# Title III and English Learners in Nonpublic Schools

Ohio Department of Education
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## Purpose

Title III, Language Instruction for English Learners (ELs) and Immigrant Students is a grant authorized under the Elementary and Secondary Education Act (ESEA). The purpose of Title III is to help eligible students attain English proficiency and to reach high levels of attainment in state academic standards. Title III funds are used to assist teachers, principals, and other school leaders in developing and enhancing their capacity to deliver effective instructional programs for ELs and to promote the engagement of the parents and families of English learners.[1]

## Equitable Participation

EL students in nonprofit nonpublic schools may be eligible to access Title III programs, services, and products through the Local Education Agency (LEA) where the nonpublic school is located. Funding for Title III programs and services to serve eligible ELs in nonpublic schools is determined by a count of eligible students attending nonpublic schools located in the public school district boundaries and is not dependent on where the student resides. The LEA where the nonpublic school is located must be accepting funds under Title III for ELs in a nonpublic school to have access to services.[2] If ELs are identified at the nonpublic school and the LEA where the nonpublic school is located participates in Title III, the nonpublic school should indicate its intent to participate in Title III in the Nonpublic Data System (NPDS). The LEA and nonpublic school(s) within the LEA's jurisdiction must conduct a meaningful and timely consultation annually to determine how students are identified for services and what services will be provided.

## Identifying Eligible ELs in Nonpublic Schools

The LEA is responsible for the oversight of the initial identification process and must ensure that objective criteria are used. While a private school may develop its own ELP assessment for identifying ELs, this assessment must be valid and reliable, and must utilize objective criteria that would be comparable to an ELP assessment used by the State to identify public school ELs. The process for identifying ELs in nonpublic schools should be similar to the process for identifying students attending public schools. This allows the LEA to leverage its expertise and existing tools and processes. The most common option is to use Ohio's Language Usage Survey and the Ohio English Language Proficiency Screener (OELPS). The OELPS is free is aligned to the K-12 English Language Proficiency Standards. It is designed to identify Ohio students in grades K-12 as English learners. The OELPS is the second step in the standardized identification process. The first step is the Language Usage Survey. Information on the identification process is found in the Guidelines for Identifying English Learners. Nonpublic school students identified as ELs must have their English language proficiency tested annually.

## English Language Proficiency (ELP) Assessments

Title III does not require an LEA to administer the State's annual ELP assessment for ELs in nonpublic schools. If the LEA and nonpublic school officials, after timely and meaningful consultation, decide to administer the State's annual ELP assessment to nonpublic school EL students, the cost of that assessment may be paid for with Title III funds in cases where the use of such funds would not supplant other Federal, State or local funds that may be used for such purposes, and where the assessment would be supplemental to the level of services that the nonpublic school students would receive in absence of Title III services. Ohio

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[1] U.S. Code § 6812 Purposes of Title III
[2] U.S. Code § 6320 Participation of Children Enrolled in Private Schools

makes the Ohio English Language Proficiency Assessment (OELPA) available free of charge to Title III-participating nonpublic schools within Title III-receiving LEAs. If a nonpublic school elects to use an equivalent ELP assessment in place of the state provided assessments, Title III funds may be used for assessment costs.

**Data Reporting for Title III Allocation**

The Department collects data in NPDS on the number of EL students enrolled and reported in nonpublic schools and adds this number to the number of EL students enrolled in public schools to determine Title III funding amounts. It is the responsibility of the nonpublic school to report English learners that have been identified and the LEA to verify these counts. Current year equitable service amounts are based on the EL reporting in NPDS from October of the prior fiscal year. The Comprehensive Continuous Improvement Plan (CCIP) and NPDS will calculate a Title III service amount for each participating nonpublic school determined by the per-pupil allocation of Title III English learner funds. This is the basis for the cost of Title III services to be provided to the nonpublic school. The nonpublic school should receive an equivalent amount of services for each of the EL students served as the public school receives for each of its EL students based on the per-pupil allocation.

