as: not receiving a response will be interpreted as declining services.
- An opportunity for the private school to indicate its intent to participate.

### To which private schools should the district send the Intent to Participate?

#### [Title I-A](#)<sup>xvi</sup>

- All private schools within the district that might enroll eligible students.
- Any private school outside of the district if the district has reason to believe the private school enrolls students who reside within its Title I-A public school attendance area.

#### [Title VIII](#)<sup>xvii</sup>

- Only and all private schools within the geographic boundaries and/or services areas of the district.

### Should districts consult with private schools in which a district places public school students?

If the private school only enrolls students that are publicly placed, then the student is enrolled as a public school student; the allocation for these students would be included in the district's allocation; and there would be no need for consultation.<sup>xviii</sup>

### What should consultation meetings include?

[Discussion topics](#): certain topics must be discussed during consultation, as indicated in the following lists. However, all these topics do not need to be discussed during the first

consultation meeting, or all in the same meeting. Consultation is an on-going process, and all of these topics should be discussed and documented at some point before services begin.

Topics discussed during Title I-A and Title VIII consultation:<sup>xix</sup>

- How the district will identify the needs of eligible private school children and their educators; and
- What services the district will offer to eligible private school children and their educators; and
- How, where and by whom the district will provide services; and
- How the district will academically assess the services to eligible private school children and how the results of the assessment will improve services; and
- How and when the district will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers; and
- The size and scope of the equitable services that the district will provide to eligible private school children and the portion of funds that will be allocated to provide these services, and how that proportion of funds is determined; and
- How and when the district will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on providing services through a contract with third-party providers; and
- Whether the district shall provide services directly or through a separate government agency, consortium, entity or third-party contractor; and
- Whether to provide equitable services to eligible private school children through 1) a pool or pools of funds with all the funds allocated under a program; or 2) on a school-by-school basis where the equitable share of funds provides services in each school; and
- Whether and how much will be set aside for administrative and/or indirect costs; and
- Whether the district will transfer any eligible funds; and
- Any funds available for carryover.

Additional topics discussed during Title I-A consultation:<sup>xx</sup>

- The method or sources of data that the district will use to determine the number of private school children from low-income families residing in participating public school attendance areas, and if a survey is used whether the district will extrapolate data; and
- How, if the district disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such private school officials an analysis of the reasons why the LEA has made their decision; and
- When, including the approximate time of day, services will be provided; and
- Whether to consolidate and use funds in coordination with eligible funds available for services to private school children under applicable programs to provide services to eligible private school children participating in programs; and
- Family engagement activities; and
- Services and activities for teachers of participating private school students.

Required documents: Federal law requires the district to maintain documentation of the results of consultation for each private school.<sup>xxi</sup> ***The following documentation must be uploaded to the [Evidence of Consultation form](#) by the district for each private school every year.*** Generally, it is considered best practice to upload evidence within 30 days of signing.<sup>xxii</sup>

- For private schools that were non-responsive: evidence that the district sent an [Intent to Participate](#) and the private school received it.
- For private schools that declined services: a signed Intent to Participate letter, email or transcribed communication declining services.
- For private schools that accepted services: a signed [Affirmation of Consultation](#). The ODE provides an Affirmation which districts may use, or they may create their own. The Affirmation must include:
  - The school year for which the services will be provided; and
  - The name of the private school and the district; and
  - Contact name and information for the private school and district; and
  - The results of the consultation (e.g.: what services were declined and/or accepted); and
  - A method for the private school to indicate whether or not they believe consultation was timely and meaningful; and
  - A method for the private school to indicate whether or not they believe the program design is equitable with respect to eligible public school students; and
  - A method for the private school to indicate they are a [non-profit](#); and
  - A record that all required topics were discussed during consultation; and
  - Signatures of the private school and the district; and
  - Date of the signatures.
- Reasons for disagreement (if applicable): If a district disagrees with the private school during consultation, the district must provide in writing their final decision with reasons why the district disagrees with the private school. Reasons should be fact-based and explain in detail why the district cannot meet the private school's request.

