# Oklahoma State Department of Education Janet Barresi State Superintendent of Public Instruction

December 5, 2014

#### Dear Superintendent:

Under the *Elementary and Secondary Education Act of 2001* (ESEA), districts are required to annually contact officials from all private schools **within the district**. In addition, if there are students who are residents within the district but attend a private school outside of the district attendance area, the district is required to contact those private school officials. If either of these scenarios applies, the district must submit a *District Affirmation of Consultation with Private School Officials* (page 6) form for **each** private school consulted with must be returned to the Office of Federal Programs. If, after consultation, the private school wishes for their students, teachers, and other educational staff to participate, the *Declaration of Intent to Participate in -Federal Programs for Private Schools* (pages 7-12) must be completed for each private school participating and returned to the Office of Federal Programs.

The district is responsible for implementing equitable services for private school students, teachers, and other educational staff eligible to participate in federal programs. After consultation with each private school, please return the completed documents electronically to the Office of Federal Programs to Rose.Carlson@sde.ok.gov with the following subject line: **Private School Packet**, typed exactly as shown, no later than **Friday**, **February 6**, **2015**.

If no private schools exist in the district or the district has no resident students attending private schools in another district, complete the form below and send electronically to Rose. Carlson@sde.ok.gov with the following subject line: Private School Packet, typed exactly as shown, no later than Friday, February 6, 2015. Keep this private school packet for future reference. No further action is required.

For more information concerning the provision of equitable services to private school students, teachers, and other educational personnel, please refer to the State Department of Education Web site at <a href="http://www.sde.ok.gov">http://www.sde.ok.gov</a>. If you have any questions, please contact the Office of Federal Programs at (405) 522-8960. Thank you for your assistance.

Sincerely,

Ramona Coats

Ramona Coats Assistant State Superintendent Office of Federal Programs

	Office of Federal Programs
RC Enclosures cc: State Superintendent Janet Barresi Chief of Staff Joel Robison	
Submit to Oklahoma State Departm	ent of Education (OSDE) by <i>Friday, February 6, 2015</i> .
Certification that no private schools exist private school in another district:	t in this district and none of our resident students attend a
District Name & Code	County Name & Code

Superintendent Signature

Date

### State and Federal Requirements for the Participation of Private Schools in Federal Programs under the *No Child Left Behind Act of 2001* FY2015

- 1. Each year the State Department of Education Office of Federal Programs distributes the *Declaration of Intent to Participate in Federal Programs for Private Schools* form to district superintendents for consultation and completion with eligible private school administrators within each district. The administrator of each eligible private school with 501(c)(3) nonprofit certification who desires for their students, teachers, and other educational staff to participate in any of the eligible federal programs (see page 6), must complete and return the form to the districts by the indicated deadline to participate in federal programs in the 2014-2016 school year.
- 2. Federal guidelines require districts to annually conduct timely, meaningful, and ongoing consultation with private school officials of participating private school students, teachers, and other educational staff. The district must inform private school administrators of the benefits and limitations of the *Elementary and Secondary Education Act 2001* (ESEA) and provide the opportunity for private school students, teachers, and other educational staff to participate in the district programs.
- 3. Each district will receive a federal program allocation which includes counts of both public and private school students to implement programs under ESEA.
- 4. Each local district must consult with the private school officials about proposed uses of federal funds. All equitable services information must be submitted to the district and included as part of the district application. Participation by private school students, teachers, and other educational staff is limited to the extent allowable under specific ESEA programs.
- 5. Allocations for participating private school students, teachers, and other educational staff are included in the district's Preliminary Allocation Notification for each federal program. After the district calculates an amount for use in serving the private school students, teachers, and other educational staff, projected expenditures for these equitable services must be entered in the summary budget of the district application under function code 5500. Control of the federal funds legally remains with the district. The district shall make final decisions with respect to the services to be implemented for private school students, teachers, and other educational staff. Neither the State Department of Education nor a district may make direct payments to a private school or expend funds for any purpose that would benefit a private school or the general needs of the private school students.
- 6. Oklahoma's approved ESEA Flexibility Waiver allows all districts to transfer up to 100 percent of Title II, Part A funds into Title I Part A. However, "Each program covered by the transferability authority is subject to equitable participation requirements, which **may not be waived** (ESEA section 9401(c)(5)). Before a local education agency may transfer funds, it must engage in timely and meaningful consultation with appropriate private school officials ESEA sections 6123(e)(2) and 9501. With respect to the transferred funds, the local education agency must provide private school students and teachers equitable services under the program from which the funds are transferred based on the total amount of funds available to each program after the transfer." (Oklahoma's Approved ESEA Flexibility Request FAQs F-6.) Sufficient funds must remain in Title II, Part A to provide for equitable services for participating private schools.
- 7. Flexibility provisions (Title VI) in ESEA Flexibility Waiver allow eligible districts to transfer up to 100 percent of the portions generated by both public and private school students for certain program funds after consultation with private schools and others. Equitable services still apply when transferring funds. **Prior to the transfer of any funds** and as a part of program planning, private schools and other public school staff must be informed that the district intends to transfer funds.

