



“Educating the Emerging Generation”

2022-2023 Equitable Services Manual

Dr. Brian V. Hightower, Superintendent

10.11.2022

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Program Overview:

Under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), there are a number of programs that require the equitable participation of private school students, teachers, principals and other school leaders. The ESSA requires the Local Education Agency (LEA) to provide services to private school students, teachers, principals and other school leaders that are equitable to those provided to students, teachers, principals and other school leaders in the LEA.

Participating programs include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged
- Title I, Part C - Education of Migratory Children
- Title II, Part A - Supporting Effective Instruction
- Title III, Part A - English Language Acquisition and Language Enhancement
- Title IV, Part A - Student Support and Academic Enrichment Grant
- ESSER – Every Student Succeeds Act

Private School Eligibility for Participation in Equitable Services (ESEA 8101(19)&(45), 34 CFR §77.1, 34 CFR §75.51):

Elementary and Secondary private schools, including religiously affiliated schools, with non-profit status are eligible to participate in many ESSA programs. Private schools must provide the collaborating public LEA with W-9 information upon request.

- Under Georgia law (§20-2-690), private schools must notify LEAs within 30 days of the beginning of the school year of the enrollment of students who reside in the LEA. This is captured through the GaDOE DE1111 Private School Report of Students Enrolled form. Additionally, this form should be completed at the end of each month for any student that enrolls or terminates enrollment at the private school during the subsequent month. An LEA staff member is responsible for the upkeep of this data, including the submission of the private school information to GaDOE Data Collections during the fall data collections window.
- LEAs must notify private schools within their geographic boundaries who appear on the GaDOE Data Collections Private School List. LEAs are responsible for including private schools not on the list when contacted or when made aware of the opening of a private school within geographic boundaries. New private schools should contact local LEAs and the GaDOE Ombudsman.

Title I, Part A – Improving the Academic Achievement of the Disadvantaged:

Title I, Part A eligibility is based on the enrollment of students in a private school (regardless of its location) who reside in the District’s Title I attendance zones. Private school students eligible for equitable services are those who reside in a participating Title I public school attendance area and who are failing, or are most at risk of failing, to meet challenging student academic achievement standards based on multiple criteria.

LEAs must notify:

- All private schools with the District’s geographic boundaries and
- Private schools outside the District’s geographic boundaries if students reside within a Title I attendance zone based on the submitted DE1111.

New private schools should contact local LEAs and GaDOE Ombudsman to ensure the new private school is invited to participate in equitable services.

Title I, Part C – Education of Migratory Children (MEP):

Children who attend private school are eligible to receive MEP services if they:

- Meet the statutory and regulatory definition of a migrant child; and
- Meet the priority for services criteria in Sec. 1304(d); and
- Have unique needs of migratory children identified through the State's comprehensive needs assessment and service delivery plan.

The definition of migrant child is as follows:

- If the child is not older than 21 years of age and is entitled to a free public education (through grade 12) under State law, or the child is not yet at a grade level at which the LEA provides a free public education; and
- The child made a qualifying move in the preceding 36 months as a migratory agricultural worker or a migratory fisher, or did so with, or to join a parent/guardian or spouse who is a migratory agricultural worker or a migratory fisher; and
- The child moved due to economic necessity from one residence to another residence and from one school LEA to another.

Title II, Part A – Supporting Effective Instruction:

Under the Title II, Part A Program private school teachers, principals and other school leaders are eligible to participate in all LEA Uses of Funds outlined in Sec. 2103 with the exception of Use of Funds D - reducing class size to a level that is evidence-based. In general, this grant focuses on professional learning and the recruitment and retention of highly effective teachers and leaders, particularly in low-income schools with high percentages of ineffective teachers and high percentages of students who do not meet challenging state academic standards. This grant emphasizes the need to ensure that minority and low-income students have greater access to effective teachers, principals and other school leaders.

