

Private School Participation in Title III Programs

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No Child Left Behind Act of 2001, Title IX, Part E, Secs. 9501-9506

FREQUENTLY ASKED QUESTIONS

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

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 on a comparable basis; (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.

Must an LEA's Title III program design be the same for both public and private school students and educational personnel?

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging state academic content and student academic achievement standards as all children are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA's failure to provide equitable services to private school children and educational personnel must first be submitted to the state education agency for resolution. The state's resolution or failure to make a resolution may be appealed to the U.S. Department of Education.

Are private school students receiving Title III services required to participate in the English language proficiency assessments that are required of public school students receiving Title III services?

Private school students receiving Title III services, like participating public school students, must be assessed annually for their level of English proficiency in the domains of speaking, listening, reading, writing and comprehension. LEAs, in timely and meaningful consultation with private schools, are responsible for administering an annual English proficiency assessment that is agreed upon by the private school. The state assessments may be used, if they are appropriate, or other assessments, such as those administered by the private school, may be used. In any case the assessments must be comparable to those used for the public school students and aligned with the achievement of the academic content and student academic achievement standards established by the state or by the private school.

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?

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.