



COLORADO
Department of Education

**Non-public School Working
Group Meeting
September 19, 2017**

Agenda

- Introductions
- Working Group Business
 - Purpose
 - Norms and Expectations
 - Membership
 - Goal Setting
- Guidance and Implementation
 - Timeline
 - Report of Allocations
 - Carryover
 - Complaint Process
 - Title IV, Part A
 - FAQs
- Monitoring Work Session
- Opportunities for Engagement and Feedback

Working Group Business

Working Group Business: Purpose

- The Colorado Non-public Working Group exists to enhance and facilitate communication and collaboration among non-profit private schools, local education agencies (LEAs), and the Colorado Department of Education. The group discusses key topics and activities that address issues of mutual interest to Colorado's public and non-public school communities, as well as provides feedback on pertinent guidance addressing the provision of equitable services in Colorado.

Working Group Business: Norms and Expectations

- Meetings will occur quarterly in-person with a call-in option
- Participant Roles
 - Ombudsman will facilitate the meetings and serve as the policy expert regarding the provision of equitable services and point of contact for LEAs and non-public school officials
 - CDE Staff will provide updates regarding the administration of federal programs that impact the provision of equitable services
 - Non-public School representatives will provide updates regarding private school events supported with ESEA funding, feedback on how to engage in the consultation process meaningfully, as well as opportunities to communicate with the non-public school community
 - LEA representatives will provide updates regarding the consultation process, the provision of equitable services, and share-out regarding best practices concerning the implementation of equitable services
- All representatives will participate respectfully and meaningfully in the meetings

Working Group Business: Membership

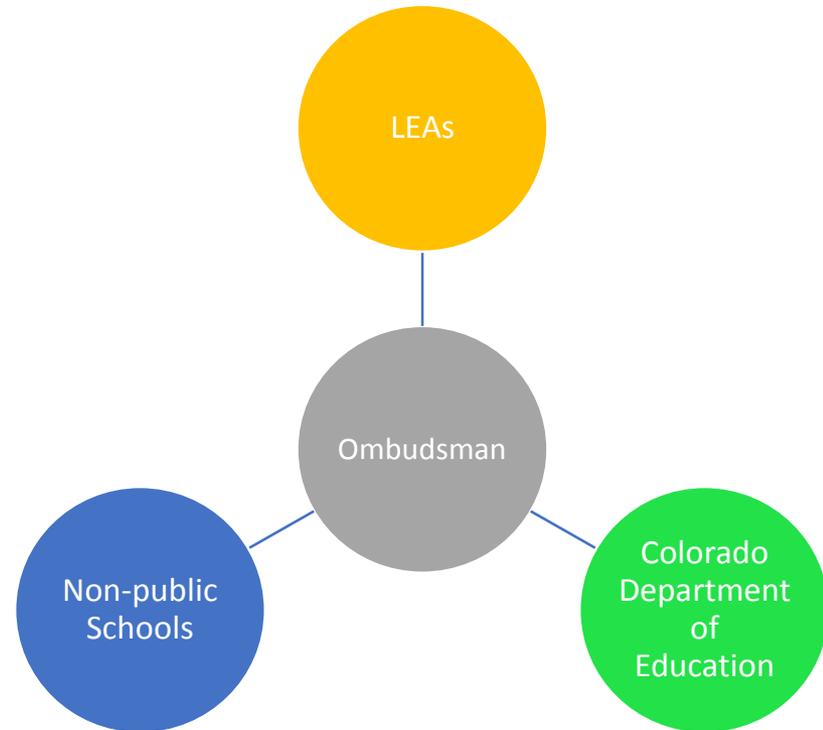
- Currently the working group has 29 invited participants, including LEA, non-public, and CDE representatives.
- Representation
 - Currently, all membership resides within the I-25 corridor
 - In the 2017-18 Consolidated Application 30 LEAs indicated that it had participating non-public schools

