



NORTH DAKOTA DEPARTMENT OF  
**PUBLIC INSTRUCTION**

# 2016 Private School Participation in Federal Title Programs

Kirsten Baesler, State Superintendent  
600 East Boulevard Avenue, Dept. 201  
Bismarck, ND 58505-0440

*Stefanie Two Crow, Director  
Office of Federal Title Programs  
Private School Administrator*

# Objectives

- Private School Participation
- Consultation
- Funding & Carryover
- Program Requirements
- Monitoring
- Resources
- Contact Information

# **PRIVATE SCHOOL PARTICIPATION**

# Private School Participation

- The Elementary and Secondary Education Act (ESEA) requires equitable services be provided to private school students, teachers, and parents.
- Why? Federal programs are supported by tax dollars, so all children and teachers are eligible to access these programs.
- Participation by private schools is *not* required.

# Equitable Participation

## **Services should:**

- Be equitable to the public school
- Not necessarily be identical
- Be designed to meet the needs of the private school students and teachers
- Begin at the same time as the public school

# Key Word is *Services*

- No public funds are distributed to private schools, **only** services and materials to support those services.
- The local school district retains control over the services provided to the private school.
- These services must be supplemental, secular, neutral, and non-ideological.

# Equitable Programs Discussed

- Title I, Part A  
Improving Basic Programs
- Title II, Part A  
Teacher and Principal Quality
- Title III, Part A  
English Language Learners Acquisition (ELL)

# Intent to Participate Process

- Private schools must complete the Intent to Participate Form (SFN 50412).
  - Due March, annually
  - Return to public school district
- Services will begin in the 2016-2017 school year.
- District/private school begin consultation to plan for following school year.

# District Process to Ensure Equitable Participation

- Review the Intent to Participate form (SFN 50412).
- Submit participation information to the NDDPI.
- Follow up with private schools that have not completed Intent to Participate form.
- Contact the schools that did apply and begin the consultation process.

**CONSULTATION**

# Suggested Consultation Timeline

Spring  
2016

Private school  
indicates intent  
to participate.

District consults  
with private  
schools  
(documented).

2016-  
2017  
School  
Year

Services are  
provided.

District  
communicates  
regularly.

Spring  
2017

District and  
private school  
officials evaluate  
current services.

Begin planning  
for next school  
year.

# Consultation Must:

- Be documented (i.e., consultation form, agenda, minutes).
- Be timely and meaningful.
- Occur during the design and development of the program.
- Occur prior to making decisions that will affect the private schools.
- Occur prior to submitting the consolidated application.

# Consultation Includes:

- Whether private school programs want to keep individual allocations generated by building(s) or pool funds for services.
- Each federal program for which the private school is participating:
  - *Title I*
  - *Title II*
  - *Title III*
- A written Affirmation of Consultation submitted by the district for each participating private school.
- *Due July 1, 2016*

# Consultation Includes:

- Continual communication throughout the school year.
- Review of the implementation and assessment of activities.

# Initial Consultation: Items to Discuss

- How the student's needs will be identified.
- What services are offered.
- How and when the services will be provided.
- How the services will be assessed and results used to improve services.

# Initial Consultation: Items to Discuss

- Who will provide the services?
- Amount of funds available to serve the private school students, teachers, educational personnel and, in some cases, parents.
- During the consultation process, the district must review the dispute resolution procedures with the private school.

# Sample Affirmation of Consultation



- Consultation must be documented for each federal Title program.
- Can consolidate.
- Will complete assurance for Title I on consolidated application.

