

Equitable Services to Nonpublic School Students Frequently Asked Questions

Question # 1: Instructional Program Design

If offering summer school or after school services with a very limited amount of money (e.g., \$7000-\$9000 per private school), how do you match “a non public beginning at the same time in the school year as the public school”?

Small programs, as determined by the allocation, can maximize their funds by pooling funds with one or more additional nonpublic schools. The LEA could then use the larger sum of money for a variety of different services such as hiring a part-time teacher to provide supplemental tutoring after school or purchasing take-home computer programs. If a after school tutoring program is agreed upon, then this program should begin in proximity to the public school program. However, if in consultation with the private school, a decision is made to offer a summer school-type program or a Jump Start program for the benefit of the eligible private school students, then there would not be an expectation that a nonpublic program would begin in proximity to the public school year.

Question #2: Service to Preschool Students

Do the requirements include preschool and kindergarten private organizations?

Yes, if the nonpublic school is a **non-profit**, nonpublic school, Title I, Part A services can be provided to pre-K and kindergarten students. However, the pre-K students are not a funding source for the program as only those students within the grade span for the public school, for example K-6, generate funds based on the number of students from low-income families. Nonpublic school pre-k students can receive services but do not generate funding to pay for those services.

Question #3: Summer School Programs

After consultation, the nonpublic school chooses not to participate in the Title I program during the school year. The LEA has scheduled a summer program and the non-public school wants to send their at-risk students to the LEA’s summer program. What is the LEA required to do?

Students from the nonpublic school may attend the summer program if they reside in the Title I, Part A School Attendance area and have been determined to be academically at risk. However, the district is not obliged to offer this service to eligible private students. Since the private school declined to participate in Title IA for that academic year, the LEA is not obliged to provide additional services.

Question #4: Homeless Services

Do nonpublic schools’ students have access to the homeless student services provided by district Title I funds?

Yes, homeless students at nonpublic schools have access to services through Title I.

Question #5: Religious Symbols

Is it okay for religious symbols to exist in the classroom where Title I targeted instruction occurs?

Yes and No. The answer to this question is similar to the question concerning monitoring visits to the nonpublic school. USDE suggests that it is all right for Title I services to take place in a location that has religious symbols. However, New York City public schools, supported by the *Agostini v Felton* ruling, deemed this practice unacceptable and required that the space be cleared of all religious symbols. CDE suggests that the LEA use careful judgment in agreeing to a location that includes religious symbols. In such cases, the LEA is encouraged to conduct more frequent monitoring visits.

Question #6: Charter Schools

Why don't charter schools fall into this category? Do we still have to offer funding to charters?

Charter schools are considered to be part of the public school system and are funded with public dollars. Charter schools should have the same access to federal funds as any other public school in the district. Just as other public schools, they need to be included in the required consultation with other teachers, principals, parents, and community members in the development of the consolidated application.

Question #7: Changes to Equitable Service Requirements

Do you see any change occurring in the equitable services philosophy with the change in administration?

It is impossible to predict what the USDE will decide to revise or retain with regard to the administration of the Title programs. Until any such changes are made, we must follow the current requirements.

Question #8: Contracts with Third Party Providers

What must a contract with a third party provider include?

The contract with the third party provider must include all of the following:

1. The contract with a third party provider must have a detailed breakdown of instructional, professional developments, and administrative costs listed separately.
2. The contract must contain detailed descriptions of the instructional services that will be provided to eligible students, including needs and goals.
3. The contract must include details of where, when and by whom the services to students will be delivered.

Question #9: Invoices from Third Part Providers

What must an invoice from a third party provider include?

An invoice from a third party provider must include all of the following:

1. The invoice must include instructional activities paid with funds generated by private school children from low-income families
 - a. Name and salary of each teacher
 - b. Instructional materials purchased
2. The invoice must show administrative costs separately funded through an equitable portion of the district's 10% administrative cost set-aside (section 200.77(f) reservations).
 - a. Supervisor's salary
 - b. Office expenses
 - c. Travel costs
 - d. Capital expense type costs
 - e. Fees
3. The invoice must break out the third party costs for parent and family involvement.

Question #10: Title IA Eligibility

What are the recommended steps in determining Title IA eligibility of nonpublic school students? Of the students attending the nonpublic school...

1. Determine family home addresses that are in Title I school attendance areas; (Eligibility of nonpublic school students is determined by residence within the attendance area of a Title I participating school and low income status.)
2. Determine risk of academic failure (Next, identify which of the eligible students is at risk of failure in reading and/or math. This final group of students makes up the set of students who may receive IA services as a result of the Title IA funds.)

Note: Although a student may be eligible due to residence and may also draw funds to the program because of low family income, the student may not be at risk of academic failure and thus not be identified for service.

Question #11: Income Survey Response

Suppose a nonpublic school wants to participate in Title I. The administrator hands out the income survey to all parents, but only a percentage of students bring it back. Do we base the allocation and student eligibility on the information we get even though it won't be accurate?

