



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

***Title III, Part A – Language Instruction for
Limited English Proficient and Immigrant Students***

*Providing for Equitable Participation of Private School
Students, Teachers and Other Educational Personnel*



Table of Contents
Title III, Part A
Technical Assistance Packet
Working with Private Schools

- Table of Contents 2
 - Title III, Part A: Providing Services to Eligible Private School Students 3-5

Appendix

- List of Stand-Alone Technical Assistance Packets for Specific Grants 7
- NCLB Benefits to Private School Students and Teachers:
 - Definition of Equitable Participation..... 8
 - Definition of Consultation 9
 - List of Programs that Require Equitable Participation 9-13
- General Information for Districts to Establish PNP Programs 14
- Suggested Consultation Timeline 15-22
- Sample Letter 23-25
- Documentation of Private School Consultation 26
- Sample Agendas for Consultation Meetings throughout the School Year 27-28
- Determining Private School Participation – Student Numbers 29-30
- Allowable District Uses of Funds for Services to Private Schools 31
- Program Assessment 32
- Determining Professional Development Worksheet 33
- Certification of Technology Equipment for Title III, Part A 34
- Certification of Instructional Materials for Title III, Part A 35

- Resources 36-40

Title III: Providing for Equitable Participation of Private School Students, Teachers and Other Educational Personnel

Services

The Title III program is designed to assure speedy acquisition of English language proficiency, assist students to achieve in the core academic subjects, and to assist students to meet State standards. It also provides immigrant students with high quality instruction to meet challenging State standards, and assists the transition of immigrant children and youth into American society.

For the purposes of determining the equitable amount of program funds to be made available for services to private school Limited English Proficient (LEP) and Immigrant children, the following procedures must be implemented:

- Send a letter to private schools in your geographic area after the beginning of the year (January or February) detailing the following:
 - The public school intends to apply for Title III next school year.
 - State the purpose of the grant.
 - Ask for a count of LEP and immigrant students in the private school. Private schools should use the same basis for identifying students as the public school For LEP students; it is a Home Language Survey (stand alone or as part of a school registration form) plus an English language proficiency measure. Immigrant student identification is described in the following manner:
 - Are aged 3 through 21;
 - Were not born in any state; and
 - Who have not been attending one or more schools in one or more states for more than 3 full academic years
- Describe the program and services that are based on approximately \$100 per student less 2% administrative costs. The actual amount varies yearly depending on the number of eligible students statewide.
- Invite private schools with eligible students to participate in the planning and development of services including professional development.
- Explain that private school Title III instructional staff must meet the same requirements as public school Title III instructional staff, but that annual student testing and accountability provisions do not apply to private schools (See Statutory and Regulatory requirements in Title III, Part A Resources).

Consultation (as per Statutory and Regulatory Requirements of the No Child Left Behind Act Title IX, Part E, Sections 9501-9506 and Education Department General Administrative Regulations (EDGAR), Part 76, Sections 76.650-76.662

After timely and meaningful consultation with appropriate private school officials, local education agencies (LEAs) receiving Title III funds must provide educational services to (LEP children and educational personnel in private schools that are located in the geographic area served by the LEA.

To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:

1. How the LEP 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 services to be provided to the private school children and educational personnel.
6. The amount of funds available for those services.
7. How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.

Documentation

Each LEA shall maintain a written affirmation signed by officials of each participating private school that the consultation required by this section has occurred.

- Document the meeting, discussion, process and the final plan which should include:

Required Documentation

Letter of invitation to plan
Documentation of private school consultation

Suggested Documentation

Minutes of meetings
Needs assessments used by private schools
Plan for delivery of service
Program evaluation process

- LEAs may request documentation, as needed, from private school officials that can help the LEA identify services that may be appropriate to the needs of private school LEP and immigrant students. However, requiring a formal

application may, depending upon its form and content, constitute an administrative barrier that is inconsistent with the LEA's responsibility to ensure equitable participation of private school teachers.

- To meet its general record-keeping responsibility, an LEA should document that: (a) representatives of private schools were informed of the availability of Title III services; (b) the needs of private and public school LEP and immigrant students were identified as part of a district-wide needs assessment; (c) private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; and (d) the LEA designed a project that would permit their equitable participation.
- The LEA also should maintain records of its efforts to resolve any complaints made by private school representatives that the LEA that should be serving their LEP and immigrant students are not doing so on an equitable basis.
- Document services: This includes instruction and tutoring of LEP and immigrant students as well as professional development activities participated in by staff. Document the purchase of instructional materials.

