



EQUITABLE SERVICE PROCEDURES

Equitable Services Complaint Procedures:

Before any party is allowed to file a complaint, all parties must have made reasonable efforts to resolve their dispute themselves. In addition, an opportunity to resolve the dispute between the parties must be provided to the designated Iowa Department of Education program consultant. Only after these steps are completed should any of the parties seek redress through the filing of the complaint form. Below are the specific steps of the complaint procedure:

- 1) All programmatic or fiscal questions dealing with how a specific federal program operates or how a federal program's allocation is calculated must be addressed by the identified Iowa Department of Education program consultant.
- 2) Should a dispute arise between the public school or area education agency (AEA) and the private school in the provision of equitable services, the public school or AEA and private school representatives should attempt to resolve the issue themselves.
- 3) Should resolution of the issue between the public school or AEA and private school representatives be unobtainable through negotiations, the private school representative should contact the identified Iowa Department of Education program consultant to assist in resolving the issue.
- 4) The identified Iowa Department of Education program consultant will discuss the issue with both the private school and public school or AEA representatives and let each school know how the issue should be resolved based upon interpretation of the law.
- 5) Should the public school, AEA, or private school representative believe the issue was not appropriately resolved by the identified Iowa Department of Education program consultant, the public school, AEA, or private school representative can file a complaint with the state ombudsman for up to 30 calendar days from the date indicated on the consultation agreement. All complaints filed beyond the 30 calendar day time limit shall not be considered for review.
- 6) The state ombudsman will review the complaint to determine the issue to be resolved.
- 7) After reviewing the complaint, the state ombudsman shall contact the private school representative, the public school representative, AEA representative and the identified Iowa Department of Education program consultant to get a complete understanding of the issue.
- 8) The state ombudsman shall issue a written response to the complaint, resolving the dispute, no later than 30 days from the date of submission of the complaint.
- 9) The state ombudsman shall make available a summary of all complaint resolutions to assist the field in resolving future disputes.

Complaint Form Link:

<https://docs.google.com/forms/d/e/1FAIpQLScSwXagChQi7mBNnz9D7BbBrXm5fClazUuHFKkwCcNz0htStw/viewform>

Equitable Services Consultation Agreement Procedure:

To ensure timely and meaningful consultation, a school district or AEA must consult with appropriate private school officials during the design and development of such agency's covered Title programs and the consultation must occur before the school district or AEA make any decisions that affect the opportunities of eligible private school children to participate in covered Title programs. Also, the representative parties to this consultation agreement should possess the authority to act on behalf of the school district, AEA, or private school and possess the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children. Each school district or AEA shall maintain in the agency's records and provide to the state-designated ombudsman this written consultation agreement signed by officials of the participating private school that the meaningful consultation required has occurred through completion of a consultation agreement form.

The "goal of reaching agreement" between AEA or public school officials and appropriate private school officials is grounded in timely, meaningful, and open communication between the AEA or public school officials and the private school officials on key issues relevant to the equitable participation of eligible private school students, teachers and other education personnel, and families in 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 private school students, teachers and other education personnel, and families. This assumes that the AEA or public school district has not made any decisions that will impact the participation of private school students and teachers in applicable programs prior to consultation, or established a blanket rule that precludes private school students and teachers from receiving certain services authorized under applicable programs. The AEA or public school district should consult with private school officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood those involved will be well prepared with the necessary information and data for decision-making.

While publication of the specific dollar amount of services a nonpublic school has available from a particular Title program is part of ESSA requirements, lack of the specific dollar amount when the consultation begins does not prevent the consultation process from moving forward. The parties to the agreement should focus on the specific needs of the nonpublic students and teachers and how those services can be provided. After student needs are identified, the services can then be ranked based on priority. To assist the parties, the previous year's nonpublic equitable services amount can be used as a guide to establish an amount available for services during the beginning of the consultation process. After the dollar amounts for nonpublic services is published by the Department, the parties can revisit the identified needs of the nonpublic students and teachers to clarify what services can be provided based on the prioritization of needs and the amount available to provide those services.

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 the services provided meet the needs of eligible students and teachers.

To assist in establishing meaningful consultation processes, the Department would recommend following the steps identified below.

- 1) Nonpublic school reviews their student data pertinent to each Title program to identify the specific needs of their students;
- 2) Public school or AEA contacts the nonpublic school to arrange a time and place for the consultation;
- 3) At the beginning of the consultation, the nonpublic school provides the specific needs identified through their review of student data and those needs should be prioritized based on importance;
- 4) The public school or AEA informs the nonpublic school of the Title program services it plans to offer students, teachers, and families during the next school year that may address the needs of the nonpublic school students, teachers, and families;

- 5) If there are specific needs of the nonpublic students, teachers, or families not addressed through the suggested offerings of the public school or AEA, a discussion needs to occur to determine how those needs will be addressed through services; and
- 6) After Title program allocations are published by the Department, the public school or AEA contacts the nonpublic school to finalize the services to be provided based on the amount available for services.

The questions posed in the DE created consultation agreement form below provide a systematic approach to having a meaningful consultation. Please feel free to use this form.

Complaint Form Link:

https://docs.google.com/forms/d/e/1FAIpQLScdEayU_kFKr1_uzsECs7Rul8b9nIBvHn6RGvr_5UNPlcihJw/viewform