

Equitable Services to Private School Students Under Title III

Edwin Sánchez Molina,
Multilingual/Language Development
Department & Ombudsman

Agenda

- Elementary and Secondary Education Act of 1965 (ESEA) as Amended by the Every Student Succeeds Act of 2015: Equitable Services to Private School Students and Teachers
- ESEA Ombudsman
- Overview
- Consultation
- Eligibility
- Services
- Complaints
- Resources
- Q & A

Every Student Succeeds Act of 2015: Equitable Services to Private School Students and Teachers

- Since the initial passage of the Elementary and Secondary Education Act of 1965, as amended (ESEA), private school students, their teachers, and other educational personnel have been eligible to receive services from certain Federal education programs.
- Services covered under Title I, Part A (Title I) & Title VIII programs.

Every Student Succeeds Act of 2015: Equitable Services to Private School Students and Teachers

- Programs governed by Title VIII include the following formula grants:
 - Title I, Part C - Education of Migratory Children;
 - Title II, Part A - Supporting Effective Instruction;
 - **Title III, Part A - English Language Acquisition, Language Enhancement, and Academic Achievement;**
 - Title IV, Part A - Student Support and Academic Enrichment Grants;
 - Title IV, Part B - Nita M. Lowey 21st Century Community Learning Centers (21st CCLC); and
 - Title IV, Part F, section 4631 - Project SERV.
- Services under these programs, and Title I, are provided to private school students, their teachers, and other educational personnel.
 - **These services are considered assistance to students and teachers rather than private schools themselves.**

Unlike Title I, Part A of the ESEA, in which a private school child must reside in a participating Title I public school attendance area to be eligible for equitable services, there are no residency requirements for ESEA programs covered under Title VIII. Rather, under Title VIII, an LEA must provide equitable services based on the number and educational needs of children who are enrolled in private schools within the geographical area served by the LEA that want their eligible children and educators to participate.

ESEA Ombudsman

- To help ensure that private school children, teachers, and other educational personnel receive services equitable to those in public schools, a State Education Agency (SEA) must designate an ombudsman to monitor and enforce Title I and Title VIII equitable services requirements.

ESEA Sections 1117(a)(3)(B) and 8501(a)(3)(B)

ESEA Ombudsman Continued

- An ombudsman:
 - Serves as an SEA's primary point of contact for addressing questions and concerns from private school officials and local education agencies (LEAs) regarding the provision of ESEA equitable services.
 - Provide technical assistance regarding equitable services requirements for SEA staff administering a covered ESEA program, LEA staff, and private school officials.
 - In collaboration with other ISBE staff oversee specific programs, respond to, & resolve complaints from LEAs and private school officials.

Overview of Title III-A

- Purposes of Title III, Part A include:
 - To help ensure that ELs, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English;
 - To assist ELs, including immigrant children and youth, to achieve at high levels in academic subjects;
 - To assist teachers, principals, and other school leaders in establishing, implementing, and sustaining effective language instruction educational programs;
 - To assist teachers, principals, and other school leaders to develop and enhance their capacity to provide effective language instruction educational programs; and
 - To promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of ELs.

Consultation

- Consultation with private school officials is an essential requirement for Title III. Under Section 9501(c) of the ESEA, an LEA is required to consult **in a timely and meaningful manner** with private school officials during the design and development of the Title III services.
- As part of **timely and meaningful consultation**, the LEA and private schools should discuss whether the private school wishes to have its eligible ELs, their teachers, and other educational personnel receive Title III services
 - If so, **how its students will be identified as ELs.**

Consultation

- The LEA and private school officials should also consult on issues such as:
 - How private school students will be identified as ELs;
 - How the needs of eligible ELs, their teachers, and other educational personnel will be identified;
 - The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs of their teachers and other educational personnel at the school who work with ELs;
 - Whether services will include initial identification of ELs and assessment of their language proficiency, as well as a determination of whether students should exit EL status;
 - How, where, and by whom the Title III services will be provided;
 - How the Title III services will be assessed, and how the results of those assessments will be used to improve the services;
 - The size and scope of the Title III services to be provided;
 - The amount of funding available to provide Title III services; and
 - How and when the LEA will make decisions about the delivery of Title III services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

Consultation

- This consultation must take place before the LEA makes any decisions that impact the opportunities of eligible private school ELs, their teachers, and other educational personnel to receive equitable services under Title III.
- Consultation between an LEA and private school officials must include early discussions to prepare for the next school year so that there is a timely start of the covered ESEA programs.
- Consultation must also be ongoing throughout the school year to help ensure effective implementation, service delivery, and assessment of equitable services.

Consultation

- The LEA should document:
 - Invitations/letters, agendas, sign-ins, minutes from consultation.
 - Certification/assurances of attendance in consultation.
 - Record of eligible EL and/or immigrant students within each private school.
 - Documentation of identification, assessment, determination of student and, as applicable, teacher need in nonpublic school(s).
- LEAs & private schools must complete the ISBE 43-20: Nonpublic School Consultation Participation Form annually during the Title III Intent to Apply application period.

