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Denise Juneau
Superintendent

March 2016

TO: Authorized Representatives

FROM: Nancy Coopersmith, Assistant Superintendent
Education Services Department

RE: 2016-17 Private/Nonpublic School Participation in Federal Programs

Each public school district that plans to participate in federal programs for the 2016-17 school year, and has private/nonpublic schools within its boundaries, **must complete and return** a copy of the enclosed to the Office of Public Instruction (OPI):

• **Private/Nonpublic School Participation in Federally-Funded Programs** summary form; and

• **Opportunity to Participate in Federally-Funded Programs by Private/Nonpublic Schools** form, from **only the private/nonpublic schools wishing to participate.**

Return the completed forms by **Wednesday, April 29, 2016**, Attn: Lindy Miller, Private/Nonpublic School Data Specialist, Office of Public Instruction, PO Box 202501, Helena, MT 59620-2501.

The Individuals with Disabilities Education Act (IDEA), as reauthorized in 2004, and the No Child Left Behind Act (NCLB) of 2001 contain strengthened and expanded requirements for consultations with private/nonpublic schools. Enclosed are checklists of the items that must be covered in the consultations. The OPI recommends that the checklists are reviewed to become familiar with the areas that must be covered prior to the consultations. The IDEA and NCLB laws also contain provisions for complaints that private/nonpublic school officials may file if they are not satisfied that meaningful and timely consultations did take place. The consultations must take place before the private/nonpublic schools decide whether to participate or not and must be ongoing if they do participate. Districts must also consult with private/nonpublic schools if the district federal program participation is through a consortium or cooperative.

The roles of the district and county superintendents in the notification process for private/nonpublic schools are outlined in the **Process for Private/Nonpublic Notification of Opportunity to Participate in Federally-Funded Programs** enclosure. To assist districts in contacting all private/nonpublic schools, enclosed is a list of private/nonpublic schools within the district boundaries reported as of October 2, 2015, to the county superintendent.

Districts may inform the private/nonpublic schools of their right to participate in federal programs and consult with them in a variety of ways, such as invitations to individual meetings, small or large group meetings, discussion by telephone, and mailings with follow-up (registered mail provides documentation that the private/nonpublic school(s) was contacted and did not respond). Whatever the method, the district

must consult with each private/nonpublic school and provide them with the enclosed:

• **Private/Nonpublic Schools Federal Program Descriptions,** which include program contacts at the OPI; and

• **Opportunity to Participate in Federally-Funded Programs by Private/Nonpublic Schools,** the required private/nonpublic school form, which indicates whether the private/nonpublic school wishes to participate or not participate in each program.

The district must ensure that private/nonpublic schools are aware that the form must be returned to the district office even if a private/nonpublic school does not wish to participate. If the forms are not returned to the district by the date set by the district, the district may assume the private/nonpublic school is not interested in participation and indicate "No Response" on the public district summary form.

Thank you for completing the enclosed forms. The E-Grants System includes a link to "Participating Private/Nonpublic Schools" from the data provided on the forms. This will assist in the completion of the Equitable Share sections of the NCLB programs within E-Grants.

For questions about completing these forms, contact Lindy Miller by telephone at 406 444-6774, or by email at lindmiller@mt.gov. For questions on a particular program, please contact the specialist or director listed on the bottom of the Federal Program Descriptions pages. Thank you for your work to meet the requirements for serving the private/nonpublic students in Montana.

Enclosures

Checklist for Consultations of Non-Special Education Programs

General Items—

To ensure timely and meaningful consultation, a local educational agency (LEA) shall consult with appropriate private/nonpublic school officials during the design and development and through the evaluation and ongoing implementation of the district's programs under this part on issues such as:

_____ how the children's needs will be identified;

_____ what services will be offered;

_____ How, where, and by whom the services will be provided;

_____ how the services will be assessed (academically assessed in ESEA Title I, Part A) and how the results of that assessment will be used to improve those services;

_____ the size and scope of the equitable services to be provided to the eligible private/nonpublic school children, and the amount of funds available for those services;

_____ how and when the district will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private/nonpublic school officials on the provision of services through a contract with potential third-party providers; and

_____ how, if the district disagrees with the views of the private/nonpublic school officials on the provision of services through a contract, the LEA will provide in writing to such private/nonpublic school officials an analysis of the reasons why the LEA has chosen not to use a contractor.

