

August 26, 2020

RESOLUTION AUTHORIZING PAYMENT TO VARIOUS PROVIDERS FOR PROPORTIONATE SHARE OF TITLE I, II, III, IV, USDA AND ESSER GOODS, MATERIALS AND SERVICES TO PRIVATE SCHOOL STUDENTS

WHEREAS, to meet the requirements of the federal Elementary and Secondary Education Act (“ESEA”), every year the Board of Education of the City of Chicago (“District”) must expend a proportionate share of federal education funds by and through a public school program that provides and ensures equitable services for eligible students enrolled in a private school located within the City of Chicago and for the professional staff who serve these students [20 U.S.C. § 7881 *et seq.*; 20 U.S.C § 6320 *et seq.*];

WHEREAS, the ESEA proportionate share requirements apply to the District’s federal formula grants for Title I – Part A (disadvantaged students), Title I – Part D (neglected students), Title II (teacher quality), Title III (limited English proficient students), Title IV (student support and academic enrichment), and ESSER (Elementary and Secondary School Relief);

WHEREAS, the district wishes to serve as the School Food Authority to provide meals to non-public schools under the United States Department of Agriculture (“USDA”) School Nutrition Programs, including National School Lunch Program, School Breakfast program, and the Child and Adult Food Care Program.

WHEREAS, the District’s allocations for proportionate share are determined by state and federal formulas and subject to annual appropriation with budget approval for FY2021-FY2026 occurring as part of annual budget adoption process. Proportionate share is required to provide goods, materials and services for participating private school students and staff under the following Title programs:

- (a) Title I – Part A - Improving Basic Program Operated by LEA (goods, materials, off-site services)
- (b) Title I – Part D - Neglected students
- (c) Title II – Preparing, Training, and other School Leaders
- (d) Title III – Language Instruction for English
- (e) Title IV – Student Support and academic Enrichment
- (f) USDA School Nutrition Programs for non-public schools
- (g) ESSER – Elementary and Secondary School Relief

WHEREAS, expenditures for goods, materials, services and allowable teacher stipends under the Titles noted above are collectively referred to in this Resolution as “proportionate share goods, materials and services” and it is further acknowledged that final proportionate share amounts for each Title for FY2021-FY2026 will be identified by the Illinois State Board of Education and reported to the District;

WHEREAS, this Resolution addresses Title I – Part A (off-site services) expenditures which is distinguishable from the provision of proportionate share Title I – Part A (on-site services) which expenditures are authorized under a separate original Board Report 17-0726-EX5 and any subsequent Board actions, in order to comply with federal procurement and program management obligations;

WHEREAS, the District, by and through the Office of Finance engages in timely and meaningful consultation with officials from private schools, as required by ESEA, by (a) conducting needs assessments with the various 240+ private schools; (b) meeting with private school affiliate representatives to discuss annual proportionate share determinations, planning, program implementation, administration and fiscal updates and the day-to-day operation of program services; (c) identifying what goods, materials and services will be offered under the program and how, where and by whom they will be provided; and (d) establishing how the services will be assessed and how the results will be used for improvements;

WHEREAS, in the provision of equitable services for eligible private school students and teachers, federal regulations specify that the District is required to make all final decisions in administering the program and obligating federal funds and that the role of the private school officials is only to offer suggestions for program design and recommendations on services, programs, materials they would like the District to consider purchasing or providing under the program;

WHEREAS, the Office of Finance administers a process to ensure that each request for goods, materials or services under this proportionate share program: (a) is allowable, reasonable and necessary; (b) is in compliance with federal regulations and guidelines applicable to such services and expenditures; and (c) to the extent feasible and practicable, is fulfilled by engaging a third party provider under an existing District contract;

WHEREAS, in accordance with Board Rule 7.4, the Board wishes to authorize payment of FY2021-FY2026 proportionate share funds to various third party providers for the provision of proportionate share goods, materials and services to eligible private school students and staff as set out in this Resolution.

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE CITY OF CHICAGO THAT:

1. The Office of Finance shall operate a program to provide proportionate share Title I, II, III, IV, USDA and ESSER goods, materials and services for eligible students enrolled in private schools located in the City of Chicago and for the professional staff who serve these students in accordance with ESEA requirements.

2. The Director of Non-Public Programs, or his or her designee shall ensure meaningful consultation with officials of Chicago private schools and their affiliate representatives and the engagement of third party providers to provide allowable, reasonable and necessary proportionate share goods, materials and services. Nothing in this Resolution prohibits the Director or designee from negotiating service rates with third party providers.

3. The Director, or his or her designee, of the Office of Finance is authorized to execute written documents such as quotations from third party providers, statements of work, purchase order requests and other ancillary documents necessary to authorize the purchase of proportionate share goods, materials or services under these title programs in accordance with federal guidelines, including those purchases in excess of \$75,000.

4. After approval by the Director, or his or her designee, the Office of Finance is authorized to make payments, including those in excess of \$75,000, to various third party providers for costs associated with the provision of proportionate share goods, materials and services to eligible private school students and staff.

5. This Resolution authorizes the payment of invoices in ESEA from September 1, 2020 - August 31, 2026 for proportionate share goods, materials and services to eligible private school students and staff.

6. In the case a federal appropriation is not received by the District, expenditures not otherwise appropriated by the District in its current fiscal year budget are deemed to be contingent liabilities only and are subject to appropriation in subsequent fiscal year budgets.

7. The authority granted in this Resolution ends August 31, 2026.