Eligibility

To be eligible for Title III services for ELs, a private school student must be enrolled in a **nonprofit private elementary or secondary school in the geographic area served by an LEA** that receives a Title III for ELs and must meet the definition of EL under Section 9101(25) of the ESEA.

To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a **nonprofit private elementary or secondary school in the geographic area served by an LEA** that receives a Title III for immigrant children and youth and must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA.

Eligibility

- [105 ILCS 128/5](#) states, "For purposes of this Section, a non-public school means any non-profit, non-home-based, and non-public elementary or secondary school that is in compliance with Title VI of the Civil Rights Act of 1964 and attendance at which satisfies the requirements of Section 26-1 of this Code." However, this definition is limited to a private school voluntarily applying for registration and recognition. It is not a universal definition. In Illinois, any not-for-profit entity must be registered as a not-for-profit entity with the [Illinois Secretary of State](#).
- Federal guidance states private schools must be nonprofit to be eligible. To be eligible for registration and recognition by ISBE, a private school must provide proof that they are registered as a not-for-profit with the Illinois Secretary of State. So, it is safe to assume the registered and recognized private schools meet the requirement of being not-for-profit. **However, private school registration and recognition by ISBE is voluntary.** Federal guidance does not state that a private school must be "state certified". *A private school that is neither registered nor recognized but is not-for-profit would be eligible for private school proportionate share if they could prove their not-for-profit status.* The school must be registered with the [Illinois Secretary of State](#) as a not-for-profit entity.

Eligibility

- In consultation with private school officials, an LEA should establish objective criteria to determine which private school children are eligible for Title III, Part A services.
 - For example, an LEA and private school officials may decide to identify ELs based on: (1) responses to a primary or home language other than English (PHLOTE) survey and (2) scores on an English language proficiency (ELP) screener assessment or using the same process utilized in the statewide entrance procedures.

Eligibility



In consultation with private school officials, an LEA should establish objective criteria to determine which private school children are eligible for Title III, Part A services.



For example, an LEA and private school officials may decide to identify ELs based on: (1) responses to a primary or home language other than English (HLS) and (2) scores on an English language proficiency (ELP) screener assessment or using the same process utilized in the statewide entrance procedures.

Eligibility

- To facilitate the identification of ELs using the HLS and ELP screener assessments, the private school officials may provide to the LEA the names and grade levels of the private school children who, based on parent responses to the HLS, are potentially ELs.
 1. LEA representatives may then work with the private school officials to identify a time when LEA staff can administer the ELP screener assessment to those private school children.
 2. The LEA may provide training to private school officials and/or teachers so that they **may** administer the ELP screener assessment themselves, **if** the private school staff **are licensed instructional personnel** (teachers with a Professional Educator License (PEL) or a **teacher holding an Educator License with Stipulations-Transitional Bilingual Educator (ELS-TBE)** or **licensed non-instructional personnel** (coordinators, program directors, school psychologists, speech and language therapists, assistant principals, principals, assistant superintendents and superintendents) who have completed the required training and meet certification requirements for the instrument to be administered (WIDA Screener).

Eligibility

- As with all decisions regarding the provision of Title III equitable services, **the LEA, after timely and meaningful consultation with private school officials, makes the final decision regarding the process for identifying ELs.**
- Title III, Part A does not require an LEA to administer the State's annual ELP (ACCESS) assessment for ELs in private schools.

Services

Some examples of the Title III, Part A services that an LEA may provide to private school ELs and/or their teachers, include:

- Tutoring for ELs before, during, or after school hours;
- Professional development for private school teachers of ELs;
- Summer school programs to provide English language instruction for ELs;
- Family literacy services and parent and family outreach and training activities to support the education of ELs in private schools; and
- Supplemental instructional materials and supplies.

Services

- Some examples of the Title III, Part A subgrant for immigrant children and youth services that an LEA may provide to private school immigrant children and youth, include:
 - Tutorials, mentoring, and academic or career counseling for immigrant children and youth;
 - Curricular materials, educational software, and technologies to support immigrant children and youth; and
 - Instructional services designed to assist immigrant children and youth to achieve in schools in the United States, such as programs of introduction to the educational system and civics education.

For other examples of allowable activities, see ESEA section 3115

Services



A teacher employed by an LEA to provide Title III, Part A services to ELs enrolled in a private school must meet Illinois requirements.



If an LEA uses a third-party contract employee to serve private school ELs, the LEA must still meet Illinois requirements.

Complaints

If private school officials believe that timely and meaningful consultation has not occurred, the LEA has not given due consideration to their views, or the LEA has not made a decision that treats the private students equitably, they should first discuss this matter with the LEA official responsible for coordinating the consultation between the two entities.

- Private school officials may also contact the LEA superintendent or program director of the covered ESEA program to ask for assistance.

Complaints

If the response at the local level is not satisfactory, the private school official may contact the SEA official responsible for ensuring that covered ESEA programs are implemented at the local level.
Often, these steps will resolve the matter.

