



Private Non-Profit

Title III, Part A Services for PNP Schools



Introduction

Introduction

This User Guide, Title III, Part A Services for Private Non-Profit (PNP) Schools details the responsibilities that Title III-funded local educational agencies (LEAs) have in providing services to eligible students at participating PNP schools. When citing statute, the term private school(s) is used. However, at times, private school(s) and PNP school(s) may be used interchangeably. LEAs are a public school district or open-enrollment charter school; however, unlike public school districts, open-enrollment charter schools are not required to provide services to PNP schools.

As part of the Every Student Succeeds Act (ESSA), Title III, Part A services are to be provided to an eligible PNP school's English learners, their teachers, and other educational personnel. Under Title III, Part A statute, the primary goal is to enable all children to attain English proficiency and develop high levels of academic attainment in English, and meet the same challenging State academic content and student academic achievement standards as all children are expected to meet.



U.S. Department of Education Title VIII, Part F – Uniform Provisions
Subpart 1 – Private Schools
SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL
CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION. —

- (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**, special educational services or other benefits that address their needs under the program.
- (2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS. — Educational services or other benefits, including materials and equipment, provided under this section, shall be **secular, neutral, and nonideological**.
- (3) SPECIAL RULE. —
 - (A) IN GENERAL. — Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a **timely manner**.
 - (B) OMBUDSMAN. — To help ensure services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section.
- (4) EXPENDITURES. —
 - (A) IN GENERAL. — Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, **taking into account the number and educational needs of the children to be served**, to the expenditures for participating public school children.
 - (B) OBLIGATION OF FUNDS. — Funds allocated to a local educational agency for educational services and other benefits to **eligible private school children** shall be obligated in the fiscal year for which the funds are received by the agency.
 - (C) NOTICE OF ALLOCATION. — Each State educational agency shall provide notice in

a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.

- (5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those **services directly or through contracts with public and private agencies, organizations, and institutions.**

(b) APPLICABILITY.—

- (1) IN GENERAL. — This section applies to programs under—

- (A) part C of title I;
- (B) part A of title II;
- (C) part A of title III;
- (D) part A of title IV; and
- (E) part B of title IV.

- (2) DEFINITION.—For the purpose of this section, the term **“eligible children” means children eligible for services** under a program described in paragraph (1).

(c) CONSULTATION.—

- (1) IN GENERAL. — To **ensure timely and meaningful consultation**, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide effective programs for eligible private school children, on issues such as—

- (A) **how the children’s needs will be identified;**
- (B) **what services will be offered;**
- (C) **how, where, and by whom the services will be provided;**
- (D) **how the services will be assessed and how the results of the assessment will be used to improve those services;**
- (E) **the size and scope of the services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;**
- (F) **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 services through potential third-party providers; and**

- (G) **whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and**
- (H) **whether to provide services to eligible private school children—**
- (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or
 - (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.
- (2) **DISAGREEMENT.**—If the agency, consortium, or entity **disagrees with the views of the private school officials on the provision of services through a contract**, the agency, consortium, or entity shall provide to the private school officials **a written explanation of the reasons why the local educational agency has chosen not to use a contractor.**
- (3) **TIMING.**—The **consultation** required by paragraph (1) **shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel** to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.
- (4) **DISCUSSION REQUIRED.**—The consultation required by paragraph (1) **shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide services to eligible private school children, teachers, administrators, and other staff.**
- (5) ¹⁴**DOCUMENTATION.**—Each local educational agency shall **maintain in the agency's records**, and provide to the State educational agency involved, **a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred.** The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.
- (6) ¹⁴**COMPLIANCE.**—
- (A) **IN GENERAL.**—If the consultation required under this section is with a local

¹⁴ The placement of paragraphs (5) and (6) at the end of subsection (c) reflects the probable intent of Congress. See the amendment made by section 8015(4) of Public Law 114–95, which technically adds these paragraphs at the end of the section.

educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students as required by this section.

