



Title III Supplemental Services Consultation between Local Education Agencies and Non-Public Schools

Introduction

Local Education Agencies (LEAs) are responsible for providing equitable services and benefits to eligible private school students, their teachers, and other educational personnel under Title III, in order to meet the language needs of English Learners (ELs) enrolled in private schools. (U.S. Department of Education, July 2015. TITLE III, PART A Non-Regulatory Guidance, p.40). LEAs are responsible after a Consolidated Application has been submitted via the eGrants system to contact nonpublic schools participating in Title I, IIA, IV, and III programming. Final nonpublic equitable share amounts must be verified and attested to by participants before the Pennsylvania Department of Education (PDE) will approve the public LEA application.

LEAs are RESPONSIBLE for:

- ☐ Contacting Non-Public Schools (NPS) in the geographic area of the LEA to conduct individual or group meetings in timely and meaningful consultation to discuss participation in Title III activities.
- ☐ Distributing an Intent to Participate in Title III form to NPS.
- ☐ After consultation has occurred, signing the Affirmation of Consultation form and uploading to PDE's Federal Programs Consolidated Application in eGrants.
- ☐ Providing the state-required Home Language Survey (HLS) to all NPS interested in participating in Title III. NPS interested in participating in Title III are responsible for identifying students whose home language is a language other than English including foreign exchange students.
- ☐ Informing NPS that they are responsible for administering the HLS to their students and providing LEAs with the names and contact information of the students whose home language is other than English.

- ❑ Conducting the remainder of the state-required identification process within the federally-required timeframe for all students who are potentially ELs.
- ❑ Using the WIDA paper screener, MODEL screener, or KW-APT (for kindergarten students only) for screening non-public students. The WIDA Online Screener may not be used.
- ❑ Completing the Pennsylvania Information Management System (PIMS) upload in October of each year. This PIMS upload includes Public and Nonpublic counts. EL and Immigrant counts are required during this attestation process for both Public and Nonpublic students. Title III allocations, including possible NP equitable share, for the following school year are based upon this submission and attestation process. It should be noted that reported public or nonpublic Immigrant count will not in all cases result in the realization of an Immigrant allocation as ESSA only allows for Title III Immigrant funding when a growth model threshold has been exceeded. Previous year counts are used to inform the Title III allocation for the following year.
- ❑ Setting a deadline for the consultation which should include a discussion regarding:
 - how the student'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 and how the results of the assessment will be used to improve those services;
 - the size and scope of the equitable services to be provided to the eligible private school student, teachers, and other educational personnel and the amount of funds available for those services; and
 - how and when the LEA will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the NPS officials on the provision of contract services through potential third-party providers.
- ❑ Reaching out to the nonpublic schools from the PIMS upload that have contributed to any EL and/or Immigrant headcount. This timely and meaningful consultation can be carried out any time after the PIMS submission has occurred and must be completed before the Consolidated Application (Title I, IIA, IV, and III) is submitted to PDE. In many circumstances Title III programming is conducted via consortium lead so LEA-based NP share requirements are to be included in this process.
- ❑ After a Consolidated Application has been submitted via the eGrants system, contacting nonpublic schools participating in Title I, IIA, IV, and III programming. Final nonpublic equitable share amounts must be verified and attested to by participants before PDE will approve the public LEA application.

- ☐ Providing Title III secular, neutral, and nonideological services to children and educational personnel in private schools that are equitable and timely to address their educational needs.
- ☐ Maintaining control of the funds used to provide services to NPSs. The LEA must also maintain title to materials, equipment, and property purchased with those funds. LEAs may allow the private schools to keep items from year-to-year in accordance with approved activities.
- ☐ Providing services for private school children and educational personnel by employees of the LEA or through a contract made by the LEA with a third party. Control of contracts remains with the LEA.
- ☐ Not comingling Title III funds with nonfederal funds.
- ☐ Ensuring that Title III funds are used in a supplemental manner at both public and participating nonpublic schools. In general, it is presumed that expenditures are not supplemental and that supplanting has occurred: 1) if the LEA uses Title III to provide services that the LEA was required to make available under other laws (state, local, or other federal); and/or 2) the LEA uses Title III funds to provide services that the LEA provided with state, local, or other federal funds in the prior year.

Annual assessment of Non-Public School English Learners

- ☐ Title III, Part A does not require LEAs to administer their state's annual English language proficiency assessments for identified English learners in private schools. However, the LEA is required under the Title IX uniform provisions to consult with private school officials about how the Title III, Part A services provided to private school students and teachers will be assessed and how the results of the assessment will be used to improve those services (see Section 9501(c)(1)(D)). If an assessment is used, the cost for that assessment may be paid for with Title III, Part A funds if not supplanting federal or state requirements.

Reclassification of Non-Public School English Learners (Optional)

- ☐ LEAs and NPSs may develop a protocol for determining an NPS EL's eligibility for continued participation in Title III services from year to year. The WIDA ACCESS for ELLs 2.0 cannot be used in either form for this determination.

Examples of Services under Title III for Non-Public School English Learners

- ☐ Purchase and/or provide resources such as but not limited to books, computers, web-based subscriptions, or computer programs to supplement the non-public school's ESL resources. These resources are owned by the LEA to be used by NPSs within their agreement.

- ☐ Invite NPS teachers to attend the public school's ESL-related professional development offerings for grade K-12 ELs.
- ☐ Invite NPS students to participate in supplemental activities funded by Title III such as after-school tutoring or summer programs.

Frequently Asked Questions

What is meant by "equitable" participation by public and private school students and educational personnel in a Title III program?

Participation is considered to be equitable if the LEA (1) assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

Must an LEA's Title III program design be the same for both public and private school students and educational personnel?

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging state academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public-school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA's failure to provide equitable services to private school children and educational personnel must first be submitted to the state education agency for resolution. The state's resolution or failure to make a resolution may be appealed to the U.S. Department of Education.

Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Yes. Like teachers serving public school EL students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject

to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.

References

Every Student Succeeds Act, 2015, Title III, Part A, Part B, Secs. 3111–3203
Education Department General Administrative Regulations (EDGAR), Part 76, Secs. 76.650-76.662

U.S. Department of Education, July 2015: TITLE III, PART A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance

Pennsylvania Department of Education
Bureau of Curriculum, Assessment and Instruction

Robert Measel
Title III Director
rmeasel@pa.gov
717-783-6595

Eugenia Krimmel, Ed.D.
ESL Bilingual Advisor
ekrimmel@pa.gov
717-787-5482