- 8. A discreet audit trail for the expenditure of allocations for equitable services to private school students, their teachers, and other educational personnel must be established by the district business office to avoid commingling these federal funds with public school federal funds. Invoices for expenditures for equitable services must be coded under function code 5500 by district program staff to alert business office staff that such expenditures are to be charged to the equitable services account. Purchases made on behalf of equitable services may not be paid from the public school portion of the district allocation, nor may purchases for the public school program be paid from funds generated by private school students. Payment by the district for purchases of equitable services must be deducted from individual accounts established for equitable services for each private school with participants under function code 5500 in the appropriate program's budget page.
- 9. The district is responsible for ordering materials or equipment needed to implement the program for equitable services in the approved district application. The district is also responsible for arranging for all training programs and services to be implemented for private school students, teachers, and other educational staff. Services and materials purchased or provided by the district for private school students and teachers must be secular, neutral, and nonideological. The district must maintain an inventory of materials and equipment purchased with federal funds on behalf of each participating private school.
- 10. The district is legally required to retain title to all purchases made with federal funds for equitable services. All purchases must be appropriately labeled or otherwise identified by the district to indicate the year and source of federal funds with which they were purchased. When materials and equipment purchased with federal funds for temporary use in the program located at the private school are no longer needed to meet program purposes, the district must ensure their return and equitable distribution among other private schools with participants.
- 11. Federal funds allocated for private school students, teachers, and other educational staff is to be used for expenditures approved in the current year's district application.
- 12. If a private school closes or withdraws from participation in a federal program, the district must immediately notify the State Department of Education Office of Federal Programs.
- 13. When calculating reasonable and necessary administrative costs, the district should include the costs of administering the programs for both public and private school participants.
- 14. An LEA must consult with appropriate officials from private schools during the design and development of the LEA's Title I program for eligible private school students. After consultation with appropriate private school officials, the LEA must design a Title I program that meets the needs of eligible private school students. The LEA is responsible for planning, designing, and implementing the Title I program and **may not** delegate that responsibility to the private schools or their officials.
- 15. Title I regulations prohibit LEAs from using Title I funds for the needs of the private school or the general needs of children in the private school.
- 16. Title I regulations require that any Title I funded equipment or supplies placed in the private school are used for Title I purposes only.
- 17. Title I expenditures for other benefits to eligible private school students should be equal to the proportion of funds allocated to participating public school attendance areas (based on the number of private school students from low-income families). Funds generated by private school students must only be used for instructional costs associated with providing Title I services to eligible private school students.

