



ARIZONA DEPARTMENT OF EDUCATION

Title III-A ESEA Equitable Service Guidance

Title III-A funds are federal grant funds administered by the Arizona Department of Education to eligible entities in the state to help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English. ESEA section 8501 requires an LEA participating in a covered ESEA program, in consultation with appropriate private school officials, to provide eligible private school children and educators with services or other benefits that are equitable to those provided to eligible public-school children and educators.

Title III-A Purpose

- 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 to develop and enhance their capacity to provide effective language instruction educational programs; and
- To assist teachers, principals, and other school leaders in establishing, implementing, and sustaining effective language instruction educational programs;
- To promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of ELs.

EL (ESEA section 8101(20) and Immigrant Children & Youth Defined (ESEA section 3201(5))

English Learner

- Age 3 through 21;
- Enrolled or preparing to enroll in an elementary school or secondary school;
- Who was not born in the United States or whose native language is a language other than English;
- Who is a Native American, Alaska Native, or a native resident of the outlying areas; *and*
- Who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; *or*
- Who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; *and*
- Whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—
 - the ability to meet the challenging State academic standards;

- the ability to successfully achieve in classrooms where the language of instruction is English; *or*
- the opportunity to participate fully in society.

Immigrant Children and Youth

- Age 3 through 21;
- Were not born in any State; *and*
- H not been attending one or more schools in any one or more States for more than 3 full academic years.

Who is responsible for initiating contact and consulting with private school officials?

The LEA must annually contact officials of private schools located in the boundary/attendance area of the LEA to determine whether those officials would like for their eligible children and educators to participate in equitable services under each covered ESEA program in which the LEA participates.

When and how often does an LEA consult with private school officials?

Consultation must occur early enough to prepare for the next school year so that there is a timely start of the covered ESEA programs. (ESEA section 8501(a)(3)(A), (c)(3)). Many LEAs begin the consultation process in January or February for the following year. This ensures they have what is needed to submit their grant by May 1. The first step is to send the Notice of Intent to Participate (NIP) to all prospective nonprofit private schools (PNP). Once the NIP is returned to the LEA, they may determine the PNP's equitable share. Next, the LEA will send the Affirmation of Consultation (AOC) to participating PNPs. Consultation must be ongoing throughout the school year to ensure effective implementation, service delivery, and assessment of equitable services. Consultation must occur before the LEA makes any decision that affects the opportunity for eligible private school children and educators to participate in covered ESEA programs. (ESEA section 8501(c)(3)).

What topics must be discussed during the consultation process according to ESEA?

- How the children's and educators' 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 eligible private school children and educators and the amount of funds available for those services, and how that amount is determined;
- How and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers;
- Whether the LEA will provide services directly or through a consortium or entity or through a third-party contractor; and
- Whether to provide equitable services to eligible private school children and educators (1) by creating a pool or pools of funds or (2) on a school-by-school basis based on the equitable share of funds available to provide services in each school. (ESEA section 8501(c)(1)).

How does the LEA determine the private school equitable share?

Title III, Part A, which limit services to a specific group of children, an LEA would use the number of eligible children enrolled on October 1 in both public and private schools.

Step One			
LEA: Number of Eligible Students on October 1	+	All Private Non-Profit (PNP): Number of Eligible Students on October 1	= Total Number of Eligible Students
Step Two			
LEA: Percent of Total Number of Eligible Students (LEA Eligible ÷ Total Eligible)	+	All PNP: Percent of Total Number of Eligible Students (PNP Eligible ÷ Total Eligible)	= Total (100%)
Step Three			
LEA: Title III-A Share (LEA % x Total Allocation)	+	All PNP: Title III-A Share (PNP % x Total Allocation)	= Total Allocation
Step Four			
PNP Title III-A Share	÷	All PNP: Number of Eligible Students on October 1	= PNP PPA
Step Five - Per Individual PNP			
Individual PNP: Number of Eligible Students on October 1	x	PNP PPA	= Individual PNP School Equitable Share

How does the principle of supplement not supplant apply to Title III-A equitable services?

With respect to equitable services, 34 C.F.R. § 299.8(a) requires that an LEA use funds under a covered ESEA program to provide equitable services that supplement, and in no case supplant, the services that would, in the absence of services provided under that program, be available to participating private school children and educators. An LEA must use funds under a covered ESEA program to meet the identified educational needs of eligible private school children and educators and not to meet the needs of the private school or the general needs of children and educators in the private school. (34 C.F.R. § 299.8(b)). In some instances, however, a program or activity that primarily benefits a private school's children or educators (because it addresses specific, rather than general, needs of children or educators being served) will also incidentally benefit the school.

Guiding Questions – Each response by the PNP should be no.

Is the activity required by the PNP board or governing body?

Has the PNP previously funded the activity?

Would the PNP fund the activity regardless of Title III-A funds?

Who is responsible for providing Title III-A equitable services?