Metro	Northwest
Adams-Arapahoe 28J	Aspen 1
Englewood 1	East Grand 2
Westminster Public Schools	Roaring Fork RE-1
Adams 12 Five Star Schools	Pikes Peak
Boulder Valley RE-2	Cheyenne Mountain 12
Cherry Creek 5	Colorado Springs 11
Denver County 1	Lewis Palmer 38
Douglas County RE-1	Pueblo City 60
Jefferson County R-1	Pueblo County 70
Littleton 6	Widefield 3
Mapleton	Southeast
School District 27J	Trinidad 1
North Central	Southwest
Greeley 6	Ignacio 11JT
Poudre R-1	Durango 9-R
St. Vrain Valley RE-1J	West Central
Thompson R2-J	Mesa County Valley 51
	Montrose Country RE-1J

Working Group Business: Membership

- Propose for 2017-18, identify:
 - 4 LEA Representatives
 - 6 Non-public School Representatives
 - 5 CDE Representatives
 - Invite others, as needed

- Interest Survey

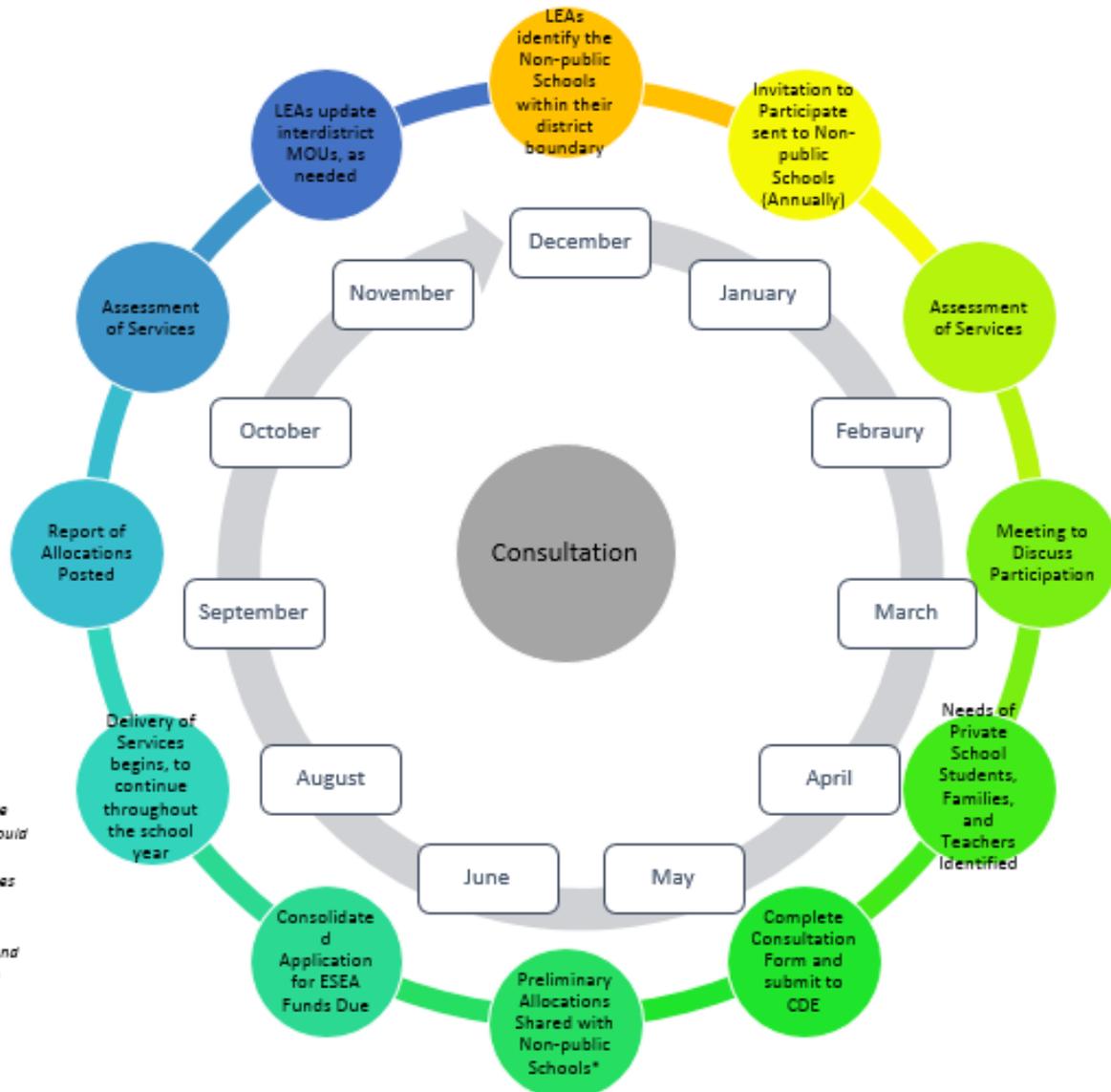


Working Group Business: Goal Setting for 17-18

Goal	Target Date	Completed (X)
Update Frequently Asked questions guidance document		
Update Consultation Form and process to better reflect the needs of the LEAs and non-public schools		
Finalize monitoring indicators and begin monitoring in the Spring of 2018, with full implementation in 2018-19		
Provide Timeline of Consultation and Implementation of Equitable Services		
Provide guidance on the provision of equitable services under Title IV, Part A programs		
Devote portion of each of the remaining working group meetings for presentations/discussion regarding best practices for providing equitable services		
Update the equitable services portion of the CDE website, to include Non-public School Working Group agendas, notes, etc.		
Identify other goals:		

Guidance and Implementation

Guidance and Implementation: Proposed Timeline



**preliminary allocations are subject to change; LEAs should update participating non-public school representatives if/when allocations are updated and substantially impact the programming and ability to provide equitable services.*

Guidance and Implementation: Proposed Timeline

- **Guiding Questions**

- Does the timeline include all pertinent LEA, non-public school, and CDE actions regarding the provision of equitable services?
- Does the timeline accurately reflect the months throughout the year in which activities occur?
- Does the timeline convey a message that consultation is on-going, and not a one-time occurrence?
- What suggestions do you have to improve the timeline, either the activity descriptions or appearance?

Guidance and Implementation: Consultation Form

- Proposed Update to Consultation Form
- Content
 - Divided into Part A and Part B to better align with the needs identified in the timeline
