



February 2022

To: Authorized Representatives  
From: Jack O'Connor, Title I Director/Private School Ombudsman  
Re: 2022-23 Private School Participation in Federal Programs

Each spring, the Montana Office of Public Instruction (OPI) emails a letter and link to a packet to each Montana school district informing them of the requirement to notify all private and nonpublic schools within its district boundaries of their right to participate in federal programs should the public- school district desire to participate in such programs.

Every October, county superintendents are required to report all registered private and home schools to the OPI. The OPI then gathers the data and informs the public school district of each eligible entity within its district boundaries.

As of October 2018, the OPI began using an online system which allows county superintendents to enter all the nonpublic schools electronically. The new online application is also open to the public school districts for use. The OPI no longer sends out paper forms and spreadsheets to the districts, and consequently, districts no longer submit paper forms to the OPI.

The link to the new system is:

<https://apps.opi.mt.gov/nonpublicschool/frmLogin.aspx>.

Here are the directions to input data into the system:

1. Click on the **Data entry tab**.
2. Click on the **Fall Federal Participation Data (District) tab**.
3. Update by selecting the **private/home school** from the dropdown menu.
4. Select which federal programs the school wants to participate in.
5. Hit the **Save Federal Participation** button.
6. Call **Andy Boehm** at (406) 444-0375 or email [aboehm@mt.gov](mailto:aboehm@mt.gov) for assistance.

All the required notices and documents are linked within the application. Please read below for more information about nonpublic participation in federal programs:

The Individuals with Disabilities Education Act (IDEA), as reauthorized in 2004, and the Every Student Succeeds Act (ESSA) of 2015, contain strengthened and expanded requirements for consultations with private/nonpublic schools.

The enclosed checklists contain information that must be covered in the consultations. The OPI recommends that the checklists be reviewed to become familiar with the areas that must be covered prior to the consultations. The IDEA and ESSA laws contain provisions so private/nonpublic school officials may file a complaint if they are not satisfied that meaningful and timely consultations have taken place. The consultations must take place before the private/nonpublic schools decide whether to participate or not, and they must be ongoing if they do choose to participate. Districts must also consult with private/nonpublic schools if the district federal program participation is through a consortium or cooperative.

Public school districts must submit signed copies of the Affirmation of Consultation with Private Schools and Title I Equitable Share Services Agreement forms to the OPI no later than July 31, of each year. These documents can be found at the following link:

<http://opi.mt.gov/Leadership/Academic-Success/Title-Other-Federal-Programs/Private-Schools>. These forms are then reviewed by the Private School Ombudsman for approval.

Districts must 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 copies of the required forms. However, some private, non-public schools may have selected the "Do Not Contact" option in relation to participating in federal programs. This is in the OPI private school web app. The district need not contact these entities.

The district must ensure that private/nonpublic schools are aware that the forms must be returned to the district office even if a private/nonpublic school does not wish to participate. Districts are required to set a due date for the return of the documents. Two weeks is considered sufficient. However, if the forms are not returned to the district by the due date, it may assume the private/nonpublic school is not interested in participation and indicate "No Response" on the public district electronic form.

Districts must complete their data entry into the online application no later than **March 26, 2022**. The OPI will post a list of districts and participating private/nonpublic schools on the OPI website after the window has closed. The E-Grants System also includes a link to the Participating Private/Nonpublic Schools list, which will assist in the completion of the Equitable Share sections of the ESSA programs within the application.

For questions about completing the electronic application, contact Andy Boehm by telephone at (406) 444-0375, or by e-mail at [aboehm@mt.gov](mailto:aboehm@mt.gov). For questions regarding a specific federal program, please contact the program specialist or director listed on the bottom of the Federal Program Descriptions form. Thank you for your work to meet the requirements for serving the private/nonpublic students in Montana.