**Affirmation of Consultation with Private School Officials**

---

**General Information**

Section 1120(b) of the *No Child Left Behind Act* and §200.63 of the Title I regulations require that timely and meaningful consultation occur between the school district 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 programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

Under §200.63 of the Title I regulations consultation must, at a minimum, address the following issues:

- 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.
- How the district will assess academically the services to private school children in accordance with §200.10 of the Title I regulations, and how the district will use the results of that assessment to improve Title I services.
- The size and scope of the equitable services that the district will provide to eligible private school children and, consistent with §200.64 of the Title I regulations.
- The proportion of its Title I funds that the district will allocate for these services and the amount of funds that the district reserves from its Title I allocation for the purposes listed in §200.77 of the Title I regulations.
- The method, or the sources of data that the district will use (under §200.78 of the Title I regulations) 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 services the district will provide to teachers and families of participating private school children.
- Discussion of service delivery mechanisms the district will use to provide services; and
- Thorough consideration and analysis of the views of the private school officials on whether the district should contract with a third-party provider. If the district disagrees with the views of the private school officials on the issue, the district must provide in writing to those officials the reasons why the district has chosen not to use a third-party contractor.

---

**Signatures**

We agree that timely and meaningful consultation occurred before the district made any decision that affected the participation of eligible private school children in the program.

We agree that we have participated in meaningful and timely discussion on each Title and have chosen to participate in the program(s) marked below.

We agree that timely and meaningful consultation shall continue throughout implementation and assessment of services provided under these Titles throughout the duration of the school year.

Name of District Authorized Representative		Name of Private School Authorized Representative	
Signature of District Authorized Representative	Date	Signature of Private School Authorized Representative	Date
School District		Private School	

---

**Private School Participation by Title**

Check the box by each applicable Title program to indicate nonpublic school participation in that program

Title I, Part A <input type="checkbox"/> Yes <input type="checkbox"/> No	Title II, Part A <input type="checkbox"/> Yes <input type="checkbox"/> No	Title III, Part A <input type="checkbox"/> Yes <input type="checkbox"/> No
---	--	---

The school district must maintain a copy of this form in its records.  
A signed copy of this form must be submitted to the Department of Public Instruction.

# Complaint Process Overview (a.k.a. Dispute Resolution)

- If the private school officials believe timely and meaningful consultation has not occurred or the district did not give due consideration to their views, the private school should first contact the federal programs representative or superintendent at the school district to discuss the concerns.
- If the concern is not satisfactorily resolved, the private school has the right to contact the Office of Federal Title Programs.
- If the dispute remains, the private school has the right to contact the Federal Programs office within the U.S. Department of Education for resolution.

# ND Dispute Resolution Policy

- District policy must be shared with private school officials.
- Information must also be shared with private school parents.

[www.nd.gov/dpi/SchoolStaff/TitleIX/](http://www.nd.gov/dpi/SchoolStaff/TitleIX/)



NORTH DAKOTA DEPARTMENT OF  
PUBLIC INSTRUCTION

Division of Student Support & Innovation  
Office of Federal Title Programs

## North Dakota Federal Title Programs Dispute Resolution Policy and Procedures

Federal regulations require that each state adopt procedures for receiving and resolving disputes pertaining to any of the federal Title programs. A dispute will include an investigation by the North Dakota Department of Public Instruction (NDDPI) staff that will result in a determination of findings of facts, conclusions, and reasons for a final decision.

If a parent, school personnel or any interested person wishes to file a complaint, the following process must be followed:

- The written complaint must be sent via mail or e-mail to:  
[Director of Specific Title program]  
North Dakota Department of Public Instruction  
600 E Boulevard Ave., Dept. 201  
Bismarck, ND 58505-0440

### Federal Title Programs

Title I, Parts A & D	Stefanie Two Crow	<a href="mailto:stwocrow@nd.gov">stwocrow@nd.gov</a>
Title II, Part A	Stefanie Two Crow	<a href="mailto:stwocrow@nd.gov">stwocrow@nd.gov</a>
Title III, Part A	Lodee Arnold	<a href="mailto:larnold@nd.gov">larnold@nd.gov</a>
REAP/Transfer	Stefanie Two Crow	<a href="mailto:stwocrow@nd.gov">stwocrow@nd.gov</a>

- Any complaint must include:
  - The date
  - The name of the district, unit, or individual the complaint is against
  - The name, address, and telephone number of the person making the complaint
  - A detailed description of the complaint, including specific facts
  - The signature of the person making the complaint

When a written complaint is filed, the appropriate NDDPI federal Title director will investigate and issue a written response within sixty (60) calendar days from the date the complaint is received.