Allocation

Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.

Participation is considered to be equitable if the LEA (1) assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

For purposes of determining the amount of Title III funds that an LEA must make available for equitable services to private school teachers, students and other educational personnel the LEA must calculate the total LEP and immigrant enrollment of the public school and the private school. This total is divided into the LEAs Title III allocation to generate a per pupil amount (see Title III, Part A Calculation Worksheet in Title III, Part A appendix).

Resources

- Private School Participation Fact Sheet



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

Title III, Part A

Appendix



GENERAL INFORMATION

Working with Private Schools

Complete packets are available for the following funding sources:

- Title I, Part A Improving the Academic Achievement of the Disadvantaged
- Title I, Part C Migrant Education
- Title II, Part A Teacher and Principal Training and Recruiting
- Title II, Part D Enhancing Education Through Technology (ARRA Recovery Funds only)
- Title III, Part A Language Instruction for Limited English Proficient and Immigrant Students
- Title V, Part A Innovative Programs (REAP-Flex Authority for SRSA REAP districts only)

Each packet contains the following sections:

1. Overview: Services, Consultation, Documentation, Allocation and Resources
2. Appendix: (Worksheets)
3. Resources: (Legislation, Regulations, Provisions and Guidance)

THE *NO CHILD LEFT BEHIND ACT OF 2001*
BENEFITS TO PRIVATE SCHOOL STUDENTS AND TEACHERS

U.S. Department of Education
Office of Non-Public Education
August 2002

The No Child Left Behind Act of 2001

The Elementary and Secondary Education Act (ESEA), as reauthorized by the *No Child Left Behind Act of 2001*, provides benefits to private school students, teachers and other education personnel, including those in religiously affiliated schools. These services are considered to be assistance to students and teachers and not to private schools. The reauthorized ESEA requires the equitable participation of private school students, teachers and other education personnel in some of its major programs. Following are explanations of some of the law's provisions and brief summaries of relevant ESEA programs.

What does *equitable participation* by private school students and teachers mean?

The participation of private school students, teachers and other education personnel in the ESEA programs providing services to this population is governed by the Uniform Provisions in Title IX of ESEA, sections 9501-9504. Three of these programs contain their own provisions for the equitable participation of private school students and teachers, which differ, in some respects, from the Uniform Provisions. These are: Title I, Part A, Improving the Academic Achievement of the Disadvantaged; Title V, Part A, Innovative Programs (available for SRSA REAP schools only); and Title V, Part D, Subpart 6, Gifted and Talented Students.

Under the Uniform Provisions, local education agencies (LEAs) or other entities receiving federal financial assistance are required to provide services to eligible private school children, teachers and other personnel consistent with the number of eligible children enrolled in private elementary and secondary schools in the LEA, or in the geographic area served by another entity receiving federal financial assistance. These services and other benefits must be comparable to the services and other benefits provided to public school children and teachers participating in the program and they must be provided in a timely manner.

To ensure equitable participation, the LEA or other entity receiving federal financial assistance must assess, address and evaluate the needs of private school students and teachers; spend an equal amount of funds per student to provide services; provide private school students and teachers with an opportunity to participate in activities equivalent to the opportunity provided public school students and teachers; and offer services that are secular, neutral and non-ideological.

What *consultation* is required under the equitable participation provision?

The Uniform Provisions contain requirements for timely and meaningful consultation between appropriate public and private school officials. The goal of the consultation process is to design and implement a program that will provide equitable services and meet the needs of eligible private school students and/or teachers and other education personnel. Consultation between the entity receiving federal financial assistance and private school officials must occur before any decision is made that could affect the ability of private school students, teachers and other education personnel to receive benefits under ESEA and must continue throughout the implementation and assessment of activities. Consultation generally must include discussion on such issues as: how children's needs will be identified; what services will be offered; how and where the services will be provided; who will provide the services; how the services will be assessed and how the results of assessment will be used to improve those services; the amount of funds available for services; the size and scope of the services to be provided; and how and when decisions about the delivery of services will be made.