 - Aligned to guidance released by the U.S. Department of Education specific to each Title program
- Process
 - Complete Part A for **every** non-public school within the district boundary and submit to CDE by May 30th
 - Complete Part B for every **participating** non-public school and retain as documentation to facilitate ongoing consultation (as identified in timeline) and for monitoring purposes

Guidance and Implementation: Consultation Form

- **Guiding Questions**

- Is dividing the content helpful for ongoing consultation?
- What would be helpful to ensure the process is clear in the consultation form?
- Do you have other suggestions for documenting the results of consultation based on your experience in 2017-18?

Guidance and Implementation: Report of Allocations

- Under the Every Student Succeeds Act, the Colorado Department of Education (CDE) is required to provide timely notice to non-public school officials of the allocation of funds set-aside to provide equitable services. Sections 1117(a)(4)(C), 8501(a)(4)(C).
- CDE is currently in the process of reviewing LEA Consolidated Applications and will pull a final report once all applicants have received final approval. The Consolidated Application platform, as well as the review of the application, ensures that the proportionate share is calculated correctly; thus, waiting to pull this report ensures more accurate information is shared with non-public school officials.

Guidance and Implementation: Report of Allocations

- Allocation information will be aggregated based on the participating non-public schools and shared at the LEA/district level
- CDE will redact any allocation in which the amount may lead to sharing PII
- Allocation information will be posted on the Equitable Services webpage and a notification will be sent out in the Scoop, as well as in an email to members of the non-public school working group.

Guidance and Implementation: Carryover

- The ESSA requires LEAs to obligate the funds set-aside to provide equitable services in the year in which the funds are received, which effectively discourages LEAs from carrying over funds.
- Guidance issued by the U.S. Department of Education in November 2016 permits LEAs to carry over funds only under extenuating circumstances.
- CDE plans to implement a waiver process for LEAs that are unable to obligate the funds set-aside to provide equitable services in the year in which they are received. If the LEA intends to carry over funds, it may only do so after receiving CDE approval and only in a manner that ensures the funds are still set-aside for equitable services (i.e. categorically).

