Equitable Services Requirements - Services to Limited English Proficient (LEP) Students in Private Schools

Webinar for State Title III Directors

May 18, 2011

Title III State Consolidated Grant Group,

Student Achievement and School Accountability Programs (SASA)

Office of Elementary and Secondary Education (OESE),

U.S. Department of Education

Please mute your phones

*(use the mute button or *6)*

Equitable Services Requirements: Why

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

After timely and meaningful consultation with appropriate private school officials, local educational 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 (ESEA) of 1965, as amended)

Equitable Services Requirements: What

- 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)

Equitable Services Requirements: Who

- Services *to* - LEP and/or immigrant children and youth enrolled in private elementary and secondary schools that are located within the area served by the LEA (not for-profit private schools).

- Services *to* - Teachers of LEP or immigrant children and youth or other educational personnel.

- Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.

(section 9501)

Equitable Services Requirements: Who

- Services *provided by* - LEAs or consortia of LEAs: LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions.

- Services for private school children and educational personnel must be *provided by* employees of the LEA or through a contract made by the LEA with a third party.

- Consultations with appropriate private school officials about services.

(section 9501)

Equitable Services Requirements: Identification of Eligible LEP Students

- LEAs may request documentation, as needed, from private school officials to enable the LEA to identify eligible students. Documentation requests should not pose an administrative barrier to participation.

- If a private school requests assistance from an LEA in identifying LEP students, it is the LEA's obligation to assist the private school. This service can be considered part of the services provided to private school students by the LEA.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation

- Communications and discussions – issuance of a single letter to the private schools explaining the LEA's intent to apply for funds is not adequate consultation.

- Genuine opportunity for all parties to express their views.

- Adequate notice of consultation is critical to ensuring meaningful consultation.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation - When

- Consultation should occur before the LEA makes any decisions (such as ordering materials or hiring staff) that affect the opportunities of private school children, teachers, and other educational personnel to participate in services.

- Consultation should be ongoing.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation - When

- LEAs should contact private school officials annually, even if private school officials have declined ESEA services in past years.

- Officials affiliated with a private school may choose to designate a single private school official to represent them.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation - How

- The LEA is responsible for initiating the consultation.

- Consultation may be conducted in person at the private school, online through email and/or websites, through large group meetings where the LEA informs private schools about services available under other federal Titles, or other means.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation - How

- Sign-off forms with a place for signatures of the LEA and private school officials may be used to verify that timely and meaningful consultation has occurred and that all required topics have been discussed.

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Consultation - Topics

•The LEA must consult with private school officials on issues such as:

✓How the LEP children'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 services; and…

Equitable Services Requirements: Consultation - Topics

•The LEA must consult with private school officials on issues such as:

✓Size and scope of services, & funds available for services.

✓How and when the LEA will make decisions about the delivery of services, including a thorough consideration and analysis of the views of private school officials on the provision of contract services through potential third-party providers.

(section 9501(c)(1))

Equitable Services Requirements: Documenting Consultation

- An LEA *may* wish to document that it has:

✓Annually informed private schools regarding Title III services;

✓Engaged in timely and meaningful consultation;

✓Identified the needs of private school students, teachers, and other educational personnel; and…

(Equitable Services Guidance (March 2009))

Equitable Services Requirements: Documenting Consultation

- An LEA *may* wish to document that it has:

✓Allocated a per-pupil amount of funds for services to private school students, teachers, and other personnel that is equal to the per-pupil amounts for public school students, teachers, and other personnel;

✓Provided services, programs, materials, and resources;

✓Evaluated programs for effectiveness; and

✓Addressed adequately problems and formal complaints raised by private school officials.

Equitable Services Requirements: Fiscal Considerations

- 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.

- Options for expending funds: At the request of private school officials, the LEA may pool funds school-by-school from which the LEA provides equitable services in some or all of these schools.

(section 9501(d), Equitable Services Guidance (March 2009))

Equitable Services Requirements: Fiscal Considerations

- Title III funds may not be used to finance the existing level of instruction in a private school. Services must supplement and not supplant what the private school would otherwise offer absent the Title III program.

- Title III funds may only be used to pay for the services of an employee of a private school if duties are performed outside of the individual's regular duty hours, and under public supervision and control.

- Funds used to provide services to private school children and personnel must not be commingled with non-Federal funds.