While not required, some documents should be maintained as best practice for each consultation meeting. During monitoring, or if a complaint is filed, these documents may be requested by the ODE and/or the US Department of Education.<sup>xxiii</sup>

- Meeting minutes
- Agenda(s)
- Sign-in sheet(s) or attendance

Finally, ESEA requires specific processes to occur during equitable service programs but does not require a specific document to be completed and annually submitted. Documentation of these specific processes may be requested during state or federal monitoring.<sup>xxiv</sup>

- How the district identified the needs of the private school students, teachers and families; and
- Invoices and contracts for services, programs, materials and resources; and
- Evaluations of the effectiveness of the program(s) and/or service(s); and

- Evidence the district adequately addressed problems and complaints made by the private school.

### What if a district and a private school cannot resolve a disagreement?

The district and private school should work to foster cooperative, positive relationships by engaging in timely and meaningful consultation. By conducting consultation with the goal of reaching agreement, most disagreements can be effectively addressed. When a disagreement arises, the following steps should be taken:<sup>xxv</sup>

1. **Both the district and private school**: Discuss the matter at the local level. Involving other district and/or private school officials in the discussion may be helpful as they may be able to share helpful perspectives and unique expertise for coming to a resolution.
2. **Either the district or private school**: Informally ask the [Private School Ombuds](#) for help in settling the dispute.
3. **The district**: If they disagree with the views of the private school, provide the private school with their decision in writing, including an explanation of their reasons.
4. **The private school**: File a [formal written complaint](#) with the ODE. The ODE must resolve a formal written complaint within 45 days. Every formal complaint must include:
  - a. A statement that the district has violated a requirement of Title statute or regulations regarding equitable participation.
  - b. The facts on which the statement is based, including any evidence such as meeting minutes, forms, communications, etc.
  - c. The specific statutory or regulatory requirement(s) allegedly violated, which could be:
    - i. Consultation was not meaningful and timely;
    - ii. The private school's views were not given due consideration; and/or
    - iii. Private school students were not treated equitably to public school students.
  - d. The signature of the complainant
5. **Any interested party to the complaint**: File a formal written complaint with the US Secretary of Education. A complaint may be filed if:
  - a. The ODE does not resolve the complaint within the required 45 days; or
  - b. Within 30 days of the ODE's resolution if they disagree with the ODE.

The appeal must include:

- a. A copy of the ODE's resolution or a statement there was not a resolution published after 45 days; and
- b. A statement of the reason(s) for supporting the appeal.

### In general, what considerations are there for services, programs, materials and equipment that are provided by the equitable share?

- All equitable services must be secular, neutral and non-ideological.<sup>xxvi</sup>
- The services and programs must, at all times, supplement and do not supplant the instructional program of the private school.<sup>xxvii</sup>
- Services and programs must not benefit the private school in general.<sup>xxviii</sup>

- Funds may not be used for repairs, minor remodeling or construction.<sup>xxxix</sup>
- All equipment and materials purchased with the equitable share are the property of the district and must be accounted for in district inventory. Materials and equipment must only be used for the applicable Title program and must be able to be removed from the private school without remodeling. Furthermore, when a Title program or service ends, the materials and equipment must be returned to the district or used under another ESEA equitable service program, if allowable. Materials and equipment may be sold or donated to the private school as allowable under the district’s retention policy and federal disposition regulations.<sup>xxx</sup>
- The district must provide services and other benefits for private school students and teachers in a timely manner that is equitable in comparison to the services and benefits provided for public school students and teachers.<sup>xxxix</sup>
- District-paid employees and contractors may not introduce any religious matter into equitable service programs or become involved in the religious activities of the private school while employed by the district.<sup>xxxix</sup>
- All professional development (PD) must meet the definition of PD under ESEA, meaning it is an activity that is: part of the strategies for providing educators with the knowledge and skills necessary to enable children to succeed in a well-rounded education; and sustained (not stand-alone, 1-day, or short-term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused.<sup>xxxix</sup>
- Equitable services must meet the needs of the private school participants and show reasonable promise of effectiveness. During consultation, the district and private school should decide how to [evaluate the specific needs](#) for equitable services.<sup>xxxix</sup>
- At the end of the equitable service program, it must be [evaluated for effectiveness](#). During consultation, the district and private school should decide how to evaluate the effectiveness of each service and/or program.<sup>xxxix</sup>
- While private schools will need to assist the district with obtaining documentation and relevant information by completing appropriate forms in order to ensure the delivery of equitable services, the paperwork should not place an undue administrative burden on the private school.<sup>xxxix</sup>
- Services are determined by the needs of eligible private school children, their educators and families and the amount of funding available. Therefore, while services must be equitable in comparison, they may be different than services provided to public school participants. Additionally, the district cannot determine the services that will be offered before engaging in consultation by making a unilateral offer of services or applying a blanket rule as this might not meet the needs of private school participants.<sup>xxxix</sup>
- If transportation to an equitable service program is required for private school participation, the district must provide transportation and can pay for it out of the administrative set aside. A private school cannot be excluded from participation based solely on unavailability of transportation, be compelled to provide transportation or require the parents of eligible students to provide transportation.<sup>xxxix</sup>