**Consultation**

The LEA must consult with appropriate nonpublic school officials during the design and development of the Title III services. Consultation for Title III generally takes place at the same time LEAs and nonpublic schools consult for ESEA Title services. LEAs and nonpublic school officials should review the electronic Consultation Guide in NPDS for a complete list of topics that must be addressed during the consultation process. For the purposes of Title III services to students, the consultation should focus on the required coordination between the LEA and nonpublic school officials on the implementation of high-quality programming necessary to assist students in attaining English proficiency and meeting the same challenging standards as all students. The following topics must be addressed:

- how EL students will be identified;
- what services will be offered;
- how, when, 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;
- what the size and scope of the services to be provided to the private school children and educational personnel will be;
- the amount of fund available for those services;
- how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the nonpublic school officials on the provision of contract services through potential third-party providers; and
- how, if the LEA disagrees with the views of the nonpublic school officials on the provisions of services through a contract, the LEA will provide to the private schools, in writing, an analysis of the reasons why the LEA has chosen not to use a contractor.

**Program Planning and Design**

The LEA and nonpublic school should establish a plan for services based on their initial consultation. To be timely and meaningful, it is recommended that this consultation occur in the spring of the prior school year to plan for the next school year. Title III funds only may be used for supplemental EL services that are reasonable, allocable, and allowable. Title III funds must be supplemental to other federal, state, and local requirements. Title III funds may not be used to meet the Civil Rights Obligations of English Learners. For more information, please see the Legal obligations to ensure English learner students can participate meaningfully and equally in educational programs.

ESEA specifies that assistance to EL in nonpublic schools should be equitable to that of EL students in public schools. Title III program design is not required to be the same for both public and nonpublic schools. If the needs of the nonpublic school are different from those of the public school, the LEA, in consultation with nonpublic school officials, may design a separate program that is appropriate for the nonpublic school students. Title III services provided to nonpublic school children and educational personnel must be secular, neutral, and non-ideological.

The LEA maintains control of the federal funds used to provide services to nonpublic schools. It also maintains title to materials, equipment, and property purchased with those funds. LEAs may allow the private schools to keep the items from year to year, in accordance with approved activities specified in the agreement between the two entities.

**Staffing**
Teachers providing Title III services to private school students, whether LEA employees or third- party contract employees of the LEA, are subject to the requirement that they must be fluent in English and any other language used for instruction. Fluency must be both in literacy and oral communication.[3] The LEA must follow state law in determining the applicable state licensure and certification requirements for its employees and contractors.

**Funding Application**
After timely and meaningful consultation with nonpublic school, the LEA will describe the Title III programs it plans to implement within the Consolidated funding application in the CCIP system. The Consolidated application is completed during the summer months each year in preparation for the new state fiscal year. Title III equitable service amounts must be used for at least one of the three required activities: improving instruction, family engagement, or professional development. Funds must be used for allowable, non-secular activities. LEAs are required to complete the electronic Consultation Guide in NPDS and complete the required nonpublic questions on the Title III Budget Details page.

**Title III Consortia**
School districts and community schools with Title III English learner allocations of less than $10,000 must join or form a consortium to participate in the Title III grant program. A school district or community school may join with other districts and community schools to form a consortium of local educational agencies to receive Title III formula funds. Under this arrangement, the sum of all members' Title III English learner allocations must be greater than or equal to $10,000. In a Title III consortium, one of the local educational agencies must agree to serve as the lead or fiscal agent of the consortium. The lead local educational agency is the sole grantee and administers the subgrants on behalf of all consortium members. Any nonpublic equitable service obligation generated by a nonpublic school whose resident LEA is served by the consortia must receive its Title III services through the consortium. Equitable service amounts for nonpublic schools in the consortium may be found here.

**Resources**
ODE Lau Resource Center for English Learners
Title III Language Instruction
Legal Obligations to Ensure EL Students Can Participate
USED Office of English Language Acquisition English Learner Toolkit

[3] U.S. Code § 6826