Guidance and Implementation: Carryover

- **Feedback on Waiver Process**
 - What timing implications should CDE consider when developing the waiver process?
 - Guidance provides that carryover may only occur in “extenuating” circumstances, an intentionally broad term that was left undefined. How should CDE define this term to ensure all LEAs understand the criteria they must meet when requesting to carry over funds?
 - What other provisions should the waiver include? (i.e. non-public school officials notification, etc.)
 - Other suggestions

Guidance and Implementation: Complaint Process

Guiding Questions

- Are the complaint requirements clear?
- Is the process easily understood?
- Should any terms be clarified?
- Suggestions for improvements

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Complaint Procedure

Consultation for Equitable Services under the Every Student Succeeds Act



Consultation Requirements

Under the Elementary and Secondary Education Act (ESEA), reauthorized as the Every Student Succeeds Act (ESSA), a local education agency (LEA) must provide services to eligible non-public school students, families, and teachers that are equitable to those provided in eligible public schools. LEAs and non-public school officials are required to complete and submit the results of consultation to the Equitable Services Ombudsman prior to the LEAs application for ESEA funds. Non-public school officials have recourse through the complaint process if they do not believe that the LEA has engaged in meaningful consultation or if they believe the LEA is not providing equitable services as agreed to in the consultation form. The Ombudsman for Equitable Services serves as the primary point of contact for responding to and resolving any complaints regarding equitable services.

If a non-public school official believes that timely and meaningful consultation has not occurred, they should first discuss concerns with the LEA point of contact responsible for coordinating the consultation and provision of services between the two entities. In the event the problem is not resolved, non-public school officials have the right to file a formal written complaint with the Ombudsman for Equitable Services.

Complaint Requirements

Non-public school official who wish to file a written complain must include the following:

1. Complainant contact information, including: the name, address, phone number, and email address of the complainant and the non-public school in which the complainant represents;
2. The specific requirements not met as required by the ESSA;
3. A statement that the LEA or other agency has failed to meet requirements for equitable participation;
4. A description of the facts on which the complaint is based, including the dates and events related to the complaint;

Complaint Process

Complete complaints received by the Colorado Department of Education (CDE) will be accepted and reviewed by CDE. No additions or corrections may be made to the written complaint once the complaint has been submitted, unless requested by CDE. Complainants should ensure that the complaint and all supporting documentation are complete before submitting a complaint. Incomplete complaints will not be accepted for review.

Upon receipt of a complete complaint, CDE will send a copy of the complaint to all parties involved. Those entities will be allowed to respond to the complaint in writing within thirty (30) calendar days of receipt.

CDE, at its discretion, may allow the parties to present additional information or evidence in



Lunch

Guidance and Implementation: Title IV, Part A

- The U.S. Department of Education released guidance for Title IV, Part A programs in October 2016 with the following note:
 - *Under sections 8501- 8504 of the ESEA, LEAs and SEAs receiving funds under Title IV, Part A must provide for the equitable participation of private school students, teachers and other educational personnel in private schools located in areas these agencies serve in Title IV, Part A funded activities, including by engaging in timely and meaningful consultation with private school officials during the design and development of their Title IV, Part A programs. New or changed requirements that affect the equitable participation of private school students, teachers and other educational personnel under the ESEA will be addressed in forthcoming guidance. Except as otherwise provided in that guidance, the existing non-regulatory Title IX, Part E Uniform Provisions, Subpart 1 - Private Schools (Revised March 2009) will remain applicable.*

