Equitable Services to Private School Students Under Title III

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Agenda

- Federal Requirements for Equitable Services
- What is the Ombudsman's Role?
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Federal Requirements

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Federal Requirement for Equitable Service

- The Elementary and Secondary Education Act (ESEA) of 1965 as amended by the Every Student Succeeds Act (ESSA) of 2015: Equitable Services to Private School Students and Teachers made nonpublic school students, their teachers, and other educational personnel eligible to receive services from certain federal education programs.
- Services covered under Title I, Part A (Title I) & Title VIII programs

ESSA: 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)
  - 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.

What is the Ombudsman's Role?

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Title Grant Ombudsman

- An ombudsman:
  - Serves as the SEA's point of contact for addressing questions and concerns from private school officials and Local Education Agencies (LEAs) regarding the provision of equitable services.
  - Provides technical assistance regarding equitable services requirements for SEA staff administering a covered program and private school officials.
  - In collaboration with other ISBE staff, oversees specific programs and responds to and resolves complaints from LEAs and private school officials.

ESEA Equitable Services – The Basics

1. In many ESEA programs, the law provides for equitable participation of private school students, teachers and other educational personnel, and, in some cases, families.

2. Consultation must be timely and meaningful.

3. Funds generated for equitable services must be equal on a per-pupil basis.

4. A public agency must control funds. Private schools do not receive funds.

5. Services must be secular, neutral, and non-ideological; supplemental; and costs must be allowable, necessary, and reasonable.

6. Private school officials have the right to file a formal complaint.

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Key Point #1

Equitable Participation

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Equitable Participation

Participation of private school children generally is considered to be equitable if the LEA:

1. Addresses and assesses the specific needs and educational progress of public and private school children and educators on a comparable basis;
2. Determines the number of private school children and educators to be served on an equitable basis;
3. Spends an equal amount of funds, on a per-pupil basis, to serve similar public and private school children and educators, taking into account the number and educational needs of those children and educators; and
4. Provides private school children and educators with an opportunity to participate that is equitable to public school children and educators.

See 34 Code of Federal Regulations (CFR) 299.9(b)(2)

Key Point #2

Consultation

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Consultation

- An LEA is required to consult with private school officials regarding the provision of equitable services.
- Consultation must occur during the design, development, and implementation of the respective program.
- Consultation must occur before the LEA makes any decision that affects the opportunity of eligible private school students and teachers to participate and must continue throughout the implementation and assessment of services.

ESEA Sections 1117(b)(3) and 8501(c)(3)

Documentation of Consultation

- The LEA should document:
  - Invitations/letters, agendas, sign-ins, minutes from consultation
  - Certification/assurances of attendance in consultation
  - Record of eligible students within each private school
  - Documentation of identification, assessment, determination of student and, as applicable, teacher need in nonpublic school(s)
- ISBE Documentation Forms:
  - ISBE 43-20A: Title IA, Title IIA, and Title IVA Nonpublic Consultation Form
  - ISBE 43-20: Title III Nonpublic School Consultation Participation Form

Title III Consultation Topics

These topics should be covered in the consultation:

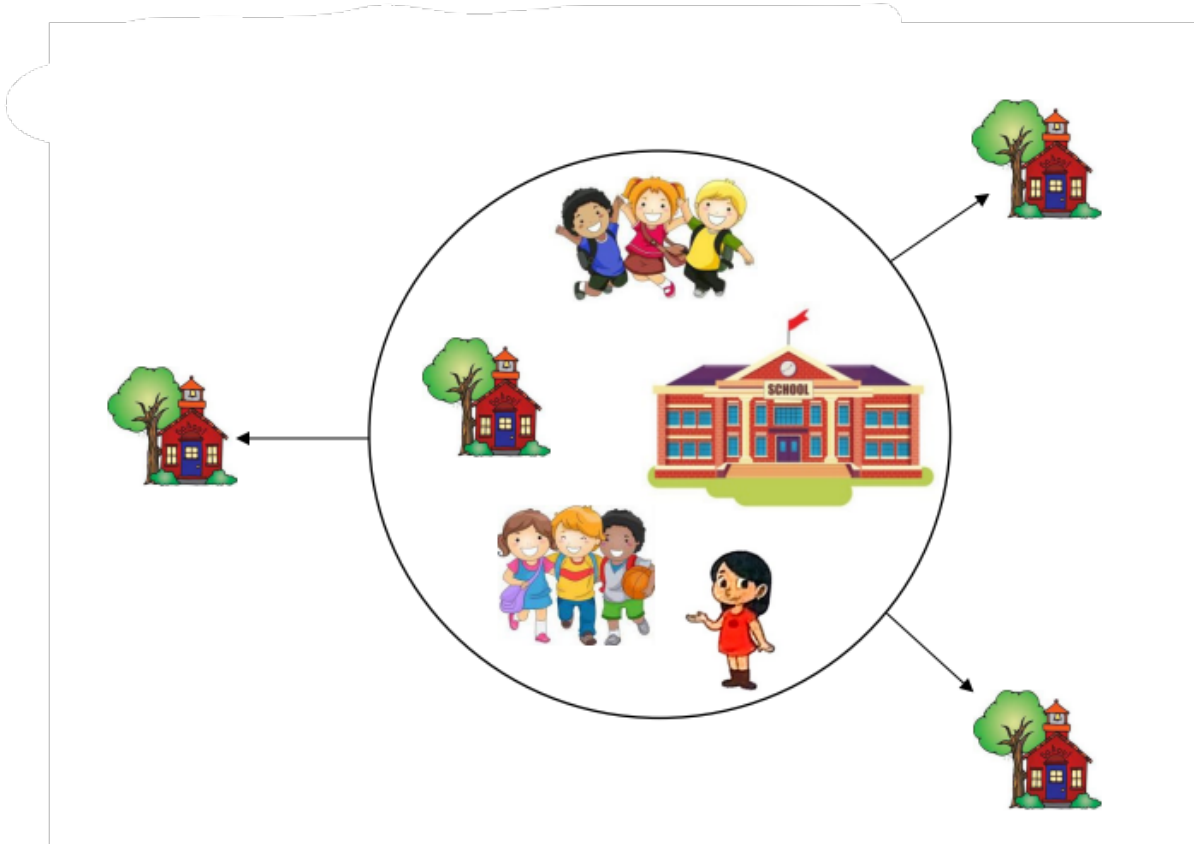
- How private school students will be identified as ELs;
- How the needs of eligible ELs, their teachers, and other educational personnel will be identified;
- The services that the LEA will provide to meet the language development needs of identified ELs, as well as the professional development needs 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;
- The amount of funding available to provide Title III services;
- How LEA will make decisions about the delivery of Title III services and how they will be provided; and
- How the Title III services will be assessed.

Key Point #3

Equitable Share

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Title I, Nonpublic Participation



- The funding follows the student.
- The nonpublic may or may not be within district boundaries.
- Funding is calculated using Title I Proportional Share.

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Title II, III, IV Nonpublic Participation



- There is no residency requirement for the students.
- Funding is based on the number of eligible children in the nonpublic.
- The nonpublic must be within district boundaries.

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Title III Student Eligibility

- For a Title III Language Instruction Educational Program (LIEP), 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 LIEP and must meet the definition of EL under Section 9101(25) of ESEA.
- For a Title III Immigrant Student Education Program (ISEP), 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 ISEP and must meet the definition of immigrant children and youth under Section 3301(6) of ESEA.

Determining EL Status for Nonpublic Students

- 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.
- It is the public school district's responsibility to ensure students are eligible.

Key Point #4

Control of Funds

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Control of Funds

- An LEA remains in control of the federal funds and maintains title to materials, equipment, and property purchased with such funds.

ESEA Sections 1117(d)(1) and 8501(d)(1)

Key Point #5

Characteristics of Service

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Characteristics of Services

- Services, materials, and equipment must be secular, neutral, and non-ideological.
- Services must be supplemental in nature; they may not supplant what the private school would otherwise provide absent the federal education services.
- The services must be allowable, reasonable, and necessary in meeting the needs of private school students and teachers.

ESEA Sections 1117(a)(2) and 8501(a)(2); 34 CFR 299.8; and 2 CFR Part 200.

Examples of Title III LIEP Services

- 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.

Examples of Title III ISEP Services

- 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.

Title III Service Providers

- 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.

Key Point #6

Formal Complaint

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Formal Complaints

Private school officials, or any interested party, have the right to file a formal written complaint with an SEA if they believe that timely and meaningful consultation has not occurred, the LEA did not give due consideration to the views of the private school officials, or that equitable services have not been provided.

ESEA Sections 1117(b)(6) and 8501(c)(6) and
34 CFR 299.13-299.17

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Complaints

Step 1: Working With the District

- 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.

Step 2: Escalating to the Ombudsman

- 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.

Step 3: Mediation With Ombudsman

- Coordinated conversations and plan setting between the two entities
- Often, these steps will resolve the matter.

Step 4: Formal Complaint

Formal Complaint Process

- The complainant must complete and submit an ISBE Ombudsman Complaint Form to the equitable services ombudsman at TitleGrantsOmbuds@isbe.net along with all relevant evidence.
  - Evidence includes:
    - A statement that an LEA has violated a requirement of the Title I statute or regulations with respect to equitable participation
    - The name of the LEA the complaint is being filed against and the names of any other agencies or employees involved
    - All facts supporting the allegation
    - A description of efforts made to resolve the complaint with the LEA
    - Any mediation communication and/or documentation with the ombudsman and reason for dissatisfaction with resolution
- ISBE will share the complaint with the LEA, and the LEA will have 15 days to respond.
- ISBE will complete the investigation within 45 days of receipt of the complaint and provide resolution information to both parties.

Thank you!

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