### Reconsideration

Once a response is received from NDDPI staff, the person making the complaint may submit a reconsideration request in writing to the State Superintendent within thirty (30) days of the date of the Title director's response. The State Superintendent will issue a final decision within thirty (30) days of the request for reconsideration. Once a response is received from the State Superintendent, the person making the complaint may submit a reconsideration request in writing to the Secretary of Education, U.S. Department of Education, 555 New Jersey Ave. NW, Washington, D.C. 20208.

### Other Formal Dispute Resolution Procedures

Rules regarding dispute resolution between a school district and the NDDPI regarding state or federal funds are outlined in chapter 67-22-01 of the North Dakota Century Code.

# Complaint Process

A formal written complaint should include:

- A statement that the district or other educational agency has violated a federal statute or regulation that applies to a program requiring equitable participation.
- The specific requirement alleged to have been violated.
- The facts on which the complaint is based.
- The name and address of the complainant.
- The expected resolution of the alleged violation.
- The signature of the complainant.

# District Oversight

- The public school district maintains administrative control over services.
- Consultation must address each federal program for which the private school is participating.
- The public school district regularly monitors teachers who deliver services to students.

# **FUNDING & CARRYOVER**

# Title I Funds

Funds are generated on the basis of the number of students from low-income families who:

- reside in the participating public school attendance areas, and
- attend private schools.

# Title II Funds

- Allocations begin with the private school's hold harmless amount (i.e., same allocation as previous year).
- Private school enrollment and free/reduced numbers are taken into account with public school district's data.
- The public school district's allocation is examined to determine if there is an increase or decrease from the previous school year.
- The increase or decrease in funding is distributed proportionately between the private and public school buildings in the district.

# Title III Funds

- The ESEA specifies that assistance to ELL students in private schools should be equitable to that of ELL students in public schools.
- No specific allocation is calculated.
- It is the responsibility of the public school district to consult with private school officials and ensure equitable services are provided.

# Funding: (Titles I, II, and III)

- District provides services, not funding, to private schools.
- Funds must be tracked separately.
- Funds generated are the only funds that can be expended on the private school program.
  - If additional funds are expended, districts must use local funds to cover these expenditures.

# Managing Funds: (Titles I, II, and III)

- Control of funds and contracts must be maintained by the public school district at all times.
- All property purchased is owned by the public school district's federal title program; label properly and maintain inventory.
- All personnel employed are to be contracted and supervised by the public school district.

# Managing Funds: (Titles I, II, and III)

- No funds go to private schools or are channeled through the private school.
- It is not permissible to reimburse a private school for expenses incurred.

Reimbursements may be made to INDIVIDUAL private school teachers/principals.

**OR**

The public school district can register private school staff for professional development (e.g., pay registration fee, consultant fee, etc.).

# Carryover

- Federal law requires public school districts to provide services that are equitable to those services provided to eligible private school children, teachers, and parents for Title programs.
- Federal funds for these equitable services are generated through specific formulas.
- The services provided to eligible private school children, teachers, and parents should reflect the allocation amount generated.

# Carryover

The public school district submits the *Final Financial Report and Addendum to the Final Financial Report for the Private School Services*.

Addendum indicates:

- If services were adequate (no carryover).
- If services were not adequate (carryover).

**North Dakota Department of Public Instruction**

**Addendum to the Final Financial Report**  
**Private School Services**

Title I, Part A  
 Title II, Part A

Federal Title law requires LEAs to provide equitable services to eligible private school children and teachers. Services provided to private schools should reflect the minimum allocation amount generated. When the public school district submits the Final Financial Report, if any private school funds are remaining, the district must issue the balance of these funds as carryover funds for the subsequent school year if adequate services were not provided. Funds generated through Title I equitable set-asides are not subject to the carryover provisions. Unless the programs pool funds, districts with more than one private school program must complete a separate addendum for each facility. Ledgers may be requested to verify amounts.

