2018-2019 Steps for Completing Nonpublic Consultation

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Source: USDE Non-Regulatory Guidance: Title I Services to Equitable Services for Eligible Nonpublic School Services, Guidance

Key Words: This document should be used with the Nonpublic Data System (NPDS)

Summary: This document should be used with the Nonpublic Data System (NPDS). NPDS Participation Forms and the Nonpublic Consultation Guide in the CCIP Doc Library under CCIP, Nonpublic School Services. This document includes how to determine if the nonpublic school is eligible for Title I services, determine nonpublic service amounts, and how to meet other requirements.

1. **Finding nonpublic school students:** Public school districts must make a reasonable effort to find the students living in its district's attendance area who attend a nonpublic school chartered by the Ohio Department of Education. Check to see if the school is listed in the Ohio Educational Directory: https://webapp2.ode.state.oh.us/oeds-r/query/default.asp.

   The public district is required to make contact with the nonpublic schools within and outside the district attendance boundaries which have indicated student enrollment in the NPDS system for Title I service purposes.

   District of Residence Verification for Title I - Districts should review the completed nonpublic income forms to assure the correct annual income table is used. Districts' are to verify student resident addresses to confirm their student NPDS enrollment information. The grade level indicated in the NPDS enrollment data must be one that is within the Title I-(grade span) public building, but not necessarily the grade span Title I-served in the public building. **Note: Nonpublic schools are not required to provide the names of economically disadvantaged students attending their schools.**

2. **Consultation discussion:** Consultation with each in-district nonpublic school should provide information for Title I, II-A, III-LEP/immigrant, Migrant, Title IV and IDEIA-special education, and only for Title I if the nonpublic is located outside of the district's attendance area. Ongoing consultation discussions are **required** throughout the program year with all participating nonpublic building officials. Consultation must occur before the district makes any decision that affects the opportunity for the eligible nonpublic school children, their teachers and their families to participate.

The district is required to document consultation discussions to meet federal compliance. A required electronic consultation guide form is located in the NPDS application for the public district to complete and revise periodically. All nonpublic consultation conversations should be documented in the NPDS participation form comments log and updated service data in the consultation guide information located in the NPDS Forms section.

Consultation requirements: The district must consult with the nonpublic school on the requirements of how the consolidated federal program works (a smaller version of the district's Targeted Assistance program). The district must consult using the questions below and document the nonpublic responses within the consultation guide form in the NPDS Forms section. See also the Nonpublic Consultation Guide in the Doc Library, under CCIP, Nonpublic School Service: https://ccip.ode.state.oh.us/DocumentLibrary/ViewDocument.aspx?DocumentKey=915

- How the public school district will identify the needs of eligible private school children;
- What services the public school district will offer to eligible private school students;
- How and when the public school district will make decisions about the delivery of services; including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- How, where and by whom the public school district will provide services to eligible private school students;
- How the public school district will academically assess the services to private school students in accordance with the Title I regulations, and how the public school district will use the results of that assessment to improve Title I services;
- What size and scope of equitable services the public school district will provide to eligible private school students and, consistent with the Title I regulations, what proportion of its Title I funds the public school district will allocate for these services and what amount of funds the public school district will reserve from its Title I allocation for the purposes listed in the Title I regulations;
- What method, or sources of data, the public school district will use to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the public school district will extrapolate data if a survey is used;
- What services the public school district will provide to teachers and families of participating private school students; and

- If there is a disagreement between the public district and the nonpublic school on the provision of services through a contract, the district will provide in writing to such private school officials an analysis of the reasons why the district has chosen not to use a contractor. The district will maintain copies of this written communication.

3. **Two criteria for Title I nonpublic school service:** The district verifies and consults with the nonpublic school to find out if economically disadvantaged and Title I eligibility criteria are met for the district's students of residence that would attend a Title I served public building:

    - **Free and Reduced Lunch Status -** The public district determines free and reduced-price meal applications if the nonpublic school is on the National School Lunch Program. If not on the lunch program, the nonpublic school will have the Student Income Form information found in the Doc Library under CCIP, Forms Used with the CCIP:

    https://ccip.ode.state.oh.us/DocumentLibrary/ViewDocument.aspx?DocumentKey=73517

    The district could also have the nonpublic school use other methods to determine economically disadvantaged status of families. See the U.S. Department of Education Non-Regulatory Guidance, Title I Services to Eligible Private School Children: http://www.ed.gov/programs/titleiparta/psguidance.doc

    The free and reduced-meal status will determine the service amount calculated for each nonpublic building participating in Title I. If no low-income count is generated by your district-of-residence students, no service amount is generated. This does not mean the public school district disqualifies students as being eligible for Title I services. The nonpublic buildings of your district can request the district to pool the nonpublic resource amounts to serve district of residence students who meet the academic eligible requirements.

