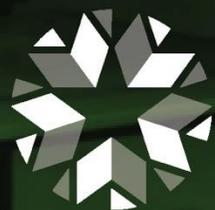




# NONPUBLIC SCHOOLS HANDBOOK



**OKLAHOMA**  
**Education**



## Table of Contents

INTRODUCTION	3
CHAPTER 1: Provision of Equitable Services	3
CHAPTER 2: Consultation and Planning	6
2.1 Timeline for LEA Consultation with Eligible Nonpublic School Officials	7
CHAPTER 3: Determining Allocations	8
CHAPTER 4: Eligible Activities	10
4.1 Allowable Expenditures	11
CHAPTER 5: Program Implementation	13
5.1 LEA Responsibilities	13
CHAPTER 6: Frequently Asked Questions	14
RESOURCES	19
APPENDICES	20
Appendix A: Nonpublic School Formal Complaint Form	20
Appendix B: Nonpublic School Programs and Services Evaluation Form	22

## INTRODUCTION

Under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), there are a number of programs that require the equitable participation of private school students, teachers, principals and other school leaders. The ESSA requires LEAs to provide services to private school students, teachers, principals and other school leaders that are equitable to those provided to students, teachers, principals and other school leaders in the LEA.

Participating programs include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged
- Title I, Part C - Education of Migratory Children
- Title II, Part A - Supporting Effective Instruction
- Title III, Part A - English Language Acquisition and Language Enhancement
- Title IV, Part A - Student Support and Academic Enrichment Grant
- Title IV, Part B - 21st Century Community Learning Centers

## CHAPTER 1: Provision of Equitable Services

*ESSA Sec. 8501; Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance 2019, Title VIII Fiscal Changes (2016)); ESSA Secs. 1117(a)(3)(B)*

### **Nonpublic School Eligibility for Participation in Equitable Services**

Elementary and secondary nonpublic schools, including those in religiously affiliated schools, with non-profit status are eligible to participate in many ESSA programs.

### **Title I, Part A - Improving Basic Programs Operated by State and Local Education Agencies**

The LEA may request documentation, as needed, from nonpublic school officials that enables the LEA to provide Title I services. Acceptable forms of documentation include information to identify nonpublic school students who generate funds for equitable services and identify students who are eligible for Title I equitable services. Nonpublic school officials would need to provide information for achievement of eligible nonpublic school students to determine their need for Title I services and, in consultation with nonpublic school officials, what services would be provided. Nonpublic school officials may also need to identify eligible student who reside in an LEA different from the one in which the nonpublic school is located and alert the relevant LEA of the students' eligibility. Nonpublic school Title I allocation amounts are determined by calculating the total nonpublic and public students attending school within the district.

In general, to ensure equitable services are provided in a timely manner, an LEA must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated. [ESSA Sections 1117(a)(4)(B) and 8501(a)(4)(B)].

There may be extenuating circumstances, however, in which an LEA is unable to obligate all funds within this time frame in a responsible manner. Under these extenuating circumstances, the funds may remain available for the provision of equitable services under the respective program(s) during the subsequent school year. In determining how such carryover funds will be used, the LEA must consult with appropriate nonpublic school officials. [ESEA Sections 1117(b) and 8501(c)].

If there are no extenuating circumstances, carryover would go to the Nonpublic School share of funds. In the case that there is an extenuating circumstance, the carryover would go back to the Nonpublic School in which the carryover initially came from.

### **Title I, Part C – Education of Migratory Children**

Students who attend nonpublic school are eligible to receive MEP services if they: 1) meet the statutory and regulatory definition of a migrant child; 2) meet the priority for services criteria in Sec. 1304(d); and 3) have unique needs of migratory children identified through the State’s comprehensive needs assessment and service delivery plan.

### **Title II, Part A – Supporting Effective Instruction**

Title II allocation is based on the total number of students within the district attendance area. The total student count will include public and nonpublic school students.

In general, to ensure equitable services are provided in a timely manner, an LEA must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated. [ESSA Sections 1117(a)(4)(B) and 8501(a)(4)(B)].

There may be extenuating circumstances in which the LEA is unable to obligate all funds within the timeframe. Under these circumstances, funds may remain available for the provision of equitable services under the respective program during the subsequent school year.