Title III, Part A – Language Instruction for English Learners and Immigrant Students:

Under the Title III, Part A program, students identified as English Learners as well as teachers, principals and other school leaders are eligible to participate in Title III-funded initiatives. The use of funds must be to improve the English language proficiency of identified English learners, educators' professional knowledge related to working with English Learners in their classroom and/or engagement with parents and families of English learners in the private school. Funds may also be directed toward all costs related to the assessment of the students for ESOL eligibility and annual English Language Proficiency.

Title IV, Part A – Student Support and Academic Enrichment:

Under the Title IV, Part A program, all private school children, their teachers and other educational personnel serving those children, are eligible to participate in grant-funded supports and activities under the Title IV, Part A Student Support and Academic

Enrichment Grant. The use of funds must be to address the purpose of the Title IV, Part A Grant, which is to expand well-rounded educational opportunities for students, to promote safe and healthy students, and to support the effective use of technology to better engage students and expand their access to and use of technology as a learning tool.

Notification Requirements (ESEA 1117, ESEA 8501):

Cherokee County School District (CCSD) grant administrators work collaboratively to invite private schools to participate in the initial overview and consultation. CCSD sends out a letter via ES4PS with program information to all private schools in the geographic boundary and for private schools outside geographic boundaries who have students who reside within the District’s Title I attendance zones. CCSD maintains documentation that schools were notified of the initial consultation meeting. Additionally, CCSD reaches out by email and/or phone to ensure private schools receive the invitation.

September-October	CCSD invites private schools to participate in the following fiscal year equitable services program.
October	CCSD conducts the initial overview and consultation meeting and meets individually with any school unable to attend or provides a link to the recording of the meeting.
December	CCSD and Private Schools complete form B (Timely and Meaningful Consultation).
January-March	CCSD consults with private schools regarding services for the next school year.
June	CCSD and Private Schools complete form A (Intent to Participate).

Transmitting Agreement on Consultation to the Ombudsman:

The results of agreement following consultation must be transmitted to the GaDOE State Ombudsman via ES4PS. To ensure timely and meaningful consultation, CCSD consults with appropriate private school officials during the design and development of the proposed programs. CCSD provides meaningful consultation which gives ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered and to discuss viable options for ensuring equitable participation of eligible private school students, teachers, other education personnel and families. Consultation shall continue throughout the implementation and assessment of activities. CCSD documents that representatives of private schools were informed of:

- Identifying Children’s Needs
 - How Needs will be Identified
- Services (ESEA 1117(a)(2), ESEA 8501(d), 34 CFR 76.665(e), 2 CFR 200, 2016 Non-Regulatory Guidance – Strengthening Educational Investments)
 - Available Programs

- Design
 - Use of Funds and Allowability
 - Evidence-Based
 - Secular, Neutral and Nonideological
- Timing of Services
 - Timing
 - Location (ESEA 1117(b)(1)(C))
 - Provider (ESEA 1117(d)(2))
- Effectiveness of Services
 - Academically Addressed
- Size and Scope (ESEA 1117(a)(4)(B), ESEA 8501(a)(4)(B), 2016 Non-Regulatory Guidance – Fiscal Changes, 2019 Non-Regulatory Guidance – Title I, Part A)
 - Determining the Amount Available for Equitable Services
 - Use of Data for Calculating Proportionate Share
 - Administrative Costs
 - Use and Impact of Set-Aside
 - Administrative Caps by Program
 - Factors in Determining a Reasonable and Necessary Administrative Cap
 - Transfers
 - Period of Performance
 - Obligating Funds (34 CFR §76.5, §76.703 and §76.708)
 - Non-Regulatory Guidance
 - Carryover
- Title I Methods for Determining Poverty
 - Methodologies
 - Preferred Method
 - Frequency
- Decision-Making about Delivery of Services
 - LEA and Private School Officials
 - Equity in Nature and Timing of Services
 - Reaching Agreement
- Disagreement (ESEA 1117(b)(6), ESEA 1117(c)(2), ESEA 8501(c)(6))
 - LEA-Level Resolution
 - Reasons Provided in Writing
 - State-Level Resolution (45 Days) (34 CFR §299.12, ESEA section 8503 (a-b))
 - ED-Level Resolution (30 Days) (ESEA section 8503(b))
 - Direct Services (ESEA section 1117(b)(6)(C), ESEA section 8504(F-8))
- Service Provider
- Delivery Model
 - Title I, Part A
 - Direct (School-by-School)
 - Pooled Across Schools (Within an LEA)
 - Pooled Across LEAs