In addition, a thorough consideration of the views of private school officials on the provision of contract services through potential third-party providers must take place, and, where the entity receiving assistance disagrees with the views of the private school officials on the provision of services through a contract, the entity must provide a written explanation of the reasons why the entity has chosen not to use a contractor.

What *programs in the No Child Left Behind Act* require equitable participation by private school students and teachers?

Title I—Improving the Academic Achievement of the Disadvantaged

- ***Title I, Part A—Improving Basic Programs Operated by LEAs***

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or most at risk of failing to meet high academic standards, and who live in areas of high poverty. Instruction may take place during the school day, before or after school, or in the summer. Title I services may be provided on site at the private school, including religiously affiliated schools, or at other locations. (See Guidance on the Supreme Court's Decision in *Agostini v. Felton* and Title I (Part A) of ESEA at www.ed.gov/legislation/ESEA/feltguid.html.) Funds are generated on the basis of the number of children from low-income families who reside in participating public school attendance areas and attend private schools. Private school students who reside within a Title I attendance area and who are failing or most at risk of failing to meet high academic standards are eligible for services.

Services may include a targeted, assisted pullout model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy and early childhood programs. Push –in model is not allowed.

In addition, the law requires equitable participation of private school teachers of Title I students in professional development activities and of parents of Title I students in parent involvement activities. Title I is not governed by the Uniform Provisions; it has its own requirements. Under Title I, LEAs are required to maintain a written affirmation signed by an official for each participating private school that the required consultation has occurred for each funding source.

- ***Title I, Part B, Subpart 3—Even Start Family Literacy***

Even Start Family Literacy provides funding to partnerships of LEAs and other public and private entities to support family literacy programs that integrate early childhood education, adult education, parenting education, and literacy activities for low-income families and their children from birth through age seven. The Even Start Family Literacy program is governed by the Uniform Provisions, and grant applicants are required to consult in a timely and meaningful manner with private schools in designing and implementing a program for school-aged students.

- ***Title I, Part C—Migrant Education***

Migrant Education provides financial assistance to improve the education for migrant children. State education agencies (SEAs) provide services and activities either directly or through subgrants to local operating agencies (LOAs), which can be either an LEA or a public or nonprofit private agency. The Migrant Education program is governed by the Uniform Provisions and requires the equitable participation of private school migrant students and their teachers, and other education personnel in schools located in targeted areas.

Title II—Preparing, Training, and Recruiting High Quality Teachers and Principals

- ***Title II, Part A—Teacher and Principal Training and Recruiting Fund***

The Teacher and Principal Training and Recruiting Fund provides assistance for preparing, training, recruiting and retaining high-quality teachers. This program is governed by the Uniform Provisions, but the amount of funding available for services to private school personnel is governed by Section 9501 (b) (3), which requires equitable participation of private school teachers and other education personnel to the extent that the LEA uses its funds for professional development. For the purposes of determining the amount of

program funds to be made available for services to private school teachers, the law "imputes" a minimum amount of program funds devoted to professional development as the total amount spent in fiscal year 2001 for professional development under the predecessor Eisenhower Professional Development Program and the Class Size Reduction Program. Activities may include improving teachers' knowledge in the core academic subjects and effective instructional teaching strategies; technology integration training; teaching students with different learning styles; using assessments to improve instruction and student outcomes; involving parents more effectively; and educational leadership development.

- ***Title II, Part B—Mathematics and Science Partnerships***

The Mathematics and Science Partnerships program provides funds to improve mathematics and science teaching through a variety of activities. At the current appropriations level, partnerships must include an SEA; an engineering, math or science department of an institution of higher education (IHE); and a high-need LEA. Private schools may be members of these partnerships. Activities include professional development; stipends and scholarships for advanced coursework in mathematics, science or engineering; and programs to bring math and science teachers into contact with working scientists, mathematicians and engineers. This program is administered jointly with the National Science Foundation. The Mathematics and Science Partnerships program is governed by the Uniform Provisions and requires the equitable participation of teachers who teach in private schools located in school districts where grants are awarded.

