Private School Guidance –Title I, Part A Program

Guidance in this document is based on the following resources:

- *Title I Services to Eligible Private School Children Non-Regulatory Guidance – http://www.ed.gov/programs/titleiparta/psguidance.doc*
- *Ensuring Equitable Services to Private School Children A Title I Resource Tool Kit –* http://www2.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf
- *Title I Statute – Elementary and Secondary Education Act of 1965, Title I, Part A, as amended by the No Child Left Behind Act of 2001 Public Law 107-110, Section 1120*
- *Title I Regulations EDGAR 34 CFR Part 200.62-200.67*

INTRODUCTION

The Title I program provides supplemental educational services so that all children have a fair, equal, and significant opportunity to obtain a high-quality education. Generally, to qualify for assistance under Title I, a student must reside within the attendance area of a participating public school located in a low-income area and be failing, or at risk of failing, to meet student academic achievement standards.

Under Title I, local educational agencies (LEAs) are required to provide services for eligible private school students, as well as eligible public school students. In particular, §1120 of Title I, Part A of the Elementary and Secondary Education Act (ESEA), as amended by the No Child Left Behind Act (NCLB), requires a participating LEA to provide eligible children attending private elementary and secondary schools, their Title I teachers, and their families with Title I services or other benefits that are equitable to those provided to eligible public school children, their Title I teachers, and their families.

CONSULTATION

The Title I services for private school students must be developed in consultation with officials of the private schools. NCLB strengthened these requirements by, among other things, requiring meetings with private school officials and a written affirmation signed by private school officials that the required consultation has occurred. (The requirements for consultation are in §1120(b) of the Title I statute and §200.63 of the Title I regulations.)

What is consultation?

Consultation involves discussions between public and private school officials on key issues that affect the ability of eligible private school students to participate equitably in Title I programs. Effective consultation provides a genuine opportunity for all parties to express their views and to have those views considered. Successful consultation establishes positive and productive working relationships that make planning easier and ensure that the Title I services provided meet the needs of eligible students.

A unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation. Only after discussing key issues relating to the provision of Title I services should the LEA make its final decisions with respect to the Title I services to be provided to eligible private school children, their Title I teachers, and their families.

How do LEAs begin the consultation process?

Federal guidance indicates that annually an LEA must contact officials of private schools with children who reside in the LEA regardless of whether the private school they attend is located in the LEA. One way to accomplish this is for the LEA to extend an invitation to officials of the private schools and convene a meeting with them at which LEA officials explain the intent of Title I and the roles of public and private school officials and provide opportunities for the private school officials to ask questions. It is not adequate consultation merely to send a letter to officials of the private schools explaining the intent of Title I.

Note: Iowa practice has often been for the district which includes the private school to contact the private school regarding eligible students who may reside in another public district.

When does an LEA consult with private school officials?

Consultation by an LEA must include meetings between the LEA and appropriate private school officials and must occur <u>before</u> the LEA makes any decision that affects the opportunity for eligible private school children, their teachers, and their families to participate in Title I programs. For example, if the LEA signs teacher contracts or orders supplies and equipment for the Title I program in the spring, the LEA must consult with the appropriate private school officials before signing those teacher contracts with Title I teachers or ordering supplies and equipment to provide Title I services for private school students.

Who participates in the consultation process?

Consultation includes appropriate public school officials and representatives of private schools and their central administrative offices, if appropriate. Private school officials can facilitate consultation by informing the LEA of which private school officials should be included in the consultation process and their roles and authority.

How long does consultation continue?

An LEA must meet with appropriate private school officials throughout the implementation and assessment of Title I services. This consultation must include early discussions to prepare for the next school year so that there is a timely start of the Title I program at the beginning of each school year, and throughout its implementation and assessment of services.

What are the regulatory requirements for consultation?

