



Equitable Services to Private Schools Series

Title III



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Agenda

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- Equitable Services
- Consultation
- Fiscal Considerations
- Complaints
- Eligible Activities
- Frequently Asked Questions
- Scenarios
- Resources

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Equitable Services: Title III

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- Under the Elementary and Secondary Education Act (ESEA), as authorized by the Every Student Succeeds Act (ESSA), there are a number of programs that require equitable participation of private school students and teachers.

Equitable Services: Title III

- Services under these programs are provided to private school students, their teachers, and other education personnel.
- These services are considered assistance to students and teachers rather than private schools themselves.
- Title III, A - Language Instruction For English Learners and Immigrant Students is one of the programs that requires equitable participation by private school students, teachers, and other educational personnel.

Equitable Services: Title III

- It should be noted that the provision for Title III includes services and benefits, **not funds**, designed and implemented by the district in consultation with private school officials, to meet the needs of teachers and private school students.

Equitable Services: Title III

- The Title III, A program (Title III) is subject to the equitable services requirements in the Title VIII Uniform Provisions of the ESEA. These requirements apply to districts awarded subgrants under the Title III English Learner State Grants.

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Consultation

Consultation

- Consultation with private school officials is an essential requirement for a district's provision of Title III services for eligible private school ELs, their teachers, and other educational personnel.
- A district is required to consult in a timely and meaningful manner with private school officials during the design and development of the Title III services.

Consultation

- Specifically, the district and private school officials should consult on issues such as:
 - how the children’s **needs** will be identified;
 - what **services** will be offered;
 - **how and where** the services will be provided; and
 - how the services will be **assessed** and how the results of the assessment will be used to improve those services.

Consultation

- Additionally, the district and private school officials should consult on other issues such as:
 - what **service delivery mechanisms** will be used to provide equitable services;
 - who will provide the services;
 - the **amount of funds** available to serve private school students;
 - the **size and scope** of the services to be provided;
 - **how and when** the agency will make decisions about the delivery of services; and
 - consideration of the views of the private school officials regarding use of third-party providers.

Consultation Topics Expanded

- Topics subject to consultation have also been expanded to include whether to provide equitable services to eligible private school participants:
 - by creating a pool or pools of funds with all of the funds allocated under programs covered under § 8501(b), or
 - on a school-by-school basis based on each the proportionate share of funds available to provide services in each school.



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Fiscal Considerations

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Fiscal Considerations

- The district must always **maintain control** of the program funds, as well as title to all materials, equipment, and property purchased with federal funds.
- **Only the district may obligate and expend** federal funds on behalf of private school students and teachers.
- **Options for expending funds:** At the request of private school officials, the district may pool funds for two or more private schools and teachers in those private schools.

Fiscal Considerations

- **Funds allocated to a district** for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the **funds are received by the district.**
 - ESSA § 8501(a)(4)(B)
 - Extenuating circumstances: funds not obligated are available for equitable services in the subsequent school year.

Fiscal Considerations

- Title III funds may not be used to finance the existing level of instruction in a private school. **Services must supplement, not supplant, the federal, state, or local funds** the private school would otherwise offer absent the Title III program.

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Complaints

Complaints

- If private school officials believe timely and meaningful consultation has not occurred, they should discuss this with the district, then if needed, with the SEA's ombudsman.
- In the event the issue is unresolved, private school officials have the right to file a formal written complaint to the ombudsman.
- A formal complaint must include: a statement that a violation of the equitable services requirement has taken place, the facts on which the statement is based, and the signature of the complainant.

Complaints

- Non-public schools may file a complaint with the state's ombudsman if they believe that:
 - timely and meaningful consultation did not occur;
 - the district did not give due consideration to the views of the non-public school officials; or
 - the funds generated or services to be provided are not equitable.

Complaints

- A sample complaint form will be available on ePlan under “TDOE Resources” and on the department’s website.
- Private schools must send the complaint to the district and the SEA.
- The district must upload to ePlan the complaint concerning equitable services and all documents they want to be considered by the ombudsman.
- The timeframe for the ombudsman’s response is 45 days.