If there are no extenuating circumstances, carryover will go to the LEA share of funds. In the case that there is an extenuating circumstance, the carryover would go back to the Nonpublic School in which the carryover initially came from.

### **Title III, Part A – English Language Acquisition, Language Enhancement and Academic Achievement**

Title III district allocation is based on the number of students who qualify as English Language Learners based on a language assessment. Title III allocation is determined based on the number of ELL students reported by the nonpublic school and verified by the public school on the Equitable Services packet, which is submitted to the Office of Federal Programs.

In general, to ensure equitable services are provided in a timely manner, an LEA must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated. [ESSA Sections 1117(a)(4)(B) and 8501(a)(4)(B)].

There may be extenuating circumstances in which the LEA is unable to obligate all funds within the timeframe. Under these circumstances, funds may remain available for the provision of equitable services under the respective program during the subsequent school year.

If there are no extenuating circumstances, carryover will go to the LEA share of funds. In the case that there is an extenuating circumstance, the carryover would go back to the Nonpublic School in which the carryover initially came from.

#### **Title IV, Part A – Student Support and Academic Enrichment**

The Office of Federal Programs calculates the Title IV allocation by the number of total students served within the district boundaries. This will include the public school student count and the nonpublic school student count. The per-pupil amount is then allocated to the sites. Nonpublic schools are not obligated to use funds in all three content areas regardless of the Title IV allocation amount that is allotted.

Nonpublic Schools are not required to complete a needs assessment or specific allocations for safe and healthy students or well-rounded education, however, the 15 percent technology spending cap still applies.

In general, to ensure equitable services are provided in a timely manner, an LEA must obligate the funds allocated for equitable services under all applicable programs in the year for which they are appropriated. [ESSA Sections 1117(a)(4)(B) and 8501(a)(4)(B)].

There may be extenuating circumstances in which the LEA is unable to obligate all funds within the timeframe. Under these circumstances, funds may remain available for the provision of equitable services under the respective program during the subsequent school year.

If there are no extenuating circumstances, carryover will go to the LEA share of funds. In the case that there is an extenuating circumstance, the carryover would go back to the Nonpublic school in which the carryover initially came from.

## **Title IV, Part B – 21<sup>st</sup> Century Community Learning Centers**

Equitable participation of nonpublic school students applies to eligible students who attend nonpublic schools that reside within the district attendance area of the targeted school identified by the eligible organization submitting a grant application. The purpose of the 21st CCLC program is to assist and support students academically by providing them with academic enrichment activities and a broad array of other activities during non-school hours or periods when school is not in session.

## **CHAPTER 2: Consultation and Planning**

*ESSA Sec. 8501(c); ESSA 1117(b)(3); EDGAR 76.652*

### **Federal Programs Consultation**

As part of the Consolidated LEA Improvement Plan (CLIP) submission process, LEA superintendents sign off on assurances affirming that they will comply with ESSA Sec. 8501, participation of nonpublic schools requirement.

To ensure timely and meaningful consultation, an LEA must consult with appropriate nonpublic school officials during the design and development of the proposed programs. Meaningful consultation provides ample time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible nonpublic school students, teachers, and other education personnel, and families. It is important that attention be given to the timing of the consultation so that decisions that affect the opportunities of eligible nonpublic schools to participate in Federal Programs are made only after discussions have taken place. The quality of the consultative process will likely have an effect on the quality of services to nonpublic school. Consultation shall continue throughout the implementation and assessment of activities.

### **Examples of Topics to Discuss During Consultation:**

- 1) How the children's needs will be identified;
- 2) What services will be offered;
- 3) How, where, and by whom the services will be provided;
- 4) How the services will be assessed and how the results of the assessment will be used to improve those services;
- 5) The size and scope of the equitable services to be provided to the eligible nonpublic school children, teachers, and other educational personnel, the amount of funds available for those services;
- 6) 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 nonpublic school officials on the provision of services through potential third-party providers;
- 7) Size and scope of equitable services;
- 8) Administrative costs;

- 9) The method/sources of poverty data used; (Title I only);
- 10) Whether to provide equitable services to eligible nonpublic school children-
- a) 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 nonpublic schools; or
  - b) In the agency’s participating school attendance area who attend nonpublic schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend nonpublic schools (ESSA 8501 (c))