- Title VIII – Direct Only
- Coordination of Funds (Title I, Part A only) (ESEA 1117(b)(1)(L))
- Documentation (2 CFR 200)
 - Meaningful Consultation
 - Self-Monitoring
 - LEA Monitoring
 - State Monitoring
 - Federal Monitoring
- Fiscal (2 CFR 200, 34 CFR Part 76)
 - Control of Funds
 - Reimbursement
 - Equipment and Supplies
 - Professional Development
 - Private School Reimbursement to the LEA
 - Purchase of Equipment and Supplies
 - Control
 - Asset Management
 - Inventory Components (2 CFR 200)
 - Inventory Frequency
 - Maintenance Procedures
 - Safeguards
 - Restricted Use
 - Period of Use
 - Evaluating Intent and Impact
 - Procurement
 - Vendors
 - Compensation for Private School Staff
- Requirements
 - Statutory
 - Regulatory
 - Reasonable
 - Allocable
- Transfer of Student Records (OCGA § 160-5-1-.14)
- Enrollment Changes

CCSD consults with private school officials and provides guidance and professional development on topics such as travel, stipends and source documentation/record keeping required to determine allowability and ensure compliance. CCSD provides services to private school students, teachers, principals and other school leaders that are equitable to those provided to students, teachers, principals and other school leaders in CCSD. In addition, 2 CFR §200.403 requires costs to be uniformly consistent with policies and procedures. (8501(c))

Private School Funding

Title I, Part A Improving the Academic Achievement of the Disadvantaged:

Under the Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) Sec. 1117(4)(A)(ii), the proportional share of Title I, Part A funds for private schools shall be determined based on the total amount of Title I, Part A funds received by the Local Educational Agency (LEA) including any allowable transfers by the LEA. The steps to determine the Proportionate Share formula are calculated as follows:

- CCSD determines the participating public school attendance areas of Title I schools only.
- CCSD determines the number of children from low-income families residing in each participating Title I attendance zone who attend public and private schools.
- CCSD determines the proportion of children from low-income families residing in each participating Title I attendance zone who attend a private school.
- CCSD applies the private school proportion to the total Title I allocation to determine the equitable services proportionate shared.

Title I, Part C – Education of Migratory Children:

CCSD belongs to the Consortium and refers any private school that requests Title I, Part C to the Consortium for services.

Title II, Part A – Supporting Effective Instruction:

Title II, Part A allocations are determined on a per pupil basis. First, during consultation, CCSD and private schools determine the amount to be set aside for administrative costs in support of the CCSD and private schools. The remainder of the grant is subject to per pupil. CCSD ensures that administrative costs are reasonable and necessary to effective program implementation and continues to keep this cost below 10%. Georgia's population numbers account for both public and private school students and are from the U.S. DEPARTMENT OF EDUCATION who uses the Census Bureau Small Area Income and Poverty Estimate (SAIPE) report. Public school enrollment numbers come from the October FTE in the year of consultation prior to the provision of services and from the private school enrollment on the same date. This ensures consistent use of official data and reduces the chances that students will be duplicated in enrollment numbers provided by public and private schools. CCSD follows the GaDOE guidance on completing the Equitable Services Budget form.

Title III, Part A – Language Instruction for English Learners and Immigrant Students:

Title III, Part A allocations are determined based on the prior year's reported number of identified English learners in each participating private school located in the geographic boundaries of CCSD. The private school's share of the Title III, Part A allocation would be calculated as the LEA subgrant, minus 2% administration costs,

divided by the total number of both LEA and private school English Learners. This results in a smaller per pupil allocation (PPA) than the original LEA received.