**This section to be completed by the SCHOOL DISTRICT and then sent to the private/nonpublic school**

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

\_\_\_\_\_  
School Contact

\_\_\_\_\_  
Due date for return to public school district

\*\*\*\*\*

**This section to be completed and signed by responsible PRIVATE/NONPUBLIC school official and then Returned to the Local School District**

\_\_\_\_\_  
Name of PRIVATE/NONPUBLIC SCHOOL

\_\_\_\_\_  
Printed or Typed Name

\_\_\_\_\_  
Address

\_\_\_\_\_  
Signature

\_\_\_\_\_  
City, State, zip code

\_\_\_\_\_  
Title

\_\_\_\_\_  
Telephone number

\_\_\_\_\_  
Date

**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 listed programs.
2. This private/nonpublic school wishes to participate in the programs checked. 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).
4. This private/nonpublic school received the required consultation in a meaningful and timely manner regarding special education and related services.
5. This private/nonpublic school received the initial required consultation in a meaningful and timely manner regarding services from Title I, Part A, if the district receives those funds.

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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 2022-23. Some of the listed programs are competitive or may have limits on eligible districts/students.



## **ESEA Title I, Part A— Achievement of the Disadvantaged**

Title I, Part A of Public Law 114-95, 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 standards. 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 parental 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 other related criteria established in Public Law 114-95. Grants are awarded to eligible districts as after review and approval of the local application by the OPI.
- Private/nonpublic school students with academic needs who reside in eligible Title I attendance areas may receive equitable services to the extent possible with the 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 June or July if Congress has appropriated funds for the program on schedule.
- Funds may be used to provide supplementary services to increase the academic levels of low-achieving students in Title I eligible schools and may benefit all students in approved schoolwide 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 Sheri Harlow, administrative assistant, by telephone at 406-444-5660 or by email at [sharlow@mt.gov](mailto:sharlow@mt.gov).



## **ESEA Title I, Part C— Migrant Education Program**

The Migrant Education Program is a federally funded state educational agency (SEA) operated program that provides supplemental instructional and supportive services to eligible migrant children to help them overcome educational disruptions and disadvantages. A child who is younger than 22 and who has not graduated from high school or who does not hold a High School Equivalency Diploma and who has moved with his/her parent (or by herself/himself in the case of emancipated youth) across state, county, or school district boundaries within the preceding 36 months to seek or obtain temporary or seasonal employment in agriculture, fishing, dairy, or timber related work is only eligible for service when documented on a Certificate of Eligibility by a trained MEP specialist. Sub grants for the Migrant Education Program are based on the number and needs of eligible children located throughout the state.

Private/nonpublic schools: For information regarding participation in ESEA Title I, Part C, please contact your local public- school district where a Title I Part C program is in place. 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/ 406-459-6368 or by email at [abranzspall@mt.gov](mailto:abranzspall@mt.gov).



## **ESEA Title II, Part A—Preparing, Training and Recruiting High Quality Teachers and Principals**

The purpose of this title is to provide grants to State educational agencies and sub grants to local educational agencies to-

- (1) increase student achievement consistent with the challenging State academic standards
- (2) improve the quality and effectiveness of teachers, principals, and other school leaders, increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools; and
- (3) provide low-income and minority students greater access to effective teachers, principals, and other school leaders.

- 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 schoolteachers 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 effective instructional strategies. 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.

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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 Christy Hendricks by telephone at 406-444-0794 or by email at [christy.hendricks@mt.gov](mailto:christy.hendricks@mt.gov).

## **ESEA Title III, Part A—Language Instruction for English Learners and Immigrant Students**

- (1) to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;
- (2) to assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging State academic standards that all children are expected to meet;
- (3) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth;
- (4) to assist teachers (including preschool teachers), principals and other school leaders, State educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings; and
- (5) to promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners.

- Funding for school districts will be allotted on a formula basis according to the number of EL 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, professional development, and family engagement.
- Administration costs are limited to 2 percent at the LEA level.
- Accountability has shifted to Title I for ESSA.
- Demonstrated improvements in English proficiency.
- Annual assessments for EL 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: If you have a private/nonpublic school that would like to participate in Title III, please ensure that the attached EL memorandum and survey is completed by the school and submitted to the OPI. For more information regarding ESEA Title III, please contact Evelyn Paz-Solis at 406-459-3552 or by email at [EvelynPaz@mt.gov](mailto:EvelynPaz@mt.gov).

## **ESSA Title IV, Part A – Student Support and Academic Enrichment**

The purpose of this subpart is to improve students' academic achievement by increasing the capacity of States, local educational agencies, schools, and local communities to-

1. provide all students with access to a well-rounded education
2. improve school conditions for student learning, safe and healthy students; and
3. improve the use of technology to improve the academic achievement and digital literacy of all students.

