Nonpublic School Documentation and Sample Correspondence

Affirmation of Consultation with Nonpublic School Officials Form

Nonpublic School Participation Refusal Form

Nonpublic School Communication

1. **Sample Letters**
   - Nonpublic School Request for Consultation Letter
   - Nonpublic School Survey Letter (Title I only)
2. **Survey** (Title I only)
   - Sample Nonpublic School Survey
3. **Income Eligibility Guidelines** (Title I only)
   - Income Eligibility Guidelines for 2011-2012

Title I Poverty Data Guidance

- Guidance for collecting nonpublic school poverty data
- Title I Nonpublic Assurance Form

Title II- Nonpublic School Allocation Calculations

- Nonpublic School Allocation Calculations

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AFFIRMATION OF CONSULTATION
WITH NONPUBLIC SCHOOL OFFICIALS

Sections 1120(a) and 9501 of the *No Child Left Behind Act* and Sec. 200.63 of the Title I regulations require that *timely* and *meaningful* consultation occur between the local education agency (LEA) and nonpublic school officials prior to any decision that affects the opportunities of eligible nonpublic school children, teachers, and other educational personnel to participate in programs under this act, and shall continue throughout the implementation and assessment of activities under these sections.

The following topics <u>must</u> be discussed during the ongoing consultation process:

- How the needs of eligible nonpublic school children, teachers or other educational personnel will be identified by the LEA;
- What services will be offered to eligible nonpublic school children, their families, their teachers and other educational personnel;
- 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 and the estimated amount of funds available for those services;
- How and when the LEA 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 contract services through potential third-party providers;
- If the LEA disagrees with the views of the nonpublic school officials on the provisions of services through a contract, the LEA will provide the nonpublic schools the reasons **in writing** why the LEA chooses not to use a contractor;
- The method or sources of data that the LEA will use to determine the number of nonpublic school children from low-income families residing in participating public school attendance areas, including whether the LEA will extrapolate data, if a survey is used **(Title I only)**;
- The equitable services the LEA will provide to teachers and families of participating nonpublic school students **(Title I only)**;
- If there are any carryover funds, consultation will occur regarding equitable participation of nonpublic school students from applicable carryover funds; and
- The LEA will notify the nonpublic school officials of final funding amounts when available.

Check the box (es) listed below indicating the Title(s) for which consultation occurred:

□ Title I - Part A
□ Title II – Part A
□ Title III – Part A
□ Title III – Immigrant

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible nonpublic school children, teachers or other educational personnel in the *NCLB* programs.

Signature of LEA Official Date	Signature of Nonpublic School Official Date
Name of LEA (Print)	Name of Nonpublic School (Print)

The LEA must maintain a copy of this form in its records and provide a copy to the NJDOE, upon request.

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NONPUBLIC SCHOOL PARTICIPATION REFUSAL

_____ (**Name of Nonpublic School**) on _____ (**date**) hereby resolves not to participate in the programs **checked** below for Fiscal Year 2012:

___ Title I, Part A: Improving Basic Programs Operated by Local Education Agencies $ _____

___ Title II, Part A: Teacher and Principal Training and Recruiting $ _____

___ Title III, Part A: English Language Acquisition and Language Enhancement $ _____

___ Title III, Part A: Supplemental Immigrant Student Aid $ _____

It is understood that this refusal to participate in programs for Fiscal Year 2012 will not prevent the pupils and teachers from participating in any subsequent year.

_____ _____

Authorized Nonpublic School Administrator Signature **Date**

_____

Name of Nonpublic School Administrator (Print)

_____

Address of Nonpublic School (Print)

_____

Nonpublic School Telephone Number

Sample Nonpublic School Request for Consultation Letter

(District Letterhead)

(Date)

(Heading)

Dear (Nonpublic School Representative):

The [LEA Name]_____ district will soon apply for grant funds under *No Child Left Behind (NCLB)*. This application includes the following formula programs:

- Title I, Part A: *Improving Basic Programs Operated by Local Education Agencies*
- Title II, Part A: *Teacher and Principal Training and Recruiting Fund*
- Title III, Part A: *Grants and Subgrants for English Language Acquisition and Language Enhancement*
- Title III, Part A: *Immigrant*

Before making application, we are required to consult with you in order to identify the needs of children and teachers enrolled, and/or employed in your school, who are within our jurisdiction. A planning meeting will take place at (time) on (date) at (location). Please call (telephone number) to confirm your participation or to ask any questions you may have.