The LEA is responsible for maintaining control of all Title III-A funds. They procure services on behalf of eligible private school students, their teachers, and families. The LEA must never reimburse or pay a private school directly. The LEA may directly pay private school staff outside of their contract to

provide Title III-A equitable services. All equipment and supplies purchased using Title III-A equitable share funds are owned by the LEA and the LEA must follow their internal inventory procedures.

Who is eligible for Title III-A equitable services?

- Students enrolled in a private, nonprofit school located in the LEA's boundary that receives a Title III-A allocation; and
- Students must meet the ESEA definition of an EL or Immigrant children and youth.
- Private school educational personnel who instruct private school ELs or private school immigrant children and youth may receive professional development under Title III, Part A.

Must an LEA use the standardized, statewide entrance and exit procedures that it uses in public schools to identify and exit ELs in private schools?

There is no requirement that private school students be identified as ELs or exited using the statewide entrance and exit procedures.

Is an LEA required to administer the AZELLA for ELs in private schools?

LEAs are not required to administer the AZELLA for ELs in private schools. If the LEA and private school officials, after the timely and meaningful consultation, decide to administer the AZELLA to the private school's ELs, the cost for that assessment must be paid using the private school's equitable share of Title III, Part A funds and must supplement what the private school children would receive in the absence of the Title III, Part A funds.

What are some examples of how an LEA might identify children who are eligible for Title III, Part A equitable services?

- Responses on the home language survey which may initiate an AZELLA or private school determined language screener agreed upon in consultation
- Students scoring less than proficient on the AZELLA or private school determined language screener
- 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 home language survey, are potentially ELs
- LEA may provide an English language proficiency (ELP) private school screener training to private school staff
- LEA staff may administer the AZELLA or ELP screener
- Registration fees for LEA before/after school, summer, or intercession EL programs

The LEA is responsible for ensuring that private school children are appropriately identified as ELs and may not require a private school to administer an ELP assessment as a condition for a private school's ELs to receive equitable services under Title III, Part A.

May an LEA use the results of an assessment developed by a private school to identify ELs enrolled in the private school?

An LEA may use the results of an ELP screener assessment developed by a private school to identify ELs enrolled in the private school. This assessment should be valid and reliable and should utilize

objective criteria that would be comparable to the AZELLA used by Arizona to identify public school ELs.

How does an LEA determine what services to provide to eligible private school children and educators?

Through the timely and meaningful consultation process with private school officials, an LEA determines which services to provide that meet the specific educational needs of the participating private school children and educators and that show reasonable promise of effectiveness. (ESEA section 8501(c)(1)(B)). The services may be different from those provided to public school children. All services must be secular, neutral, and nonideological. (ESEA section 8501(a)(2)). In providing services, LEAs must ensure that equipment and supplies placed in a private school (1) are used only for proper purposes of the covered ESEA program and (2) can be removed from the private school without remodeling the private school facility. (34 C.F.R. § 299.9(c)).

What are some examples of the Title III, Part A equitable services?

- Tutoring before, during, or after school
- Professional development
- Summer school programs
- Administration of an ELP assessment for identification or evaluating services
- Assessment materials, training, and pay to administer
- Literacy services for family of eligible ELs
- Parent and family outreach and training activities for families of eligible ELs
- Supplemental instructional materials and supplies

Title III, Part A subgrant for immigrant children and youth

- Tutorials
- Mentoring
- Academic or career counseling
- Curricular materials, educational software, and technologies
- Instructional services

When must services for eligible private school children and educators start?

Services under a covered ESEA program for eligible private school children and educators must be equitable and provided in a timely manner. (ESEA section 8501(a)(3)(A)). Therefore, services for eligible private school children and educators should start at the same time as the services for public school participants, meaning at or near the beginning of each school year, or as otherwise agreed upon in consultation.

What is required in a grant application for equitable services?

Calculating Participating Private School's Equitable Share

First, the LEA must complete the proportionate share workbook to determine the nonprofit private school(s) equitable share. The completed workbook must be uploaded in Related Documents.

Budget Narrative

Funds must be allocated in the budget narrative and must align with each participating nonprofit private school's equitable share amount found in the workbook. The LEA must label each corresponding activity with the name of the participating private school.

Grant Review

The Title III-A program specialist will review the Notice of Intent to Participate which is uploaded in the ESEA Consolidated Title I Related Documents. If a private school checked yes, then that school should be identified in the proportionate share workbook. The completed workbook must be uploaded in Related Documents.

The program specialist will note the equitable share amount for each participating private school. They will then total all activities labeled to each private school to ensure that the budget narrative matches each participating private school's equitable share in the workbook.

Changes in Eligibility

If a private school marked yes on the NIP, but failed to provide October 1 eligibility data, please create a History Log comment with the details. This will clarify to the specialist why that school has no equitable share in the workbook or budget narrative.

If a private school submitted the NIP with October 1 data, but then had no eligible students in the fall, those funds may be redistributed to both public and private school students. This means that the number of students who qualified for that private school's equitable share may be removed which reduces the total private school proportionate share. If this occurs, please document the change in the History Log.

Where can additional resources be found?

ADE Equitable Services: <https://www.azed.gov/titlei/privateschools>

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