### 2.1. Timeline for LEA Consultation with Eligible Nonpublic School Officials

Month(s)	LEA Activity
<b>August-September</b>	<ul style="list-style-type: none"> <li>• LEA will begin services and programs at the participating Nonpublic Schools</li> <li>• Consultation with nonpublic officials regarding the programs and service implementation</li> <li>• LEA will continue technical assistance as needed</li> </ul>
<b>October</b>	<ul style="list-style-type: none"> <li>• Continue consultation with Nonpublic School(s) regarding current fiscal year programs and services</li> <li>• LEA will continue technical assistance as needed</li> </ul>
<b>November-December</b>	<ul style="list-style-type: none"> <li>• Continue consultation with Nonpublic School(s) regarding current fiscal year programs and services</li> <li>• LEA should obtain a list of Nonpublic Schools within the district attendance area</li> <li>• LEA will distribute the ‘<i>Equitable Services</i>’ packet to the nonpublic schools within their district attendance area, with a deadline of early February for returning the forms</li> <li>• LEA will continue technical assistance as needed</li> </ul>
<b>January</b>	<ul style="list-style-type: none"> <li>• Continue consultation with Nonpublic School(s) regarding current fiscal year programs and services</li> <li>• LEA should conduct consultation meetings with nonpublic school officials, providing a general overview of programs that will be available to their student and teachers for the next fiscal year</li> <li>• LEA will consult with nonpublic school officials to identify students’ and teachers’ needs, discuss services and estimated funding figures, design programs, and establish priorities for the next fiscal year</li> </ul>
<b>February-March</b>	<ul style="list-style-type: none"> <li>• Continue consultation with Nonpublic School(s) regarding current fiscal year programs and services</li> <li>• LEA will submit completed ‘<i>Equitable Services</i>’ packet to the Office of Federal Programs</li> </ul>

<p><b>April-June</b></p>	<ul style="list-style-type: none"> <li>• LEA and nonpublic official will evaluate programs and services for the current fiscal year and make suggestions for modifying programs that will be implemented for the next fiscal year</li> <li>• Continue consultation with Nonpublic School(s) regarding the next fiscal year programs and services</li> <li>• LEA and nonpublic school official will complete plans for programs and services and set dates for when they will begin the next fiscal year</li> <li>• Continue consultation with Nonpublic School(s) regarding current fiscal year programs and services</li> </ul>
<p><b>July-August</b></p>	<ul style="list-style-type: none"> <li>• LEA will inform and update the nonpublic school officials about programs and services for the upcoming school year.</li> <li>• LEA will provide allocation amounts to the nonpublic school for the upcoming school year</li> <li>• Continue consultation with Nonpublic School(s) regarding the current year programs and services</li> </ul>

**CHAPTER 3: Determining Allocations**

**Determining Allocations**

Each federal program under ESSA has unique guidance for determining allocations. Allocations are calculated using formulas provided by USED and using data provided by USDE and nonpublic schools. When calculating the proportionate share of federal funding to serve nonpublic school students, their families, and teachers the SEA will base that share on the total allocation the LEA receives prior to reserving any funds for specific public school uses. The State Educational Agency (SEA) receives the federal funding and disperses it to the LEAs and informs the nonpublic school officials of the amount of funding available to serve their students, their parents and their teachers in each of the programs.

**Change to Existing Requirement: Allocating Funds for Equitable Services**

Expenditures for equitable services to eligible nonpublic school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend schools. An LEA must determine the proportionate share of Title I funds available for equitable services based on the total amount of Title I funds received by the LEA prior to any allowable expenditures or transfers of funds. (See ESEA Sec.1117(a)(4)(A).)

**Notice of Allocation**

An SEA must provide notice in a timely manner to appropriate nonpublic school officials in the State of the allocation of funds for educational services and other benefits under

each ESEA program that an LEA has determined are available for eligible nonpublic school children, teachers and other educational personnel, and families. (ESEA sections 1117(a)(4)(C) and 8501(a)(4)(C).)