(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

(i) requested that the State educational agency provide such services directly; and

(ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The **control of funds** used to provide services under this section, and title to **materials, equipment, and property purchased with those funds**, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

(2) PROVISION OF SERVICES.—

(A) IN GENERAL.—The provision of services under this section shall be provided— (i) by employees of a public agency; or (ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

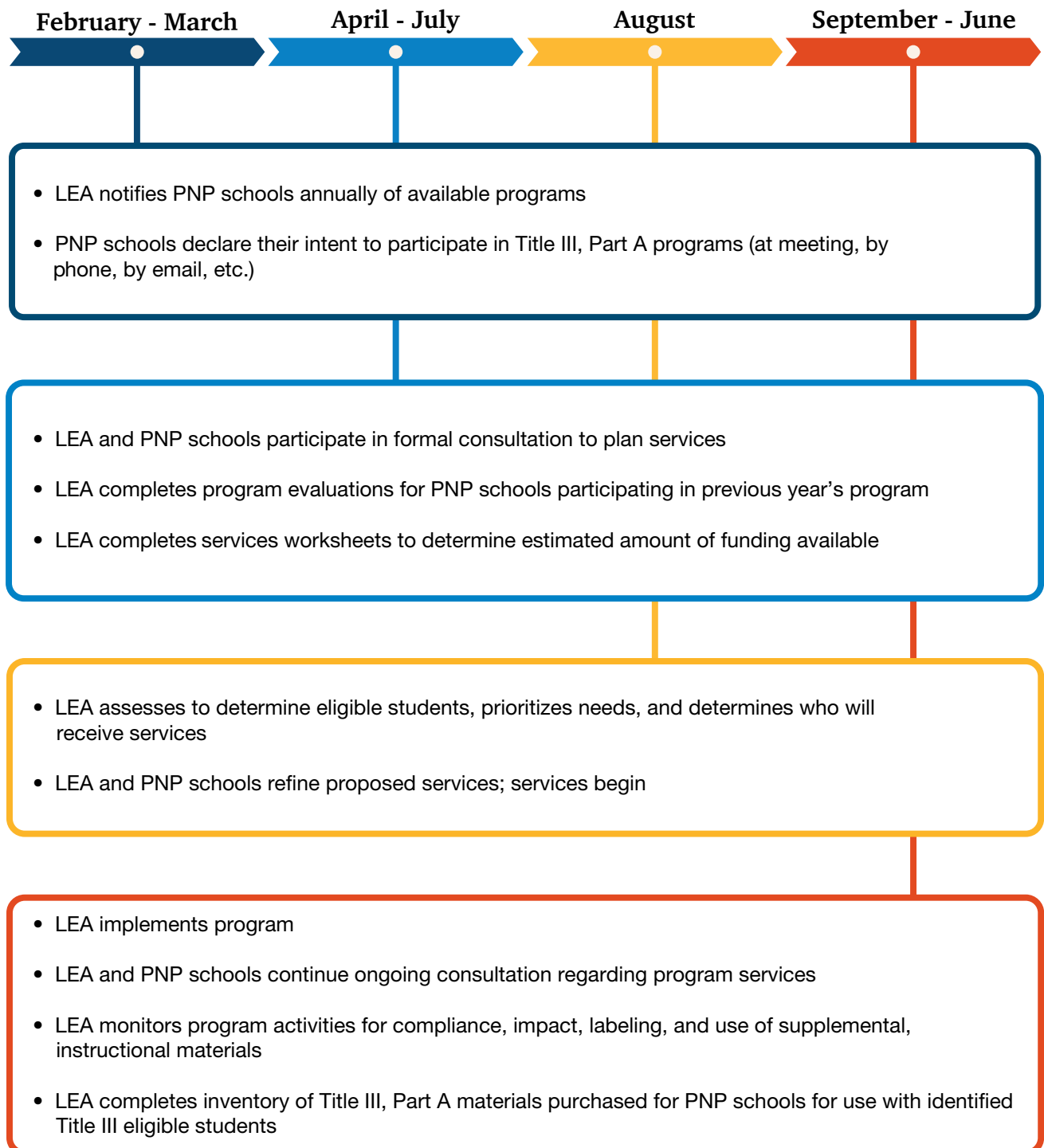
(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED.—**Funds used to provide services under this section shall not be commingled with non-Federal funds.**

Timeline of Procedures

Timeline of Procedures

While there is no required timeline for meeting Title III, Part A compliance requirements for services, the following sample schedule is offered to assist in planning.