Under §200.63 of the Title I regulations consultation must, at a minimum, address the following issues:

- How the LEA will identify the needs of eligible private school children.
- What services the LEA will offer to eligible private school children.
- How and when the LEA will make decisions about the delivery of services.
- How, where, and by whom the LEA will provide services to eligible private school children.
- How the LEA will assess academically the services to private school children in accordance with §200.10 of the Title I regulations, and how the LEA will use the results of that assessment to improve Title I services.
- The size and scope of the equitable services that the LEA will provide to eligible private school children and, consistent with §200.64 of the Title I regulations, the proportion of its Title I funds that the LEA will allocate for these services and the amount of funds that

the LEA reserves from its Title I allocation for the purposes listed in §200.77 of the Title I regulations.

- The method, or the sources of data, that the LEA will use (under §200.78 of the Title I regulations) to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the LEA will extrapolate data if a survey is used.
- The services the LEA will provide to teachers and families of participating private school children.
- Discussion of service delivery mechanisms the LEA will use to provide services.

What records on consultation must an LEA maintain?

Each LEA must maintain and provide to the State educational agency (SEA) a written affirmation, signed by officials of each private school with participating children or appropriate representatives of the private school officials, that the required consultation has occurred. The *Statement of Agreement* screen on the revised (2012-13 school year) Iowa Title I electronic application meets this requirement.

What should an SEA do when an LEA has not provided it with written affirmations from private school officials?

When an LEA has not obtained a written affirmation signed by private school officials, an SEA may request that the LEA provide a reason for the lack of affirmation. In some cases, the reason may be that the private school officials did not want Title I services. However, if the reason is that there is a disagreement between the LEA and private school officials, the SEA may facilitate resolution of their differences.

Do private school officials have the right to complain?

Private school officials have the right to complain to the SEA if they believe that an LEA did not engage in timely and meaningful consultation or did not consider their views.

COMPLAINT PROCESS

Improving the consultation process and opening the lines of communication should result in Title I programs that are designed to better meet the needs of the private school participants. Effective and ongoing consultation may deter formal complaints to the state education agency (SEA) by private school officials; however, private school officials have the right to complain to the SEA if they do not believe their eligible children, teachers, or families are receiving equitable services. Updated information about the complaint process will be found outlined in the *2012-13 Title I Reference Manual* and on the Title I, Part A page of the Iowa Department of Education web site.

If the private school official does not believe that the LEA engaged in timely and meaningful consultation, or that the LEA did not give due consideration to the views of the private school official, or disputes the low-income data on private school children, or for another reason does not believe that the private school children are receiving fair and equitable Title I services, the private school official may file a complaint with the SEA. The decision of the SEA may be appealed to the U.S. secretary of education.

Under Title I, a local education agency (LEA) is required to provide to eligible private school children, their Title I teachers, and their families Title I services or other benefits that are equitable to those provided to eligible public school children, their Title I teachers, and their families. Private school officials have recourse through the complaint process if they do not believe their eligible children, Title I teachers, or families are receiving equitable services. Aspects of the complaint process that the private school officials should know:

- A private school official has a right to complain to the state educational agency (SEA) that the LEA did not engage in a timely and meaningful consultation process or did not give due consideration to the views of the private school officials.
- Any dispute regarding the accuracy of low-income data for private school students also can be the subject of a complaint.
- The SEA is required to have complaint procedures in place as required by Sec. 34 *CFR* 299.10–12. Included in these procedures is a reasonable time by which the SEA must respond in writing to the complaint.
- No later than 30 days following the written response by the SEA, or in the event the SEA fails to resolve the complaint within a reasonable period of time, the private school official may appeal the decision of the SEA to the secretary of the U.S. Department of Education. Such appeal must be accompanied by a copy of the SEA's written response, if available, and a complete statement of the reasons supporting the appeal.
- The secretary must complete an investigation of the complaint and resolve the appeal within 120 days after receipt of the appeal.

DETERMINING EQUITABLE SERVICES

An LEA must, after timely and meaningful consultation with appropriate private school officials, provide Title I educational services to private school children who live in participating public school attendance areas and are identified by the LEA as at risk of failing. These services must be equitable in comparison to services and benefits provided to public school participants (§1120(a) of the Title I statute).