The following will be discussed at this meeting:

- The needs of the students;
- The criteria used to select student participation;
- The criteria used for low income;
- The services to be provided;
- How and where the services will be provided;
- How services will be assessed; and
- How funds will be used.

If you cannot attend this meeting, you may wish to send me suggestions or contact me via telephone. Written or verbal input must be received no later than the meeting date listed above.

If you do not wish to participate in one or more of the programs listed above, please complete the enclosed Nonpublic School Participation Refusal form and return it to me within two weeks of receipt of this letter.

Sincerely,

Chief School Administrator

Enclosure

SAMPLE NONPUBLIC SCHOOL SURVEY LETTER
(TITLE I ONLY)

[DISTRICT LETTERHEAD]

Dear Parents:

The *No Child Left Behind Act of 2001* (NCLB) reauthorized federal legislation to continue to provide a variety of programs, materials, and services to children and teachers in nonpublic schools similar to those provided to public school students and teachers. These activities are enhanced by additional federal funds provided for school attendance areas with families whose income falls below specific levels or who benefit from other federal assistance programs. In order for our children to benefit from these additional funds, it is very important for us to know how many children attending our school are members of these families.

Please review the enclosed survey and simply indicate whether you meet the criteria by checking Yes or No. Additionally, identify the public school district where your child(ren) would attend school if not attending a nonpublic school. This information is essential to ensure our continued participation in the federal programs such as Title I. It is an important benefit that we do not want to lose. Please return this form by [**DATE**]. All information will be kept confidential.

Thank you for your assistance with this survey.

Sincerely,

[NONPUBLIC SCHOOL PRINCIPAL'S NAME]

Enclosures

SAMPLE NONPUBLIC SCHOOL SURVEY
(TITLE I ONLY)

Family Survey

[**Note to District**: This information may be reproduced in English, Spanish, and any other language necessary for a particular locality. Follow-up telephone calls may be necessary to parents who do not respond, particularly if the school feels they might qualify. Surveys may be coded to protect confidentiality.]

1. Use the attached *Income Eligibility Guidelines* chart to answer the questions in item #1.

   Is your family income less than the amount in column 2 (Federal Poverty Guidelines)?

   Yes _____ No _____

   Is your family income less than the amount in columns 3 - 5 (Reduced Price Meals)?

   Yes _____ No _____

   Is your family income less than the amount in columns 6 - 8 (Free Meals)?

   Yes _____ No _____

2. Are you receiving assistance under the Temporary Assistance to Needy Families (TANF) program?

   Yes _____ No _____

3. Are any of your children eligible to receive medical assistance under the Medicaid program?

   Yes _____ No _____

4. Identify the public school district that your child(ren) would have attended if not attending a nonpublic school and their grade level.

Name of Public School District (required)	**Grade Level (required)**
1.	
2.	
3.	
4.	

Home Address (required): _____

_____

INCOME ELIGIBILITY GUIDELINES
(Effective from July 1, 2010 to June 30, 2011)

Household Size	Federal Poverty Guidelines	Reduced Price Meals - 185%			Free Meals - 130%		
	Annual	Annual	Month	Week	Annual	Month	Week
48 CONTIGUOUS STATES, DISTRICT OF COLUMBIA, GUAM AND TERRITORIES							
1	$10,830	$20,036	$1,670	$386	$14,079	$1,174	$271
2	$14,570	$26,955	$2,247	$519	$18,941	$1,579	$365
3	$18,310	$33,874	$2,823	$652	$23,803	$1,984	$458
4	$22,050	$40,793	$3,400	$785	$28,665	$2,389	$552
5	$25,790	$47,712	$3,976	$918	$33,527	$2,794	$645
6	$29,530	$54,631	$4,553	$1,051	$38,389	$3,200	$739
7	$33,270	$61,550	$5,130	$1,184	$43,251	$3,605	$832
8	$37,010	$68,469	$5,706	$1,317	$48,113	$4,010	$926
For each add'l family member add	$3,740	$6,919	$577	$134	$4,862	$406	$94

Note: *For Title I, the same criteria must be used for both the public and nonpublic school students. If the public schools use the 10/15/10 ASSA data when completing the Title I Eligibility page for the FY 2012 NCLB application, this data should be used for the nonpublic schools. If the district uses more current data (as of July 1, 2011), the corresponding income eligibility guidelines (July 1, 2011 to June 30, 2012) can be found at: http://www.fns.usda.gov/cnd/Governance/notices/iegs/IEGs09-10.pdf.*

Please Note:

The Health and Human Services (HHS) poverty guidelines for the remainder of 2010 were published in the Federal Register on August 3, 2010. Recent legislation prohibited publication of the 2010 poverty guidelines before May 31, 2010, and required that the 2009 poverty guidelines remain in effect until publication of updated guidelines. Since legislation to further delay publication of the 2010 guidelines did not pass, HHS updated the **2010 poverty guidelines**, taking into account the Consumer Price Index (CPI-U) for the period for which their publication was delayed.