- ***Title II, Part D—Enhancing Education Through Technology (ARRA Recovery funds only)***

The Enhancing Education Through Technology program provides funds for innovative initiatives to support the integration of educational technology into classrooms to improve teaching and learning. Activities include professional development in technology integration and the use of the Internet; distance learning initiatives; acquiring educational technology; and using technology to enhance parental involvement. This program is governed by the Uniform Provisions and requires the equitable participation of students and teachers in private schools located in school districts where grants are awarded.

Title III—Language Instruction for Limited English Proficient and Immigrant Students

- ***Title III, Part A—English Language Acquisition, Language Enhancement and Academic Achievement***

The English Language Acquisition, Language Enhancement and Academic Achievement program provides funds for helping limited English proficient (LEP) children attain English proficiency and meet the same challenging state

academic standards as all children are expected to meet. Funds must be used for increasing the English proficiency of LEP children by providing high-quality language instruction and high-quality professional development. Private school students and teachers whose schools are located within an LEA that receives a subgrant from the state are eligible to participate in this program, as required by the Uniform Provisions.

Title IV—21st Century Schools

- ***Title IV, Part A—Safe and Drug-Free Schools and Communities***

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment. Authorized activities include drug, violence and suicide prevention programs; professional development and training; developing school security plans; conflict resolution, community service and character education programs; family involvement activities; counseling; mentoring; and emergency intervention services. The Uniform Provisions for the equitable participation of private school students apply to the Safe and Drug-Free Schools program, including the competitive grant programs awarded directly by the Department (National Coordinator program, Community Service Grant, Grants to Reduce Alcohol Abuse, and Mentoring programs).

- ***Title IV, Part B—21st Century Community Learning Centers***

The 21st Century Community Learning Centers (21st CCLC) program provides before-and after-school (including summer) services to children and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet state and local student performance standards in core academic subjects. Activities may include remedial education, academic enrichment, art, music, tutoring, mentoring, recreation, technology, drug and violence prevention, counseling, character education and family literacy. The Uniform Provisions apply to the 21st CCLC program and require the equitable participation of private school students, teachers and other education personnel who are part of the target population.

Title V—Promoting Informed Parental Choice and Innovative Programs (REAP-Flex authority for SRSA-REAP districts only)

- ***Title V, Part A—Innovative Programs***

Innovative Programs support education reform and innovative school improvement programs to improve school, student and teacher performance. Private school students, teachers and other education personnel may receive professional development, library materials, educational equipment, and repair and minor remodeling or construction of school facilities. Other activities may include community service programs; consumer education; purchase of computer hardware and software; programs to hire and support school nurses;

school-based mental health services; programs for cardiopulmonary resuscitation training in schools; and parent and community involvement. The program has its own provisions for the equitable participation of private school students, teachers and other education personnel (section 5142).

Note:

For several programs discussed above and a few other programs, community and faith-based organizations, including private schools, may apply directly for a grant. For information on those programs, please visit the Faith-Based and Community Initiatives Web site at www.ed.gov/about/inits/list/fbci/index.html.

Further Information

For additional information on the *No Child Left Behind Act of 2001*, other federal programs affecting private schools, private school statistics, publications, Internet links to the private school community and other resources, visit the Office of Non-Public Education Web site at <http://www.ed.gov/print/about/offices/list/oii/nonpublic/index.html>.

Address: Office of Non-Public Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3600

Phone: (202) 401-1365

Fax: (202) 401-1368

E-Mail: OIIANon-PublicEducation@ed.gov

Web Site: <http://www.ed.gov/print/about/offices/list/oii/nonpublic/index.html>

For inquiries or comments, e-mail: Office of Non-Public Education

**General Information for Districts to Establish Private School Programs
Under the Provisions of: Title I, Part A; Title I, Part C; Title II, Part A;
Title II, Part D; Title III (LEP) and Title V, Part A of the
*No Child Left Behind Act of 2001***

The *No Child Left Behind Act of 2001* (NCLB), signed into law by President Bush in January 2001, reauthorized the Elementary and Secondary Education Act (ESEA) passed by Congress in 1965. The purpose of the reauthorized ESEA is to improve teaching and learning for all children to enable them to meet challenging academic content and student performance standards. Since the passage of ESEA in 1965, local educational agencies (LEAs) have been required to provide equitable educational services to eligible private school students, teachers, parents and other personnel. Equitable services applies to all Federal programs not just Title I. Private schools receive no direct funds from these programs. Program funds are granted to the public authorities, usually a local education agency, that is in turn responsible for serving eligible students, teachers, parents, and other personnel, whether they attend public or private school. The formula, requirements, and procedures vary by program, but the principle of the public authority's responsibility for all eligible students within its jurisdiction remain constant.