ALLOCATIONS An LEA must allocate Title I funds to public school attendance areas, identified as eligible and selected to participate, in rank order on the basis of the total number of children from low-income families residing in each area (§1113(a) of the Title I statute and §200.78 of the regulations). The amount of Title I funds allocated to each participating public school attendance area is determined mainly on the basis of the total number of low-income students – both public and private – residing in each area. Expenditures for private school students in each area generally are determined based on the proportion of students from low-income families residing in that area who attend private school.

Funds generated by private school children from low-income families who reside in participating public school attendance areas shall be used only for instructional costs associated with providing Title I instructional services to private school children who are failing or at risk of failing and reside in participating public school attendance areas. Instructional expenses include such costs as teachers' salaries, fringe benefits, books, workbooks, computers and computer software. The number of private school children from low-income families, upon which the generation of funds is based, does not need to be the same as the number of at-risk private school children being served, nor do the private school children served need to be those who generated funds.

The LEA officials, in consultation with private school officials, may pool funds for instruction in private schools or groups of private schools, such as schools of one religious denomination. The pooled funds are used to serve those private school students most at risk, as determined in consultation, who reside in participating public school attendance areas. When funds are pooled, the most at-risk children, as determined in consultation, receive services first, regardless of the amount of funds that was generated based on the number of children from low-income families attending that private school.

ELIGIBLE CHILDREN To be eligible for Title I services, a private school child must reside in a participating public school attendance area and must meet the requirements in §1115(b) of Title I, which requires the LEA to use multiple, educationally related, objective criteria in selecting children to participate in the Title I program. Under that section, certain children may be identified as eligible solely by virtue of their status: for example, homeless children and children who in the preceding two years had participated in Head Start, Even Start, Early Reading First, a Title I preschool program, or a Title I, Part C (Migrant Education) program.

DELIVERY OF INSTRUCTIONAL SERVICES

After consultation with appropriate private school officials, the Title I services provided by the LEA for private school participants must be designed to meet their educational needs and that not only supplements but also is well coordinated with the educational services provided by the private school. The LEA is responsible for planning, designing, and implementing the Title I program and may not delegate that responsibility to the private schools or their officials. Consistent with §1115(c) of the Title I statute, the LEA provides a Title I program to private school children, employing methods and instructional strategies for improving academic achievement that have been shown to be effective through scientifically based research. The LEA must also give primary consideration to providing extended learning time and a high-quality curriculum. Title I services should complement classroom instruction, should not be a separate instructional program, and must be secular, neutral, and non-ideological.

MAINTAINING CONTROL OF THE TITLE I PROGRAM

Private school officials have no authority to obligate or receive Title I funds. The statute clearly states that the LEA must maintain control of Title I funds, materials, equipment, and property. No Title I funds may be paid to a private school.

BOOKS, MATERIALS, AND EQUIPMENT NECESSARY TO IMPLEMENT THE TITLE I PROGRAM The LEA retains title to the books, other materials, and equipment purchased with Title I funds. Materials, etc. purchased with Title I funds may be used only by Title I participants and under the direction of Title I paid staff. Each item purchased with Title I funds must be labeled “Property of _____School District.” The labels should not be either easily erased or removable.

Title I funds may only be used to meet the educational needs of participating private school children (Sec. 200.66 of the Title I regulations). The LEA may not use Title I funds for the needs of the private school or the general needs of the children in the private school. The LEA must have control of the Title I funds at all times and the LEA must have the title to materials, equipment, and property purchased with Title I.

It is important that the LEA have a method to track materials, equipment, and property purchased with Title I funds and located in the private school.

The Title I program must be conducted in space used (at the time) exclusively for Title I instructional services and the control of Title I funds and title to materials, equipment, and property purchased with Title I funds must be with the LEA. Title I equipment and materials may only be used by Title I eligible students and under the direction of Title I paid staff.