As a result, the poverty guideline figures for the remainder of 2010 showed no change from the 2009 poverty guideline figures. Publication of these poverty guidelines, therefore, does not require any change in the Income Eligibility Guidelines (IEGs) for USDA's Child Nutrition Programs for Federal School Year (FSY) 2010 - 2011. State agencies administering FNS programs in schools and institutions have been **advised by policy memorandum** that the 2009 - 2010 IEGs will remain in effect for the duration of the current Federal School Year (FSY) and that such schools and institutions should continue to use the **2009 - 2010 IEGs** in making eligibility determinations for free and reduced price meals for FSY 2010 – 2011 (i.e., State Fiscal Year 2012).

TITLE I POVERTY DATA FOR NONPUBLIC SCHOOL STUDENTS

LEAs must obtain poverty counts from nonpublic schools that serve students who reside in the district. The following information, taken from the United States Department of Education (USDE) *Title I Services to Eligible Private School Children Non-Regulatory Guidance*, explains how LEAs must collect the poverty data. Also provided is a sample parent survey and cover letter that nonpublic schools may use to collect the data. The data must then be reported to the LEA for use in the completion of Title I eligibility calculations.

How does the LEA collect poverty data on nonpublic school children?
Section 1120(c)(1) of the Title I statute and §200.78(2) of the regulations allow the LEA to calculate the number of children who are from low-income families and attend nonpublic schools in several ways:

1. Using the same measure of poverty. *If available, the LEA should use the same measure of poverty used to count public school children,* e.g., free and reduced price lunch data.

   Note: If the public schools use the 10/15/10 ASSA data when completing the Title I Eligibility Step 1 page for the 2012 *NCLB* Consolidated Application, these data also should be used for the nonpublic schools.

2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.

   a. *In order to obtain the number of nonpublic school children from low-income families, the LEA may use a survey to obtain poverty data comparable to those used for public school students. To the extent possible, the survey must protect the identity of families of nonpublic school students.* The only information necessary for the LEA to collect in such a survey of nonpublic school children is the following:
      (1) Geographic information verifying residence in a participating public school attendance area
      (2) Grade level of each child
      (3) Income level of parents

      The LEA should not require that the nonpublic school officials give the names of low-income families.

EXAMPLES OF GOOD SURVEY PRACTICES:

Surveys yielding good data have some common characteristics. The survey itself should be simple and understood by parents, including parents with limited knowledge of English. Letters of explanation are sent to principals, and meetings are held with them to explain the necessity and importance of the survey. Principals are encouraged to meet with the parents and then distribute the surveys. After a period of time has lapsed, during which the surveys should have been received, the principals begin to follow up with those parents who have not returned the surveys. Parents are assured to the extent possible that the completed individual survey forms will be kept in confidence at the nonpublic school.

One school district finds that sensitive data, such as income level, are most easily collected when the families providing the data feel that their privacy is being protected. For this reason they use only a numbering system to identify the families and do not require any names on the form. Each principal is given a copy of the form and instructed to number the forms and keep a log. Parents are informed that their names will only be matched to the numbers if they do not return the form (i.e., in order to contact them). Printed at the bottom of the form is "This form has been numbered to protect your privacy. Once we receive the information requested, any linking of this number to your family's name will be kept in strict confidence."

b. *After obtaining income data from a representative sample of families with children in nonpublic school, the LEA may extrapolate those data to the entire nonpublic school student population if complete actual data are unavailable. The LEA should take care to ensure that the data are truly representative of the nonpublic school students in the district.*

EXAMPLES OF REPRESENTATIVE SAMPLE AND EXTRAPOLATION:

Column 1	Column 2	Column 3	Column 4	Column 5
Public school attendance area	# of resident nonpublic school children	# of nonpublic school children submitting surveys	# of low-income nonpublic school children from survey	Extrapolated # of low-income nonpublic school children
A	150	115	100	130
B	20	10	4	8

CALCULATIONS:

Column 5 (extrapolated number of low-income nonpublic school children) =

Column 4 (# of low-income nonpublic school children from survey) multiplied by Column 2 (# of resident nonpublic school children)

Column 3 (total submitted surveys)

or $\frac{100}{115} \times 150 = 130$ $\frac{4}{10} \times 20 = 8$

3. Using comparable poverty data from a different source. *If data from the same source used for public school children are unavailable, the LEA may use poverty data for nonpublic school children that are from a different source than the data it uses for public school children so long as the income threshold in both sources is generally the same.*

For example, the LEA uses free and reduced price lunch data but nonpublic school children do not participate in the free lunch program; however, nonpublic school officials are able to provide the LEA with a count of children who are from low-income families using other sources of poverty data such as Temporary Assistance to Needy Families (TANF) or tuition scholarship programs. If the different sources use different definitions of low-income, the LEA would need to adjust the results accordingly.

4. Using proportionality. The LEA may apply the low-income percentage of each participating public school attendance area to the number of nonpublic school children who reside in that school attendance area. To do this, the LEA will need the addresses and grade levels of those students attending nonpublic schools.

EXAMPLE OF PROPORTIONALITY CALCULATIONS:

The LEA calculates the percent of poverty of a public school attendance area to be 60 percent. The LEA then applies the poverty percentage of the public school attendance area to the number of nonpublic school children residing in that public school attendance area. For example, if the number of nonpublic school children residing in the public school attendance area is 50, then 60 percent of 50 children or 30 children are considered to be from low-income families. The LEA calculates the per-pupil amount on this number (30 children).

1. Using an equated measure. *The LEA may use an equated measure of low-income by correlating sources of data—that is, determining the proportional relationship between two sources of data on public school children and applying that ratio to a known source of data on nonpublic school children.* For example, the LEA uses free and reduced-price lunch data, but those data are not available for nonpublic school students. However, if TANF data are available, the LEA could determine an equated measure of poor students in nonpublic schools based on free and reduced-price lunch data by correlating the two sets of

data as follows: TANF in the public school is to free and reduced price-lunch as TANF in nonpublic schools is to "X."

TANF (public)	=	TANF (nonpublic)
Free & reduced price lunch (public)		X (nonpublic)

In this example, the LEA may then use the equated number of nonpublic school students based on free and reduced-price lunch data ("X") as the number of poor nonpublic school students.

Use of Nonpublic Funds

During the consultations, the LEA officials must discuss with the nonpublic school officials the following options for using Title I funds for instructional services to eligible nonpublic school students:

- **School-by-School Basis**: Equitable services are provided to eligible children in each nonpublic school in the served attendance area using allocated funds.
- **Pooling**: Funds allocated for nonpublic students in served attendance areas may be pooled. The LEA provides equitable services to eligible nonpublic school children who are in the greatest educational need of those services and reside in participating public school attendance areas. If it pursues this option, the LEA, in consultation with officials from the nonpublic schools, must establish criteria to determine the eligible nonpublic school students in greatest educational need who should receive services. Under this option, the services provided to eligible children attending a particular nonpublic school are not dependent upon the amount of funds generated by low-income children in that school. (See following example.)

Example of How the LEA-Allocated Funds for Title I Services for Eligible Nonpublic School Children Using the Pooling Method

There are five (5) public school attendance areas. Three (3) public school attendance areas participate in Title I, and two (2) public school attendance areas do not participate.

There are two (2) nonpublic schools that have students from low-income families residing in all five (5) public school attendance areas. This example demonstrates how the LEA determines the per-pupil expenditure (PPE) for the Title I program for eligible nonpublic school children.

Step 1: Determine the number of nonpublic school children from low-income families in each public school attendance area. In this example, Nonpublic School #1 has twenty (20) children from low-income families residing in Attendance Area A; twenty (20) children residing in Attendance Area B; and two (2) children residing in Attendance Area D. Nonpublic School #2 has thirteen (13) children in Attendance Area C and four (4) children in Attendance Area E.

The determinations are made on where each child resides and not on the address of the nonpublic school.

Number of nonpublic school children from low-income families by public school attendance areas

	Title I Attendance Area A	Title I Attendance Area B	Title I Attendance Area C	Non-Title I Attendance Area D	Non-Title I Attendance Area E
Nonpublic School #1	20	20	0	2	0
Nonpublic School #2	0	0	13	0	4

Step 2. Multiply the number of low-income nonpublic school children in the served attendance areas by the PPE. In this example, the PPE is $400. Attendance Area A generates an allocation of $8,000 to be used for Title I services for nonpublic students in School #1. Attendance Area B also generates $8,000 for School #1. Attendance Area C generates $5,200 for School #2. The nonpublic school children from low-income families in Attendance Areas D and E do not necessitate an allocation of any funds for Title I services, because these areas are not participating Title I attendance areas and, therefore, their PPEs are $0.