    - **Title I Eligibility –** District-of-residence students are eligible for Title I academic services based on at least two academically related, objective criteria such as a standardized test score and a classroom teacher referral checklist. ESSA expanded Title I services to include counseling and mentoring for eligible children. Nonpublic school students shall be identified for Title I services in a manner comparable to the public district.

Diagnostic test results, classroom grades and parent/teacher survey results are other examples of other data that may be used.

If either of the above criteria is NOT met by a nonpublic student population, the public district does not have to serve the nonpublic building. To qualify for Title I services, a student only needs to be academically eligible. The Free and reduced-lunch count population is used only for determining the nonpublic service amount. In this case, the public district needs to request the nonpublic school officials complete the required participation form in the Nonpublic Data System (NPDS) to verify they received consultation and validate participation. If both conditions ARE conveyed and the nonpublic school does not want the service, the district should ask the nonpublic school officials to complete the participation form to validate consultation and indicate "not participate."

Definitions

Eligible Students With Disabilities

Eligible students with disabilities refers to students who have been evaluated and found eligible for special education and related services. The total nonpublic students with disabilities student count includes those that attend a nonpublic school in the district's attendance area who are eligible for special education services with (served) or without (unserved) IEPs/ISPs. The nonpublic students with disabilities count who are "Eligible" on Dec. 1 are used for this NPDS data report.

Limited English Proficient Students

Limited English proficient refers to students whose home/native language is not English, and whose level of proficiency in English (listening, speaking, reading and/or writing) is such that they are not able to effectively participate in classrooms where English is the language of instruction.

LEP - Immigrant Students

Immigrant students (not including foreign exchange students) are those students who

- Are aged 3 through 21
- Were not born in any state (of the United States)
- Have not been attending one or more schools in any one or more states for more than three full academic years.

Limited English proficient students are identified through a formal English language proficiency assessment.

Immigrant, Non-LEP Students

Students who are immigrants, but are not limited English proficient.

4. **Nonpublic participation form:** After the district discusses all of the consultation requirements above for each available Title or IDEA service, the nonpublic school completes the enrollment and participation information in the Nonpublic Data System (NPDS). The district is required to complete the electronic Consultation Guide in the Nonpublic Data System (NPDS) Forms section if the nonpublic building is participating in any of the consolidated federal grants. The district makes note in the CCIP history/comments log that the nonpublic buildings are in "Final" status in the Nonpublic Data System (NPDS). Final Status means the initial consultation process meets federal compliance.

5. **Nonpublic Title I allocation:** The nonpublic service amount is determined by using the formula on the Title I School Allocation Per Pupil Amount page located in the consolidated funding application. The number of free and/or reduced-price lunch students in the nonpublic school residing in Title I building- attendance area multiplied by the PPA of the Title I-served building-attendance area. See the example below showing the school's percent of low income (%), number of public free and/or reduced lunch students (P), number of nonpublic free and/or reduced students (NP), the per-pupil amount (PPA), the public school building allocation amount (P Amt.) and the nonpublic school allocation amount (NP Amt.)

School Allocation Worksheet Minimum Per Pupil Amount (PPA):$938

School/ Attendance Area	%	P	NP	PPA Amt.	P Amt.	NP Amt.	Total
White ES	40	208	2	1,064	221,424	2,128	223,440
Green ES	38	310	1	1,064	329,840	1,064	330,904
Total		**518**	**3**		**551,264**	**3,192**	**554,344**

or Nonpublic Title I allocation could be calculated using the Community Eligibility Provision.