### **Title I, Part A – Improving the Academic Achievement of the Disadvantaged**

Under the Elementary and Secondary Education Act of 1965 (ESEA) as amended by the Every Student Succeeds Act (ESSA) Sec. 1117(4)(A)(ii), the proportional share of Title I, Part A funds for private schools shall be determined based on the total amount of Title I, Part A funds received by the Local Educational Agency (LEA) prior to any allowable expenditures or transfers by the LEA. The steps to determine the

**Proportionate Share formula** are calculated as follows:

- The LEA determines the participating public attendance school areas of Title I schools only.
- The LEA determines the number of children from **low-income families** residing in each participating area (Title I schools) who attend public and private schools.
- The LEA determines proportion of children from low-income families residing in each participating area (Title I schools) who attends private schools.
- The LEA applies the private school proportion to the LEA's total Title I allocation to determine the equitable services proportionate shared.

### **Title II, Part A – Supporting Effective Instruction**

Title II, Part A allocations are determined on a per pupil basis. First, during consultation, LEAs and private schools determine the amount to be set aside for administrative costs in support of the LEA and private schools. The remainder of the grant is subject to per pupil. Fiscal Changes Guidance (2016) contains a sample chart outlining how allocations may be determined. In Oklahoma, Title II, Part A asks LEAs to ensure that administrative costs are reasonable and necessary to effective program implementation.

SEA population numbers account for both public and private school students and come to the state from U.S. DEPARTMENT OF EDUCATION who uses the Census Bureau Small Area Income and Poverty Estimate (SAIPE) report. Public school enrollment numbers come from the October FTE in the year of consultation prior to the provision of services and from the private school enrollment on the same date. This ensures consistent use of official data and reduces the chances that students will be duplicated in enrollment numbers provided by public and private schools.

### **Title III, Part A – Language Instruction for English Learners and Immigrant Students**

Title III, Part A allocations are determined based on the prior years reported number of identified English learners in each private school in an LEA. The private school per pupil English learner allotment is equal to the LEA's per pupil English learner allotment.

### **Title IV, Part A – Student Support and Academic Enrichment**

Sec. 8501(a)(4) of ESEA, as amended by ESSA, requires that expenditures for educational services and other benefits for eligible nonpublic school children, their

teachers, and other educational personnel serving those children, under Title IV, Part A, be equal to expenditures for the public school program, taking into account the number and educational needs of the children to be served.

#### **Title IV, Part B – 21st Century Community Learning Centers (CCLC)**

Any public or private organization is eligible to apply for a 21st CCLC sub-grant. Applicants may request funds based on need and proposed services to the target population.

## **CHAPTER 4: Eligible Activities**

*Title I, Part A Sec. XXX; Title I, Part C Sec. XXX; Title II, Part A Sec. 2103(b)(3); Title IV, Part A Sec. XXX, Title IV, Part B Sec. 4205(a); Title VIII, Sec. 8501; 34 CFR §76.52, 658*

### **Eligible Activities**

As with any activity that the LEA carries out for public schools, activities supported with ESSA funds that benefit nonpublic school teachers must meet the requirements of the statute.

Activities must benefit the specific (not general) needs of the students enrolled in the nonpublic school and not the needs of the school itself. The needs should be identified during the consultation process and monitored during ongoing consultation that coincides with implementation.

Activities - Activities should comply with the individual program requirements and meet definitions of evidence-based and professional development as outlined in Title VIII, Part A.

### **Title I, Part A – Improving the Academic Achievement of the Disadvantaged**

After timely and meaningful consultation with appropriate private school officials, the LEA must provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, and instructional services (including evaluations to determine the progress being made in meeting such students' academic needs). The activities may include: counseling, mentoring, one-on-one tutoring, or other benefits such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment that address their needs; The LEA must also ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to Sec. 1116.

Such educational services or other benefits, including materials and equipment, shall be secular, neutral, and non-ideological. Services must benefit eligible students, their teachers, and families and not the nonpublic school (34 CFR Sec. 76.658).

### **Title I, Part C – Education of Migratory Children**

The SEA and LEA activities with the classroom teachers of eligible migrant students, or other strategies

### **Title II, Part A – Supporting Effective Instruction**

LEAs providing nonpublic school equitable services may do so in accordance with all allowable Use of Funds except class size reduction (see Fiscal Changes, 2016 P-3). Title II, Part A focuses on professional development, recruitment and retention.

