



# Illinois State Board of Education

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## E-Bulletin No. 05-09 (Update 5/15)

**TO:** School District Superintendents  
School District Title I, Part A Directors

**FROM:** Melina Wright, Division Administrator, Title Grants Administration Division

**RE:** Providing Services to Eligible Private School Children-The Consultation Process

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Under Title I of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), local educational agencies (LEAs) are required to provide services for eligible private school students, as well as, eligible public school students. In particular, Section 1120 of Title I, Part A, requires a participating LEA to provide eligible children attending private elementary and secondary schools, their teachers, and their families with Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families.

A few key issues to ensure compliance with these requirements:

- Consultation with private school officials is an essential requirement in the implementation of an effective Title I program for eligible private school children, their teachers, and their families and must occur in a timely manner and be responsive to the needs of the students attending private schools.
- Consultation must occur before the LEA makes any decision that affects the opportunities of private school students, teachers, and education personnel to participate in programs requiring their equitable participation.
- Consultation must include, at a minimum, the 11 topics listed below. For example, simply administering an annual assessment to private school students participating in the Title I program does not necessarily satisfy the requirement that the district, in consultation with private school officials, determine how the Title I program will be assessed, what the agreed upon standards are, and how the annual progress will be measured.
- Sending a letter of notice or delivering a packet of information, explaining the purpose of federal education programs or describing the services, is not sufficient consultation.
- A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation and does not fulfill the intent of the law. In fact, failure to engage in a timely and meaningful consultation process and to simply extend services already provided to public schools is a violation of section 200.66(2) of the Title I regulations. For example, simply inviting the private school teachers to attend the districts' professional development program does not satisfy the consultation process. The LEA is required to

offer professional development that reflects the specific needs of the private school participants.

- Only after discussing key issues relating to the provisions of Title I services should an LEA make final decisions with respect to the Title I services to be provided to eligible private school children, their teachers, and their families.

### **LEA Responsibilities**

The LEA has the ultimate responsibility to initiate the consultation process, provide Title I program oversight, make decisions, control use of purchased materials, determine hiring of personnel, supervise third party contracts, evaluate and supervise Title I personnel and programs. During the consultation process the LEA should:

- Set up a timeline with private school officials for future meetings and for visits by the LEA;
- Plan for multiple meetings;
- Gather input from private school representatives;
- Have an agenda for each meeting;
- Keep written notes and share with private school officials;
- Maintain meaningful written assurances; and
- Plan to conduct full school year programming.

### **Private School Responsibilities**

In response, private school officials who want services for their eligible students should be aware of their roles in the consultation process to ensure that Title I programs designed by the LEA effectively meet the needs of their participating children, their teachers, and their families. Roles for the private school officials are:

- Participate in the consultation process;
- Provide lists of addresses and grade levels of low-income families;
- Provide lists of addresses and grade levels of children who meet the multiple, educationally related, objective criteria for participation eligibility;
- Suggest ideas, program designs, and modifications that meet the needs of their eligible children, their teachers, and their families; and
- Provide a dedicated space, if appropriate.

### **Consultation Topics (1120(b)(4))**

The consultation process between public and private school officials regarding Title I services is necessary and required by statute.

### **The following MUST be discussed during an ongoing consultation process:**

1. How the LEA will identify the needs of eligible private school children;
2. What services the LEA will offer to eligible private school children;
3. How and when the LEA will make decisions about the delivery of services;
4. How, where, and by whom the LEA will provide services to eligible private school children;
5. How the LEA will assess, academically, the services to private school children in accordance with Sec. 200.10 of the Title I regulations and how the LEA will use the results of that assessment to improve Title I services;
6. The size and scope of the equitable services that the LEA will provide to eligible private school children and, consistent with Sec. 200.64 of the Title I regulations, the proportion of its Title I funds that the LEA will allocate for these services;

7. The method, or the sources of data, that the LEA will use under Sec. 200.78 of the Title I regulations to determine the number of private school children from low-income families residing in participating public school attendance areas, including extrapolation if a survey is used;
8. How the LEA will involve families in the Title I program;
9. What professional development activities the LEA will offer to the private school teachers of Title I participants;
10. The service delivery mechanisms the LEA will use to provide services; and
11. Consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider and provide, in writing to those officials, the reasons if the LEA decides not to use a third-party provider.

Sec.200.63 of the Title I regulations requires that each LEA must obtain a written affirmation signed by the official of each participating private school, or a representative of those schools, that the required consultation process has occurred. This is submitted by the LEA during the submission of the NCLB Consolidated Application.

#### Resources

- Title I Resource Toolkit:  
<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>
- U.S. Department of Education, Non-Regulatory Guidance, October 17, 2003:  
<http://www.ed.gov/policy/elsec/guid/edpicks.jhtml?src=In>