Equitable Services Requirements: Complaints

- Private school officials have the right to file a formal complaint. If private school officials believe timely and meaningful consultation has not occurred, they should discuss this with the LEA, then, if needed, with the SEA. In the event the issue is unresolved, private school officials have the right to file a formal written complaint to the SEA.

- 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. (*Equitable Services Guidance (March 2009)*)

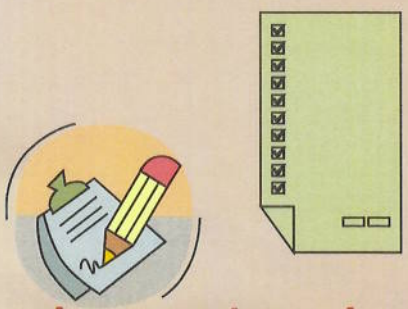
Services to LEP Students in Private Schools under Title III: Types of Activities

- Administration of 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 (PD), or PD organized specifically to meet the needs of the private school teachers;
- Tutoring for students before, during, or after school hours;
- Participation of private school LEP students in summer school;
- Participation of students in a weekend program; and
- Purchase of supplemental instructional materials and supplies.

Providing Equitable Services to Eligible LEP Students in Private Schools under Title III

identification of students

consultation



<u>written plan</u> – written by the LEA in consultation with private school officials

timely & meaningful consultation

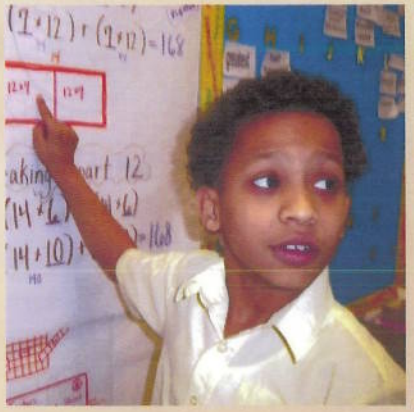
services

evaluate

eligibility

information sharing

Question and Answer



ELP Assessments in Private Schools

•Title III does <u>not</u> require LEAs to administer their State's annual ELP English language proficiency assessments for identified LEP students in private schools. LEAs are required under Title IX to consult with the private school officials regarding:

✓how the Title III, Part A services provided to private schools and teachers will be assessed; and

✓how the results of the assessment will be used to improve those services.

(section 9501(c)(1)(D))

ELP Assessments in Private Schools

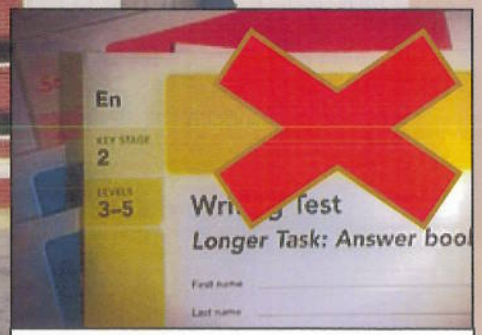
- Use of any assessments should be determined through timely and meaningful consultation with private school officials.
- A State's English language proficiency standards and annual measurable achievement objectives do not apply to private schools or their students.

ELP Assessments in Private Schools

- Private schools with children participating in programs funded under Title III are not required to report assessment results. Officials from the LEA and the private school must reach an agreement about how the results of the assessments will be used to improve services to the participating private school students.

Public School Setting – ELP Assessments

ELP Placement Test



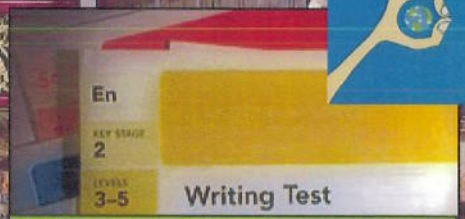
ELP Progress Test

Private School Setting – ELP Assessments

Consultation

State Law

ELP Placement Test



ELP Progress Test

ELP Assessments in Private Schools

•Question: If the LEA and private school officials agree, through timely and meaningful consultation, that an ELP assessment will be used for either identification of LEP students or assessment of effectiveness of services, which party is responsible for costs associated with assessment administration?

•Answer: In the scenario described above, the LEA is ultimately responsible for covering the costs of administering these assessments. The LEA and private school officials are advised to ensure that the ELP assessment(s) are: a) the most appropriate instrument(s) to administer to the target students and b) the assessment(s) are valid and reliable for these students.

Teacher English Fluency Requirement and Private Schools

•Question: 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?