LEA Four-Step Process

LEA Four-Step Process

The LEA four-step process ensures compliance with federal law regarding Title III, Part A in providing services to eligible ELs in PNP schools. Each step is covered in the following pages.

For information on Title III, Part A Program Guidelines and to view a Sample Application, visit the [TEA Grant Opportunities](#) page and search for the ESSA Consolidated Federal Grant Application.



Step 1: Annual Contact and Consultation

LEAs are required to annually contact PNPs within their boundaries to make them aware of the availability of federal program services and to determine their interest in participating in any of the federal program services covered under ESSA's Title VIII Uniform Provisions.



Step 2: Determine Eligibility

LEA is responsible for determining eligibility for PNP school's English learners. During the consultation the LEA and PNP school must establish eligibility criteria. The state's policy for identification can be used if agreed upon by LEA and PNP school representatives during the consultation.



Step 3: Determine and Provide Services

The services that the LEA will provide should be discussed during consultation. Services provided by the LEA for private school English learners should be designed to meet their educational needs and supplement the educational services provided by the private school. The LEA must provide participation which may include: services for English learners, materials/ equipment, professional development for English learner teachers and other educational personnel, and services for parents of English learners.



Step 4: Evaluate Services

Ongoing consultation should include how the Title III services will be assessed, and how the results of those assessments will be used to improve the services.



