

INSTRUCTIONS FOR SCHOOL DISTRICTS

for

School Year 2021-22 (FY22)

ESEA § 8501(c)(5) Affirmation of Consultation for Transfer Involving Equitable Services (ESEA Title V-A)

When to use this form

This form certifies that the District has consulted with the private school representative regarding the transfer of Title II-A and/or IV-A funding to another Title program (for example, to Title I-A), and if the following three criteria apply:

1. Your District provides equitable services to a private school or schools, and
2. Your District's funding application indicates an intended transfer of Title II-A and/or IV-A funding to another Title program (for example, to Title I-A), and
3. One or more of your served private schools are participating in these Title II-A and/or IV-A equitable services.

How to use this form

1. Complete the Discussion Topics section in consultation with the private school representative. Provide the indicated information, fully disclosing the details of the intended transfer including the funding change(s) caused in the private school's equitable share(s) in ESEA Title Programs in which the private school is participating.
2. The private school representative must then sign the document, indicating either agreement or disagreement with the intended transfer(s). If disagreement is indicated, the parties must immediately alert the State Ombudsman at MDE Office of Federal Programs in order to initiate the Equitable Services Dispute Resolution Policy procedures.
3. Upload a scanned copy of the completed, signed form to your District's LEA Documents Library in MCAPS into the location for Equitable Services Plans. If equitable share amounts stated in an Equitable Services Plan for a private school have been altered by the transfer, the Plan must subsequently be amended, re-signed, and refiled in MCAPS.

The United States Department of Education's (ED's) current guidance on Title V-A transfers states:

"[W]e encourage LEAs to carefully consider the views of private school officials prior to making decisions regarding transfers. By engaging in timely and meaningful consultation and developing positive relationships with private school officials, an LEA can facilitate creation of a cooperative environment and minimize problems and complaints." ("Answers from ED," *Ombudsman Update, January 2018*.)

The final decision on transfer is the District's. However, if dissatisfied, the private school has the right to file a complaint with the State Ombudsman. Complaints will result in legal uncertainty and delays associated with the dispute resolution process and potential multiple appeals.

If you have questions, contact your District Contact or the State Ombudsman.



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School District must upload this form to MCAPS LEA Documents Library into the location for Equitable Services Plans.

CONSULTATION concerning Title V-A Transfer:

Prior to the transfer, consultation about the proposed transfer has occurred between the representatives of (Private School) and (Public School District).

ESEA § 5103(b) allows a District to transfer of up to 100 percent of funding allocations from Title II-A and/or Title IV-A to one or more of the following Programs: Title I-A, Title I-C, Title I-D, Title II-A, Title III-A, Title IV-A, Title V-B. However, if dissatisfied with the impact on its equitable shares, a Private School may file a complaint.

DISCUSSION TOPICS:

- List the ESEA Title Programs involved, the School District's initial funding allocation in each Program, and the equitable services proportional shares available to the Private School **prior to the intended transfer**:
 - Describe the transfer intended by the School District, including the **amount**, and ESEA Title Programs **from which** and **to which** the funds are intended to be transferred:
 - Describe the **changes to Private School equitable share amounts** in the Programs affected by the proposed transfer:

PRIVATE SCHOOL RESPONSE to the intended Transfer(s):

Private School Representative indicate Agree or Disagree

- AGREE** – This affirmation confirms the Private School's agreement that timely and meaningful consultation did occur for the intended transfer and resulting ESEA Program funding changes, and that the result is equitable with respect to the Private School.
- DISAGREE** – The Private School asserts that timely and meaningful consultation has **not** occurred, and/or the transfer decision **is not equitable** with respect to the Private School. (*Equitable Services Dispute Resolution Procedure will be initiated. Contact the State Ombudsman at MDE Office of Federal Programs immediately.*)

Name and signature of Private School Representative

Date

Name and signature of District Representative

Date