

Equitable Participation of Private Nonprofit (PNP) Schools in Title III, Part A



NOVEMBER 2013

Equitable Services Requirements: **WHY**

2

Section 9501 of the ESEA (Title IX, Part E Uniform Provisions)—applies to parts of Title I, Part B, Titles II, III, and IV, including Title III, Part A.

After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and their teachers or other educational personnel in private schools that are located in the geographic area served by the LEA.

(section 9501 of the Elementary and Secondary Education Act, of 1965 as amended)

Equitable Services Requirements: **WHAT**

3

- Consultation with private school officials during the design and implementation of the program
- Services and benefits, **not funds**, designed and implemented by the LEA in consultation with private school officials, to meet the needs of the private school students and teachers.

(Section 9501 of ESEA)

Equitable Services Requirements: **WHO**

4

Student

Attends a PNP in the LEA's attendance area

Identified as LEP (based on consultation)

Teacher

Serves eligible students

Identifying the PNP School Student as LEP

5

The identification process based on State policy (assessment from list of approved tests, LPAC, etc.) is **NOT REQUIRED** for identifying PNP students for equitable Title III services.

How the PNP Student is Identified as LEP

6

Must be addressed during consultation with the PNP.

- LEA is responsible for ensuring student is identified (as addressed in consultation).
- If an assessment is used, it is allowable to use Title III funds to cover costs*.
- Cost incurred for administering an assessment would NOT be considered an administrative cost.

*Including materials, Title-III funded staff, etc, but only for this purpose

Determining Need Based on Multiple Educational Criteria

7

LEA selects participants based on the criteria addressed through consultation.

- **Baseline Criteria** – Identified as LEP (required)
- **Priority of Need** – If selecting participants from a pool of LEP students, the LEA and PNP official may prioritize services based on language proficiency and/or academic need.
- **Other** - Any additional criteria may be considered, as addressed during consultation.

Key Points to Remember

8

- LEA selects the participants
- LEA maintains control of the program
- PNPs receive services, NOT funds
- Services cannot benefit the private school

Determining Title III Services to be Provided

Question:

How does an LEA determine what Title III services are to be provided?

Answer:

- An LEA, in consultation with appropriate private school officials, determines the appropriate Title III services based on the needs of the identified LEP private school students and their teachers or other educational personnel and the amount of funds available for such services, subject to the expenditure requirements under 9501 of ESEA.
- The Title III services provided by the LEA for private school LEP students should be designed to meet their educational needs and supplement the educational services provided by the private school.
- These services may be provided directly by the LEA or by a third-party contractor who is independent of the private school and any religious organization. Title III services must be secular, neutral, and non-ideological.

Title III, Part A Professional Development

10



- For teachers of English language learners (ELLs)
- Should address how teachers can best serve ELLs

Participation of PNPs: Key Points Unique to Title III

11

Eligibility

Student is eligible if:

- Attending a PNP school in LEA attendance area; and
- Identified as LEP (**based on consultation with PNP**)

Services

- Include supplemental instructional activity for student and professional development for the student's teacher.
- Must be supplemental to Title I, Part A.

Evaluation

- Is based on English language proficiency.

Admin. Costs

- Are limited to 2% for Title III
- Must be broken out in **third party contracts** (if used) and included in LEA's calculations of total admin. costs.

PNP Title III, Part A—Immigrant Eligibility

12

A PNP school student is eligible to receive services funded through Title III, Part A – Immigrant if:

- LEA receives a Title III, Part A – Immigrant subgrant;
- Student is enrolled at a PNP in LEA attendance area; and
- Student is identified by LEA as Immigrant, based on Title III definition.

PNP Title III, Part A—Immigrant Eligibility

13

Title III definition of “Immigrant” student:

- is age 3 through 21;
- was not born in any state; and
- has not been attending one or more schools in any one or more states* for more than 3 full academic years.

*The term, ‘State,’ refers to each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico.

NOTE: The *Title III* definition of “immigrant” student should not be confused with the *PEIMS* definition of “immigrant.”

Equitable Services Requirements: (Consultation) **WHEN**

14

Consultation should occur

- before the LEA makes any decisions that affect the opportunities of private school children, teachers, and other educational personnel to participate in services
- annually, even if the private schools officials have declined services in past years

Equitable Services Requirements: (Consultation) **HOW**

15

The LEA is responsible for initiating the consultation.

