ESEA Monitoring FACTSHEET

(D-1) Timely & Meaningful Consultation with Non-Public Schools

As a pass-through entity for Federal education funds, the Maine Department of Education (DOE) has prepared this guidance document to assist Federal program subrecipients in adhering to the statutory requirements for the Title I, Part A, Title II, Part A, Title III, Part A, and Title IV, Part A programs, including the requirements outlined in Title VIII.

The information provided in this document serves as general guidance being provided by the Maine DOE. Subrecipients under the Title I, Part A, Title II, Part A, Title III, Part A, or Title IV, Part A programs should refer to the full text of the regulations which govern the use of these federal funds, which can be found at under the Elementary and Secondary Education Act and within the Code of Federal Regulations.

Subrecipients of Federal funds are solely responsible for meeting all applicable Federal regulations.

Definitions:

Non-public School: an elementary or secondary school within the State, other than a public school, offering education for students in kindergarten through grade 12, or any combination thereof, wherein any child may legally fulfill compulsory school attendance requirements and which complies with the requirements of Title VI of the "Civil Rights Act of 1964," Pub.L.88-352, (42 U.S.C. s.2000d et seq.).

Eligible Non-public School: an elementary or secondary school within the State meeting the definition of a non-public school, as outlined above, which also maintains state approval and a not-for-profit status.

Statutory Requirements: Elementary and Secondary Education Act: Sec. 1117(b) & Sec. 8501(c)

State Guidance:

Any school administrative unit (SAU) that receives an allocation of funding under Title I, Part A, Title II, Part A, Title III, Part A, and/or Title IV, Part A in any given fiscal year must engage in timely and meaningful consultation with any eligible non-public school(s) on how ESEA funds may be leveraged to help meet the needs of eligible non-public school

students. This consultation must include appropriate non-public school official(s) and occur during the design and development of the SAU's ESEA funding application and before any final decisions around funding, including the transferring of funds between programs, has been decided.

SAU and non-public school official(s) must approach the consultation process with the goal of reaching agreement on how to provide equitable and effective programs and services for eligible non-public school students. The consultation process must include timely and meaningful conversation and collaboration on the following topics:

1. How the needs of eligible non-public school students have been identified and what those specific needs are;

2. The types, size, scope, and timing of services that will be offered to support eligible non-public school students;

3. How, where, and by whom the equitable services will be provided;

4. How the equitable services will be academically assessed and how the results of such assessment work will be used to improve those equitable services;

5. How and when ongoing decisions about the delivery of equitable services to eligible non-public school students will be made, including a thorough consideration and analysis of the views of non-public school official(s);

6. Whether the SAU shall provide equitable services directly or through a separate third-party contractor; and

7. Plans for how, if the SAU disagrees with the views of the non-public school official(s) on the provision of equitable services, the SAU will provide a written analysis of the reasons why the SAU disagrees to the non-public school official(s).

Records related to the consultation process must be kept on file by both the SAU and any partnering non-public schools.

Relevant Documentation:

To demonstrate having met the statutory requirements outlined above, the SAU may provide the Maine DOE with the following type(s) of documentation:

- Agenda and minutes from consultation meetings with non-public school official(s)
- Email communication records between SAU and non-public school official(s)

Technical Assistance:

Please feel free to contact your ESEA Regional Program Manager at the Maine DOE if you have any questions relative to the contents of this document or the requirements for

leveraging these Federal funds.