State of New Jersey
DEPARTMENT OF EDUCATION
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ESEA-ESSA Nonpublic Affirmation of Consultation

The goal of consultation is an agreement between the LEA and appropriate nonpublic school officials on how to provide equitable and effective programs for eligible nonpublic school students. The "goal of reaching agreement" between an LEA and appropriate nonpublic school officials is grounded in timely, meaningful, and open communication between the LEA and the nonpublic school officials on key issues that are relevant to the equitable participation of eligible nonpublic school students, teachers and other education personnel, and families in ESEA programs.

Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible nonpublic school students, teachers and other education personnel, and families. This assumes that the LEA has not made any decisions that will impact the participation of nonpublic school students and teachers in applicable programs prior to consultation, or established a blanket rule that precludes nonpublic school students and teachers from receiving certain services authorized under applicable programs. An LEA must consult with nonpublic school officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making. Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation of equitable services, and serves to ensure that the services provided meet the needs of eligible students and teachers.

Note: For every nonpublic school that chooses to participate in an *ESEA* program, an LEA must upload in Homeroom a completed and signed consultation form. If the nonpublic school elects not to participate in an *ESEA* program, a completed and signed Refusal of Funds form must be uploaded in Homeroom. **(NPC – Form upload for *ESEA*)**.

Nonpublic Affirmation of Consultation Form

Updated April 2020

LEA Name: _____

Nonpublic Name: _____

Dates of Consultation

List the date(s) that consultation occurred between the LEA and the nonpublic school or, if consultation did not occur, indicate the dates on which the LEA attempted to contact the nonpublic school and the method of contact (fax, email, signed delivery receipt requested).

Initial invitation sent to nonpublic school: _____

Follow-up #1: _____

Follow-up #2: _____

Follow-up #3: _____

☐ After three unsuccessful follow-up attempts to engage the nonpublic school in the consultation process, the nonpublic school did not respond; therefore, the nonpublic school will not participate in ESEA programs. If the LEA selects this box, sign the last page and do not complete the remaining sections. (Note that the LEA must refuse the nonpublic school's equitable share in the EWEG application).

Program Participation

Select the ESEA program(s) below to indicate the programs in which the nonpublic school intends to participate.

☐ Title I, Part A – Improving Basic Programs Operated by Local Educational Agencies

☐ Title II, Part A – Supporting Effective Instruction

☐ Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement

☐ Title III, Immigrant – Enhanced Instructional Opportunities for Immigrant Children and Youth

☐ Title IV, Part A – Student Support and Academic Enrichment Grants

☐ Title I - Reallocated

The following topics must be discussed during the ongoing consultation process:

☐ LEA Administration reservation

☐ Services to be offered, including the allowable use of funds under each participating program

☐ Service delivery mechanisms the LEA will use to provide equitable services to eligible nonpublic school children

☐ How, where, and by whom the services will be provided

- ☐ When, including the approximate time of day, the services will be provided
- ☐ Size and scope of equitable services provided to eligible nonpublic school children, teachers, and other educational personnel
- ☐ How and when decisions about the delivery of services will be made
- ☐ Thorough consideration and analysis of the view of nonpublic school officials regarding third-party contractor and written explanation by the LEA if the LEA disagrees with the use of a third-party contractor
- ☐ Whether services will be provided directly by the LEA or through a separate agency, consortium, entity, or third-party contractor
- ☐ Whether equitable services will be provided by creating a pool(s) of funds or on a school-by-school basis
- ☐ Whether to coordinate funds under Title I, Part A with eligible funds under other federal programs, including: Title I, Part C; Title II, Part A; Title III; Title III Immigrant, Title IV, Part A; through consolidation of the available funds
- ☐ LEA Fiscal policies that may impact the timeline for the provision of services (e.g., procurement requirements, consolidated application timeline, etc.)
- ☐ Requirement that the LEA retain control of all Title funds, materials, equipment, and property

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Title I, Part A

Method for determining the number of children from low-income families in participating school attendance areas who attend nonpublic schools (select ***one*** from the list below):

- ☐ Using the same measure of low-income used to count public school children in the LEA (e.g,. free or free and reduced)
- ☐ Using the results of a survey that may be extrapolated if complete actual data are unavailable
- ☐ Applying the low-income percentage of each participating public school attendance area to the number of private school children who reside in that school attendance area
- ☐ Using an equated measure of low-income correlated with the measure of low-income used to count public school children

The following topics must be discussed during the ongoing consultation process:

- ☐ Proportion of funds allocated for services based on the number of children from low-income families who attend private schools
- ☐ How the proportion of funds is determined
- ☐ How and when the addresses of low-income students will be provided to the LEA by the nonpublic school
- ☐ Parent and family engagement activity reservation, if applicable
- ☐ How the children's needs will be identified
- ☐ How the Title I, Part A services will be assessed, and how the results of those evaluations will be used to improve the services

Title II, Part A

The following topics must be discussed during the ongoing consultation process:

- ☐ Requirement that prior to any transfer of funds an LEA must engage in timely and meaningful consultation
- ☐ The amount of funds available to provide Title II, Part A equitable services
- ☐ How the Title II, Part A services will be assessed, and how the results of those evaluations will be used to improve the services

Title III

The following topics must be discussed during the ongoing consultation process:

- ☐ How nonpublic school students will be identified as English Learners (ELs) as per federal definition
- ☐ How the needs of eligible ELs, their teachers, and other educational personnel will be identified
- ☐ The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs of their teachers and other personnel at the school who work with ELs
- ☐ How the Title III services will be assessed, and how the results of those evaluations will be used to improve the services

Title III, Immigrant

The following topics must be discussed during the ongoing consultation process:

- ☐ How nonpublic school students will be identified as immigrants as per federal definition
- ☐ How the needs to eligible immigrants, their teachers, and other educational personnel will be identified
- ☐ The services that the LEA will provide to meet the language development needs of identified immigrants, as well as the professional development needs of their teachers and other personnel at the school who work with immigrants
- ☐ How the Title III Immigrant services will be assessed, and how the results of those evaluations will be used to improve the services

Title IV, Part A

The following topics must be discussed during the ongoing consultation process:

- ☐ The amount of funds available to provide Title IV, Part A equitable services
- ☐ Requirement that prior to any transfer of funds an LEA must engage in timely and meaningful consultation
- ☐ How the Title IV, Part A services will be assessed, and how the results of those evaluations will be used to improve the services

Outcome of Consultation

Check the statement that applies:

- ☐ Nonpublic school officials **agree** that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible resident nonpublic school children, their families, their teachers, or other educational personnel.
- ☐ Nonpublic school officials **disagree** that timely and meaningful consultation has occurred or that the program designed is equitable with respect to eligible private school children. The nonpublic school will provide the LEA these reasons in writing with a copy to the State Nonpublic Ombudsman – Ombudsman.nonpublic@doe.nj.gov.

Signatures

Signature of LEA	**Official Date**
Signature of Nonpublic School	**Official Date**

*Each LEA shall upload a copy of this document into NJDOE Homeroom, provide a signed copy to the nonpublic school official and maintain a copy in the agency's records.

NPC – Form Upload for ESEA

*** System only accepts PDF and Word Documents**