



NORTH DAKOTA DEPARTMENT OF **PUBLIC INSTRUCTION**

2023-2024 Equitable Services Report **D15-D18**

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Submission D15-D16 – Private School Equitable Services – Consultation

- Submit the agenda, copies of meeting minutes, correspondence, etc., to document consultation with private school officials regarding the planning, design, implementation, and participation in the Title I, II, and/or IV programs at the private school. **Label as Submission D15.**

Out-of-District Agreement:

- Not Applicable; we are not serving any students residing outside the district.
- Submit documentation that the district communicates with neighboring districts to ensure private school students residing outside the district receive services. **Label as Submission D16.**
- Submit copies of written agreements between the two districts regarding the services provided to students residing outside the district. **Label as Submission D16.**

Requirement

Section 1117 (a)(b), 8501 of the Every Student Succeeds Act (ESSA) requires that timely and meaningful consultation occurs between school district staff and private school officials before making any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in Title I, Title II, Title III, and Title IV programs. Services need to be under the supervision of the district. Sec 1117(d), 8501(d)

The district must comply with the requirements for consultation with private school officials in a timely manner for all federal programs requested by the private school as documented on the Affirmation of Consultation.

Discussion of the following topics will occur during the ongoing consultation process:

- How the district will identify the needs of eligible private school children.
- What services the district will offer to eligible private school children?
- How and when the district will make decisions about the delivery of services.
- How, where, and by whom the district will provide services to eligible private school children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with a third-party provider.
- How the district will assess the academic services to eligible private school children and how the district will use the assessment results to improve Title I services.
- The size and scope of the equitable services that the district will provide to eligible private school children and the proportion of funds to provide these services.
- The method or data sources that the 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 district will extrapolate data if a survey is used.
- The equitable services the district will provide to teachers and families of participating private school children.
- If the district disagrees with the views of the private school officials on the provisions of services through a contract, the district must provide the private schools with the reasons in writing why the district chooses not to use a contractor.
- How the amount of funds available for equitable services is determined.
- Whether the agency, consortium, or entity responsible for providing equitable services will provide those services directly or through a separate government agency, consortium, entity, or a third-party contractor.
- Whether to provide equitable services to eligible private school participants (1) by creating a pool or pools of funds with all of the funds allocated under programs covered under section 8501(b) or (2) on a school-by-school basis based on each the proportionate share of funds available to provide services in each school.

- Documentation: Each LEA shall maintain the agency's records and provide to the SEA involved a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not happened or that the program design is not equitable with respect to eligible private school children. If private school officials do not provide such affirmation within a reasonable time, then the LEA shall forward the documentation to the SEA that such consultation or attempts at such consultation have occurred.

Consultation by a district must include meetings between the district and appropriate private school officials. It must occur before the district makes any decisions that affect the opportunity for eligible private school children, their teachers, and their families to participate in Title I programs. The meeting must occur, and the consultation form should be signed in the spring or early summer before the consolidated application is submitted to the department.

Each school district must obtain a written affirmation, signed by officials of each private school with participating children or appropriate representatives of the private school officials, that the required consultation has occurred. This documentation must be submitted to the NDDPI annually and addressed on the STARS.

Documentation

Documentation must include evidence that timely and meaningful consultation is occurring. The district may briefly describe the initial and ongoing consultation process and have evidence such as letters, agendas, meeting notes, sign-in sheets, etc. See subsequent pages for the Sample Agenda.

Resources

- [Equitable Services for Private Schools](#)
- [Affirmation of Consultation](#)
- [Title I, Part A Equitable Services Non-Regulatory Guidance, Updated May 2023](#)
- [ESSA Fiscal Changes](#)

Sample Documentation – Submission D15-D16 – Consultation

Agenda for Private School Equitable Services Spring _____

XYZ Public School District

Funding

- Private School Equitable Services Participation
 - District Grant Allocations for Participating Programs
 - Private School Proportionate Share
 - Carryover and Transfer of Funds
 - Policy and Process for funding, purchasing, inventory, and labeling
- Equitable Services to Students Based on Educational Need
- Parent and Family Engagement
- Professional Development
- Services and Materials

Student Selection

- Determining Student Eligibility
- Policy on Services to Out-of-District Students

Delivery of Services to Students

- In-class Services
- Afterschool Program
- Documentation

Evaluation

- Students Assessments, Annually
- Results Used to Improve Services

Ongoing Consultation

- Description of the consultation process
- Timelines and deadlines
- Contact information

Complaint Process

- Explain the complaint process to private school officials

Submission D17 – Private School Equitable Services – Equitable and Timely Services

- Submit documentation of district expenditures and equitable, timely services where services to the private school students began at a similar time as the public school students. **Label as Submission D17.**

Requirement

Under the Every Student Succeeds Act Sec 1117(a)(3), 8501, districts are required to provide services for eligible private school students and eligible public school students. In particular, federal law requires districts to provide eligible children attending private elementary and secondary schools, their teachers, and their families with services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families. Meaningful coordination and collaboration must occur to plan for these services.

The consultation process between public and private school officials regarding Title I or other participating federal programs should result in services designed to meet the educational needs of eligible private school children. Consultation must include meetings between district officials and appropriate private school officials. It must occur before the district officials make any decision that affects the opportunity for private school children to participate. In addition, timely and meaningful consultation must occur during the program's design, development, and implementation. Ultimately, the district officials make the final decisions regarding the provision of services after the consultation has occurred.

If the private school official believed the district did not engage in timely and meaningful consultation or did not give due consideration to the views of the private school official, disputes the low-income data on private school children, or for another reason does not believe that the private school children are receiving fair and equitable services, the private school official may file a complaint with the state. The decision of the state may be appealed to the U.S. Secretary of Education.