_____ TIMING—Such consultation shall include meetings of district and private/nonpublic school officials and shall occur before the LEA makes any decision that affects the opportunities of eligible private/nonpublic school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

_____ DISCUSSION—Such consultation shall include a discussion of service delivery mechanisms a LEA can use to provide equitable services to eligible private/nonpublic school children.

Additional requirements for those districts receiving ESEA Title I, Part A funding.

_____ For ESEA Title I, Part A only, the method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private/nonpublic schools.

_____ DOCUMENTATION—Each LEA shall maintain in the district's records and provide to the state educational agency (SEA) involved a written affirmation signed by officials of each participating private/nonpublic school that the consultation required by this section has occurred. **The required form for the private/nonpublic school signature will meet this requirement when the district submits the signed forms of the participating private/nonpublic schools attached to the public district summary form.** If private/nonpublic school officials do not provide such affirmation within a reasonable period of time, the LEA shall forward the documentation that such consultation has taken place to the SEA. The indication of "NR" for "No Response" will document this on the public district summary form (forms enclosed).

Checklist for Consultations Regarding Special Education and Related Services

Requirements for Consultation under the Individuals with Disabilities Education Act as reauthorized in 2004. The LEA shall consult with private/nonpublic school representatives and representatives of parents of parentally placed private/nonpublic school children with disabilities during the design and development of special education and related services for the children regarding:

_____ **Child Find:** How parentally placed private/nonpublic school children suspected of having a disability can participate equitably, including how parents, teachers, and private/nonpublic school officials will be informed of the process.

_____ **Proportionate Share Calculation:** How the proportionate share of IDEA Part B and IDEA Preschool federal funds is calculated, including the amount of the proportionate share funds available for the ensuing school year.

_____ **Consultation Process:** How the consultation process will operate throughout the school year to ensure that parentally placed private/nonpublic school children with disabilities identified through the child find process can meaningfully participate in special education and related services.

_____ **Special Education and Related Services:** How, where, and by whom special education and related services will be provided for parentally-placed private/nonpublic school children with disabilities, including a discussion of types of services, including direct services and alternate service delivery mechanisms, how such services will be apportioned if funds are insufficient to serve all children, and how and when these decisions will be made.

_____ **Disagreement:** How, if the LEA disagrees with the views of the private/nonpublic school officials on the provision of services or the types of services, whether provided directly or through a contract, the LEA shall provide to the private/nonpublic school officials a written explanation of the reasons why the LEA chose not to provide services directly or through a contract.

Documentation Required: Each LEA shall maintain in the district's records and provide to the OPI a written affirmation signed by officials of each participating private/nonpublic school that the consultation regarding special education and related services has occurred. **The required form for the private/nonpublic school signature will meet this requirement when the district submits the signed forms of the participating private/nonpublic schools attached to the public district summary form.** If private/nonpublic school officials do not provide such affirmation within a reasonable time, the LEA shall forward the documentation that such consultation has taken place to the OPI. The indication of "NR" for "No Response" will document this on the district summary form (forms enclosed).

Information on how to calculate the proportionate share is available on the OPI Web site at: www.opi.mt.gov/speced under the heading"Fiscal."

Montana
Office of Public Instruction
Denise Juneau, State Superintendent
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This form must be used by the district to obtain information from private/nonpublic schools. Private/nonpublic schools must return this form to the local district.

2016-17 Opportunity to Participate in Federally Funded Programs by Private/Nonpublic Schools

Return form to Local School District

OPI USE
LE: _ _ _ _
CO: _ _

This section to be completed by LOCAL district.

Due date for return to public school district _____

Check one:
☐ Elem
☐ HS
☐ K-12

_____ _____
Name of PUBLIC SCHOOL DISTRICT within which the private/nonpublic school is located.

This section to be completed by official representing the PRIVATE/NONPUBLIC school

_____
Name of PRIVATE/NONPUBLIC SCHOOL

☐ Private School
☐ Home School

OPI USE
LE _ _ _ _
CO _ _

_____
Address

_____ _____
City/State/ZIP Telephone Number

For the federal programs for which this district receives funding, or may receive funding, please check each federal program in which this private/nonpublic school wishes to participate in school year 2016-17. Some of the listed programs are competitive or may have limits on eligible districts/students.