General Requirements

NCLB defines private schools to be only private **nonprofit** schools. In previous reauthorizations, these schools were referred to as "non-public" schools or "private nonprofit" schools.

Annually notify, in writing, all private schools of available services

- Specify criteria for participation, needed demographic information and due date.

Joint Planning/Consultation

- Consultation involves the initial contact with enough flexible scheduling opportunities to ensure participation by representatives of the private schools.
- Private school administrators and other persons are provided adequate opportunity to participate in the planning of the services to be provided.
- The ultimate decision rests with the public school, based on the most effective use of funds.

Equity

- Educational services or other benefits for private school children shall be equitable in comparison to services and other benefits for public school children participating under this part, and shall be provided in a timely manner.

Suggested Time Line*

Consultation shall include meetings of the district and private school officials and shall occur before the Local Educational Agency (LEA) makes any decision that affects the opportunities of eligible private school children to participate in programs under this part. Such meetings shall continue throughout implementation and assessment of services provided under this section.

- NOTE: Title I, Part C Summer Migrant Program has a separate timeline, Refer to Title I, Part C Packet.
- NOTE: Title V, Part Program Packet is now used only by Title VI REAP-SRSA schools who authorize REAP FLEX authority for Title V. REAP-SRSA districts should refer to the packet to embed Title V consultation into the suggested timeline.
- NOTE: Districts that receive Title III should refer to the Title III Packet and embed appropriate consultation into the suggested timeline.

Example of a Timeline for LEA Consultation With Private School Officials*

Month	LEA Activity
<p>November/December in preparation for the next school year</p>	<p>For All Funding Sources: Title I, Part C; Title II, Part A; Title II, Part D; Title III, Part A</p> <p>The Uniform Provisions (Section 9501(c)) contains requirements for timely and meaningful consultation between appropriate public and private school officials. These provisions apply for Title I, Part C; Title II, Part A and D and Title III. Title I, Part A has its own requirements as noted below under “Title I, Part A”.</p> <p>General Information:</p> <p>Each year, for all applicable Federal funds requiring equitable access to these funds by private non-profit (PNP) schools, LEA must <i>send a formal letter of invitation to appropriate officials of PNPs that are located within the district’s geographical boundaries and all PNPs outside the district’s geographical boundaries within reasonable driving distance for parents to meet in early November for the purpose of planning for the use of applicable Federal funds. Follow up with telephone calls and document all communications.</i></p> <p><i>If at any time prior to or during the consultation process the PNP decides NOT to participate in the LEA’s applicable Federal program(s), the LEA should request that decision in writing from the appropriate official of the PNP.</i></p> <p>Meet with private school officials to review and explain <i>all applicable Federal rules, compliance regulations and guidance for the funding source(s). Establish a timeline and consultation process. Establish a consultation calendar and</i></p>

procedures for collecting *necessary applicable fund-related data, i.e., list of students who reside within the geographical boundaries of the district (names not required) student along with the home address, poverty data (i.e., data on low-income families); student migrant and Limited English Proficient (LEP) data; teacher professional development needs assessment data, etc.* Explain the consultation requirements to document and affirm in writing for each applicable Federal funding source. Begin the process to document all consultation meetings by individual funding sources (i.e., sign in sheets and minutes.)

Title II, Part A and D: Planning Preparation – Prior to Meeting with PNP:

- LEA must administer and retain control over the funds
- No funds may be provided directly to the PNP
- Funds may not be used for substitute teachers for PNP teachers or to pay for any portion of a PNP teacher's salary or benefits; nor are administrative costs allowed to be charged by third party contractor
- Any materials purchased for the PNP are the property of the LEA and must be marked as such, locked up and returned to the LEA at the end of the service.

Title II, Part A:

LEAs are required to provide equitable services for private school teachers and other educational personnel only to the extent that they use the funds for professional development.

Allocation:

Title II, Part A and D: to determine specific amount to be allocated to the PNP see worksheets in each specific fund technical assistance packet.