- 18. Title I regulations require that, to be eligible for Title I services, a **private school student** must reside in a participating public school attendance area and meet the requirements in section 1115(b) of the ESEA which requires the LEA to use **multiple**, **educationally related**, **objective criteria in selecting children to participate in the Title I program**.
- 19. Title I services are to be provided to participating private school students by an LEA or third party contractor employee who is **independent of the private school** in the provision of Title I services. The private school teacher can only be employed for Title I purposes outside of the time he or she is employed by the private school and the private school teacher must be under the direct supervision of the LEA with respect to all Title I activities.
- 20. Private school principals may not sign time and effort records.
- 21. Title I regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school students. The consultation should include how the LEA will assess academically the services to eligible private school students and how the LEA will use the results of that assessment to improve Title I services.

### District Affirmation of Consultation With Private School Officials School Year 2014-2015 (FY2015)

(Duplicate form as needed and electronically submit to OSDE by Friday, February 6, 2015.)

Federal regulations require that timely and meaningful consultation occur between the local educational agency and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in federal programs. Consultation shall continue throughout the implementation and assessment of activities.

The following topics must be discussed	during the ongoi	ing consultation process:	
<ul> <li>☐ How the district will identify the</li> <li>☐ What services the district will of</li> <li>☐ How the decision of services del</li> <li>☐ How, where, and by whom servi</li> <li>☐ How the district will assess servi</li> <li>☐ Size and scope of equitable servi</li> <li>☐ Method or sources of data that from low-income families residin</li> <li>☐ Equitable services the district we children; and</li> <li>☐ If the district disagrees with the the district must provide the priving</li> </ul>	fer; ivered will be m ces will be provi ices to eligible pr ices; will be used to ng in participatin vill provide to te views of the pri	ade; ided; rivate school students;  determine the number of public school attendance achers and families of particular school officials on the school	of private school childrence area; articipating private school he provisions of services,
The following multiple, educationally student eligibility for the Title I Part A		re criteria will be used to	determine private school
WE AGREE that timely and meaningf affected the participation of eligible pri WE AGREE that we have participated have chosen to participate in the programs form. WE AGREE that timely and meaning assessment of services provided under the services provided under the services are services.	vate school child in meaningful a ams marked on	dren under ESEA.  and timely discussion on the Declaration of Intent  on shall continue through	each federal program and to Participate in Federal hout implementation and
Public School Official Signature	Date	Public School District	County # District #
Public School Address		Public School Phone Num	nber
Private School Representative Signature	Date	Name of Private School	Private School #
Private School Address		Private School Phone Nu	mber
Private School wishes to participate in I	Federal Programs:	Yes No	_

## Declaration of Intent to Participate in Federal Programs For Private Schools School Year 2014-2015 (FY2015)

(Duplicate form as needed and electronically submit to OSDE by Friday, February 6, 2015.)

For a private school's students, teachers, and other educational staff to be eligible to participate in federal education programs administered by the local school district, pages 6 and 7 of this form must be completed, signed by the private school representative, and submitted to the OSDE by <u>Friday</u>, <u>February 6</u>, <u>2015</u>. This form must be completed annually by the local district and each participating private school.

County:		Public School District:		
Public S	chool Contact Person:			
Public S	chool Contact Person Phone:	Fax:		
Private Education students	ation with the local school district must School Accreditation Commission (OPS on. Registration with the State Departmen	ers and students to benefit from federal educational programs through the accredited either by the State Board of Education or by the Oklahoma AC) which is an accreditation entity approved by the State Board of at of Education is an alternative to accreditation. Private schools that have to participate, must also have 501(c)(3) certification issued by the Internal		
	$e\left(\sqrt{}\right)$ the status of the private school. <u>Cha</u>			
	_ (1) Accredited by the State Board of Edu			
		klahoma Private School Accreditation Commission.		
	_ (3) Our school is not accredited, but we	wish to register with the State Department of Education.		
		by the OSDE in calculating federal program allocations for the district and school year. <i>Tax exempt number must be provided</i> .		
I.	Private School Name:	Phone:		
	Mailing address:			
	Private School Administrator:	Fax:		
	Private School Administrator email addr	ess:		
II.	Federal Tax Exempt Number (IRS Code Section 501(c)(3):			
III.	Total enrollment in K-12 on October	, 2014. Do not include preschool or homebound enrollment.		
	Total enrollment:			
		ied through English language proficiency testing:		
	Total number of Migrant students ide	ntified through a Certificate of Eligibility:		
IV.	students will participate in during 20 students, teachers, and other educatio Title I Part A: Helping Disadvanta Title I Part C: Education of Migrat Title II Part A: Teacher and Princip Title II Part B: Mathematics and S	ory Children oal Training**		