Title IV, Part A – Student Support and Academic Enrichment:

Georgia determines the amount required for Title IV, Part A equitable services to participating private schools based on the relative enrollment of private and public school students, on the assumption that these numbers also accurately reflect the relative needs of students and teachers in the public and private schools.

Administrative Costs:

CCSD discusses administrative costs for implementing equitable services during consultation with appropriate private school officials. Administrative costs vary from program to program. Administrative costs are calculated for the different federal programs.

Carryover:

Private schools must expend their allocation during the fiscal year in which they are obligated. Only for extenuating circumstances will funds remain available for the provision of equitable services under the respective program during the subsequent school year. Extending circumstances must be approved by the state agency.

Eligible Activities:

Activities supported with ESSA funds that benefit private school teachers must meet the requirements of the statute. Activities must benefit the specific (not general) needs of the students enrolled in the private school and not the needs of the school itself. The needs should be identified during the consultation process and monitored during ongoing consultation that coincides with implementation. Activities should comply with the individual program requirements and meet definitions of evidence-based and professional development.

Title I, Part A – Improving the Academic Achievement of the Disadvantaged:

After timely and meaningful consultation with appropriate private school officials, CCSD will provide services, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of children. The activities may include extended learning time during the school day, supplemental professional learning time for eligible teachers, technology/equipment to implement initiatives, activities for eligible parents to engage in their children’s learning, extended day services and/or tutoring. Providing a school with instructional material alone is not allowable. Supplies alone is not considered to be a viable instructional program.

Students eligible to receive services are those most at-risk of failing to meet challenging academic achievement standards. Students are identified as most at risk through multiple educationally-related objective criteria in each core content area being targeted based on identified needs (rank order). Only teachers who serve eligible students are able to participate

in services.

Title I, Part C – Education of Migratory Children:

The GaDOE and District have discretion to determine what number of eligible students is too few to serve, so long as this determination is made on an equitable basis. If it is feasible and equitable, alternative methods may be adopted that are cost-effective to serve small numbers, such as individual tutoring programs, professional development activities with the classroom teachers of eligible migrant students or other strategies.

Title II, Part A – Supporting Effective Instruction:

CCSD provides private school equitable services for all allowable use of Funds except for class size reduction (see Fiscal Changes, 2016 P-3). Title II, Part A focuses on professional development, recruitment and retention.

Title III, Part A – Language Instruction for English Learners and Immigrant Students:

CCSD provides private school equitable services under Title III, Part A to English Learners and/or their educators in accordance with all allowable use of funds. Title III, Part A requires services to be in support of English Learners' development of English proficiency, ESOL-related professional learning opportunities and/or school engagement with parents of identified English Learners. Such educational services or other benefits, including materials and equipment, shall be secular, neutral and nonideological. Services must benefit eligible students, their teachers and families and not the private school (34 CFR Sec. 76.658). The English proficiency of English Learners must be assessed annually with a state-approved assessment. This assessment determines the continued ESOL eligibility of students. The cost of this assessment and the cost of the ESOL screening assessments are an allowable use of funds for private schools.

Title IV, Part A – Student Support and Academic Enrichment:

CCSD provides private school equitable services under Title IV, Part A in accordance with the allowable use of funds. The use of funds must be to address the purpose of the Title IV, Part A Grant, which is to expand well-rounded educational opportunities for students, to promote safe and healthy students and to support the effective use of technology to better engage students and expand their access to and use of technology as a learning tool. In applying percentage/portion requirements for the use of funds, the services provided to private schools should be considered within the whole of the LEA's overall use of funds and not applied separately to the funds used for private school services.

Program Implementation:

Cherokee County School District maintains control over the planning, design and implementation of the equitable services.

- CCSD retains control of the funds used to provide equitable services.
- CCSD controls funds and the title to materials, equipment and property purchased with such funds.
- CCSD removes any equipment and supplies purchased for the equitable

services at the private school if the school no longer needs these items to provide services.