### **Title III, Part A – Language Instruction for English Learners and Immigrant Students**

LEAs providing nonpublic school equitable services to English learners and/or their educators may do so in accordance with all allowable Use of Funds. Title III, Part A requires services to be in support of English learners' development of English proficiency, ESOL-related professional learning opportunities and/or school engagement with parents of English learners.

### **Title IV, Part A – Student Support and Academic Enrichment**

LEAs providing nonpublic school equitable services under Title IV, Part A must do so in accordance with all allowable use of funds. The use of funds must be to address the purpose of the Title IV, Part A Grant, which is to expand well-rounded educational opportunities for students, to promote safe and healthy students, and to support the effective use of technology to better engage students and expand their access to and use of technology as a learning tool. In applying percentage/portion requirements for the use of funds, the services provided to private schools should be considered within the whole of the LEA's overall use of funds and not applied separately to the funds used for nonpublic school services.

### **Title IV, Part B – 21st Century Community Learning Centers (CCLC)**

The purpose of the 21st CCLC program is to assist and support students academically by providing them with academic enrichment activities and a broad array of other activities during non-school hours or periods when school is not in session. 21st CCLC grantees providing nonpublic school equitable services to eligible students may do so in accordance with all allowable use of funds. Each eligible organization receiving an award may use the funds to carry out a broad array of before- and after-school, summer, weekend, and/or holiday activities that advance overall student achievement, and support student success. Equitable participation of nonpublic school students applies to eligible students who attend nonpublic schools that reside within the attendance area of the targeted school identified by the eligible organization submitting a grant application.

## **4.1 Allowable Expenditures**

### **Examples of Title I, Part A Allowable Program Expenditures**

1. Materials, books, and equipment necessary to implement Title I programs;
2. Tutoring services (for eligible students);

3. Summer school programs;
4. Saturday school programs;
5. Computer-assisted instruction programs;
6. Computers and software products;
7. Family literacy programs;
8. Activities and materials to provide parents with strategies and techniques for improving student education;
9. Professional development for teachers;
10. Stipends for teachers attending professional development outside of their contracted school year.

### **Examples of Title II, Part A Allowable Program Expenditures**

1. Professional Development activities may include the following:
  - a. Improvement of the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods and instructions;
  - b. Training in effectively integrating technology into curricula and instruction;
  - c. Training teaching methods for students with different needs, including students with disabilities or limited English proficiency, gifted talented students, etc.;
  - d. Training in methods of improving student behavior, identifying early intervention, and involving parents more efficiently in children's education;
  - e. Training in the use of data and assessments to improve instruction and students outcomes;
  - f. Leadership development and management training to improve the quality of principals and superintendents;
  - g. Title II funds may also be used to pay stipends for nonpublic school teachers, according to the LEA compensation policy (stipends must be paid directly to the nonpublic school teachers, and not to the nonpublic school). Stipends may only be used to compensate teachers outside of their contracted hours.
  - h. Faith Based Conferences - in order to use federal funds to pay for faith based conferences, the conference must be part of a sustained and comprehensive secular professional development plan for the teacher and/or participant(s). Funds may be used to pay for the portion of the costs of the conference that, as determined by the school district, represents the secular professional development and meet specific federal requirements.
2. Allowable Staff:
  - a. Core curriculum teachers
  - b. Fine Arts, Foreign Language, Technology teachers
  - c. Assistant Principals
  - d. Principals
  - e. Superintendent
  - f. Nonpublic School Headmasters

### **Examples of Title II, Part A Allowable Program Expenditures**

3. Allowable Activities/Programs/Services:
  - a. Certification tests
  - b. College courses
  - c. Conferences
  - d. Consultants/Instructional coaches
  - e. PD software (license must be within the fiscal year)
  - f. Leadership development

### **Examples of Title III, Part A Allowable Program Expenditures**

1. Tutoring services for EL students (before, during, or after school);
2. LEP student summer school participation;
3. LEP student participation in weekend programs;
4. Supplemental instructional materials and supplies;
5. Technology is allowable with Title III funds (only for LEP student instructional use);
6. Participation in professional development to meet the needs of the nonpublic school instructional teachers and administrators;
7. Stipends paid to nonpublic school teachers attending professional development outside of contracted hours.