	Yes	No
ESEA Title I, Part A—Improving the Academic Achievement of the Disadvantaged (T I A)	___	___
ESEA Title I, Part C— Migrant Education Program (T I C)	___	___
ESEA Title II, Part A—Improving Teacher Quality (T II A)	___	___
ESEA Title III, Part A—English Language Acquisition for Limited English Proficient and Immigrant Students (T III A)	___	___
ESEA Title IV, Part B—21st Century Community Learning Centers (T IV B)	___	___
School Nutrition Programs (SF)*	___	___
Special Education IDEA, Part B (SE B)	___	___
Special Education (IDEA) Preschool (child must be age 5) (SE P)	___	___
Carl Perkins Vocational Education (Vo Ed)	___	___

*(Private/nonpublic nonprofit schools must apply to OPI for a program.)

All Private/Nonpublic School Officials, please check the appropriate boxes below:

☐ 1. This private/nonpublic school does not wish to participate in any of the above listed programs.

☐ 2. This private/nonpublic school wishes to participate in the programs checked above. I assure the above public school district that this school will comply with provisions of each federal program in which it participates.

3. This nonpublic school has a student(s) who has been identified by the public school as a student with disabilities under the Individuals with Disabilities Education Act (IDEA). ☐ Yes ☐ No
This private/nonpublic school received the required consultation in a meaningful and timely manner with regard to special education and related services.
Yes ☐ No ☐

4. This private/nonpublic school received the initial required consultation in a meaningful and timely manner with regard to services from Title I, Part A, if the district receives those funds. Yes ☐ No ☐

Responsible Private/Nonpublic School Official (Must be signed by private/Nonpublic School Official)

Printed or Typed Name	Signature
Title	Date

Montana
Office of Public Instruction
Denise Juneau, State Superintendent
opi.mt.gov

Private/Nonpublic School Federal Program Descriptions

ESEA Title I—Improving the Academic Achievement of the Disadvantaged
Part A—Improving Basic Programs Operated by Local Educational Agencies

Title I, Part A of Public Law 107-110, was enacted to provide financial assistance to districts to expand and improve their educational programs to meet the needs of students who are at risk of failing to meet the state's challenging academic standards.

• Title I projects must be designed to provide supplemental services to assist children at the elementary and secondary school levels to achieve the state's challenging academic content standards and challenging student academic achievement standards in reading and math. Projects may include services to preschool children.

• The development of programs, activities, and procedures for the involvement of parents of participating public and private/nonpublic school children, including parent input into the planning, design, and implementation of the district's Title I project, is required.

• A district is eligible to receive funds based on poverty factors and related criteria established in Public Law 107-110. Grants are awarded to eligible districts as a result of the review and approval of the local application by the OPI.

• Private/nonpublic school students with academic needs who reside in Title I attendance areas may receive equitable services to the extent possible with funds generated by low-income private/nonpublic school students.

• Districts should receive notification from the OPI of their final Title I allocation during the months of May or June, if Congress has appropriated funds for the program on schedule.

• Funds may be used to provide supplementary services to increase the learning levels of low-achieving students in Title I eligible schools and may benefit all students in approved school-wide programs.

Private/nonpublic schools: For information regarding participation in ESEA Title I, Part A, please contact your local public school district.

Public school districts: For more information regarding ESEA Title I, Part A, please contact Shawna Pieske, administrative assistant, by telephone at 406-444-5660 or by email at spieske@mt.gov.

Private/Nonpublic School Federal Program Descriptions

ESEA Title I, Part C—Migrant Education Program

The Migrant Education Program is a federally-funded state educational agency-operated program that provides supplemental education and supportive services to eligible migrant children to help them overcome educational disruptions and disadvantages. A child who is younger than 22 and has not graduated from high school or does not hold a GED and has moved with her/his parent or guardian (or by herself/himself in the case of emancipated youth) across international (in the case of Mexico and Canada), state, county, or school district boundaries within the preceding 36 months to seek or obtain temporary or seasonal employment in agriculture or fishing work is eligible for services. Subgrants for the Migrant Education Program are based on the number and needs of eligible children located throughout the state. By statute, priority is given to migrant children whose education has been disrupted and/or who are at risk of failure to meet challenging state standards. Districts with eligible migrant children are invited to complete an application, which describes the scope of services to be delivered. Besides supplementary educational services in reading, math, writing and other content areas, migrant funds can be spent on transportation, preschool services, drop-out retrieval, technology instruction and acquisition, English as a Second Language, and other supportive services such as outreach and advocacy.