LEAs also have the opportunity to

Complaints

- In the event the problem is not resolved, private school officials have the right to file a formal written complaint with the SEA per ESEA sections 8501(c)(6)(A) and 8503(a).
 - LEAs can report concerns to ISBE (Ombudsman)

Complaints

ISBE-Ombudsman Complaint Procedures

Process:

- Step 1: Communicate concerns with the district and how it violates Title I and/or Title VIII statute and/or regulations with respect to equitable participation. The private school may use the Letter of Concern to the LEA template to initiate resolution between the two parties.
- Step 2: After discussing the concerns with the LEA's point of contact -- and prior to filing a complaint -- the complainant may request informal mediation by the ombudsman. The ombudsman and appropriate program staff will assess the issue(s), and if appropriate, will arrange mediation to resolve the issue. In all recent cases, this has resolved concerns from private schools and filing of a formal complaint has not been necessary.
- Step 3: If the complainant is unsatisfied with the mediation process, the complainant may file a formal complaint. The complainant must complete and submit an ISBE Ombudsman Complaint Form to the equitable services ombudsman at esanchez@isbe.net along with all relevant evidence.
 - ☐ A statement that an LEA has violated a requirement of the Title I statute or regulations with respect to equitable participation,
 - ☐ The facts on which the statement is based, and the specific statutory or regulatory requirement(s) allegedly violated, and
 - ☐ The signature of the complainant (34 CFR 299.12).

For full procedures and policy, visit
<https://www.isbe.net/Pages/ombudsman.aspx>

Resources

- ISBE
 - Title III Grants:
<https://www.isbe.net/Pages/Dell-Grant-Resources.aspx>
 - Title I, II, IV:
<https://www.isbe.net/Pages/Title-Grants.aspx>
 - Nonpublic School Participation:
<https://www.isbe.net/Pages/Nonpublic-School-Participation.aspx>

Resources

- US Department of Education (Office of Non-Public Education)

- [ESEA Title VIII Equitable Services Non-Regulatory Guidance – \(July 17, 2023\)](#)
- [ESEA Title I, Part A Equitable Services Updated Non-Regulatory Guidance](#)

Student Loans	Grants	Laws
<h2>Office of Non-Public Education</h2> <p><i>Liaison to the nonpublic school community, including independent, faith-based, and home schools, for the U.S. Department of Education</i></p> <p>The roles and activities of the Office of Non-Public Education (ONPE) fall into two major categories: leadership and outreach. ONPE represents the interests, activities and needs of the nonpublic elementary and secondary school community, and also consults with the nonpublic school community on the participation of students and teachers in programs and initiatives at the U.S. Department of Education.</p> <h3>Our Mission</h3> <p>ONPE fosters maximum participation of nonpublic school students and teachers in federal education programs and initiatives. Since the initial passage of the <i>Elementary and Secondary Education Act (ESEA)</i> in 1965, private school students and teachers have been eligible to participate in certain federal education programs. ONPE's activities reflect this mission and direction by:</p> <ul style="list-style-type: none">• Representing the U.S. Department of Education to the nonpublic school community;• Offering advice and guidance within the Department on all matters affecting nonpublic education;• Communicating with national, state and local education agencies and associations on nonpublic education topics;• Communicating the interests and concerns of the nonpublic school community to the Department;• Providing parents with information regarding education options for their children; and• Providing technical assistance, workshops and publications. <h3>Information About Non-Public Education</h3> <ul style="list-style-type: none">• Frequently Asked Questions – General Issues Related to Nonpublic Schools (August 2019) [PDF, 710KB]• Federal Education Laws and Programs Affecting Nonpublic Education<ul style="list-style-type: none">◦ Elementary and Secondary Education Act (ESEA)◦ Individuals with Disabilities Education Improvement Act (IDEA)◦ Blue Ribbon Schools and Green Ribbon Schools◦ Policy Letters• Non-Public Education Organizations• Non-Public Education Publications• Non-Public Education Statistics• Other Federal Agency Laws and Programs• Other Department of Education Programs and Resources		
<h4>Additional Info</h4> <ul style="list-style-type: none">Join Our ListservElementary and Secondary Education Act (ESEA) PageOmbudsman CornerCoronavirus InformationUpdated 2022 IDEA Equitable Services FAQsESEA Title VIII Equitable Services Non-Regulatory Guidance – (July 17, 2023) [PDF, 760 KB]ESEA Title I, Part A Equitable Services Updated Non-Regulatory Guidance (Updated May 17, 2023)Letter to Congress regarding ESEA provisions restricting religious organizations as contract providers of equitable services are unconstitutional (March 11, 2019) – Fact Sheet [PDF, 258KB]		
<h4>Contact</h4> <p>Office of Non-Public Education U.S. Department of Education 400 Maryland Ave. SW</p>		

<https://www2.ed.gov/about/inits/ed/non-public-education/index.html>



Questions?

Thank you