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Feb. 15, 2023

To: Public School Superintendent

From: Jim Kent, NDE Nonpublic Ombudsman and
Beth Wooster, Federal Programs Administrator

RE: 2022-2023 Data Collection - Federal Programs within Boundaries Nonpublic Consultation (for 2023-24 school year services) (NDE Form # 34-014)

SUPERINTENDENTS OF DISTRICTS NEEDING TO COMPLETE ONE OR MORE FEDERAL PROGRAMS WITHIN BOUNDARIES NONPUBLIC CONSULTATIONS ARE RECEIVING THIS EMAIL. PLEASE FORWARD TO OTHERS IN YOUR DISTRICT THAT MAY NEED THIS INFORMATION.

Collection opens 3/1/2023

Collection due to NDE 4/30/2023

Every Public School District in Nebraska that has one or more Nonpublic Systems located within the Public School District's geographic boundaries must complete this collection, which is in the NDE Consolidated Data Collection (CDC). This 2022-23 collection will be used for determining nonpublic participation for the 2023-24 school year. It is the responsibility of the Public School District to submit completed forms to the Nebraska Department of Education. Prepopulated forms are available for download by the Public District to use when consulting with the Nonpublic School(s). A form must be completed for each Nonpublic System geographically located within the Public School District's attendance area to document that the Nonpublic System was consulted regarding potential participation in one or more of the following federal programs:

- Title II-A: Supporting Effective Instruction
- Title I-C: Migrant Education
- Title III-A: Language Instruction for English Learners
- Title III-A: Immigrant Education
- Title IV-A: Student Support and Academic Enrichment
- Title IV-B: 21st Century Community Learning Centers

PROCESS for completing FEDERAL PROGRAMS WITHIN BOUNDARIES NONPUBLIC CONSULTATION:

Step 1: Districts obtain access to the Federal Programs within Boundaries Nonpublic Consultation collection(s) in the CDC. To gain access to the Consolidated Data Collection, please refer to "Accessing the Consolidated Data Collection" instructions found on the NSSRS Resources page, under the heading "Consolidated Data Collection (CDC)" at the following url:
<http://www.education.ne.gov/nssrs/Resources.html#Instructions>

This is listed as a "Federal" collection. Superintendents have information regarding this activation code and may assign it to appropriate staff.

Step 2: Download forms that will be used in the consultation with the Nonpublic School(s).

Step 3: Public District representative consults with the nonpublic school(s) representative(s).

Step 4: After completion of consultation with the Nonpublic School(s), **the Public District will enter data from the form into the Federal Programs within Boundaries Nonpublic Consultation Collection in the CDC.** Validations and warnings are in place to assist districts with submitting the data correctly

Step 5: Public District submits and approves the collection by **due date of April 30, 2023.** Corrections will be allowed during the audit window, which closes on May 15th.

Data may be "Submitted" by the person assigned this task by the Superintendent. The Authorized Representative is the only one that can "Approve" the data in the CDC.

Step 6: Public Districts keep the paper consultation forms, with original signatures, on file for seven years. These forms may be requested by NDE at any time and/or reviewed during ESEA monitoring.

The following information may be helpful as you navigate through the form.

- Column B. Public District Receives Allocation
 - Title II-A has been marked "Yes" since every Nebraska Public District is eligible for these funds.
 - The remaining grants listed have this comment included: "Consultation for these grants is required as eligible recipients are not yet known."
- Column C. Nonpublic School Consulted
 - All grants have a radio button to be marked "Yes" after consultation has taken place. This is the initial step in the consultation process should the District become eligible for these grants.
- Column D. Nonpublic School Participating
 - Select "Yes" or "No" for each grant program listed.
- Column E. Nonpublic EL Number
 - Enter appropriate number, if applicable.
- Column F. Nonpublic Immigrant Number
 - Enter appropriate number, if applicable.
- Column G. Comments
 - NDE is suggesting if "Yes" is selected in Column D, you may want to make a comment in Column G that indicates the Nonpublic will participate if the Public District would receive a grant.

Title II-A: Supporting Effective Instruction

NOTE: Beginning with the 2017-18 school year, USDE began updating the formula for determining state level **Title II-A allocations**. The "hold-harmless" provision governing the calculation of District subgrants by NDE is no longer used.

- The change requires that 20% of the funds must be distributed to Districts based on the relative number in individuals ages 5 through 17 who reside in the area the District serves (based on the most recent Census data); and
- 80% of the funds must be distributed to Districts based on the relative number of individuals ages 5 through 17 who reside in the area the District serves and who are from families with incomes below the poverty line (based on the most recent Census data)

Title IV-A: Student Support and Academic Enrichment

The purpose of this grant is to improve students' academic achievement by increasing the capacity of States, Districts, Schools, and local communities to:

- Provide all students with access to a well-rounded education;
- Improve school conditions for student learning; and

- Improve the use of technology in order to improve the academic achievement and digital literacy of all students.

