



Title III and Non-Public Schools Frequently Asked Questions (FAQs)

Updated May 2024

This resource was designed to supplement information within the *Guidance Regarding Non-Public School Participation in Title III and Requirements for English Learners* on the Indiana Department of Education’s (IDOE’s) [Equitable Services Ombudsman webpage](#). Information details the consultation process with public schools and requirements for the identification, services, and assessments for students receiving English learner (EL) services.

Number	Question	Answer
1	Who is responsible for initiating the consultation process?	<p>The local educational agency (LEA) is responsible for initiating the consultation process with the non-public school. In most cases, the LEA contacts officials of non-public schools located within its jurisdiction to begin the consultation process on key issues that are relevant to the equitable participation of non-public school students, teachers, and in some cases, parents of students within programs supported by the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).</p> <p>If consultation does not occur, non-public school officials should contact their local LEA to discuss the administration of ESEA/ESSA programs.</p>
2	When does consultation between public and non-public school officials occur?	<p>Consultation must occur before LEAs make decisions, financial or programmatic, that affect the opportunities of non-public school students, teachers, and other educational personnel to participate in programs requiring their equitable participation. (See Section 9501(c)(3) of ESEA for more information.)</p> <p>To ensure timely and meaningful consultations, LEAs should begin the consultation process early.</p> <ul style="list-style-type: none"> ● Allow time for non-public school students and teachers to participate at the start of each school year. ● Engage in timely and meaningful consultation with non-public school officials. ● Provide them with information related to the projected and/or final funding amounts for programs and services, including the process the LEA will use in preparing its grant application. ● Develop a process for determining mutual expectations for implementation and assessment of programs. <p><i>Many LEAs begin consultation for the following school year in mid- to late-winter of the school year before the year covered by the plan.</i></p>



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<p>3</p>	<p>What topics should be discussed during the consultation between public and non-public school officials?</p>	<p>Topics may include:</p> <ul style="list-style-type: none"> ● How students are identified as needing EL services, including the home language survey and WIDA Screener administration. ● Developing Individual Learning Plans (ILPs) and English language development (ELD) programming best suited for the student population; ● How, where, and by whom ELD services will be provided; ● Administering WIDA ACCESS and how results will be used to improve services; ● The size and scope of the equitable services to be provided to eligible non-public school students, teachers, and other educational personnel; ● Funding amounts available for equitable Title III services; and ● How and when the agency, consortium, or entity will make decisions about the delivery of equitable Title III services, including a thorough consideration and analysis of the views of the non-public school officials on the provision of contract services through potential third-party providers. <p>See ESEA Sections 1117 and 8501 for a general list of consultation topics.</p>
<p>4</p>	<p>Can an LEA request that non-public school officials provide relevant documentation to participate in programs?</p>	<p>Yes. LEAs may request documentation, as needed, from non-public school officials that enable the LEA to identify students who are eligible under the applicable ESEA program and the appropriate services for those students and their teachers. Documentation might include data indicating the academic needs of students, as well as the professional development needs of teachers.</p> <p>The request for documentation should not constitute an administrative barrier that is inconsistent with the LEA’s responsibility to ensure equitable participation of non-public school students and teachers.</p> <p>All non-public schools participating in the Choice Scholarship Program have agreed to submit certain data collections, including the Multilingual Learner collection in Data Exchange (which includes EL and immigrant students). This entails administering an English language proficiency placement assessment (i.e., WIDA Screener) to students based on the home language survey results and the annual WIDA ACCESS assessment to previously-identified EL students. Results of those assessments must be accurately reported to generate Title III funding for the non-public school to participate.</p> <p>Non-public schools that do not participate in the Choice Scholarship Program but wish to participate in Title III must provide assessment data</p>



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		for their EL and immigrant students to provide per-pupil funding for equitable services.
5	Should an LEA keep minutes or notes of consultation meetings?	Meeting notes and minutes are good ways of documenting that timely and meaningful consultation has occurred. Both the LEA and non-public school officials are encouraged to keep notes of consultation meetings that include information about issues addressed and decisions made. These notes may be used for later reference.
6	Should an LEA contact non-public school officials annually even if they declined ESEA benefits and services in the past?	Yes, officials should still be contacted on an annual basis . The LEA must contact non-public school officials and inquire whether the non-public schools' students and teachers will participate in the ESEA programs available to them. For an LEA's Title III application to be considered in substantially approvable form, the LEA must assure IDOE that each non-public school in its geographic area has been notified of its ability to participate in Title III. Non-public schools, including both those who are participating in the Choice Scholarship Program and those that are not, will indicate whether they wish to participate.
7	Can an LEA set deadlines for submission of requests from non-public school officials for services and materials?	Yes, LEAs may set a time limit for submission of requests for services and materials by non-public school officials. However, in conjunction with setting deadlines, the LEA must: <ul style="list-style-type: none"> ● Provide clear and sufficient notice of the deadlines; ● Identify potential consequences for not meeting the deadlines; and ● Give adequate time for non-public school officials to gather the data and respond.
8	Are LEAs required to provide the amount of funds available for services for non-public school students and teachers?	Yes. LEAs must provide non-public school officials with the amount of Title III funding available for their ELD services consistently and continuously. Failure to do so may result in a complaint being filed by the non-public school officials.
9	Which non-public school students are eligible to receive Title III	Identified ELs enrolled in non-profit, non-public elementary and secondary schools, including those in religiously affiliated schools located in the LEA, are eligible to receive services.