### **Examples of Title IV, Part A Allowable Program Expenditures**

1. Consultants, or contracted individuals;
2. Behavioral interventionists to support the social, economic, academic and behavioral needs of students;
3. Student identification badges;
4. Mental health professionals;
5. Professional development related to suicide prevention, trauma, human trafficking, violence, abuse, etc.;
6. New resource officer to foster safe, drug-free environments that support student academic achievement.

## **CHAPTER 5: Program Implementation**

Title VIII, Sec. 8501; Title I, Part A Providing Equitable Services to Eligible Private School Children, Teachers, and Families, Updated Non-Regulatory Guidance 2019; Title IX, Part E Uniform Provisions (2009), Fiscal Changes (2016)

## 5.1 LEA Responsibilities

- LEAs providing equitable services retains control of the funds used to provide equitable services. In addition, they must be provided either by an employee of the LEA or by third-party contract.
- The control of funds and title to materials, equipment, and property purchased with such funds, shall be in a public agency (LEA) and a public agency (LEA) shall administer such funds, materials, equipment, and property.
- The LEA is required to remove any equipment and supplies purchased for the equitable services at the nonpublic school, if the LEA no longer needs these items to provide services (34 CFR 66.661).
- All employment, contracts, and services shall be under the control and supervision of the LEA.  
LEAs are not allowed to reimburse the nonpublic schools. The LEA may only obligate and expend federal funds on behalf of nonpublic schools.
- The LEA must purchase materials or procure services on behalf of the nonpublic school.
- LEAs may use federal funds to reimburse an individual nonpublic school teacher or principal for professional development that the LEA has pre-approved and that meets the reasonable and necessary cost principles of 2 CFR Part 200 and is in compliance with the program statute.
- LEAs must not reimburse for unallowable activities. Educational services or other benefits including materials and equipment shall be secular, neutral and ideological. In some scenarios private schools and LEAs may determine that the proration of costs is necessary to meet this requirement.

## CHAPTER 6: Frequently Asked Questions

### 6.1 Q: How do I register my nonpublic school with the Oklahoma State Department of Education?

**A:** In order to register with the Oklahoma State Department of Education and to obtain a 'Nonpublic School County Code', the nonpublic school would need to contact the Ombudsman in the Office of Federal Programs. The Ombudsman will collect information and submit the request for registration and the nonpublic school county code. Once a nonpublic school county code has been assigned and the nonpublic school is registered, the Ombudsman will contact the nonpublic school and provide the nonpublic school county code.

## **6.2 Q: What program(s) can nonpublic schools participate in?**

**A:** The nonpublic school has the opportunity to participate in the following programs through the Office of Federal Program:

- a. Title I, Part A - Improving the Academic Achievement of the Disadvantaged
- b. Title I, Part C - Education of Migratory Children
- c. Title II, Part A – Preparing, Training and Recruiting High-Quality Teachers, Principals and Other School Leaders
- d. Title III, Part A – Language Instruction for English Learner and Immigrant Students
- e. Title IV, Part A – Student Support and Academic Enrichment
- f. Title IV, Part B – 21<sup>st</sup> Century Community Learning Centers

## **6.3 Q: What is consultation?**

**A:** Consultation between LEAs and nonpublic school officials should be timely, meaningful and continue throughout the school year. Open discussion should be conducted between the LEA and the nonpublic school official involving key issues that affect the ability of eligible nonpublic school students to participate in receiving equitable services. Successful consultation should establish a positive and productive working relationship and ensure that services are provided to nonpublic school students effectively and meets the needs of the students and teachers. Final decisions should be made by the LEA after discussing key issues relating to the provision of services.

Nonpublic School officials should provide the LEA with list of addresses and grades of low-income families (if participating in Title I), program ideas and suggestions, etc.

It is the responsibility of the LEA to reach out to nonpublic school officials and initiate the consultation process.

## **6.4 Q: What process should be used to identify eligible ELL students in nonpublic schools?**

**A:** The Oklahoma State Department of Education (OSDE) recommends that nonpublic schools make an agreement with the LEA to use procedures similar to those used by public schools to identify nonpublic school students eligible for Title III services. The LEA is responsible for the oversight and costs of initial identification.

The process is as follows: The nonpublic school should identify those pupils being considered for participation in the Title III program and administer a Home Language Survey (HLS) that is to be completed by the parent or guardian of selected private school students. Nonpublic schools should use the same version of the HLS used by the LEA. If a language other than English is indicated on the

HLS, the LEA is required to administer an initial, approved language assessment (the Kindergarten W-APT or Kindergarten MODEL Placement Test) to those students.