Determining Equitable Services Amount for Titles II-A and IV-A

The amount a Public District must reserve to provide equitable services for Nonpublic School teachers and other educational personnel for Title II-A and Title IV-A services is based on the District’s total Title II-A and IV-A allocations, less administrative costs. The District determines the amount of funds available for Title II-A and IV-A equitable services for Nonpublic School teachers and other educational personnel by calculating, on a per pupil basis, the amount available for all public and private school students enrolled in participating Nonpublic Schools in the area served by the District (regardless of a student’s residency). The attached spreadsheet includes enrollment numbers for both public and nonpublic districts/schools. See sample calculation below.

**SAMPLE OF FORMULA TO DETERMINE AMOUNT FOR TITLE II-A and IV-A
EQUITABLE SERVICES ALLOCATIONS**

A. Number of Students Enrolled		
A1	Public District Enrollment	9170
A2.1	Nonpublic #1 Enrollment	291
A2.2	Nonpublic #2 Enrollment	126
A2.3	Nonpublic #3 Enrollment	28
A2.4	Nonpublic #4 Enrollment	64
A2	Nonpublic Total Enrollment	509
A3	Total Enrollment -- Public & Nonpublic (A1 + A2)	9679
B. Title II-A Allocations		
B1	Total District Allocation	\$300,000.00
B2	Admin. Costs (for Public & Nonpublic)	\$5,000.00
B3	District Allocation minus Admin Costs (= B1 - B2)	\$295,000.00
C. Per Pupil Rate		
C1:	B3 divided by A3	\$30.48
D. Equitable Services		
D1	Amount District must reserve for equitable services for Nonpublic School teachers and other educational personnel (= A2 x C1)	\$15,513.48
E. Public District Allocation		
E1	Amount available for Public District teachers and other educational personnel (= B3 - D1)	\$279,486.52

Keep in mind that when NDE posts Title II-A and Title IV-A Equitable services amounts, the amounts DO NOT include any set-aside for administrative or indirect costs or funds transferred from Title II-A or IV-A into another ESEA program. When these are applied, the amount available for direct services for both public and nonpublic schools is reduced.

CONSULTATION REQUIREMENT

On November 21, 2016, USDE published Non-Regulatory Guidance regarding Fiscal Changes and Equitable Services Requirements. (Guidance available at: <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>). The guidance indicates that the goal of consultation is agreement between the LEA (Local Education Agency) and appropriate nonpublic school officials on how to provide equitable and effective programs for eligible private school children.

Because of this requirement, a statement is included in Section 3 of the data collection, Certification Signatures. The statement, "I agree with the equitable and effective programs that will be implemented based on this consultation," is to be marked yes or no by the Nonpublic School Representative.

As consultations take place for the 2023 school year, it is highly recommended that both public and nonpublic schools consider completing Needs Assessments before the end of this school year to determine how federal funds will be utilized in the following year. **A current Needs Assessment provides a good starting point when determining what activities federal funds will support.**

What Takes Place During the Consultation?

The goal of the consultation process is to design and implement a program that will provide equitable services and meet the needs of the eligible nonpublic school students and/or teachers and other educational personnel. Consultation between the entity receiving federal financial assistance and nonpublic school officials must occur before any decision is made that could affect the ability of nonpublic school students, teachers and other educational personnel to receive the benefits under ESEA (Elementary and Secondary Education Act) and must continue throughout the implementation and assessment of activities. Consultation generally must include discussion on such issues 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 and how the results of the assessment will be used to improve those services;
- The size and scope of the equitable services to be provided to the eligible nonpublic school children, teachers and other educational personnel, the amount of funds available for those services, and how that amount is determined;
- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the nonpublic school officials on the provision of services through potential third-party providers; and
- Whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and
- Whether to provide equitable services to eligible nonpublic school children—
 - By creating a pool of funds with all of the funds allocated based on all the children from low-income families in a participating school attendance area who attend private schools; or

- In the agency's participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend nonpublic schools.

For your convenience, NDE is providing a checklist that you may want to use during the ongoing consultation process. See attachment. The checklist will also be available on the NDE Federal Programs Website.

Transferability

An LEA may transfer the funds receives under Title II-A and Title IV-A. **Each program covered by the transferability authority is subject to the equitable services requirements under Title I or VIII, which may not be waived. (ESEA section 8401(c)(5).) Before an LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with the appropriate nonpublic school officials.** (ESEA section 5103(e)(2).)With respect to transferred funds, the LEA must provide nonpublic students and teachers with equitable services under the program(s) to which the funds are transferred, based on the total amount of funds available to each program after the transfer.

In other words the amount for equitable services CANNOT BE CALCULATED UNTIL THE ALLOCATION TRANSFER HAS BEEN COMPLETED BY THE LEA ON THE GRANT APPLICATION.
(Done during the fall application period)

The amount of funds transferred from Title II-A into Title I will be added to the amount of funds used for determining allocations for Title I nonpublic services.
See example calculations on next page.