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Eligible Activities

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Eligible Activities

- Some examples of the Title III services that a district may provide to private school ELs, their teachers, and other educational personnel include:
 - administration of an English language proficiency (ELP) assessment for identification and/or for the purpose of evaluating the effectiveness of services:
 - test booklets
 - teacher training
 - stipends to teachers to administer assessments
 - participation in district-sponsored professional development

Eligible Activities Continued

- Additional examples are:
 - participation in professional development organized specifically to meet the needs of the private school teachers;
 - tutoring for students before, during, or after school hours;
 - participation of private school ELs in summer school;
 - participation of students in a weekend program; and
 - purchase of supplemental instructional materials and supplies.

Eligible Activities: Assessment Clarification

- Title III does **not** require districts to administer their state's annual EL assessments for identified ELs in private schools. Districts are required under Title VIII to consult with the private school officials regarding:
 - how the Title III services provided to private schools and teachers will be assessed; and
 - how the results of the assessment will be used to improve those services.

Eligible Activities: Assessment Clarification

- A district may use Title III funds to pay for initial EL assessments for private school students in cases where the use of funds would not supplant other federal, state, and/or local funds that may be used for such purposes.
- Use of any assessments should be determined through timely and meaningful consultation.

Eligible Activities: Assessment Clarification

- The district is ultimately responsible for covering the cost of administering these assessments. The district and private school officials are advised to ensure that EL assessment (s) are:
 - the most appropriate instrument(s) to administer to the target students and
 - valid and reliable for these students.

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Frequently Asked Questions (FAQs)

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FAQs for Title III, Equitable Services

Is the citizenship, immigration status, or residency of a student enrolled in a private school relevant to whether the student is eligible to receive Title III services?

No. *A student's citizenship, immigration status, or residency are not relevant to determining eligibility for Title III services.*

FAQs for Title III, Equitable Services

If a district contracts with a third party to provide Title III services to ELs enrolled in a private school, must a teacher who is employed by this third party meet the language fluency requirements in ESEA?

No. *The Title III teacher language proficiency requirement only applies to a teacher directly employed to serve private school ELs, the district must follow state law in determining the applicable state licensure and certification requirements for its employee contracts.*

FAQs for Title III, Equitable Services

Can a district use Title III funds to pay for a non-public school teacher's tuition leading to certification? The non-public school would like to use program funds to defray the cost of a teacher gaining [ESL certification](#).

A district should, in carrying out its responsibility to provide equitable services to private school teachers, establish policies that, for reasons of effectiveness, quality, cost, and other relevant factors, favor certain kinds of courses or professional development over others. A district cannot make a blanket rule that forbids private school teachers from receiving certain forms of PD.

FAQs for Title III, Equitable Services

Can a district use Title III funds to pay for a non-public school teacher's tuition leading to certification? The non-public school would like to use program funds to defray the cost of a teacher gaining [ESL certification](#).

Answer continued:

If it is determined funds would best be spent certifying a teacher, then it may be prudent to extend the discussion. The guidance speaks to services and supports vs actual certification. The district will need to consider whether this is reasonable and necessary.

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Resources

Resources

- United States Department of Education Non-Regulatory Guidance and Resources
 - [ESEA Ensuring Equitable Services Title I Toolkit](#)
 - [ESSA Non-Regulatory Guidance: Fiscal Changes & Equitable Services](#)
 - [ESEA Non-Regulatory Guidance: Title I - Equitable Services for Eligible Private School Students](#)
 - [ESEA Non-Regulatory Guidance: Title IX \(ESSA Title VIII\) - Equitable Services for Eligible Private School Students/Teachers](#)
 - [ESSA Non-Regulatory Guidance: Title II, Part A - Building Systems of Support for Excellent Teaching and Leading](#)
 - [ESSA Non-Regulatory Guidance: Title III – English Learners](#)
 - [ESSA Non-Regulatory Guidance: Title IV, Part A – Student Support and Academic Enrichment Program](#)

Questions





Districts and schools in Tennessee will exemplify excellence and equity such that all students are equipped with the knowledge and skills to successfully embark on their chosen path in life.

Excellence | Optimism | Judgment | Courage | Teamwork

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Notifications can also be submitted electronically at:

<http://www.comptroller.tn.gov/hotline>