Nonpublic schools may wish to further assess identified ELL students in their primary language to diagnose needs and determine the best strategies to assist students in furthering their English language proficiency.

**6.5 Q: Are immigrant students in nonpublic school students eligible to receive Title III Immigrant programs, services and products?**

**A:** Yes, when meaningful and timely consultation has occurred between the LEA and the eligible nonpublic school, immigrant students in the nonpublic school may receive Title III immigrant programs and services. Nonpublic schools may not receive Title III funds directly.

**6.6 Q: How are LEAs held accountable for meaningful and timely consultation with nonpublic schools that request to participate in Title III programs and services?**

**A:** As a part of the Consolidated Monitoring process, LEAs must provide evidence that they have met the legal requirements of ESEA, Part E, Subpart 1, Section 9501 (c) [1-4]. Evidence must demonstrate that personnel representing the LEA have engaged in timely and meaningful consultation with nonpublic school officials in their geographic area and have offered to assist the schools with the identification of ELLs and the provision of services to eligible students, teachers, and families of ELLs.

**6.7 Q: Must nonpublic school ELL students be assessed annually?**

**A:** Yes. English proficiency of private school ELL students must be assessed annually to determine their continued eligibility for Title III services.

**6.8 Q: Must a Title III program design be the same for both public and nonpublic schools?**

**A:** No. If the needs of the nonpublic school are different from those of the public school, the LEA, in consultation with nonpublic school officials, must develop a separate program design that is appropriate for the nonpublic school students. Consultation and coordination between LEA and nonpublic 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 standards as all students.

**6.9 Q: Is the LEA responsible for the transportation of nonpublic school students to be served at another site in order to be served with equitable services?**

**A:** If the nonpublic school student(s) is eligible to receive services, and requires transportation from their nonpublic school to another site in order to receive these services, the LEA is responsible for providing services.

**6.10 Q: How are Title I students at the nonpublic school identified?**

**A:** In consultation with the nonpublic school officials, the LEA will identify multiple, educationally related, objective criteria for identifying eligible nonpublic Title I students.

The following are options that the LEA may choose to utilize in order to identify Title I students (the LEA has the final authority to decide which option the LEA will use to calculate the number of Title I students attending nonpublic schools):

1. Using the same measure of poverty used to count public school students;
2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable;
3. Using comparable poverty data from a different source;
4. Using proportionality;
5. Using an equated measure.

An LEA may use more than one method in order to collect poverty data on children in different nonpublic schools.

**6.11 Q: When a Title I eligible nonpublic school student(s) resides in a Title I attendance area of one LEA, but attends nonpublic school in the district attendance area of another LEA, which LEA is responsible for serving the student(s)?**

**A:** The LEA in which the student(s) resides is responsible for providing services to the student(s). The LEA in which the student(s) resides may arrange to have services provided by the LEA in which the nonpublic school is located and reimburse that LEA for costs.

**6.12 Q: Must teachers and paraprofessionals hired by an LEA to deliver Title I services at nonpublic schools meet any qualification requirements?**

**A:** Yes. ESEA requires that teachers and paraprofessionals working in Title I programs meet the applicable certification and licensure requirements.

**6.13 Q: May additional Title I funds be used for parental engagement if the 1% set aside is insufficient?**

**A:** An LEA must ensure that the parents of eligible nonpublic school students participate, on an equitable basis, in services and activities developed pursuant ESEA.

An LEA may utilize more than the designated 1% required to be set aside for parent and family engagement activities.

**6.14 Q: When an LEA elects not to serve an eligible public school attendance area, what are the procedures for serving the nonpublic school students who reside in that attendance area?**

**A:** An LEA may elect to not serve an eligible public school attendance area. The LEA must determine which school attendance areas would have received Title I funds, include students from low-income families who reside in these attendance areas and attend nonpublic school in calculating the proportional share under ESEA section 1117(a)(4)(A). From the proportional share, the LEA will then determine the amount of these funds that are available for nonpublic school students residing in not served attendance areas. If the LEA does not serve one or more higher-ranked school attendance areas, enabling the LEA to use Title I funds to serve a public school with lower poverty percentage than the school that is not served, ESEA section 1117(b)(1)(E) requires an LEA to consult with nonpublic school officials about whether eligible nonpublic school children residing in the additional served attendance area will receive services.

