



BEST FOR ALL

We will set all students on a path to success.

Equitable Services to Non-Public Schools: Title III, Part A

Danny Bounds | Federal Programs Ombudsman

Division of Federal Programs and Oversight | Sept. 2021



BEST FOR ALL

We will set all students on a path to success.

ACADEMICS

ALL TENNESSEE STUDENTS WILL HAVE ACCESS TO A HIGH-QUALITY EDUCATION, NO MATTER WHERE THEY LIVE

STUDENT READINESS

TENNESSEE PUBLIC SCHOOLS WILL BE EQUIPPED TO SERVE THE ACADEMIC AND NON-ACADEMIC NEEDS OF ALL STUDENTS IN THEIR CAREER PATHWAYS

EDUCATORS

TENNESSEE WILL SET A NEW PATH FOR THE EDUCATION PROFESSION AND BE THE TOP STATE TO BECOME AND REMAIN A TEACHER AND LEADER FOR ALL



Agenda



- Overview
- Consultation
- Fiscal Considerations
- Complaint Process
- Eligible Activities
- Frequently Asked Questions
- Scenarios
- Resources



Overview: Equitable Services for Title III, Part A



Overview

- 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 non-public school students and teachers.



Overview

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



Overview

- It should be noted that the provision for Title III includes services and benefits, **not funds**, designed and implemented by the LEA in consultation with non-public school officials, to meet the needs of teachers and non-public school students.
- The Title III program is subject to the equitable services requirements in the Title VIII Uniform Provisions of the ESEA. These requirements apply to LEAs awarded subgrants under the Title III English Learner State Grants.



Consultation



Consultation: Title III

- LEAs must consult with appropriate non-public school officials during the design, development, and implementation of the professional development program, on issues including:

How the needs of children and teachers will be identified

What services will be offered

How, where, and by whom the services will be provided.

Consultation: Title III

- Additionally, LEAs must consult with appropriate non-public school officials on other issues such as:

How the services will be assessed and how the results of the assessment will be used to improve those services

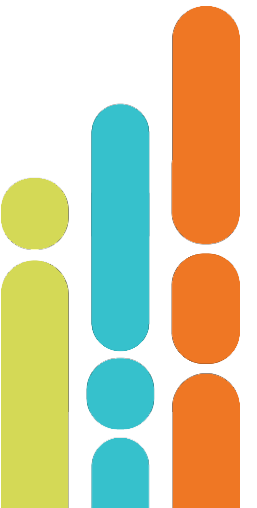
The size and scope of the equitable services

The amount of funds available for those services

How and when the LEA will make decisions about the delivery of services.

Topics subject to consultation have also been expanded to include the following:

- How the amount of funds available for equitable services is determined,
- Whether the LEA responsible for providing equitable services will provide those services directly, through a separate LEA, or through a third-party contractor,
- Whether to provide equitable services to eligible non-public school participants:
 - by creating a pool or pools of funds with all of the funds allocated under programs covered under ESEA § 8501(b), or
 - on a school-by-school basis based on each the proportionate share of funds available to provide services in each school.



Consultation: Title III

- Consultation on the delivery of services must include thorough consideration and analysis of the views of the non-public school officials on the provision of the provision of contract services through potential third-party providers.



Fiscal Considerations



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 non-public school students and teachers.
- **Options for expending funds:** At the request of non-public school officials, the LEA may pool funds for two or more non-public schools and teachers in those non-public schools.



Fiscal Considerations

- **Funds allocated to an LEA** for educational services and other benefits to eligible non-public school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the **funds are received by the LEA**.
 - 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 non-public school. **Services must supplement, not supplant, the federal, state, or local funds** the non-public school would otherwise offer absent the Title III program.



Complaint Process



Complaints: Title III

- Pursuant to ESEA §§ 1117 and 8501, as amended by the Every Student Succeeds Act (ESSA), a non-public school official has the right to file a written complaint with the state education department ombudsman asserting:
 - an LEA did not engage in consultation that was meaningful and timely;
 - did not give due consideration to the views of the non-public school;
 - or did not make a decision that treats non-public school students equitably.



Complaints: Title III

- If non-public school officials believe timely and meaningful consultation has not occurred, they should discuss this with the LEAs, then if needed, with the SEA's ombudsman.
 - SEA Ombudsman is the Federal Programs Ombudsman
- In the event the issue is unresolved, non-public 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 (non-public school official).