EXAMPLE: TITLE II-A CALCULATED BEFORE AIN TRANSFERS	
A. Number of Students	
1374	A1: LEA Enrollment
320	A2 Participating Nonpublic Enrollment
1694	A3: Total Enrollment= A1 + A2
B. Title II.. Part A Allocation	
\$43,232	B1 Total LEA Title II-A Allocation
	82. 01/. Transferred to Title I
	83. Administrative Costs (For public and nonpublic school programs)
\$43,232	B4: LEA Allocation Minus Admin Costs & Transferred Funds= B1 -(B2+ B3)
C. Per Pupil Rate	
\$25.52	C1: = B4+A3
O. Title II-A Equitable Services	
\$8,167	O1 Title II-A amount LEA must reserve for equitable services for nonpublic
\$35,065	O2: Title II-A amount available for services for public school teachers and
\$43,232	

EXAMPLE: TITLE I CALCULATED BEFORE AIN TRANSFERS FROM TITLE I-A	
A. Number of Students	
484	A1: Public Low Income Students
38	A2: Nonpublic Low-Income Students in Participating Schools
522	A3: Total Enrollment= A1 + A2
B. Title I Part A Allocation	
\$267,562	B1 Total LEA Allocation
	82. Amount Transferred from Title II-A to Title I-A
\$287,582	B3. Total Amount Available for Title I Distribution
C. Percentage of low-Income Students	
7.28%	C1 Title I-A Nonpublic Proportional Percentage = A2/A3
32.72%	C2. Title I-A Public Proportional Percentage= A1 f A3
100.00%	
O. Equitable Services	
\$20,935	O1 Amount LEA must reserve for Title I Nonpublic Services=C1 X B1
\$266,647	O2. Amount available for public school Title I Services= C2 X B1
\$267,562	

EXAMPLE: TITLE II-A CALCULATED AFTER TRANSFERRING 50% TD TITLE I	
A. Number of Students	
1374	A1: LEA Enrollment
320	A2 Participating Nonpublic Enrollment
1694	A3: Total Enrollment= A1 + A2
B. Title II.. Part A Allocation	
\$43,232	B1 Total LEA Title II-A Allocation
\$21,616	B2. 50% to be transferred to Title I
\$0	83. Administrative Costs (For public and nonpublic school programs)
\$21,616	B4: LEA Allocation Minus Admin Costs & Transferred Funds= B1 -(B2+ B3)
C. Per Pupil Rate	
\$12.76	C1: = B4+A3
O. Title II-A Equitable Services	
\$4,083	O1 Title II-A amount LEA must reserve for equitable services for nonpublic
\$17,533	O2: Title II-A amount available for services for public school teachers and
\$21,616	

EXAMPLE: TITLE I CALCULATED AFTER DISTRICT TRANSFERS 50% FROM TITLE II-A TO TITLE I-A	
A. Number of Students	
484	A1: Public Low Income Students
38	A2: Nonpublic Low-Income Students in Participating Schools
522	A3: Total Enrollment= A1 + A2
B. Total Allocation (Title I-A+ Transfer from Title II-A)	
\$287,582	B1 Title I-A Allocation
\$21,616	B2. Amount Transferred from Title II-A to Title I-A
\$309,198	B3. Total Amount Available for Title I Distribution
C. Percentage of low-Income Students	
7.28%	C1 Nonpublic Proportional Percentage= A2 / A3
92.72%	C2. Public Proportional Percentage= A1; A3
100.00%	
D. Equitable Services	
\$22,509	O1 Amount LEA must reserve for Title I Nonpublic Services=C1 X B3
\$286,689	O2. Amount available for public school Title I Services= C2 X B3
\$309,198	

EXAMPLE: TITLE II-A CALCULATED AFTER TRANSFERRING 100% TO TITLE I	
A. Number of Students	
1374	A1: LEA Enrollment
320	A2 Participating Nonpublic Enrollment
594	A3: Total Enrollment= A1 + A2
B. Title II.. Part A Allocation	
\$43,232	B1 Total LEA Title II-A Allocation
\$43,232	B2. 100% to be transferred to Title I
	83. Administrative Costs (For public and nonpublic school programs)
\$0	B4: LEA Allocation Minus Admin Costs & Transferred Funds= B1 -(B2+ B3)
C. Per Pupil Rate	
\$0.00	C1: = B4+A3
O. Title II-A Equitable Services	
\$0	O1 Title II-A amount LEA must reserve for equitable services for nonpublic
\$0	O2: Title II-A amount available for services for public school teachers and
\$0	

EXAMPLE: TITLE I CALCULATED AFTER DISTRICT TRANSFERS 100% FROM TITLE II-A TO TITLE I-A	
A. Number of Students	
484	A1: Public Low Income Students
38	A2: Nonpublic Low-Income Students in Participating Schools
522	A3: Total Enrollment= A1 + A2
B. Total Allocation (Title I-A+ Transfer from Title II-A)	
\$287,582	B1 Title I-A Allocation
\$43,232	B2. Amount Transferred from Title II-A to Title I-A
\$330,614	B3. Total Amount Available for Title I Distribution
C. Percentage of low-Income Students	
7.28%	C1 Nonpublic Proportional Percentage= A2 / A3
92.72%	C2. Public Proportional Percentage= A1 / A3
100.00%	
O. Equitable Services	
\$24,082	O1. Amount LEA must reserve for Title I Nonpublic Services= C1 X B3
\$306,732	O2. Amount available for public school Title I Services = C2 X B3
\$330,614	