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Commissioner of Education

## KENTUCKY DEPARTMENT OF EDUCATION

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### FY2019 Declaration of Participation Notification

It is time for the Declaration of Participation Report to be completed by your district in accordance with the Every Student Succeeds Act (ESSA). This report is used to identify the number of students enrolled in area private non-profit and home schools. Federal programs participating in the Declaration of Participation are Title II-A Supporting Effective Instruction, Title IV-A Student Support and Academic Enrichment Grants and IDEA-B - Individuals with Disabilities Education Act.

In addition to the programs listed above we have designed a separate form for the Title III - Language Instruction for English Learners (EL) and Immigrant Students program. This form will be used to identify the number of English Learner students and the number of Immigrant students enrolled in area private non-profit and home schools.

**Section A of the Title III - Language Instruction for English Learners (EL) and Immigrant Students form is the only collection tool being used to denote your district's intent to participate in Title III - Language Instruction for English Learners (EL) and Immigrant Students program either directly or in a consortium.**

You are asked to list **all** private non-profit schools and **all** home schools that are physically located in your school district's geographic boundaries, not just those participating. Include memberships of all private schools and all home schools, regardless of whether they will participate or are eligible to participate in the above programs in 2018-2019. A grand total of the participants in each program are also required. **Do not include private schools or home schools located outside your district's boundaries that are required to be contacted for Title I services.** Because participating private school and home school membership data directly impacts the per pupil dollar amount allocated to the public school districts for Title III-EL, and IDEA-B it is critical that these totals be accurate. Public school membership information is already on file in the Kentucky Department of Education (per School Data Forms) and should not be included.

According to federal law, only private schools having an official non-profit status are eligible to receive services under Title II-A, Title III-EL, Title IV-A and IDEA-B. Beginning with school year 2001-2002 and following, any private school wishing to participate in such programs must have filed Articles of Incorporation with the office of the Kentucky Secretary of State as a non-profit corporation under KRS 273 or have received a letter from the Internal Revenue Service (IRS) granting them 501 (c) (3) status as a non-profit corporation (Home schools, by their nature, are considered non-profit.). A signed assurance statement, verifying an official non-profit status, must be filed with the respective local educational agency (LEA) for each private school or home school wishing to participate in Title II-A, Title III-EL, Title IV-A or IDEA-B. (See the non-profit compliance statement on the *Private, Non-profit (PNP) School Declaration of Participation for Title IIA, and IDEA-B* form located on the website. Of the three compliance statements, a school official must have checked "no" for the first two and "yes" for the third in order to participate in any of the programs. Just checking the program in which the school wishes to participate does not make the school eligible to participate.)

The signed individual *Private, Non-profit (PNP) Schools and Home Schools Declaration of Participation for Title IIA, and IDEA-B* forms and the *Private, Non-profit (PNP) Schools and Home Schools Declaration of Participation for Title III-EL* forms are to be retained at your district office rather than copied and submitted to the Kentucky Department of Education. Documentation that you have corresponded with private schools and home schools, physically located in your school district's geographic boundaries, to offer them the opportunity to participate must be kept on file locally. (Please copy the *Private, Non-profit (PNP) School Declaration of Participation for Title IIA, and IDEA-B* form and the *Private, Non-profit (PNP) Schools and Home Schools Declaration of Participation for Title III-EL* forms as needed.)

We have made available the Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act (ESEA), as Amended by the Every Student Succeeds Act (ESSA). This guidance is intended to assist local educational agencies and other entities in fulfilling their obligations under ESSA to provide equitable services to eligible private school students, teachers, and other educational personnel, and under some programs, to parents. This guidance does not impose any requirements beyond those in the law. It is our hope that this guidance will be helpful to districts in meeting their obligation to Private Schools. Your district is urged to print this document and share with all Federal Program coordinators, and the Private School contacts.

By April 6, 2018 please return both completed *Declaration of Participation Report* forms indicating the public LEA's intentions and summarizing the private and home schools' *Declarations of Participation* forms to Thelma Hawkins at [thelma.hawkins@education.ky.us](mailto:thelma.hawkins@education.ky.us)

If you have additional questions please contact either [Jennifer Baker](#) (Title II-A 502-564-1479 ext. 4501), [Gary Martin](#) (Title III-ELL 502-564-4970 ext. 4157), [Lalah Brewer](#) (Title IV-A 502-564-4772 ext. 4028), [Karla Miller](#) (IDEA-B 502-564-4970 ext. 4155).

You may obtain all the forms at <http://education.ky.gov/districts/fin/Pages/Additional-Federal-Grant-Information.aspx>.