

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. The LEA may also use the pooled funds to provide professional development for classroom teachers of Title I participants or parental involvement activities in lieu of direct instruction. Whatever the program, services need to begin within a reasonable timeframe to that of the public school services so as not to be denying service.

Question #2: Indirect Cost/Administrative Costs

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

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 (off the top) before the LEA determines the allocation for services and benefits for public and nonpublic school students and teachers. No costs are charged to the nonpublic school. The program is run by the LEA.

Question #3: Regulations

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 #4: 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 services are 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 #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: Summer School Programs

The nonpublic school chooses not to accept Title I funding 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.

Question #7: 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.

Question #8: 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.

Question #9: 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 #10: 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 #11: 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 #12: Title IA Eligibility

What are the recommended steps in determining Title IA eligibility of private schools? What should be done first?

1. *Determine addresses that are in Title I school attendance areas;*
2. *Determine poverty; or*
3. *Determine failure status?*

Eligibility of nonpublic school students is determined by residence within the attendance area of a Title I participating school and risk of academic failure. Poverty is not a determinate of service eligibility; it is the determinate of the amount of funding used to serve the students in a nonpublic school. Therefore, the recommended first step is to determine poverty.

Question #13: 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 #14: 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, do you still have to complete the consultation process?

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 #15: 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 #16: 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 #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.