

**INSTRUCTIONS FOR SCHOOL DISTRICTS**

**for**

**School Year 2023-24 (FY24)**

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

Your District must use this form if the following three criteria apply:

1. Your District provides equitable services to a private school or schools, and
2. Your District is considering a 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 intend participation/are participating in these Title II-A and/or IV-A equitable services.

Timely and meaningful consultation, incorporating due consideration of the private school’s views, must be conducted prior to the LEA’s decision to conduct a transfer. ESEA 8501(c)(3).

This form indicates the LEA’s final decision about the transfer. Complete this form (including Private School signature, and agreement/disagreement) before the initial submission of a yearly Funding Application incorporating an impactful transfer. “Initial submission” is when the Application is moved to the MCAPS status: *LEA Business Manager Budget Approved*.

Attach to this form:

* Documentation of all discussion with the private school about the transfer occurring prior to the LEA’s transfer decision.
* Documentation of LEA considerations about the transfer decision.

Upload a scanned copy of the completed, signed form and attached documentation 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 re-filed in MCAPS.

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.



**School Year 2023-24 (FY24)**

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

*Upload this form, with all attachments, to MCAPS LEA Documents Library into location for Equitable Services Plans.*

School District: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Private School: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

ESEA 5103(b) allows a District to transfer 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, the Private School may allege that timely and meaningful consultation, including due consideration of the Private School’s views, did not occur prior to the transfer decision, and the Private School may file a complaint.

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

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Name and signature of District Representative Date

| **PRIVATE SCHOOL RESPONSE to the Transfer(s):***Private School Representative indicate Agree or Disagree* |
| --- |
| **🞏 AGREE** – This affirmation confirms the Private School’s agreement that timely and meaningful consultation, including due consideration of the Private School’s views, did occur prior to the LEA’s final decision about making the transfer.  |
| **🞏 DISAGREE** – The Private School asserts that timely and meaningful consultation did not occur prior to the LEA’s transfer decision, and/or that the private school’s views on the transfer were not given due consideration by the LEA prior to its transfer decision. *(Equitable Services Dispute Resolution Procedure will be initiated. Contact the State Ombudsman at MDE Office of Federal Programs immediately.)* |

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Name and signature of Private School Representative Date