Step 1

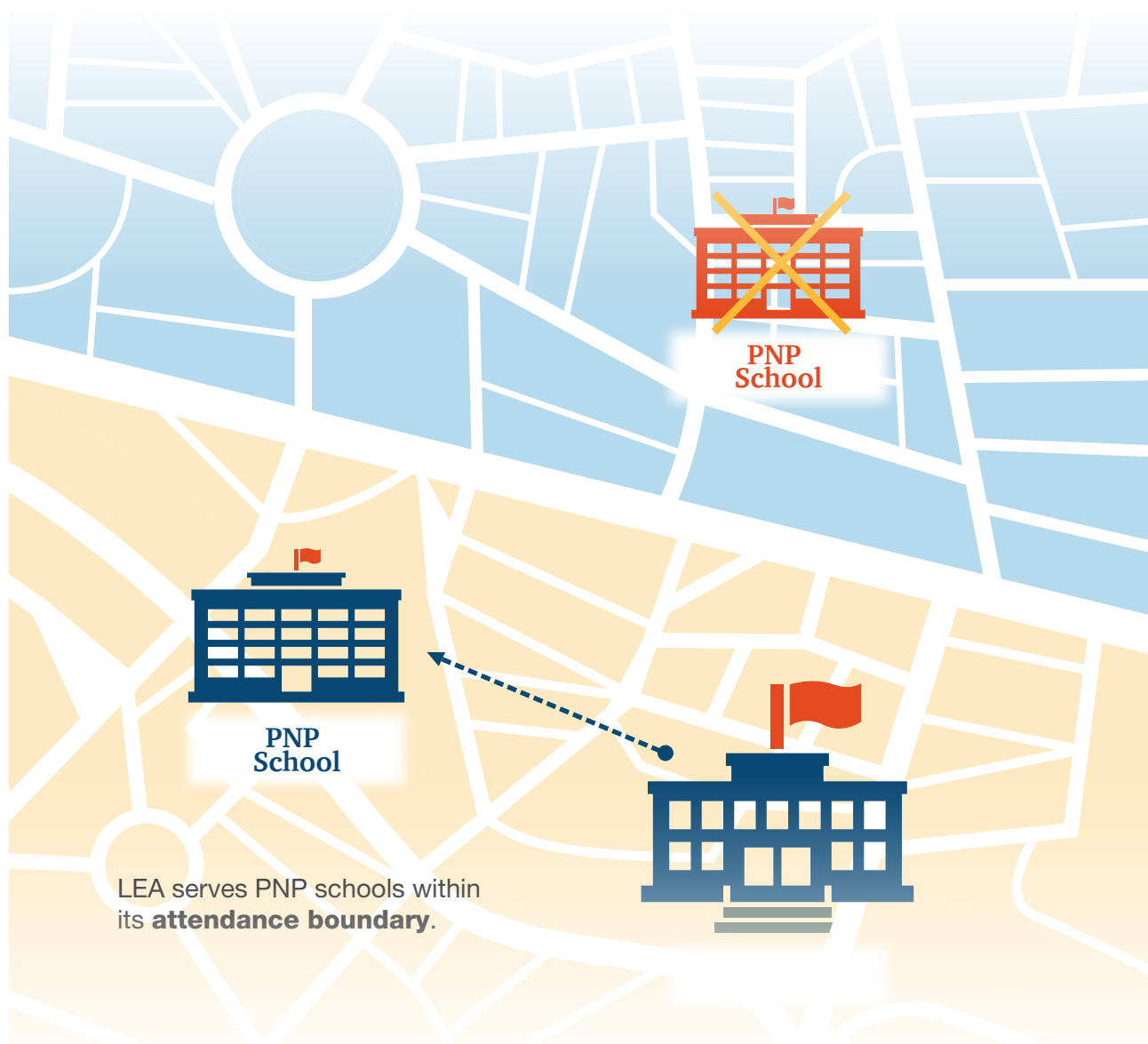
Annual Contact
and Consultation



Step 1 - Annual Contact and Consultation

The annual contact begins the consultation process between the LEA and PNP schools located within its attendance boundary. Adequate notice is critical in ensuring a meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making.

LEAs receiving Title III, Part A funds are required by law to provide this annual consultation to PNP schools (even if they have declined services in the past) to explain the availability of Title III, Part A services for eligible English learners.



The series of activities demonstrate how a meaningful consultation develops.



LEA must annually contact PNP schools of available Title III, Part A services (even if the PNP school has declined services in the past).

1. PNP School	Date Consulted	6. PNP School	Date Consulted
2. PNP School	Date Consulted	7. PNP School	Date Consulted
3. PNP School	Date Consulted	8. PNP School	Date Consulted
4. PNP School	Date Consulted	9. PNP School	Date Consulted
5. PNP School	Date Consulted	10. PNP School	Date Consulted



Initial contact should occur before the LEA submits its application for federal funding. If a PNP school notifies the LEA of its intent to participate in Title III, Part A services, the LEA should then begin the consultation process with the PNP school's representatives.



Consultation may occur in person, online, through email communication, or documented phone calls.



Consultation should occur before the LEA makes any decisions that affect the opportunities of the eligible PNP school's students, teachers, and other educational personnel to participate in services.



As part of the consultation process, the LEA must maintain documentation demonstrating that the consultation occurred prior to the LEA making any decisions.



Consultation should include a discussion of service delivery mechanisms that the LEA could use to provide services.



Consultation should continue throughout the implementation and assessment of activities.