- All employment, contracts and services shall be under the control and supervision of CCSD.
- CCSD does not reimburse private schools. CCSD only obligates and expends federal funds on behalf of private schools.
- CCSD purchases materials or procures services on behalf of the private school.
- CCSD uses federal funds to reimburse an individual private school teacher or principal for professional development that CCSD has pre-approved, that meets the reasonable and necessary cost principles and is in compliance with the program statute. Expenses for 'no shows' for professional development will be the responsibility of the private school and must be covered with non-grant funds.
- CCSD does not reimburse for unallowable activities. Educational services or other benefits including materials and equipment shall be secular, neutral and ideological. In some scenarios private schools and LEAs may determine that the proration of costs is necessary to meet this requirement.
- All funding on behalf of the private schools follows:
 - [CCSD Procurement Services Department Policies and Procedures.](#)
 - [CCSD Board Policy](#)
 - [CCSD Federal Programs Handbook](#)
 - State and Federal Policy and Procedures

Plan of Action for Equitable Services for Title I, Part A, Title II, Part A and Title IV, Part A:

Through the consultation process, CCSD must design a program that meets the needs of the private school and its students. The District is responsible for planning, designing and implementing the federal programs and shall not delegate that responsibility to the private school. During the consultation (technical assistance sessions), a genuine opportunity for all parties to express their views and to have views considered is provided. Ultimately, the District has the final decision regarding the design.

The use of funds are identified through a:

- Comprehensive Needs Assessment
- Private School Plan
- Annual Evaluation of Effectiveness

Private Schools should submit their Title I, Title II and Title IV plans by the date indicated by CCSD. This is typically done at the beginning of the school year. The school should do a Comprehensive Needs Assessment to determine what the students' needs are based on data collected. The school should then submit data to CCSD to complete the plan and collaboratively identify professional development, materials, etc. that are eligible to be paid with the particular funding source. CCSD will finalize the plan based on information provided by the private school. The plan is a working document and may be adjusted

based on the changing needs of the school. Any changes and/or adjustments should be submitted and approved by CCSD. Evaluation data will be collected on the evidence-based interventions implemented. Data sources will be discussed during consultation. Program modification, discontinuance or continuation will be determined based on the effectiveness of services.

Parent Engagement for Title I, Part A:

A portion of the private school's proportionate allocation is identified for parent and family engagement. CCSD will support the private school in implementing family engagement to increase core content academic achievement. Additionally, a Title I meeting will be held in collaboration with the private school prior to November 1st with families of identified students on Title I requirements and program implementation.

Equipment:

CCSD retains the title to all equipment purchased with federal funds. All equipment will be labeled with a CCSD label, and an inventory of equipment located at the private school will be kept. Physical inventories will be conducted each year in the fall in coordination with the private school official if there is equipment located at the private school. For Title I, Part A, equipment may only be utilized by eligible students and teachers who support those students.

Technology:

In CCSD the following policies are implemented regarding technology:

- [Internet Acceptable Use](#)
- [Technology Use](#)
- [Internet Safety](#)

Record Keeping:

CCSD expends funds on behalf of the private school, thus all private school expenditures must also comply with CCSD procurement procedures. CCSD enters into contracts on behalf of private schools which must adhere to CCSD procedures. CCSD has the primary responsibility for maintaining documentation.

CCSD does require the private school to submit appropriate documentation to determine that the expenses are allowable, reasonable, defensible and necessary in accordance with any and all federal requirements. This may include, but is not limited to, a participant's name and position, meeting agenda, sign-in sheets, professional development course completion and/or receipts. CCSD maintains records and provides to the GaDOE a signed affirmation, by officials of each participating private school, that the required meaningful consultation has occurred in ES4PS. The electronic affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. CCSD works diligently to ensure that the affirmations are completed within a reasonable time. If private school officials do not provide the signed affirmation within a

reasonable period of time, CCSD shall forward the documentation that such consultation has taken place or attempts at such consultation to the GaDOE.

Complaint, Resolution and Appeal Process:

Pursuant to §§ 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), a private school official has the right to file a written complaint with the State Ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school or did not make a decision that treats private school students equitably. CCSD requests that complaints be brought to the District's attention first so that a resolution can be implemented at the District level.