## How can consultation be most effective?

Below are the recommended steps for effective consultation. If a disagreement arises, follow the [resolution process](#).

### STEP 1: Invitation to participate in equitable services

**District:** There is not a specific deadline before which a district must consult with private schools. However, ESEA does stipulate that a district must consult with private schools before making any budgetary decisions, such as transferring funds,<sup>xxxix</sup> and in a timely manner so that services for private school students start around the same time as services for public school students. Because of this, districts generally consult in the spring of the school year that is immediately prior to when services will begin.<sup>xi</sup>

Districts are responsible for [inviting](#) every private school within their boundaries and any private schools outside of their boundaries that they have reason to believe enroll students from their Title I-A public school attendance area(s).<sup>xii</sup> To help districts identify private schools, they may use the [Private School District List](#); however, this is not a comprehensive list and districts should work with community partners and the [Private School Ombuds](#) to identify newly opened or closed private schools.

If there was a reasonable deadline given in the [Intent to Participate](#), the private school was aware of the consequences of not responding, and the private school did not respond,<sup>xlii</sup> the district must upload proof that the district contacted the school (such as: certified mail receipt, read email receipt, phone call log, a written narrative of all contact attempts, etc.) to the [Evidence of Consultation form](#). At this point, the district has fulfilled their obligation for equitable services consultation and does not have to move on to Step 2.

If there was a reasonable deadline given in the Intent to Participate letter and the private school declined services, evidence of the private school doing so must be uploaded (such as an email declining services, a returned Intent to Participate Letter declining services, a written narrative of a phone call, etc.) to the [Evidence of Consultation form](#). At this point, the district has fulfilled their obligation for equitable services consultation and does not have to move on to Step 2.

If the private school indicated an interest in participating in equitable services by the date of the reasonable deadline, the district must move on to Step 2.

**Private School:** should do their best to be a good partner to districts during consultation. This generally means responding to district communications in a timely manner. There is not a requirement that private schools respond to district communications; however, under certain circumstances not responding can be interpreted as declining services.<sup>xliii</sup>

Private schools that are not contacted by the district can contact the district to request services. If the private school does not know whom to contact at the district, the [Private School Ombuds](#) can help them determine the appropriate contact.

## STEP 2: Initial consultation

**District:** Only private schools that have indicated an interest in equitable services attend consultation. First, the district must verify the [non-profit status](#) of the private school and that they enroll students in any grade K-12.<sup>xliv</sup> Next, the district must communicate which Title funds are available to the private school, how these funds can be used, and any [applicable topics required under ESEA statute](#). For private schools that have previously participated in equitable services, it may be possible to sign an [Affirmation of Consultation](#) at the end of the first meeting of initial consultation, thus ending initial consultation. For private schools that have not previously participated in equitable services, more than one initial consultation meeting may need to be scheduled before signing the Affirmation.