**6.15 Q: If an LEA receives more than a \$30,000 Title IV, Part A allocation, is the nonpublic school required to use a certain percentage of funds for each of the three content areas as well?**

**A:** No. The nonpublic school(s) may choose to use their funds for one (or more) of the three content areas.

The three content areas being; well-rounded education, supporting safe and healthy students, and supporting effective use of technology.

No more than 15% of funds for activities to support the effective use of technology may be used 'for purchasing technology infrastructure as described in subsection (a)(2)(B), which includes technology infrastructure purchased for activities under subsection (a)(4)(A)'. The 15% limitation on technology infrastructure applies to the total amount of funds that the LEA uses for the effective use of technology content area, inclusive of funds used in that area for both public and nonpublic school students.

## 6.16 Q: Can the nonpublic school file a complaint with the Oklahoma State Department of Education?

**A:** A nonpublic school official has the right to file a complaint with the OSDE when the official deems that the LEA has not engaged in consultation in a timely and meaningful manner, the LEA has not given due consideration to the views of the nonpublic school, or the decision made by the LEA does not treat nonpublic students equitably.

### **The following items must be included with the formal written complaint:**

- A statement that an SEA or LEA has violated a requirement of a Federal statute or regulation that applies to a program requiring equitable participation;
  - The facts on which the statement is based and the specific statutory or regulatory requirement allegedly violated; and
  - The signature of the complainant.
- 34 CFR §299.12

## RESOURCES

- [Updated Non-Regulatory Guidance: Providing Equitable Services to Eligible Private School Children, Teachers, and Families. 2019](#)
- [U.S. Department of Education, Office of Non-Public Education](#)
- [Office of Non-Public Education: Frequently Asked Questions. August 2019](#)
- [State Regulation of Private Schools](#)
- <https://sde.ok.gov/nonpublic-schools>
- [Private School Search](#)

## APPENDICES

### APPENDIX A: Nonpublic School Formal Complaint Form

[District Name] Nonpublic Formal Complaint Form

Name of Nonpublic School Complainant:	
Nonpublic School Name:	
Street Address:	
City/State/Zip:	
Nonpublic School Phone Number:	
Nonpublic School Email:	

Please describe the problem. (If more space is needed, please use additional paper.)

SAMPLE

Please describe the solution or the action you feel would resolve this problem. (If more space is needed, please use additional paper.)

<h1>SAMPLE</h1>
-----------------

Are you willing to participate in the mediation process to try and resolve your concerns?
<input type="checkbox"/> YES <input type="checkbox"/> NO
Signature of Nonpublic Complainant: _____ Date: _____

This form must be signed and submitted to the [District Name] Public Schools.
[District Name] [District Address] [District Phone]
Signature of Nonpublic Complainant: _____ Date: _____

**APPENDIX B: Nonpublic School Programs and Services Evaluation Form**  
**Programs and Services**

Program	Area of Need (Circle One)	Description of Program/Services/Activity	Where and By Whom Will The Services Be Offered?	How the Program/Service/ Activity will Contribute To Improving Student Academic Achievement
Title I, Part A	Academic			
	Professional Development			
	Parental Involvement			
Title I, Part C	Academic			
	Professional Development			
	Parental Involvement			

SAMPLE

Program	Area of Need (Circle One)	Description of Program/Services/Activity	Where and By Whom Will The Services Be Offered?	How the Program/Service/ Activity will Contribute To Improving Student Academic Achievement
Title II, Part A	Academic			
	Professional Development			
	Parental Involvement			
Title III, Part A	Academic			
	Professional Development			
	Parental Involvement			

SAMPLE

Program	Area of Need (Circle One)	Description of Program/Services/Activity	Where and By Whom Will The Services Be Offered?	How the Program/Service/ Activity will Contribute To Improving Student Academic Achievement
Title IV, Part A	Academic			
	Professional Development			
	Parental Involvement			
Title IV, Part B	Academic			
	Professional Development			
	Parental Involvement			

SAMPLE

**LEA signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

**Nonpublic School Official signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