Complaints: Right to File a Complaint

- A [complaint form](#) is available in

[ePlan > TDOE Resources > ESSA/IDEA Non-Public / Non-Public Schools Information & Documents > ESSA Non-Public/non-public Schools Information & Documents > Samples & Templates for Providing Equitable Services to Non-Public / non-public Schools & Complaint Form / Procedures > Equitable Services Complaint to the Ombudsman](#)



Procedures for Complaint to the Ombudsman Every Student Succeeds Act (ESSA)

Statutory Requirement

Pursuant to §§ 1117 and 8501 of the Elementary and Secondary Education Act of 1965, as amended by the Every Student Succeeds Act (ESSA), a private school official has the right to file a written complaint with the state education department ombudsman asserting that a school district did not engage in consultation that was meaningful and timely, did not give due consideration to the views of the private school, or did not make a decision that treats private school students equitably.

What must be included in a complaint?

Private school officials filing a complaint with the ombudsman concerning equitable services under ESSA must do so in writing and utilize the form provided with this document that requires the following information:

- full name, address, email address, and telephone number of individual(s) or organization(s) filing the complaint;
- a description of the situation or allegation, including whether or not the school district engaged in consultation that was meaningful and timely, gave due consideration to the views of the private school officials, or made decisions that treated private school students equitably;
- the name of the school district the complaint is being filed against and the names of any other agencies or employees involved;
- a statement identifying which title requiring equitable services has been allegedly violated;

Complaints: How to File a Complaint

- Once a complaint is completed by the non-public school official, it must be signed by the individual(s) or organization(s) filing the complaint.
- After the complaint is completed and signed, the non-public school official must submit the complaint, as well as any additional documentation, via email to the Federal Programs Ombudsman, Danny Bounds (Danny.Bounds@tn.gov), with the LEA Representative copied on the email.
- Once the LEA receives the signed complaint, the LEA must upload the complaint to the current year's **LEA Document Library** in the applicable program's Equitable Services Complaint folder.



Complaints

- More information about the complaint process and other equitable service topics can be found in ePlan in TDOE Resources.
- *eplan.tn.gov > TDOE Resources > Federal Programs Professional Development > 2020-21 Federal Programs Webinar Series > Equitable Services > **ESEA Equitable Services Overview Webinar***



Eligible Activities



Eligible Activities

- Some examples of the Title III services that an LEA may provide to non-public 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 LEA-sponsored professional development



Eligible Activities, Continued

- Additional examples are:
 - participation in professional development organized specifically to meet the needs of the non-public school teachers;
 - tutoring for students before, during, or after school hours;
 - participation of non-public 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 LEAs to administer their state's annual EL assessments for identified ELs in non-public schools.
- LEAs are required under Title VIII to consult with the non-public school officials regarding:
 - how the Title III services provided to non-public schools and teachers will be assessed; and
 - how the results of the assessment will be used to improve those services.



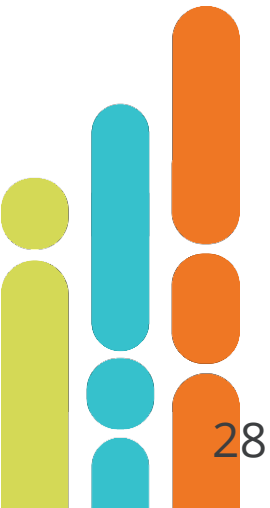
Eligible Activities: Assessment Clarification

- An LEA may use Title III funds to pay for initial EL assessments for non-public 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 LEA is ultimately responsible for covering the cost of administering these assessments. The LEA and non-public 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.



Title III Review



Reflection Time...

- What do you think is the overall purpose of Title III when it comes to providing equitable services in non-public schools?



Title III Review



Please scan the QR code for access.

Frequently Asked Questions (FAQs)





FAQs for Title III, Equitable Services

Is the citizenship, immigration status, or residency of a student enrolled in a non-public 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 an LEA contracts with a third party to provide Title III services to ELs enrolled in a non-public 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 non-public school ELs, the LEA must follow state law in determining the applicable state licensure and certification requirements for its employee contracts.*



FAQs for Title III, Equitable Services

Can an LEA 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](#).

An LEA should, in carrying out its responsibility to provide equitable services to non-public 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. An LEA cannot make a blanket rule that forbids non-public school teachers from receiving certain forms of PD.

Title III & Equitable Services 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?

Thank you!

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Please Share your Feedback:

https://stateoftennessee.formstack.com/forms/survey_2

SKILLS AND KNOWLEDGE



Fraud, Waste or Abuse

Citizens and agencies are encouraged to report fraud, waste, or abuse in State and Local government.

NOTICE: This agency is a recipient of taxpayer funding. If you observe an agency director or employee engaging in any activity which you consider to be illegal, improper or wasteful, please call the state Comptroller's toll-free Hotline:

1-800-232-5454

Notifications can also be submitted electronically at:

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