Yes. The allocation is based on the information that is available. However, if the information is incomplete, an alternate method may be used in an attempt to obtain more complete data; see page 5 of *Equitable Services to Nonpublic School Students*.

Question #12: Family Economic Survey

Where can we access the Family Economic Survey?

The survey is available online at:

<http://www.cde.state.co.us/cdenutritran/nutrifamilyeconomicdatasurvey.htm>

Question #13: Professional Development

What options does an LEA have for paying non public school teachers for professional development? Do they have to become employees of the district in order to issue them a check for six to eight hours of professional development during a school year?

No. The nonpublic school teacher can be paid as a consultant or contract employee rather than being part of the district employee list with all of its requirements.

Question #14: Purchasing Equipment

Is the purchase of computers with Title I funds allowable?

Yes, Title I, Part A funds allocated for instructional services for nonpublic school students can be used to purchase computers and software needed for the Title I program to be provided to eligible students. The installation and maintenance of the computers is a special capital cost and should be paid from the Title I administrative account. See set-aside table on consolidated application.

Question #15: Indirect Cost/Administrative Costs

What costs can be charged to the non-public school? Is the LEA's same indirect cost rate applicable?

No costs are charged to the nonpublic school. Just as an LEA pays the costs for administering programs for public school students, it pays the costs for administering programs for nonpublic school students. Administrative costs are reserved from a program's total allocation as part of the district's direct administration set aside, before the LEA determines the allocation for services and benefits for public and nonpublic school students and teachers. The program is run by the LEA.

Question #16: Monitoring

Where in the law/regulations does it say that monitoring must be conducted two times a month per school?

The statute does not require two visits per month; however, USDE does recommend this practice. In *Agostini v. Felton* (1997), the US Supreme Court advised that safeguards put in place by the New York City public schools were sufficient to ensure that Title I funds were not being used to advance religion. Among those safeguards was the requirement of monthly visits from publicly employed supervisors. CDE suggests that, at a minimum, an LEA conduct one visit each month to every nonpublic school where Title I, Part A service is being provided by an employee of the LEA. In the case where a third-party contractor or a nonpublic school teacher has been hired by the LEA to conduct the program, CDE advises the LEA to adhere to the two visits per month schedule. As with all elements of the equitable services provision, documentation of visits, conversations, meetings, and paperwork should be kept on file in the Title I, Part A office.

Question #17: Title IIA

What is considered equitable services for Title IIA?

Professional development for nonpublic school teachers is the method by which an LEA can provide equitable service through Title II, Part A; either by permitting nonpublic teachers to participate in LEA sponsored professional development or other approved high quality professional development.

Question #18: Title III Services

Under what circumstances must an LEA provide Title III funds to nonpublic schools?

Funds never go to the nonpublic school; rather, the LEA provides the ELL services. Students enrolled in nonprofit, nonpublic elementary and secondary schools, including those in religiously affiliated schools, are generally eligible to receive services. Since federal guidelines restrict service to only LEP and NEP students, this same restriction applies to nonpublic school students.

Question #19: Title III Services

Is the percentage of ELL students a factor? What percent is needed for the non-public school?

The percent of ELL students is not a factor. The following regulation is listed on the USDE website (<http://www.ed.gov/about/offices/list/oii/nonpublic/title3-factsheet.html>): After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to limited English proficient (LEP) children and educational personnel in private schools that are located in the geographic area served by the LEA.

Question #20: Timely and Meaningful

What does an LEA need to do to meet the requirement of ‘timely and meaningful consultation’?

The consultation must meet the following criteria:

1. Occur during the design, development, and writing of the Title I, Part A program = Timely
2. Provide genuine opportunity for nonpublic school officials to express their views on all topics that affect the provision of services to eligible NPS students = Meaningful

Question #21: Consultation Process Steps

What steps should the LEA take as part of the consultation process?

1. Using registered mail service, invite officials from all nonpublic schools located within the boundaries of the LEA
2. Document the LEA attempts to reach all applicable nonpublic schools within the district
3. Develop a timeline for the consultation that includes the topics of discussion
4. Maintain signed documentation from the nonpublic school officials for each meeting
5. Continue the consultation process throughout the school year

Question #22: Consultation Topics

What topics need to be addressed during consultation?

1. Identification of students’ needs

2. Services to be offered
3. Delivery of services
4. Evaluation and improvement of services
5. Size and scope of services
6. Proportion of funds allocated
7. Method for determining poverty data
8. Equitable services to teachers and parents of participants

Question #23: Letter of Consultation

Is there a template available for the Title I letter that needs to be sent to Private Schools inviting them to a meeting to discuss the use of Federal funds (i.e., “The Consultation Letter”)?

The [Title I Resource Tool Kit](http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf) provides a great resource for the letter and other documents you may need. The toolkit is available at: <http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>

Question #24: Consultation Process

If a district knows that the students enrolled in the nonpublic school in the area do not live in the Title I, Part A school neighborhoods, does the consultation process still have to be completed?