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	benefits?	
10	Who pays the cost for administering programs for non-public school students?	Just as an LEA pays the costs for administering programs for public school students, it pays the costs for administering programs for non-public school students. Administrative costs may be reserved from a program's total allocation (2% off the top) before the LEA determines the allocation for services and benefits for public and non-public school students and teachers. Additionally, a non-public school may wish to use its per-pupil Title III allocation to help administer or procure an English language proficiency assessment for its identified ELs.
11	Who has control of the program funds?	Under Section 8501(d) of ESEA, the LEA must always maintain control of the program funds and title to all materials, equipment, and property purchased with federal funds.
12	Can an LEA reimburse a non-public school for materials it has purchased or services it has procured to implement an ESEA program?	No. Only the LEA may obligate and expend federal funds on behalf of non-public school students and teachers. Thus, the LEA must purchase materials or procure services on behalf of the non-public school students and teachers. However, an LEA may use federal funds to reimburse an individual non-public school teacher, administrator, or other educational personnel for professional development that the LEA has pre-approved and meets the reasonable and necessary cost principles of the Office of Management and Budget (OMB) Circular A-87.
13	What options are available to LEAs for expending funds for equitable services for non-public school students and teachers?	<p>In consultation with non-public school officials, the LEA may choose one or both of the following options for expending equitable services funding for non-public school students and teachers.</p> <ol style="list-style-type: none"> 1. Individual School-by-School Option: Provide equitable services to non-public school students and teachers based on the number of identified ELs enrolled in the school per multilingual learner data collection. <ul style="list-style-type: none"> ● Example: Chapman Friends Schools has a K–12 enrollment of 15 EL students. The per-pupil allocation for services under Title III is \$114.00 in 2023-2024. Thus, the LEA has \$1,710.00 to provide services for identified ELs and teachers in the school. ● Example: St. Columba School has a K–8 enrollment of 20 students. Applying the same per-pupil allocation, the LEA has \$2,280.00 to provide services for identified ELs and



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		<p>teachers in the school.</p> <p>2. <u>Pooling Option</u>: Combine funds allocated for non-public school students and teachers for the two or more non-public schools interested in participating in this option to create a pool of funds from which the LEA provides equitable services to identified ELs in non-public schools and teachers in some or all of these schools. However, an LEA may not pool funds across multiple ESEA programs for this purpose. If the LEA pursues this option, the LEA, in consultation with non-public school officials, establishes criteria to determine how services will be allocated among the non-public school students and teachers in different schools. Under this option, the services provided to non-public school students and teachers in any particular school are not dependent on the amount of funds generated by students and teachers in that school, but rather by the amount of funds generated in total and the criteria developed for allocating services among the non-public school students and teachers.</p> <ul style="list-style-type: none"> • Example: The LEA combines the total amount of funds generated for services for students and teachers in Chapman Friends School (\$1,710.00) and St. Columba School (\$2,280.00) in consultation with the two schools. The LEA has \$3,990.00 to spend on Title III equitable services for all 35 identified ELs in the two schools. In consultation with non-public school officials, the LEA then decides how the funding will be allocated for services to meet the various needs of the students and teachers. Under this option, the services provided to students and teachers in a particular non-public school are not dependent upon the amount of funding generated for services by the students in that school.
<p>14</p>	<p>What services are offered if the needs of non-public school students and teachers are different from those of public school students and teachers?</p>	<p>The LEA offers services that meet the specific educational needs of the participating non-public school students and teachers and show reasonable promise of effectiveness. The services can be different from those provided to public school students and teachers but must be allowable services under the particular ESEA program. In addition, all services and benefits provided must be secular, neutral, and non-ideological. (See section 9501(a)(1)--(2) of ESEA).</p>



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<p>15</p>	<p>What are some service delivery mechanisms that an LEA may use to provide equitable services?</p>	<p>An LEA may provide services to non-public school students and teachers through an employee of the LEA or through a contract with a third-party provider, an individual, an education institution, or some other agency that, in the provision of those services, is under the control and supervision of the LEA and is otherwise independent of the non-public school and any religious organization. (See Section 9501(d)(2) of ESEA.) Additionally, the LEA may consult with the non-public school in order to utilize the Title III funds on quality professional development for teaching identified English learner students, language development materials such as bilingual books, and other activities allowed by Title III.</p>
<p>16</p>	<p>Does the English learner Teacher of Record (ToR) guidance apply to non-public schools?</p>	<p>English learner ToR requirements stem from policy and case law pertaining to public education; therefore, the provision of core English learner services delivered by qualified ToRs is not a requirement. However, non-public schools participating in Choice Scholarship Programs and/or receiving Title III funds do have specific obligations to English learner students, including appropriately identifying, reporting, and assessing ELs. Non-public schools that accurately report English learner populations to IDOE are also eligible for Title III equitable share and services from the public LEA.</p> <p>All non-public schools should work to effectively meet all students' language needs regardless of accreditation and Title III funding status. Non-public schools are strongly recommended to provide an effective ELD program that involves licensed, qualified English learner staff.</p>

For additional information, contact IDOE's [Office of English Learning and Migrant Education](#) or the [State Ombudsman](#).