If the LEA is planning on participating in the Title II, Part A and/or D program in the subsequent year, the LEA should consider ways to address the following at the beginning of each planning cycle:

- Assess, address, and evaluate the needs and progress of both the public and private school teachers
- Spend an equal amount of funds per student to serve the needs of public and private school teachers and their students
- Provide PNP teachers with an opportunity to participate in Title II, Part A and D activities equivalent to the opportunity provided to public school teachers
- Offer educational services to PNP teachers that are secular, neutral and non-ideological

Title III, Part A: to determine allocation amount to PNP, see Title III, Part A calculation worksheet in Title III, Part A technical assistance packet appendix.

Participation is considered equitable if the LEA:

- *Assesses, addresses and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis*
- *Provides, in aggregate, approximately the same amount of services to students and educational personnel with similar needs*
- *Spends an equal amount of funds to serve similar public and private school students and educational personnel*
- *Provides both groups of students and educational personnel equal opportunities to participate in program activities*

The Meeting(s):

Title II, Part A and D: For the next school year the LEA must, in consultation with the PNP, discuss the following:

- *How the needs of the staff will be identified*
- *What services will be offered*
- *How, where and by whom the services will be provided*
- *How the services will be assessed and how the results of the assessment will be used to improve those services*
- *The size and scope of the equitable services*
- *The amount of funds available for those services*
- *How and when the LEA will make the decisions about the delivery of services*
- *Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers*

Title II, Part A - The LEA must also:

- *Determine if the PNP will participate in part or in all of the LEA professional development offerings or request in consultation with the LEA, a different program and **For the Current School Year, the LEA Must:***
- *Devote a portion of the meeting to the evaluation of any previous professional development offerings*

Title III, Part A:

The LEA must consult with the PNP, during the design and development of the program on issues such as:

- *How the LEP children will be identified*
- *what services will be offered*
- *How, where and by whom the services will be provided*
- *How the services will be assessed and how the results of the assessment will be used to improve those services*
- *The size and scope of the equitable services*
- *The amount of funds available for those services*
- *How and when the LEA will make the decisions about the delivery of services*

Consultation on the delivery of services must also include a thorough consideration and analysis of the views of the

	<p><i>private school officials on the provision of contract services through potential third-party providers</i></p> <p><i>Minutes should be taken at each meeting.</i></p>
<p>December through February in preparation for the next school year</p>	<p>Title I, Part A:</p> <p>Obtain from principals or a central office serving a group of private schools the following poverty data (as appropriate) on private school students:</p> <ul style="list-style-type: none"> • Same poverty measure used to count public school students, which is usually free and reduced-priced lunch; • Survey of private school parents asking for income data, address, and grade level of children from which the LEA must extrapolate these data; <See Federal Register (34 CFR Part 200, Section 200.64)> • Alternative poverty data such as scholarships, Temporary Aid to Needy Families, Medicaid, etc.; <p>~or~</p> <ul style="list-style-type: none"> • Decide through consultation to use proportionality. <p>For Title I, Part C; Title II, Part A and D and Title III – as appropriate, begin to gather data to:</p> <ul style="list-style-type: none"> • <i>Support method of calculating the minimum amount of funding required for equitable services to the PNP</i> • <i>LEA gathers program-specific count data</i> • <i>LEA gathers professional development evaluation data from previous offerings at LEA and PNP to inform future decisions.</i> <p><i>Continue discussion/consultation of any items remaining from the November/December meeting.</i></p>
<p>February/March in preparation for the next school year</p>	<p>Title I, Part A:</p> <p>Match addresses of private school students from low-income families to participating public school attendance areas.</p> <p>Estimate the amount of funds generated for instruction using the same estimated per-pupil amount as that used for public school students in participating public school attendance areas. <i>Estimate the additional amount generated from LEA reservations for professional development, parent involvement, and additional instructional programs from district instructional programs reservation as well as salary and benefit differential reservations, if applicable.</i></p> <p>Meet with private school officials to discuss poverty data collected, amount of estimated instructional funds generated, and determine if funds will be pooled, not pooled, or a combination of both options.</p> <p>Title II, Part A and D (as applicable):</p> <p>LEA and PNP discussions/consultations continue. Gathered</p>

	<p>data from needs assessment from LEA and PNP is shared.</p> <ul style="list-style-type: none"> • LEA completes the Professional Development Plan • LEA begins to finalize professional development calendar LEA/PNP • LEA begins to finalize contracts with known third-party professional development providers • LEA gathers evaluation input/data from professional development which is already occurred. <p>Title III, Part A: Based upon required criteria – Federal legislation and regulations, determine the instructional program based on the educational program of the PNP school. LEA, with PNP, generates lists of program eligible students, and with suggestions from the PNP, begins to develop the program.</p>
--	---

* In this example, multiple meetings will be required to cover each LEA activity.