A meeting with the nonpublic school official to review the list of students should still occur. Additionally, a document needs to be signed showing the results of the meeting. This will provide the LEA with documentation that all requirements have been met.

Question #25: Neighboring Districts

What steps need to be taken by an LEA when some of the home district’s students attend non-public school in a neighboring district?

1. The home district determines the amount of funding by using the per pupil amount for the total number of home district low-income students enrolled in the receiving district; see Data Table 6 of the Title I, Part A section of the Consolidated Application for the per pupil amount.
2. The receiving district supervises the provision of services to the identified students.
3. The home district provides the amount, determined above, to the receiving district.

Question #26: Identification of Students in or from Neighboring Districts

How can a home district identify students who are attending school in a neighboring district?

1. District A receives the list of addresses for students from low-income families at the nonpublic school within its attendance boundaries and determines that some of the students live in a neighboring district, District B.
2. District A contacts District B providing notification of the out-of-district students attending a nonpublic school.
3. District B follows the steps in Question 20 to determine the appropriate level of funding to support education of qualifying students.

Question #27: Neighboring District Agreement

Does a school district need to have a written agreement with all neighboring districts covering the identification of eligible students and the transfer of funds?

Yes. Although it is difficult to predict how far away eligible students may go to attend a nonpublic school, a good policy is for a district to have a written agreement with all contiguous schools districts. This document could include the following processes:

1. Student identification
2. District notification
3. Funding transfer

Question #28: Boundary-less alternative high school

Do the students who attend a nonpublic high school pull equitable funding if the LEA provides Title IA services to only a boundary-less alternative high school?

No. The traditional high schools to which students would be assigned are not receiving Title IA support thus such students would not generate funds for service at the nonpublic school. The alternative high school is not a school to which students are assigned but is rather a choice alternative. This same line of thinking follows for charter and magnet schools as well since students are not assigned to the schools but must apply instead.

Question #29: Unused Transferred Funding

What happens to funds transferred to another LEA if it turns out none of the students eligible to receive Title I services is at academic risk?

If funds are generated by low-income students who reside in one LEA (LEA A) and attend a private school in another LEA (LEA B), the funds that are generated are to be used for services for those children. If the LEA of residence (LEA A) transfers those funds to the LEA where the private school is located (LEA B), and there are no children who meet the academic criteria, LEA B must return those funds to LEA A because there is no authorization in the Title I statute to pool across LEAs.

Question #30: Funded School Year

Can an LEA (LEA B) use the list of students from one school year to generate funds from a neighboring LEA (LEA A) to be used during the following school year regardless of whether the actual students who generated the funding are still attending the nonpublic school?

Typically, that is the process that is used for both the public and nonpublic schools. If the LEA used the list of students in the current school year to generate funds for the current school year program, it would be collecting that information too late to begin services at the beginning of the school year. CDE suggests that following the beginning of the school year, LEA B confirm

1. the number of students from LEA A who are eligible to receive Title I services and will generate funding, and
2. from the number of eligible students, the actual number of students who are at risk of academic failure and thus in need of Title I support.

Question #31: Unused Funds

What happens to unused funds if, in good faith, the home LEA (LEA A) provides service to all of the eligible, academically at risk students at a nonpublic school including students who reside within the LEA (LEA A) and those who reside in a neighboring LEA (LEA B); however, at the end of the school year, some funds set-aside to provide these services remain unused?

LEA A must be able to track the funding for each LEA separately so that it knows at the end of the year how much is left from each LEA's funds. This may mean, for example, that since the Title I teacher is working with children from both LEAs at the same time, her salary may be prorated depending on how many children from each LEA are being served. At the end of the year, if LEA A has provided all services that had been decided upon in consultation with private school officials, and there is money remaining, then the appropriate proportionate share should go back to LEA B.

Question #32: Complaint Procedure

What is the process used to file a complaint regarding provision of services to students attending nonpublic school?

Nonpublic school officials have the right to file a complaint with the State Education Agency if an LEA does not engage in timely and meaningful consultation or give adequate consideration to the views of the nonpublic school officials. The process and form for a complaint can be accessed at http://www.cde.state.co.us/fedprograms/ov/index_eseacomplaint. The complainant, if dissatisfied with the State's final decision, can request a review of and determination on the final decision by the Secretary of United States Department of Education.

Question #33: Dissemination of Information

How can an LEA disseminate the required information concerning services to eligible students attending a nonpublic school?

An LEA may use the process of ongoing consultation with officials of a nonpublic school as a means of disseminating the required information concerning the availability of services to eligible students attending a nonpublic school. The required topics that must be discussed during the consultation process are listed on the *Affirmation of Consultation* form at <http://www.cde.state.co.us/fedprograms/consapp/index>

The form is to be completed yearly for each nonpublic school within the LEA boundaries and needs to be kept on file in the LEA for review upon request by CDE. Additionally, an LEA should provide, free of charge, information to the nonpublic school concerning the services available to eligible students in nonpublic schools on an ongoing basis as needed or requested.