PARENTAL INVOLVEMENT

A proportional share of the LEA's allocation for parental involvement activities funds must be made available for parental involvement activities that benefit the families of private school Title I participants.

Title I places considerable emphasis on parental involvement. Section 1118 of the Title I statute contains many provisions concerning an LEA's responsibilities for carrying out parental involvement activities. Research shows that parent involvement in the education of their children is a critical factor in improving academic achievement. If students are to attain and maintain grade-level proficiency and achieve high academic standards, parents must support their children's learning.

Parent or family involvement is more than just surveying parents or bringing them together for a meeting to listen—they also must be given opportunities for meaningful participation and active involvement. Parent involvement activities must be designed and implemented to meet the needs of the parents of Title I participants—not the needs of either the LEA or the private school. Parents of Title I participants should receive training and materials to help them work with their children to improve their children's achievement. These activities can be independent or provided through the LEA.

The district should have on file the background information for this budget detail expenditure, but would not be required to include this on the electronic application itself. For example:

Parental Involvement Reservation under Section 1118 of ESEA

In **participating** public school attendance areas:

No. of private school children from low-income families		Total no. of children from low-income families		Proportion of Reservation
_____	divided by	_____	equals	_____
Proportion of Reservation		Reservation		for Equitable Services
_____	multiplied by	$_____	equals	$_____

PROFESSIONAL DEVELOPMENT

Professional development is another major emphasis in Title I. When an LEA reserves funds from its total Title I allocation for carrying out Title I professional development activities, the LEA must provide equitable services to teachers of private school participants from this reservation and any other reservation for professional development not associated with districts or schools

in improvement (under Sec. 1119). As required under Sec. 200.65 of the Title I regulations, LEA officials determine the amount of these equitable services based on the reserved funds in proportion to the number of private school children from low-income families residing in participating public school attendance areas.

Professional development activities should enrich teacher knowledge and provide opportunities for both the Title I teachers and private school teachers of Title I participants to increase their skills and knowledge regarding providing instruction to Title I children. Activities must be secular, neutral, and non-ideological. All decisions regarding professional development activities for private school teachers of Title I participants are made through timely and meaningful consultation. The final decision is the responsibility of the LEA officials. LEA and private school officials should be aware that some professional development activities allowed under Title II, Part A of ESEA are not allowed under Title I.

STANDARDS, ASSESSMENT AND PROGRAM MODIFICATION

An LEA must annually assess the progress of the Title I program toward enabling private school Title I participants to meet the agreed-upon challenging academic standards and how the results of that assessment will be used to improve services. The LEA may use the State's assessment system (under §1111(b)(3) of Title I) or other assessment measures that more accurately reflect the progress of the private school participating students toward meeting the standards that the LEA, in consultation with private school officials, has determined is appropriate. The LEA officials have the authority to make the final decision on what assessments will be used. An appropriate assessment may be the one already in use at the private school.

The Title I program also must be assessed. The assessment should evaluate the effectiveness of the program against the agreed-upon standards, as discussed in consultation, so that the public and private school officials can determine if the needs of the private school participants have been met, gaps in knowledge have been closed, and achievement in the regular private school classroom has improved. This information also should be used to plan an effective Title I program for the next school year. It should be noted that the LEA officials, after consultation with private school officials, determine the standards and assessments for the Title I program provided to private school children.

Every year the LEA and private school officials must consult on what constitutes annual progress for the Title I program. In measuring annual progress, the LEA has the flexibility to group children in a manner that will provide the most accurate information about their progress. For example, the LEA may decide to group children by instructional method, grade level, school, or other appropriate basis. If the Title I program for the private school participants does not make the expected annual progress, the LEA must annually make modifications to the Title I program. While LEAs are required to assess progress of Title I students annually, they should also consult with private school officials/teachers regularly about the progress the Title I private school participants are making in their regular classrooms, and make modifications more often, if needed. In addition, the assessment data will assist the public and private school officials in determining the professional development needs of the private school teachers who teach participating Title I participants and determining the most appropriate activities for their parents.