If the private school does not attend initial consultation and fails to reschedule before the start of the meeting, the district should contact the private school one last time to perform consultation. The district may require the private school to attend consultation by a reasonable deadline and communicate that failure to do so will result in declining services. If the private school does not respond to the district to reschedule or fails to attend the rescheduled meeting, the private school can be assumed to have declined services.<sup>xlv</sup> The district must: upload evidence of the private school's failure to attend consultation to the [Evidence of Consultation form](#); has fulfilled their consultation obligation; and does not have to move on to Step 3.<sup>xlvi</sup>

If during consultation, the private school indicates they do not wish to participate in equitable services, consultation will end for that year. The district must: upload evidence of this decision to the [Evidence of Consultation form](#); has fulfilled their consultation obligation; and does not have to move on to Step 3.

**Private School:** should do their best to be a good partner with districts during consultation. This means they should attend consultation meetings as scheduled or request for them to be rescheduled, if needed. If the private school cannot verify their [non-profit status](#) and/or does not meet reasonable and clearly communicated deadlines, and the consequences of missing the deadline has been communicated, the private school will have declined services for the school year.

## STEP 3: Documenting agreement and setting deadlines

**District:** during consultation the district must record all agreed upon decisions, especially those decisions regarding all [applicable topics required under ESEA statute](#).

The district cannot require the private school to complete significant paperwork in order to participate in equitable services as this would result in an undue administrative effort for the private school.<sup>xlvii</sup> However, the district can require the private school to help the district complete paperwork (such as helping with filling out a needs assessment, writing a professional development plan or creating preliminary equitable share budgets) since the information and data required for such paperwork can only be provided by the private school.<sup>xlviii</sup> During consultation the district and private school must agree to any deadlines

the district and/or private school will meet. On the ODE's [Affirmation](#) agreed upon deadlines and decisions can be recorded.

If during consultation, the private school indicates they do not wish to participate in equitable services, or they miss an agreed upon deadline that results in a declination of services, the district must upload evidence to the [Evidence of Consultation form](#). The district has fulfilled their consultation obligation and does not have to move on to Step 4.

**Private School:** during consultation the private school may either keep their own notes of agreed upon decisions, or they may verify the official record kept by the district. While private schools cannot be forced to complete paperwork on their own, they must provide any requested data that is necessary for services to the district in a timely manner.

#### STEP 4: Affirmation of Consultation

**District:** when both the district and private school have reviewed and signed the [Affirmation](#) and all [applicable topics required under ESEA statute](#) have been discussed and agreed upon, the district must upload the Affirmation to the [Evidence of Consultation form](#). The Affirmation is a legally binding document, so any changes made to the agreements recorded on it must be added.<sup>xlix</sup>

**Private School:** meets all agreed upon deadlines.

#### STEP 5: Determining student eligibility for calculating the equitable share

**District:** is responsible for determining the eligibility of private school students, but this process will require the help of the private school. Deadlines that have been agreed upon during initial consultation will help clarify what data is needed and when it should be provided. If a private school misses an agreed upon deadline and cannot provide an adequate reason for doing so, in some circumstances, they may have declined services.<sup>l</sup>

**For [Title I-A](#):** the private school may be located inside or outside of the district's geographic boundaries; however, the private school student must reside within the boundaries of a Title I-A public school attendance area. This means that a private school may be eligible for an equitable share from more than one district. During consultation, the district and private school must agree upon the method for determining the income eligibility of individual private school students (see [Module 3b](#)).

**For [Title I-C](#):** the private school must be located within the geographic boundaries of the district. The private school student must have made a qualifying move within the preceding 36 months and be properly recorded on the state's national Certificate of Eligibility (see [Module 5](#)).

**For [Title II-A](#) and [IV-A](#):** the private school must be located within the geographic boundaries of the district. In general, the student must be enrolled in any grade K-12 to be eligible. Under federal law, there is not a requirement that private school students be residents of the district, county, state or even country in which the private school is located. For help determining the eligibility of atypical student groups, contact the [Private School Ombuds](#).

**For [Title III-A](#):** the private school must be located within the geographic boundaries of the district. The district and private school must agree on how to determine private school student eligibility which may include a Language Use Survey and must include an English Language Proficiency assessment (see [Module 7](#)).