Complaints from a private school shall be signed and addressed in writing to:

Director of Federal Programs
Cherokee County School District
1205 Bluffs Parkway
Canton, GA 30144

1. The complaint shall include a statement that CCSD has violated a requirement of the Title I and/or VIII program and the facts on which the statement is based.
2. The grant administrator for the identified program shall address the issue with the appropriate personnel in writing and request a response within 10 business days.
3. A copy of the letter shall be sent to the private school that filed the complaint.
4. The appropriate personnel involved shall respond directly in writing and shall describe any explanation and/or actions relevant to the allegations.
5. The grant administrator shall review the response and respond to the private school official on the findings. A decision may then be made that no further action is required.

If the private school official wishes to file a complaint at the State level related to equitable services for Title I and/or Title VIII, the official shall provide the basis of the noncompliance by completing and submitting the Complaint Form found on GaDOE's State Ombudsman's website. The private school official must provide the basis of Cherokee County School District's noncompliance and the identified program. Also, CCSD must forward the appropriate documentation to the State Ombudsman in response to the complaint.

Equitable Services for IDEA:

Cherokee County School District has an obligation to provide parentally placed private school students with disabilities or home-schooled students with disabilities an opportunity for equitable participation in the services funded with Title VI, Part B funds. The CCSD determines, after consultation, which services to make available to parentally placed private school students and home-schooled with disabilities. The amount of Title VI, Part B funds available for these services is based on the

proportionate share calculation. CCSD must complete the "Proportionate Share" tab in the Consolidated Application with IDEA Flowthrough (IDEA 611 Grant) budget approval to determine the amount of proportionate share funds required. This formula will calculate the amount for the IDEA 611 and 619 grants. CCSD must include the proportionate share required amount as a line item in the budget for budget approval. Unspent proportionate share funds must be carried over, budgeted, and expended in the next fiscal year. In rare circumstances a waiver could be granted for unspent proportionate share funds. A high burden of proof would need to be submitted to the GaDOE in order for a waiver to be granted. CCSD must submit a request in writing to request a waiver for unspent proportionate share funds to be carried over.

Timely and Meaningful Consultation for IDEA:

A timely and meaningful consultation must occur before any decisions are made that will affect the participation of parentally placed children in Title VI, Part B programs. Decisions about services may not be made in advance. A unilateral offer of services by CCSD without discussion is not adequate consultation and does not meet the basic requirements of the consultation process. CCSD is responsible for making final decisions about all aspects of the services to be provided to parentally placed private school children with disabilities or home school children with disabilities.

Attendants to the consultation should include:

- Representatives of private elementary and secondary schools within Cherokee County; and
- Parents or parent representatives of those students with disabilities (SWD) in the private schools; and
- Parents or representatives of eligible home-schooled SWD.

When conducting the timely and meaningful consultation process, CCSD must cover the following items during the meeting:

- The Child-Find process for private schools – how private school students can participate equitably and how parents, teachers and private school officials will be informed of the child find process and procedures. CCSD will locate, identify and evaluate all children suspected of having a disability within their jurisdiction. Activities should be similar to and completed within comparable time period of students in the public schools.
- What the proportionate share amount is and how it was calculated.
- The consultation process itself and how it will operate throughout the school year so eligible students can participate in special education and related services. Services must be comparable in quality, not quantity.
- How, where and by whom proportionate share funds will be allocated, including a description of the types and amounts of services that will be provided. CCSD will make the final decisions with respect to the services to be provided (even if there are insufficient funds to serve all SWD) after receiving views from the participants.

- How CCSD, if it disagrees with the views of the private schools on services, will provide a written explanation of why it chose not to follow the views of the private schools.

If there is a disagreement, CCSD must provide to the private school officials or home school parent or guardian a written explanation of the reasons why CCSD chose not to accept the recommendations of the private school officials. For documentation purposes, each participant will be given an affirmation form to sign indicating that the five essential points were discussed, and private school views were considered. If the private school or home school representative refuses to sign an affirmation form, it will be maintained with a note to that effect.