\*If Title I Part A is checked for participation, the private school needs to complete the *Family Income Eligibility Form From Private School Officials* and return to the local public school. The local public school needs to complete the *Private School Low-Income Student Count for Title I Part A Services* form and return to OSDE.

\*\* If Title II Part A is checked for participation, please verify that the private school is physically located within your LEA. If the private school is located within another LEA, please forward this information to the LEA in which the private school is located and remove the check mark.

#### STATEMENT OF ASSURANCES for PRIVATE SCHOOLS

For teachers, other educational staff, and students of private schools to be eligible to participate in federal programs, private schools must be organized according to the recognized patterns shown below.

#### MINIMUM CRITERIA FOR REGISTRATION

- 1. School will be in session for 180 days or 1080 hours. Five (5) days may be professional days. Student seat time is 1030 hours. If a private school is in session for less than 180 days, the school will be required to submit official documentation verifying the number of days in session to the LEA providing equitable services.
- 2. School will be in session six (6) hours per day exclusive of lunch time.
- 3. Adequate and appropriate facilities, supplies, and equipment will be provided to carry out the educational program.
- 4. A governing board will develop objectives and oversee program implementation.
- 5. Safe and sanitary conditions will be maintained in buildings where children receive instruction.
- 6. Compliance with Title VI of the Civil Rights Act, Title IX of Public Law 92-318, Family Education Rights and Privacy Act, Public Law 105-17 (IDEA), Section 504 of the Vocational Rehabilitation Act of 1973, and with the rules and regulations there under governing the programs and funds is assured.
- 7. School officials will meet with local school district administration to provide suggestions, ideas, program options, etc. that meet the needs of their participants to help the local school district in planning, implementing, and evaluating programs, services, and activities supported by federal program allocations.
- 8. Services, materials, and equipment provided for the benefit of participating private school students must be secular, neutral, and nonideological. Control of federal funds and the title to any equipment and materials must remain with the public agency, i.e., the local educational agency (LEA). No federal funds may be paid to any private school and the title to equipment and materials may not be transferred to any private school.
- 9. If a student is attending a private school in one district and residing in the attendance area of another district, the school officials of the district where the private school is located is responsible for notifying the district in which the student resides.

The Organizational Patterns of Schools as specified by the State of Oklahoma are listed below. Please check  $(\sqrt{})$  all that apply and enter enrollment figures. *Do not include preschool or homebound enrollment.* 

Elementary School	Middle School	Junior High	High School	
( ) K-6	( ) 6-8	( ) 7-9	( ) 9-12	
( ) K-8		( ) 7-8		
	( ) 7-8	( ) 8-9		
The state minimum school terr	n length is 180 days. Indic	cate the length of your sch	ool term:	
The state minimum school day	length is six (6) hours. In	dicate the length of your s	chool day:	
·			·	
Private School Re	presentative (signature)		Date	

Oklahoma State Department of Education Office of Federal Programs

**Private School Name** 

## Family Income Eligibility Form From Private School Officials

### **Families Who Meet the Poverty Criterion For Use in Determining Title I Services**

Name	e of Private School	
Publi	c School District	
		ch resident public school district with low-income students attending the Duplicate form as necessary.
meet to (Ident reduce grade	the poverty criteria oftify the poverty criterion ued-price lunch program.)	evels and addresses (including zip codes) of your students whose families and were in attendance October 2014.  Ised, e.g., enrollment in the U.S. Department of Agriculture's free and Do not provide the names of the families or students. More than one he form as long as there is a separate form for each school district. riday, February 6, 2015.
	Grade Level	Address Including City and Zip Code
		8 v 1