**For [Title IV-B](#):** the private school must be located within the service area of the subgrantee. Private school students must be enrolled in a grade level, or equivalent, that is served by the program with priority given to students experiencing poverty, who are at academic risk and/or other criteria in the subgrantee's application. Subgrantees must consult with private schools before applying in order to include them in the needs assessment. When awarded, subgrantees must consult with private schools on an annual basis, even if the private school previously declined services (see [Module 9](#)).

**For [Title IV-F](#):** the private school must be located within the geographic boundaries of the district; and they must be able to show their learning environment was disrupted by the crisis for which the funds were awarded to the district. Districts must consult with private schools before applying in order to include them in the needs assessment. Once awarded, districts must consult with private schools on an annual basis, even if the private school previously declined services (see [Module 10](#)).

**Private School:** must assist the district in gathering data to determine eligibility by agreed upon deadlines.

#### STEP 6: Calculating the equitable share

**District:** the district is responsible for calculating the equitable share and communicating the amount to the private school in a timely manner. The district must explain how they calculated the equitable share, if requested. The equitable share, tabulated by district, is posted on the [Private School Participation Under ESEA webpage](#).<sup>li</sup> It is permissible for the district to first calculate a “preliminary” or “initial” equitable share based on the previous year’s information and then re-calculate it as more current data becomes available.

For more information on calculating the equitable share, see [Module 3](#).

**Private School:** attends and participates in consultation discussions on administrative and/or indirect costs. Also provides necessary data in a timely manner and/or by all agreed upon deadlines.

#### STEP 7: Delivery of services and on-going consultation

**District:** all equitable services must be allowable (reasonable, necessary and allocable to the Title program)<sup>lii</sup>, secular, neutral and non-ideological,<sup>liii</sup> and meet the specific needs of the private school student, educator, and/or family, as applicable<sup>liiv</sup> (for more information, review [this list of considerations](#)). The district must assist the private school in [identifying needs](#), which will determine what services will be provided. Additionally, the district and private school should discuss procurement methods and introduce the private school leader to any applicable business office contacts. Next, the district and private school should discuss how services will be provided, perhaps by creating service plans, professional development plans, job postings for district hired staff, preliminary budgets, etc. Finally, the

district and private school should discuss how and how often they will communicate and/or meet during the provision of services. If a private school misses a deadline or becomes non-responsive after multiple communication attempts by the district, the private school may be assumed to have declined services.<sup>lv</sup> The equitable share must at all times remain under the control of the district. Funds must never be directly paid to the private school; and all funds must be obligated by the district and not the private school.<sup>lvi</sup>

**Private School:** attends consultation and meets deadlines as agreed to during consultation. Assists the district in determining specific needs and the provision of services such as assisting with service plans, professional development plans, preliminary budgets, etc. The equitable share must at all times remain under the control of the district. Funds must never be directly paid to the private school; and all funds must be obligated by the district and not the private school.<sup>lvii</sup>

## STEP 8: Evaluation of services

**District:** for all equitable service programs, the district must, in consultation with the private school, [evaluate the services](#) provided. For Title I-A, the equitable services must be evaluated to determine the progress being made in meeting participating students' academic needs.<sup>lviii</sup> For Title III-A, an English Language Proficiency (ELP) summative may be agreed upon to determine if a student will exit the program and for evaluative purposes.<sup>lix</sup>

**Private School:** assists the district in gathering data for the evaluation of equitable services.

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<sup>i</sup> [Title I-A Equitable Services NRG](#) (2023) A-1, A-2 [ESEA](#) section 1117(b)(1), [Title VIII Equitable Services NRG](#) (2023) A-1, A-8, [ESEA](#) section 8501(c)(1)

<sup>ii</sup> [Title I-A Equitable Services NRG](#) (2023) A-1, [Title VIII Equitable Services NRG](#) (2023) A-1

<sup>iii</sup> [Title I-A Equitable Services NRG](#) (2023) A-1, [Title VIII Equitable Services NRG](#) (2023) A-1

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