Guidance and Implementation: Title IV, Part A

- Given that the 2009 guidance is still in effect, and no subsequent guidance has been released, LEAs should keep the following in mind when running Title IV, Part A programs:
 - Must be discussed during consultation; if this was not done during the 2017-18 consultation process, LEAs should revisit this area with their non-public schools and update their Consolidated Applications during the post-award revisions process if non-public schools choose to participate
 - LEAs calculate the set-aside to provide equitable services under Title IV, Part A in the same manner that Title II, Part A set-asides are determined*
 - If an LEA chooses to transfer their Title IV, Part A funds into another Title program, non-public schools must have the option to participate in Title IV, Part A prior to the transfer occurring (if transferred to Title I, Part A, the proportionate share is *not* increased based on this transfer)

*[2009 Guidance](#) from the U.S. Department of Education: Many LEAs calculate equal expenditures strictly on the basis of the relative enrollments of public and private school students, on the assumption that these numbers also accurately reflect the relative needs of students and teachers in public and private schools. However, it is permissible for LEAs to use other factors relating to need and not base equal expenditures only on relative enrollments.

- **Program Requirements**

- If the LEA receives greater than \$30,000, spending requirements apply (20%/20%) to the district's allocation, not at the school level. This includes amounts set-aside to provide equitable services.
- If the LEA receives greater than \$30,000, a comprehensive needs assessment must be conducted, which in turn informs the allowable use of funds under the program.

Guidance and Implementation: Title IV, Part A

- Allowable activities
 - Generally, activities under Title IV, Part A are flexible, but similar to Title I, Part A schoolwide programs, the allowable use of funds is based on a needs assessment, unless not required.
- Purchase of Technology or Equipment
 - The LEA must be able to maintain control of technology or equipment to be purchased and the funds may not be comingled with non-Federal funds.
 - For example, if the non-public school wants to purchase a piece of technology that costs \$1000 but their Title IV, Part A set-aside is only \$400, the LEA may not use the \$400 towards the purchase of the equipment and subsidize it with \$600 from the non-public school. The LEA would lose control of the equipment and this purchase would require comingling of Federal and non-Federal funds.

Guidance and Implementation: Updated FAQs

- The FAQs have been reviewed and updated based on questions received throughout the recent Consolidated Application cycle.
- Guiding Questions
 - Are the responses clear within the document?
 - Do you have additional questions that you would like to see included?
 - Should the FAQ be reorganized to address specific Title program concerns?
 - Do you have any other suggestions for the document?

Monitoring

Monitoring: Indicator Work Session

- The Federal Programs Unit is currently updating its monitoring procedures and protocols, which provided a convenient time to include and update the equitable services monitoring indicators. The goal is for a district to use the document provided as a self-assessment tool prior to receiving a monitoring visit from CDE.

Monitoring: Indicator Work Session

- Please review the document provided for the following information:
 - ESEA Requirement: This description is the result of reviewing statutory requirements and interpreting the language into a more comprehensive, digestible format. Statutory citations are included at the end of each description.
 - Examples of Acceptable Evidence: Methods of demonstrating compliance with the ESEA Requirement.
- Guiding Questions
 - Do you understand the ESEA Requirement, as written?
 - Does the Acceptable Evidence appropriately capture the ESEA Requirement demonstration?
 - Are there additional Examples of Acceptable Evidence that should be included?
- Group Share outs

Upcoming Opportunities for Engagement and Feedback

Feedback and Engagement

- Non-public School Principals Meeting
 - Possible dates: November 8th or December 19th, or look for dates into January 2018
 - Convenient meeting spaces
 - Determine topics to cover
 - Discuss the best way to communicate invitation to principals

Feedback and Engagement

- Colorado Ombudsman
 - 2017 National Private School Leadership Conference
 - State Collaborative of Ombudsmen Webinars
 - U.S. Department of Education Quarterly Newsletter
- National
 - 2018 National Title I Conference Sessions

Closing

- If time permits:
 - Review mock-up/technical specs of the non-public schools section of the 2018-19 Consolidated Application
 - Agenda items for the December 2017 meeting
 - Interdistrict MOUs
 - Consultation Forms
 - Volunteers to present regarding best practices or other strategies for providing equitable services
 - Other suggestions
 - Reminder: The next Non-Public School Working Group Meeting will be held on Tuesday, December 5, 2017 at the Philip S. Miller Library in Castle Rock