School District		Private School		School Year	
Private School Allocation		+	Private School Carryover from Previous Year(s)		= Private School Total

Object Number	Category		Approved Budget	Total Expenditures for Fiscal Year-to-Date	Remaining Balance of Approved Amount
100	Salaries	110 Professional Salary			
		120 Non-professional Salary			
200	Benefits				
300	Purchased Professional and Technical Services				
430	Maintenance				
580	Travel				
600	Materials/Supplies				
730	Equipment				
800	Dues, Memberships, Registration				
900	Indirect Costs				
950	Unobligated Set Asides				
Total					

**Carryover Calculation:**

Private School Total	-	Total Expenditures for Fiscal Year-to-Date	=	Carryover Amount
----------------------	---	--	---	------------------

**To Be Completed by the Private School:**

The public school district provided timely, adequate services during the school year and, therefore, we do not have a need for the private school carryover funds for the subsequent school year.

The services during the school year were not equitable in comparison to those provided to students and teachers served at the public school. Therefore, we request to utilize the carryover funds in the subsequent school year.

**Certification:**  
I certify to the best of my knowledge and belief that this report is correct and that all expenditures are for the purposes set forth in the consolidated application.

Signature of Authorized Representative	Date
Signature of Business Manager	Date
Signature of Private School Representative	Date

**For Department Use Only**

Signature-Coordinator	Date
Signature-Director	Date

# **PROGRAM REQUIREMENTS**

# Title I, Part A: Improving Basic Programs

**Purpose:** Provides supplemental educational services for eligible public and private school students to ensure all children have a fair, equal, and significant opportunity to obtain a high-quality education and reach, at a minimum, proficiency on challenging academic achievement standards and assessments.

Governed under Title I, Part A

# Eligible Students

- Must reside in a participating Title I public school attendance area **AND** be failing or most at risk of failing to meet high standards (rank order).
- Selected on the basis of multiple educationally-related, developmentally-appropriate criteria.
- **Poverty is not a criterion for services.**
- The district chooses children to be served from the list of eligible students provided by the private school.
- The district ensures a process is in place to meet the needs of eligible students who attend a private school outside the district.

# Student Services

## **Services:**

- Supplemental—methods and instructional strategies for improving academic achievement
- Research-based practices
- Coordinated with regular classroom instruction

## **Service Options (include but are not limited to):**

- Instructional services outside the regular classroom
- Extended learning time (before/after school and in the summer)
- Family literacy
- Counseling (academic)
- Early childhood
- Home tutoring
- Computer-assisted instruction

# Who Provides Services?

- **Public school district employee or a contracted party**  
(individual, association, agency, or organization)
- **Employees**
  - Teachers must meet highly qualified teacher standards
  - Paraprofessionals must meet Title I personnel requirements
    - *Under direct supervision of a Title I teacher at private school*
  - Employees must complete Time and Effort reports
- **Private School Teachers**
  - May provide services outside time employed by the private school. (Must meet highly qualified teacher requirements when also employed by the school district to provide Title I services to private school students).

# Additional Equitable Services

- The law requires equitable services for teachers, students, and parents of Title I-served students
  - Services are identified through the consultation process
  - Amounts are calculated based on district set-asides
- 
- Professional Development
  - Parental Involvement
  - Instructional Services
  - Teacher Quality

# Additional Equitable Services

## Professional Development

- For private school teachers
- Should address how the teachers can better serve Title I students in the classroom

## Instructional Services

- Increase instructional time for students
- Offer instructional alternatives (before/after school)

## Parent Involvement

- Conducted independently or collaboratively with district
- Support Title I student learning

## Teacher Quality

- Professional development for private school teachers
- Should address how the teachers can better serve Title I students in the classroom

# Title II, Part A: Professional Development

**Purpose:** An opportunity for private school teachers and other educational personnel to participate in professional development.