Amount of Title I funds available to serve eligible nonpublic school students

	Title I Attendance Area A	Title I Attendance Area B	Title I Attendance Area C	Non-Title I Attendance Area D	Non-Title I Attendance Area E	Total Funds Generated
Nonpublic School #1	20 x $400 = $8,000	20 x $400 = $8,000	0	2 x $0 = $0	0	$16,000
Nonpublic School #2	0	0	13 x $400 = $5,200	0	4 x $0 = $0	$5,200

Step 3: After consultation with nonpublic school officials, the LEA determines which option it will use to fund the Title I programs for eligible nonpublic school children.

Option 1. **<u>School-by-School Basis</u>**: Funds are allocated for eligible nonpublic school children to provide Title I services on a school-by-school basis to eligible nonpublic school children residing in participating public school attendance areas.

Nonpublic School #1
Attendance Area A = $8,000
Attendance Area B = $8,000
Attendance Area D = $0,000
Total = $16,000

Nonpublic School #2
Attendance Area C = $5,200
Attendance Area E = $0,000
Total = $5,200

Option 2. Pooling: Combine (pool) funds allocated for all eligible nonpublic school children to be used to provide Title I services to eligible children who reside in participating public school attendance areas and attend any eligible nonpublic school.

Nonpublic School #1 = $16,000
Nonpublic School #2 = $ 5,200
Total for pooled services = $21,200

How does the LEA determine if it should collect the poverty data annually versus biennially (every two years) and must the collection of poverty data be uniform across the district?

Section 1120(a)(4) of the Title I statute permits the LEA to determine the number of children from low-income families who attend nonpublic schools "each year or every 2 years." This provision was included to reduce the burden of annually collecting poverty data from nonpublic schools, particularly if those nonpublic schools do not otherwise maintain poverty data and so have to obtain those data through a survey. The LEA should consult with appropriate nonpublic school officials about the availability of poverty data on nonpublic school students and by this process determine whether it would be more feasible to collect annually or biennially. It is not necessary that the LEA adopt a uniform procedure with regard to all nonpublic schools. For example, if some nonpublic schools have free and reduced price lunch data available, the LEA could collect those data annually. For other nonpublic schools that rely on a survey, the LEA could collect data biennially. If data are collected from different years, the LEA should ensure that the data for the district, taken as a whole, appropriately and consistently represent concentrations of low-income students.

Title II-A

Nonpublic School Allocation Calculation

1. Add the LEA's FY 2002 Eisenhower allocation and the amount of the FY 2002 CSR allocation the district used for professional development. This is the hold harmless amount.

2. Determine the amount of the FY 2012 Title II-A allocation the LEA wishes to use for professional development.

3. Multiply the percentages for each nonpublic school found on the FY 2012 Title II-A Allocation Notice by the larger of #1 or #2. This is the FY 2012 allocation for each nonpublic school.

Examples:

Example #1:
Jefferson School District
FY 2002 Eisenhower allocation: $53,305
FY 2002 CSR portion used for professional development: $19,385

FY 2012 Title II-A allocation: $327,352
LEA: 91.46%
Nonpublic School A: 7.25%
Nonpublic School B: 1.29%

Step 1: $53,305 + $19,385 = $72,690 (hold harmless amount)

Step 2: $100,000 for professional development and $227,352 for CSR

Step 3: Nonpublic School A allocation: $100,000 x 7.25% = $7,250
Nonpublic School B allocation: $100,000 x 1.29% = $1,290

Example #2;
Adams School District
FY 2002 Eisenhower allocation: $42,795
FY 2002 CSR portion used for professional development: $21,368

FY 2012 Title II-A allocation: $259,746
LEA: 89.25%
Nonpublic School A: 6.53%
Nonpublic School B: 3.14%
Nonpublic School C: 1.08%

Step 1: $42,795 + $21,368 = $64,163 (hold harmless amount)

Step 2: $30,000 for professional development and $229,746 for CSR

Step 3: Nonpublic School A allocation: $64,163 x 6.53% = $4,190
Nonpublic School B allocation: $64,163 x 3.14% = $2,015
Nonpublic School C allocation: $64,163 x 1.08% = $6