Private/nonpublic schools: For information regarding participation in ESEA Title I, Part C, please contact your local public school district.

Public school districts: For more information regarding ESEA Title I, Part C, please contact Angela Branz-Spall, state director, by telephone at 406-444-2423 or by email at abranzspall@mt.gov.

Private/Nonpublic School Federal Program Descriptions

ESEA Title II, Part A— Improving Teacher Quality

The purpose of this program is to increase student achievement by improving the effectiveness of teaching.

• All public local educational agencies (LEAs) are eligible to apply. If there are nonprofit private/nonpublic schools within a district boundary, the local district must include the private/nonpublic school core teachers in its Title II, Part A, program if the private/nonpublic school teachers wish to participate. The LEAs shall consult with appropriate private/nonpublic school officials during the design, development, and implementation of the district Title II, Part A, program.

• Private/nonpublic schools may only receive professional development services for core teachers under Title II, Part A.

• Program plans must be based upon scientifically-based research. Such plans shall be developed to address the greatest needs of students and staff, with a priority to raise student achievement, particularly of low-performing students. These needs are identified through an assessment of local needs, which include the needs of private/nonpublic school students and staff. Services for private/nonpublic schools must be equitable in comparison to services for district public school teachers.

Private/nonpublic schools: For information regarding participation in ESEA Title II, Part A, please contact your local public school district.

Public school districts: For more information regarding ESEA Title II, Part A, please contact Patricia Johnson by telephone at 406-444-2736 or by email at patjohnson@mt.gov.

Private/Nonpublic School Federal Program Descriptions

ESEA Title III—English Language Acquisition for Limited English Proficient (LEP) and Immigrant Students

The purpose of the program is to help ensure that LEP students become proficient in English and attain state standards.

• Funding for school districts will be allotted on a formula basis according to the number of LEP and immigrant students in the district, Title III, Part A grants (E-Grants) must be at least $10,000 per LEA or consortium.

• Supports supplemental language instruction programs and professional development.

• Administration costs are limited to 2 percent at the LEA level.

• Accountability:
• Demonstrated improvements in English proficiency.
• Annual assessments for LEP students.
• LEAs assure consultation and parental notification.

Private/nonpublic schools: For information regarding participation in ESEA Title III, please contact your local public school district.

Public school districts: For more information regarding ESEA Title III, please contact Natalee Hawks at 406-444 3482 or by email at nhawks@mt.gov.

Private/Nonpublic School Federal Program Descriptions

ESEA Title IV, Part B—21st Century Community Learning Centers

• The 21st Century Community Learning Center funds provide opportunities for academic enrichment during before school, after school, and summer hours in a community learning center environment. Services must reinforce and complement regular academic programs and offer literacy and educational development to families.

• Projects must offer students a broad array of additional services and activities, such as youth development, drug and violence prevention, counseling, art, music and recreation, technology education and character education. Families must be offered opportunities for literacy and related educational development. Programs must conform to the principles of effectiveness.

• Funds are accessed through a competitive grant program administered through the OPI. Grants are awarded for up to five years, with annual reapplication required.

• Eligible applicants for the 21st Century Community Learning Center grant program include public schools, community-based organizations, other public or private/nonpublic entities, or a consortium of two or more of such agencies or entities. Eligibility for a 21st CCLC grant is determined when 40 percent of the students from an applicant school or a partnering school receive free or reduced-priced meals.

Private/nonpublic schools: For information regarding participation in ESEA Title IV, Part B, please contact your local public school district.

Public school districts: For more information regarding ESEA Title IV, Part B, please contact Karin Olsen Billings by telephone at 406-444-0829 or by email at kbillings@mt.gov or Mary Ellen Earnhardt by telephone at 406-444-3519 or by email at mearnhardt@mt.gov.