•Answer: Yes. Like teachers serving public school LEP 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. (ONPE fact sheet)

Services to Pre-K Students in Private Schools

•Question: Under Title III, may funds be used to provide services to eligible pre-kindergarten (pre-K) students who are enrolled in an elementary school? This question pertains to private pre-school students enrolled in private elementary schools (that also include pre-K classes). This question does not pertain to pre-K students enrolled in stand-alone pre-K centers or schools.

Services to Pre-K Students in Private Schools

•Answer: Section 9501(a) of the ESEA provides:

(1) IN GENERAL- Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program....and...

Services to Pre-K Students in Private Schools

•Answer: Assuming the children in question are enrolled in a private elementary school, it would be permissible for them to receive services under the equitable participation provision that applies to Title III. As is always the case in implementing the equitable participation requirement set out in Section 9501 of the ESEA, the LEA must consult with the private school officials to discuss viable options for providing equitable services that meet the needs of the LEP private school children enrolled in private elementary and secondary schools located in an LEA.

Equitable Participation- Defined

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

•Answer: 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 in the same manner; (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.

(ONPE fact sheet)

Resources

Elementary and Secondary Education Act of 1965, (ESEA) as amended, Section 9501 (Title IX, Part E Uniform Provisions):
http://www2.ed.gov/policy/elsec/leg/esea02/index.html

EDGAR 34 CFR 76
Education Department General Administrative Regulations - *For regulations on state administered programs, see parts 76 and 80 of EDGAR*
http://www2.ed.gov/policy/fund/reg/edgarReg/edgar.pdf

Resources

Equitable Services Guidance: Guidance on implementing equitable services for private school students and teachers for those programs governed by the Title IX uniform provisions under the Elementary and Secondary Education Act. (March 2009)
http://www2.ed.gov/policy/elsec/guid/edpicks.jhtml?src=ln

Office of Non-Public Education (ONPE) of the Office of Innovation and Improvement: Private School Participation in Title III Programs (Fact Sheet):
http://www2.ed.gov/about/offices/list/oii/nonpublic/title3-factsheet.html

Updates from DC

- The April 21, 2011 webinar on translation and interpretation for English learners has now been posted to the OESE website. It is available at the following link: http://www2.ed.gov/programs/titleiparta/resources.html

- Finally, the US Department of Education and US Department of Justice have recently released a letter regarding immigration status and enrollment practices, along with an accompanying fact sheet and questions and answers document. These documents are available at the following link: http://www2.ed.gov/about/offices/list/ocr/letters/colleague-201101.html

Updates from DC – Enhanced Assessments Grants Program

•The application for grants under the Enhanced Assessment Grants Program is now available. The 2011 competition for fiscal year (FY) 2010 EAG funds supports the development of systems of English language proficiency (ELP) assessments that measure students' English proficiency against a set of ELP standards. The ELP standards must correspond to a set of college- and career-ready standards in English language arts and mathematics that are held in common by multiple States, and that meets all other requirements of the ELP assessment system priority for the competition.

Updates from DC – Enhanced Assessments Grants Program

- To access the electronic grant application, go online to the Grants.gov website at www.grants.gov <http://www.grants.gov/>, click on "apply for grants," then click on "download a grant application package" and search for the downloadable application package by the CFDA number (84.368). Information about the Enhanced Assessment Grants program is also available at the program website, www.ed.gov/programs/eag/index.html

- The application deadline is June 3, 2011.

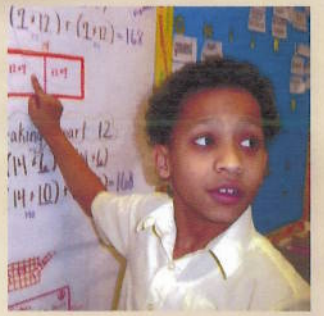
Updates from DC – Enhanced Assessments Grants Program

- The Frequently Asked Questions (FAQ) for the 2011 competition for FY 2010 Enhanced Assessment Grant (EAG) funds have been updated. The website for the FAQ remains the same: http://www2.ed.gov/programs/eag/faq.html

Updates from DC – FY2011 Grantee Satisfaction Survey

- Annual Grantee Satisfaction survey conducted since 2005 to measure satisfaction with the quality of ED's goods and services. Conducted by the CFI Group, an independent third-party research group.
- Performance on the survey is part of ED's Organizational Assessment.
- FY 2011 survey will cover (approximately) the time period from September 2010 – June 2011.
- Please respond to the survey and provide us feedback.

Question and Answer



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