Governed under Title IX

# **Title II, Part A**

## **Professional Development**

Services are based on the private school needs assessment and can be provided in a variety of ways:

- Participation in scheduled professional development at the school district.
- Qualified school district staff providing services to private school staff.
- Third party services (registration to conferences or contracted trainer).

# Eligible Activities

- Improving knowledge and skills of teachers and staff in \*core academic subjects
- Effective instructional strategies, methods, and skills
- Teaching students with different needs
- Methods to improve student behavior/classroom management
- Principal training
- Training in the use of data and assessments to improve instruction

\* English language arts, mathematics, science, history, geography, economics, civics, government, foreign language, arts

# Please Note

- Title II, Part A funds can be used for professional development for teachers and staff, not student materials.
- Materials purchased must be necessary for carrying out professional development activities and are property of the district.
- Professional development around core academic subjects.
- Professional development must align to the needs of the private school educators.

# Please Note

## Faith-based Conferences

- May be allowable in certain circumstances.
- Expenses must be proportionate to the amount of time participating in events that are secular, neutral, and not affiliated with a religious base.
- Burdon of proof is on the public school district to collect documentation illustrating the correlation between expenses and secular participation.

# **Title III, Part A**

## **English Language Acquisition**

**Purpose:** Provides assistance for helping limited English proficient (LEP) children to attain English proficiency.

Governed under Title IX

# **Title III, Part A**

## **English Language Acquisition**

- Services can be used for increasing the English proficiency for LEP students by providing assistance, such as professional development and materials for teachers of English to LEP children.
- Services for students and teachers in schools that are located within the district that receives Title III funds.

**MONITORING**

# Federal Title Programs Monitoring

- The Office of Federal Title Programs is responsible for monitoring district activities to ensure federal programs are administered in compliance with requirements.
- The Office of Federal Title Programs monitors the following Title programs on a rotating basis:
  - Title I
  - Title II
  - Title III

# Federal Title Programs Monitoring

- Districts are monitored regarding equitable participation by private schools, as applicable.
- Private school visits and interviews are scheduled as part of the public school district monitoring.
- Monitoring information can be found online at [www.nd.gov/dpi/SchoolStaff/FTP/Monitoring/](http://www.nd.gov/dpi/SchoolStaff/FTP/Monitoring/).

# RESOURCES

# North Dakota Resources

*NDDPI Private School Website*

[www.nd.gov/dpi/SchoolStaff/FTP/PrivateSchool/](http://www.nd.gov/dpi/SchoolStaff/FTP/PrivateSchool/)

# Federal Resources

***USDE Title I Services to Eligible Private School Students Guidance***

[www.ed.gov/programs/titleiparta/psguidance.doc](http://www.ed.gov/programs/titleiparta/psguidance.doc)

***Ensuring Equitable Services to Private School Children: A Title I Resource Tool Kit***

[www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf](http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf)

***USDE Office of Non-Public Education***

[www2.ed.gov/about/offices/list/oii/nonpublic/index.html](http://www2.ed.gov/about/offices/list/oii/nonpublic/index.html)

***USDE Title IX Uniform Provisions – Equitable Services to Eligible Private School Students, Teachers, and Other Educational Personnel, Non-Regulatory Guidance***

[www.ed.gov/policy/elsec/guid/equitableserguidance.doc](http://www.ed.gov/policy/elsec/guid/equitableserguidance.doc)

# QUESTIONS

*Stefanie Two Crow*

*Office of Federal Title Programs*

[stwocrow@nd.gov](mailto:stwocrow@nd.gov)

*(701) 328-2287*

*Laurie Matzke*

*Assistant Superintendent*

[lmatzke@nd.gov](mailto:lmatzke@nd.gov)

*(701) 328-2284*