Private/Nonpublic School Federal Program Descriptions

School Nutrition Programs

School Nutrition Programs, within the Division of Health Enhancement and Safety, administer the School Nutrition Programs of the U.S. Department of Agriculture. The programs are: National School Lunch Program, School Breakfast Program, Afterschool Snack Program, Special Milk Program, Summer Food Service Program, USDA Food Distribution Program, Fresh Fruit and Vegetable Program, and the Montana Team Nutrition Program. School Nutrition Programs work with schools and communities to provide children with access to healthful meals and snacks that nourish their minds and bodies and school nutrition environments that encourage healthful lifestyles.

A private/nonpublic nonprofit school may make written application to the OPI to operate the School Nutrition Programs. The private/nonpublic nonprofit school must submit a signed agreement, common assurances, and free and reduced-price policy statement to affirm that it will administer the programs according to the provisions of those documents. A private/nonpublic nonprofit school is also required to submit documentation from the Internal Revenue Service stating that it has tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1954.

Private/nonpublic schools: For information regarding participation in School Nutrition Programs, please contact Christine Emerson by telephone at 406-444-2502 or by email at cemerson@mt.gov.

Public school districts: For more information regarding School Nutrition Programs, please contact Christine Emerson by telephone at 406-444-2502 or by email at cemerson@mt.gov.

Private/Nonpublic School Federal Program Descriptions

Individuals with Disabilities Education Act (IDEA)

Individuals with Disabilities Education Act (IDEA) funds are for the purpose of providing special education and related services to children with disabilities, beginning at age 3, who have been identified as eligible under the requirements of IDEA and state administrative rules. The public school district in which a student lives is required to provide free appropriate public education, or FAPE, to the child with disabilities. However, if a parent enrolls the child in a private/nonpublic elementary or secondary school, the district in which the private/nonpublic elementary or secondary school is located is only obligated to conduct child find services and those special education and related services it has determined it will provide in accord with the requirements of 34 CFR 300.130-144

SPECIAL EDUCATION AND RELATED SERVICES FOR STUDENTS WITH DISABILITIES ENROLLED BY THEIR PARENTS IN PRIVATE/NONPUBLIC SCHOOLS

In accord with the requirements under IDEA 2004, the public school must consult with private/nonpublic school representatives and representatives of parents of parentally placed private/nonpublic school children with disabilities who attend private/nonpublic elementary or secondary schools within its district's boundaries. The public school district is obligated to:

• Implement a child find process for the purpose of determining whether a student suspected of a disability has a disability as defined under IDEA and state administrative rules.

• Calculate a proportionate share of its IDEA Part B funds for the purpose of providing special education and related services to IDEA-eligible parentally enrolled private/nonpublic elementary or secondary school students within its district's boundaries. The proportionate share calculation is based on the district's October 1 child count of IDEA-eligible private/nonpublic students.

• Provide special education and related services to IDEA-eligible private/nonpublic school children in accord with a services plan, based on the proportionate share of IDEA funds available and the services determined to be provided by the public school following its consultations with private/nonpublic school representatives.

Private/nonpublic schools: For information regarding participation in IDEA, please contact your local public school district.

Public school districts: For more information regarding IDEA, please contact the Division of Special Education by telephone at 406-444-5661.

Private/Nonpublic School Federal Program Descriptions

The Carl D. Perkins Career and Technical Act of 2006

This program provides funding to assist high schools in paying the additional costs of approved career and technical education programs. Career and Technical Education (CTE) programs eligible for CTE funding include: agriculture education, health sciences education, business education, family and consumer sciences education, industrial/ technology education, and marketing education. Programs must be taught by instructors endorsed in the respective curricular area.

The CTE is an organized instructional program that provides integrated academic and technical curriculum to prepare secondary/postsecondary students for employment, continuing education, and a career.

• Title I, known as the basic grant, requires that 85 percent of the total funds be allocated by formula to LEAs and postsecondary vocational schools.

• Private/nonpublic schools may participate through a public school; private/nonpublic schools cannot apply for funds directly.

Private/Nonpublic schools: For information regarding participation in the Federal Career and Technical Education Programs, please contact your local public school district.

Public school districts: For more information regarding CTE programs, please contact Christy Hendricks, CTE/Perkins Data Specialist by telephone 406-444-9019, or by email at chendricks@mt.gov.