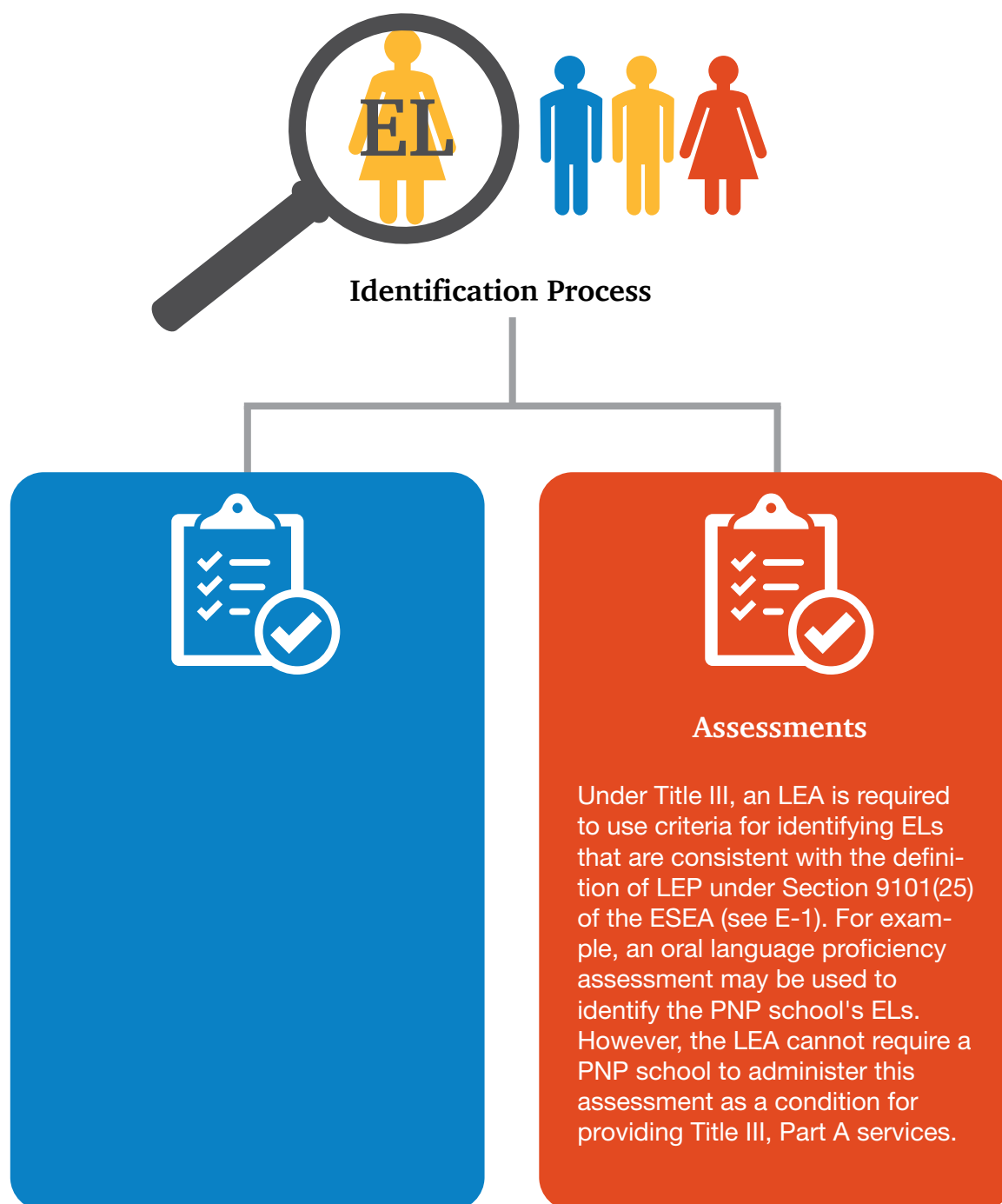
Step 2

Determine
Eligibility



Step 2 - Determine Eligibility

The LEA is responsible for determining eligibility for the PNP school's ELs. During the consultation, the LEA and PNP school must establish eligibility criteria. The state's policy for identification can be used if agreed upon by LEA and PNP school representatives during the consultation.





Step 3

Determine and
Provide Services



Step 3 - Determine and Provide Services

The services that the LEA will provide should be discussed during consultation. Services should be designed to meet the educational needs of the PNP school's ELs, teachers of ELs, and other educational personnel.

The LEA must provide participation for the items and services listed below.



Services



**Materials/
Equipment**



**Professional
Development**



**Services for
Parents**



Services

- For Teachers – Professional development for teachers with identified English learners
- For English Learners– Instructional services during the day, tutoring, extended day services, computer assisted instruction, and summer school programs
- For Parents of identified English learners– Parent and Family Outreach activities
- The LEA is also required to provide special educational services or other benefits that address the needs of eligible students, teachers, and other educational personnel.



Materials/Equipment

- LEAs must have written procedures in place for providing/purchasing of supplemental instructional materials and supplies.
- LEAs must maintain documentation for compliance purposes.
- LEAs ensure that equipment and supplies are used only for the purposes of the program.
- All materials and supplies must be secular, neutral and non-ideological
- All materials and equipment must be labeled with the name of the program and LEA.
- All materials and equipment must be inventoried annually by LEA staff member.
- The LEA must remove the materials and equipment from the PNP school if they are no longer needed for the program or the PNP school is no longer a participant of Title III, Part A services.