Documentation

Services to private school students are to begin at the same time as public school students. Districts must maintain documentation that timely and equitable services are provided to private school students based on educational needs. This documentation may include:

- Needs assessment, student schedule, or plan
- Title I calendar
- Teacher schedule or contract

Resources

- [Equitable Services for Private Schools](#)

Submission D18 – Private School Equitable Services – ESSER/EANS Inventory

- Not Applicable; no equipment was purchased with ESSER I or EANS funding.
- Yes, the district purchased equipment through equitable services using ESSER I funds (Mar. 2020-Sept. 2022) or EANS I (Mar. 2020-Sept. 2023) or EANS II (Mar. 2020-Sept. 2024)
 - OPTION 1: Through consultation, the private school has indicated the need for continued equipment use for ESSER/EANS purposes.
 - OPTION 2: Through consultation, the private school has indicated the need for continued equipment in another federal program within the nonpublic school.
 - OPTION 3: Through consultation, the private school has indicated there is no longer a need for the ESSER/EANS equipment. Equipment has been retained and transferred back to the public district.
- Submit a copy of the ESSER/EANS inventory, including the federal Title programs where the equipment may have been transferred. **Label as Submission D18.** This list must include ALL required components:
 1. Description of the equipment.
 2. Serial/identification number.
 3. Acquisition date.
 4. Acquisition cost and percentage of federal participation in cost of equipment.
 5. Location of equipment.
 6. Any disposition data (including date of disposal and sale price, if applicable).
 7. Funding source (including the federal award identification number (FAIN)).
- Submit a narrative that details the district's process to inventory, label, and track materials, supplies, and equipment in the nonpublic school setting.

Requirement

The CARES Act ESSER I program included equitable services provisions for nonpublic schools. For EANS I and EANS II programs in North Dakota, services were provided to nonpublic schools through the public school district.

At the end of the performance period for ESSER I (Sept 2022), EANS I (Sept. 2023), and EANS II (Sept. 2024), school districts that expended federal funds from these sources must consult with the nonpublic school to determine how equipment and/or unused supplies will be utilized post-ESSER/EANS. Per the [Uniform Grant Guidance](#) and U.S. Department of Education guidance, options are summarized below.

OPTION 1: Continued Use at the Non-public School for COVID-19 Purposes

If the nonpublic school continues to need the equipment or supplies for their intended purpose under the CARES Act, the district may permit the nonpublic school to continue to use them for that purpose. [2 C.F.R. § 200.313\(c\)\(1\)](#)

OPTION 2: Continued Use at the Non-public School for Other Federal Programs

If the equipment or supplies are no longer needed for COVID-19 purposes, but the nonpublic school continues to need them for allowable uses under another federal program (i.e., Title I, Title II, Title IV), the district may transfer the title and control of the equipment and supplies to the federal program for use by the non-public school for allowable purposes under that program. [2 C.F.R. § 200.313\(c\)\(1\)](#)

OPTION 3: Removal from Nonpublic School

If the equipment or supplies are no longer needed by the nonpublic school for their intended purpose under the CARES Act or for allowable purposes under another federal program in which the school participates, the LEA should remove the items from the nonpublic school. Further guidance on this process can be found at [34 C.F.R. § 76.661](#)

If equipment and supplies will continue to be used by the nonpublic school, control of and title to these assets must be maintained by the public school district in accordance with [2 CFR 200.313\(b\)](#).

The district must also ensure that all materials, supplies, equipment, and furniture (non-consumable items) purchased with federal funds, no matter the item's value, are labeled as purchased with federal Title funds.

The narrative will be reviewed to ensure that the district has a consistent process to inventory, label, and track materials, supplies, and equipment.

Documentation

See subsequent page.

Resources

- See D06 – Inventory, Tracking, and Labeling of Equipment and Supplies
- [eCFR :: 2 CFR Part 200 Subpart D -- Post Federal Award Requirements](#)
- [34 C.F.R. § 76.661 – Equipment and Supplies](#)
- [Object Code Categories](#)
- [North Dakota School District Financial Accounting and Reporting Manual \(NDSDFARM\)](#)
- [Capital Expenses](#)
- [Criteria for Distinguishing Equipment from Supply Items](#)

Sample Documentation – Submission D18 – Equitable Services ESSER/EANS Inventory

XYZ Public School District

Inventory of items purchased with federal funds as required by UGG §200.33.

Funding Source/FAIN	Description of Equipment	Serial Number	Acquisition Date	Acquisition Cost/Percentage of Funds	Location of Equipment	Disposition Data
ESSER I Equitable Services – Transferred to Title I Program S4250200007	iMac Computer	C050200195	8/3/2020	\$947.40 (100%)	Nonpublic School A Title I Room	
ESSER I Equitable Services – Transferred to Title II program S4250200007	iMac Computer	XB8270AACT9	1/1/2021	\$1,499.00 (100%)	Nonpublic School A ABC Teacher	
ESSER I Equitable Services - Transferred to Public District program S4250200007	Apple iPad	2020-008372	7/15/2020	\$450.00 (100%)	Public District After-School Programming	Transferred to district afterschool program 7-2022 (\$150)
EANS I S425R210051	Apple iPad	2022-008372	7/15/2022	\$450.00 (100%)	Nonpublic School A	

The XYZ Public School District consulted with Nonpublic School A on 8-30-2022, 8-1-2023, and 7-15-2024. During these consultation meetings, it was determined that equipment purchased with ESSER/EANS funding is still needed at the nonpublic school. In some instances, equipment was not needed for the purposes of ESSER/EANS and COVID-19. Therefore, some equipment purchased with ESSER/EANS funding will be transferred to other allowable Federal Title programs as identified in the above inventory.