### Private School Students Who Reside in Another School District (Duplicate as needed)

Private School Student is Attending	
Public School Where Private School is Located	
Public School Where Private School Student Resides	

If a student is attending a private school in one district and residing in the attendance area of another district, the school officials of the district where the private school is located is responsible for notifying the district in which the student resides.

The intended use of this form is for the district where the private school is located to notify the district where the private student resides. Documentation should be maintained for future monitoring purposes.

Student Name	Grade Level	Address Including City and Zip Code

**NOTE:** The district where the private school student resides is responsible for completing the *Private School Low-Income Student Count for Title I Part A Services* form, page 10 of this packet, for any low-income private school student and reporting that information to the Office of Federal Programs.

#### Private School Low-Income Student Count for Title I Part A Services

Section 1120 of Title I requires that local education agencies (LEA) provide eligible private school children, their teachers, and their families with Title I educational services or other benefits that are equitable to those provided to eligible public school children and families. Title I services for eligible private school children, their teachers, and their families must be developed in consultation with private school officials.

Under Section 1113(c) of Title I, an LEA must allocate funds to a participating public school attendance area or school on the basis of the total number of children aged 5-17 from low-income families, including low-income children aged 5-17 attending private schools. Thus, the LEA, in consultation with private school officials, must obtain the best available poverty data on private school children who reside in participating attendance areas. Because private school officials may have access to some sources of poverty information not easily accessible to public school officials, it is very important that public and private school officials cooperate in this effort.

An LEA may use the following methods to obtain poverty data on private school children:

- 1. Using the same measure of poverty. *If available, an LEA should use the same measure of poverty used to count public school children,* e.g., free and reduced price lunch data.
- 2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.
- 3. Using comparable poverty data from a different source. If data from the same source used for public school children are not available, an LEA may use poverty data for private school children that are from a different source than the data it uses for public school children so long as the income threshold in both sources is generally the same.
- 4. Using proportionality. An LEA may apply 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. To do this, an LEA will need the addresses and grade levels of those students attending private schools.

Complete the form below using the data the private school provides on the *Family Income Eligibility Form* to report the October 2014 count of low-income private school students residing in the attendance area of public school sites receiving Title I services. This completed form must be returned with the complete packet by **Friday**, **February 6, 2015**. Submit one form for each private school located within the district.

Name of private school:			
List Public School Title I Sites NOT the Private Schools - Private students served must live in the attendance area of a Title I school.	Grade Span	Number of Low-Income students from attendance area who attended private school in October 2014 (Aged 5-17)	Site will be served (Indicate SW, T, or P*)
TOTAL			

<sup>\*</sup>SW=Schoolwide, T = Targeted Assistance, P = Schoolwide Planning

### Reading and/or Math Achievement Chart for Title I Students

Title I regulations require an LEA to consult with appropriate officials from private schools during the design and development of the LEA's program for eligible private school students on issues such as how the LEA will assess academically the services to eligible private school students and how the LEA will use the results of that assessment to improve Title I services.

LEA chart of the Assessment Instruments, Annual Progress Reading and/or Math Goals, and Percentage of Title I Students Achieving Goals by Grade Level