6. **What is the Community Eligibility Provision?**
Section 104(a) of the Healthy, Hunger-free Kids Act of 2010 (Act) amended section 11(a)(1) of the Richard B. Russell National School Lunch Act to provide an alternative that eliminates the need for household applications for free and reduced-price meals in high-poverty districts and schools. This alternative, which is now part of the National School Lunch Program, is referred to as the Community Eligibility Provision. Community Eligibility schools use only "direct certification" data, such as data from the Supplemental Nutrition Assistance Program (SNAP) or Temporary Assistance for Needy Families (TANF) program to determine the

Federal cash reimbursement for school lunches provided by USDA. They do not rely on annual household applications that are generally used to determine eligibility for free and reduced-price meals.

Reference Ohio's Community Eligibility Provision Information: http://education.ohio.gov/Topics/Other-Resources/Food-and-Nutrition/Resources-and-Tools-for-Food-and-Nutrition/Community-Eligibility-Option

Reference the Federal Programs Community Eligibility Provision Guidance, January 2014: http://education.ohio.gov/getattachment/Topics/Other-Resources/Food-and-Nutrition/Resources-and-Tools-for-Food-and-Nutrition/Community-Eligibility-Option/Federal-Programs-CEO-Guidance-January-2014.pdf.aspx

If a nonpublic school is using Ohio's Community Eligibility Provision, contact your Office of Federal Program Consultants.

CCIP information: The district completes the pages in the CCIP that pertain to nonpublic services—

- Title I Set-Aside page—Nonpublic Professional Development Amount, Nonpublic Parent Involvement Amount, and other district-wide set-asides. (See Help screen for Set-Aside page for formulas to use.)
- School Allocation PPA page, column D (populates from the qualifying low income count indicated in NS3 enrollment)
- Nonpublic School Service page for each federal grant (populates from the NPDS participation information)
- Program Budget page—Nonpublic line
- Targeted Assistance Budget Details page—Bottom portion labeled Nonpublic
- Inclusion of nonpublic needs data in the Need Assessment in the CCIP Planning Tool
- Inclusion of nonpublic strategies implemented to justify budgeted items in the planning tool

On the CCIP Nonpublic Service page (founding the funding application behind the program budget forms) the district must indicate whether the nonpublic school is served by that particular federal grant. CCIP history log notes should be written to justify why "No Service" was selected.

7. **Equitable Services for Title II-A**: Public school districts are required to consult with in-district nonpublic schools. For detailed information regarding consultation and providing equitable services for Title II-A, please click here.

8. **Implementation of Nonpublic School Services:** After submitting the CCIP with the appropriate nonpublic service information, the district may begin nonpublic program services following the federal grant guidelines.

   U.S. Department of Education Title IX, Part E Uniform Provisions Subpart 1 – Private Schools Non-Regulatory Guidance – August, 2005 at: **http://www2.ed.gov/policy/elsec/guid/equitableserguidance.doc**

   The district may provide equitable services to the nonpublic school through--
   - A certified/licensed teacher;
   - A contract with another public school district;
   - A contract with a district-approved provider.

   Districts may provide the following nonpublic school Title I services: Instructional services, computer-assisted instruction, home tutoring, instruction using take-home computers, family literacy programs and other family involvement services, counseling programs, professional development services for nonpublic school teachers of eligible students, etc. The district may NOT just provide materials or supplies.

   No federal funds may go directly to the nonpublic school. Services are required to be hired or contracted by the public school districts.

   All services, materials and equipment must be secular, neutral and non- ideological.

9. **Nonpublic Pooling:** A public school district may pool services with Title funding from all of its district-of-residence nonpublic students attending nonpublic buildings. Funds are generated by economically disadvantaged nonpublic school students who would have attended a Title I served building in the public school district. See the explanation in the U.S. Department of Education Non-Regulatory Guidance, Title I Services to Eligible Private School Children – October 17, 2003 at: http://www.ed.gov/programs/titleiparta/psguidance.doc.

10. **Nonpublic Complaint Procedure:** Nonpublic school officials may appeal to the Ohio Department of Education if the law concerning nonpublic schools in not followed. Complaint procedure information is located in the CCIP Doc Library under Nonpublic School Service. Compliant Procedure Web Link: https://ccip.ode.state.oh.us/DocumentLibrary/ViewDocument.aspx?DocumentKey=926