Professional Development

- Professional development under Title III, Part A is for teachers of ELs. The training must be designed to help teachers of ELs and must address student needs.
- Professional development should be addressed during the consultation. Discussion about the implementation of services, types of professional development, and assessment of services should support the teachers' ability to best serve ELs.
- Teachers employed by the LEA must meet the fluency requirements in English and any other language used for instruction, including written and oral communication skills.



Services for Parents

- Families of the ELs may also be served through activities such as family literacy services and parent outreach/training activities.
- These services should be designed to help parents improve their English language skills, academic achievement of their children, and to become active participants in the education of their children.
- LEAs must keep in mind that services provided to families must be supplemental to other state and federal requirements.



Step 4

Evaluate
Services

Step 4 - Evaluate Services

The LEA is responsible for evaluating Title III, Part A services for PNP schools. The extent of the assessment of services will depend on the size and scope of services provided. As mentioned in Step 1, this is a part of the consultation discussion. Ongoing consultation should include how the Title III services will be assessed, and how the results of those assessments will be used to improve the services.

Evaluation may include, but is not limited to the following:



Documentation of program activities is critical to ensuring compliance with ESSA, Title III, Part A guidelines. The following are some examples of documentation that may be kept.



Funding

- LEA Title III, Part A planning amounts
- Administrative cost worksheets
- PEIMS list of LEA's ELs
- Names of PNP schools with Title III, Part A eligible students
- Copy of Texas Education Agency (TEA) Services worksheet, PS3099 from the ESSA Consolidated Application



Planning

- Needs Assessment Documentation
- Consultation notes, initial and ongoing
- Meeting documentation
- Documented phone calls and other sources of communication
- List of eligible students
- Written procedure for approval and processing of purchase orders
- Contracts with third-party providers
- Specific assessment to be used
- Materials selected



Services

- Student and teacher schedules
- Personnel time sheets
- Signed job descriptions and contracts
- Attendance rosters
- Purchase orders for equipment and materials
- List of inventory items marked with LEA labels
- Assurance that Title III, Part A materials are for program use only
- Parental involvement invitations/sign-in sheets
- Professional development sign-in sheets/documentation
- Student progress data



Evaluation

- Surveys of teachers, parents, and administrator, if applicable
- Student English language proficiency assessment data
- Documentation of agreed upon assessment used to demonstrate student's progress
- Inventory log

Consultation for School Year:	
School Date:	

How children's needs will be identified. You may want to include the: definition of EL, process for student identification [i.e., PNP or LEA survey], testing criteria, LEA and PNP responsibilities.	Title IIIA:
What services will be offered. Consider the types of materials/equipment to be purchased and loaned to PNP; professional development for teachers of identified students, direct student services via tutor.	
How, where and by whom the services will be provided. Examples include: direct student services – possible schedule to work with students; professional development for teachers – conferences, book studies, instructional coach; and material purchase and training on use of materials.	
How the services will be assessed, and how the results of those assessments will be used to improve the services. Such as: staff/parent surveys, student academic performance, and review of program processes via consultation.	
The size and scope of the services to be provided to the eligible private school children, teachers and other educational personnel, the proportion/amount of funds that are allocated for such services, and how that proportion/amount of funds is determined. (e.g. How the PNP allocation was derived, total PNP Title III allocation, per pupil allocation based on identified EL students, individual PNP allocation).	
How and when the LEA will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers. Think about the discussion related to the timeline for next year's services including a consideration of contractors/vendors.	

How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such private school official an analysis of the reason why the LEA has chosen not to use a contractor.	
Whether the LEA shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor, the schedule of services, timeline and processes for either option.	
Whether to provide services to eligible private school children (1) by creating a pool or pools of funds with all of the funds allocated based on all the children from low-income families in participating school attendance area who attend private schools or (2) in the LEA's participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools. Note: LEAs should ensure that PNPs understand they can choose to pool their allocation with other PNPs, which would result in a different per pupil allocation; or they can maintain their own allocation.	

Private School Representative Signature

Date

District Representative Signature

District

Date

Ongoing consultation notes: Please include date, time, who was present, items discussed



Private Non-Profit
Title III, Part A Services for PNP Schools