The consultation may be conducted in person at the private school, online, or through large group meetings where the LEA informs private schools about the services available.

Consultation

Topics that must be Discussed

16

- How children's and teacher's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be assessed (evaluated);

Consultation

Topics that must be Discussed

17

- The size and scope of the Equitable Services
- How and when decisions will be made concerning service delivery mechanism(s); and
- Criteria for exiting students from LEP status.

Equitable Service Requirements: Fiscal Considerations

18

- The LEA must always **maintain control** of the program funds, as well as title to all materials, equipment, and property purchased with federal funds.
- **Only the LEA may obligate and expend** federal funds on behalf of private school students and teachers.

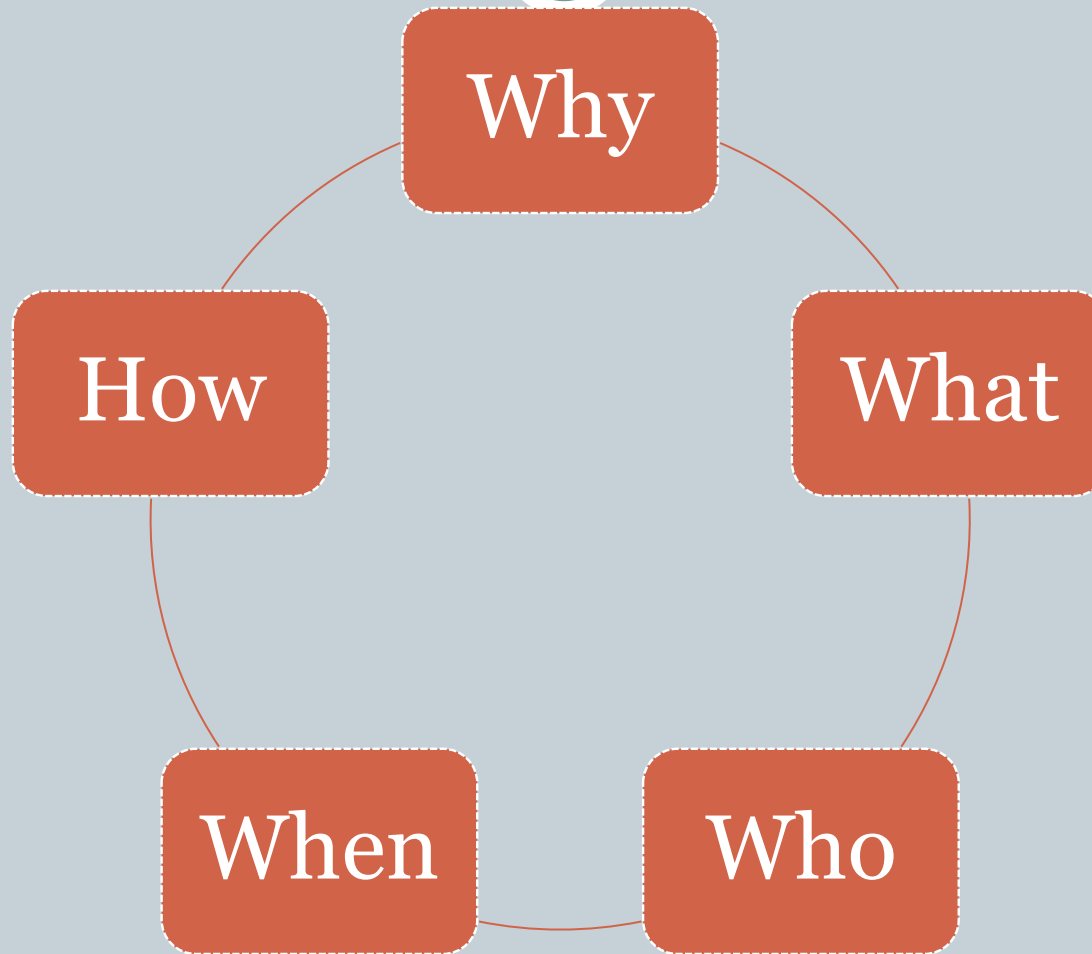
Equitable Service Requirements: Fiscal Considerations

19

Title III funds may not be used to finance the existing level of instruction in a private schools. **Services must be supplemental and not supplant the Federal, State, or local funds** the private school would otherwise offer absent the Title III program. (section 3115(g) of the ESEA)

REVIEW: Equitable Services Requirements

20



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