Montana uses a formula grant to ensure all districts in MT that received Title I allocations received funding under Title IV Part A. For the current school year, the minimum award for these Title IV-A grants is \$10,000. The SSAE program provides LEAs flexibility to tailor Title IV-A investments to meet the needs of their unique student populations. To maximize the use of SSAE program resources, SEAs, LEAs, and schools are encouraged to partner with community organizations to offer programs and services to students. Schools are encouraged to consider how other federal, state, and local funds may be leveraged to support a holistic approach to well-rounded education.

- School districts that receive an allocation **above \$30,000** must conduct a needs assessment and must then spend 20% of its grant on safe and healthy school activities and 20% on activities to provide a well-rounded education program. The remaining 60% of the money can be spent on all three priorities, including technology. However, within technology, there is a 15% cap on spending for devices, equipment, software, and digital content.
- If districts receive an allocation **below \$30,000**, the law does not require a needs assessment. District must spend money on activities in at least one of the three categories. If districts chose to spend in technology, once again there is a 15% cap on spending for devices, equipment, software, and digital content.

All districts have the option to use their Title IV-A funds to run a Title IV-A program to support the needs of their local school district and community, or schools can also choose to transfer all or a portion of the funding into Title I or II. If funds are transferred to another eligible program, the private/nonpublic equitable share will be determined after the transfer has occurred and will be part of the program to which the funds are transferred.

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

Public school districts: For more information regarding ESEA Title IV, Part A, please contact Tammy Lysons by telephone at 406-431-2309 or by email at [tamara.lysons@mt.gov](mailto:tamara.lysons@mt.gov) or Jamey Petersen at 406-437-1760 or [jamey.petersen@mt.gov](mailto:jamey.petersen@mt.gov).

## **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, character education and career development. 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 21<sup>st</sup> CCLC grant is determined through the ESSA requirements.

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 Michelle Cusey by telephone at 406-431-3029 or by email at [Michelle.Cusey@mt.gov](mailto:Michelle.Cusey@mt.gov) or Jamey Petersen at 406-437-1760 or [jamey.petersen@mt.gov](mailto:jamey.petersen@mt.gov).

## **Strengthening Career and Technical Education for the 21st Century Act (Perkins V) of 2018**

This program provides an important opportunity to expand opportunities for every student to explore, choose, and follow career and technical education programs of study and career pathways to earn credentials of value.

Career and Technical Education (CTE) programs eligible for CTE funding include agriculture education, business and marketing education, family and consumer sciences education, health science education, and industrial technology education. Programs must be taught by instructors endorsed in the respective curricular area.

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 post-secondary 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 **Ian Beagles-Perkins Data Specialist** by telephone 406-444-9019, or by email at [ian.beagles@mt.gov](mailto:ian.beagles@mt.gov).

## **School Nutrition Programs\***

School Nutrition Programs, within the Student Support Services, administers the U.S. Department of Agriculture nutrition programs in schools. 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 works 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 with 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 may apply 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.

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](mailto:cemerson@mt.gov).





## **Special Education IDEA, Part B-Preschool (child must be age 5)**

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 Special Education Unit by telephone at 406-444-5661.

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

# Process For Home School Notification of Opportunity to Participate in Federally Funded Programs

## OVERALL ROLE

### District

has responsibility to consult with all private/nonpublic schools concerning participation in programs offered by the local district (initial and ongoing).

### County Superintendent

- may choose to assist districts by nonpublic consulting with private/nonpublic all funded schools concerning the opportunity school to participate.

## THROUGHOUT YEAR

### District

- may give authority to county superintendents who choose to with private/nonpublic consultation concerning federal program participation.

### County Superintendent

- at time of private/nonpublic registration, provides federal program descriptions, assist notification of opportunity to participate, and meaningful consultation about the programs;
- forwards signed notification forms to districts— form indicates whether private/nonpublic desires further contact.

## SPRING

### District

- consults with private/nonpublic schools within their boundaries concerning opportunity to participate in federally funded programs:
  - district does not need to consult with a private/nonpublic parent if a “Notice of Opportunity to Participate” form is on file dictating that the parent does not wish to receive a participation form.
  - If county superintendent does not consult with private/nonpublic about federal programs, the district may choose to use the notification form with home school parents during consultation process.

### County Superintendent



# 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 should be reported.

**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, 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).