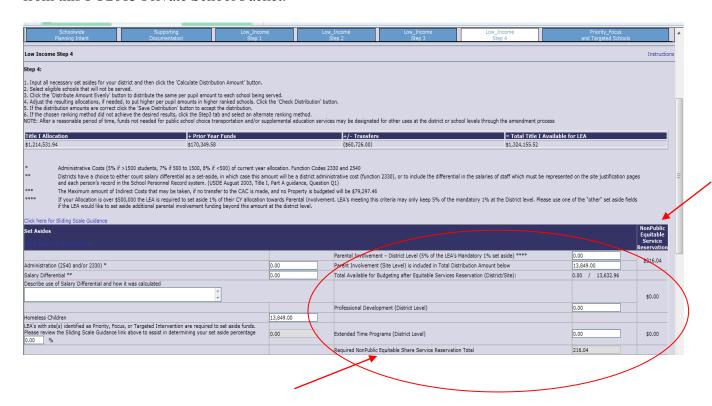
Reading and/or Math Achievement				
Grade Level(s)	Assessment Instruments*	Annual Progress Reading and/or Math Goals	Percentage of Title I Students Achieving Reading Goals	
Kindergarten				
Grades 1-2				
Grades 3-6				
Grades 7-9				
Grades 10-12				

<sup>\*</sup> Note that the assessment instruments used and annual progress goals for student achievement are to be determined in consultation between public and private school officials. This form may be used during that consultation process. Do not submit this form to the OSDE.

### **FY2015 Title I Application Information**

### **Determining District Set Asides for Equitable Share**

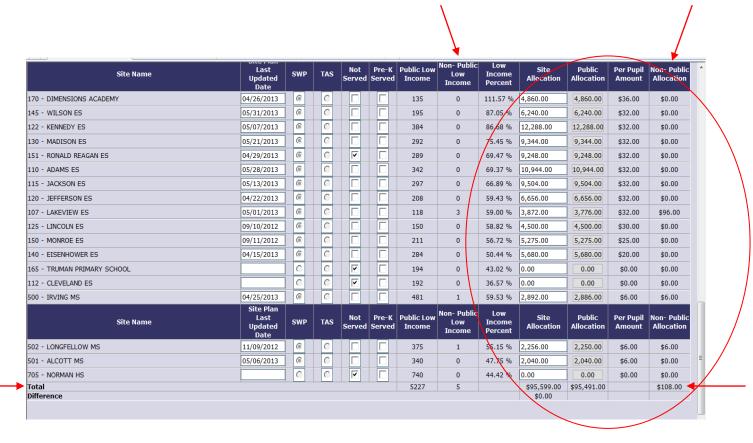
In the Grants Management System on *Low Income Step 4*, under the *Set Asides* heading, the *Non-Public Equitable Service Reservation* and the *Required Non-Public Equitable Share Service Reservation Total* are pre-calculated for the LEA. This calculation will reflect information that will be prepopulated based on district reporting of 2014 Low Income data and Private School Low Income student count obtained from this FY2015 Private School Packet.



The Required Non-Public Equitable Share Service Reservation Total amount represents the District Set Aside for Private School Reservations in Parental Involvement, Professional Development, and Extended Time Programs. This total amount, along with the total Non-Public Allocation below, equals the TOTAL Private School Set Aside to be budgeted on the District Budget Detail Page.

### **Determining Funds Generated for Equitable Share**

The Grants Management System on *Low Income Step 4* will calculate the non-public set aside funds generated at the site level as well as the district total in the *Non-Public Allocation* column. This calculation reflects information that will be prepopulated based on district reporting of 2014 Low Income data and the *Non-Public Low Income* student count obtained from this FY2015 Private School Packet.



The *Non-Public Allocation* Total from *Low Income Step 4*, along with the district *Required Non-Public Equitable Share Service Reservation Total* from the District Set Asides, example on page 12, would equal the TOTAL Private School Set Aside, to be budgeted on the District Budget Detail Page.

After consultation with private school officials, the LEA determines which option it will use to fund the Title I programs for eligible private school children.

Option 1, School-by-School: Use funds generated by private school children from low-income families to provide Title I instructional services on a school-by-school basis to eligible private school children residing in participating public school attendance areas.

Option 2, Pooling, Combine (pool) funds generated by all private school children from low-income families to be used to provide Title I instructional services to eligible children who reside in participating public school attendance areas and attend any private school.