** This column references Title I, Sec. 1120 and 34 CFR 200.

Month	LEA Activity
<p>March/April in preparation for the next school year</p>	<p>Title I, Part A: Determine the multiple, educationally-related, objective criteria <i>based on the instructional program of the PNP school</i> to be used to select eligible students (educationally needy students who reside in Title I attendance areas) in consultation with private school officials. <i>Student eligibility including teacher judgment as a criterion must be documented in writing and must be consistent not only across the academic subject areas of reading and mathematics by also by grade level. Eligibility criteria must include the factors that will determine which students with greatest need will be served. LEAs must also contact PNP schools outside its geographical boundaries that are within a reasonable driving distance for parents (i.e., 25-30 mile radius). If an LEA borders another State, the LEA must contact neighboring State's PNP schools that are within a reasonable driving distance for parents.</i></p> <p>Obtain from private school officials lists of names, addresses, and grades of private school students who meet the criteria.</p> <p>From these lists, select for Title I services those students most at-risk of failing, as decided in consultation.</p> <p>Discuss with private school officials the needs of selected students, appropriate Title I services to serve those needs, and location of services. <i>The services must benefit the child, not the PNP schools over all instructional programs. Push-in instruction is not allowable. The pull-out instruction must follow the private school's curriculum.</i></p>

Design services that meet participants' needs based on consultation, using the estimated amount of funds generated by private school students from low-income families, and the equitable share of funds reserved for district-wide instructional activities and reservations from salary/benefit differentials.

The PNP school's role in the consultation process is to offer program suggestions. It is the LEA that makes the final decisions regarding program services and budget decisions.

Determine with private school officials the standards and annual assessments for measuring progress of the Title I program. *The effectiveness of the Title I program is measured against the overall PNP school's instructional program. Pre- and post-tests as the sole evaluation criteria for program effectiveness are discouraged.*

Define annual progress. Smart goal/objectives must be established and assessments results must be reviewed against the smart goal. Determine criteria for making program modifications when annual progress is not achieved.

Assess the achievement of **current year's** program using the standards previously agreed upon last year. Assessment results must indicate the area in need of improvement. Does the Title I program need revision or is the classroom teacher in need of professional development?

After appropriate consultation, make modifications to next year's Title I program, if annual progress has not been met.

Title II, Part A (and Title II, Part D, as applicable):

Title I, Part A*:

- *LEA continues to finalize all professional development decisions and communicates decisions to PNPs both face-to-face and in writing (this meeting may occur as late as the end of April, but no later)*
- *LEA gathers evaluation data from LEA and PNP for professional development which has occurred in the previous months*

Title III, Part A:

LEA moves to finalize the program development based upon the shared suggestions from the PNP, the applicable Federal guidance and the criteria discussed above, and inform the PNP of the tentative program, number of students, delivery model, etc. Discuss parent involvement and professional development requirements with PNP and initiate planning.

<p>April/June in preparation for the next school year</p>	<p>Title I, part A: Determine in consultation with private school officials (including the private school principal) the professional development and parent involvement needs of private school teachers and families of private school participants.</p> <p>* Title I funds used for professional development come from district reservations for professional development only</p> <p>Design activities that LEA will implement the next school year (independently or in conjunction with LEA activities) for teachers and families of participants.</p> <p><i>Parent involvement must be clearly documented.</i></p> <p>Inform private school officials of tentative program designs, service delivery models, number of Title I participants, allocations, location of services, and estimated costs. Provide opportunities for private school officials to comment.</p> <p>Update private school officials if there are any changes. Generate a list of students who will receive Title I services beginning in September of the next school year.</p> <p>Obtain written affirmation from private school officials or their representatives that timely and meaningful consultation has occurred for each applicable Federal funding source. Consultation must be ongoing, however, and should continue throughout the school year.</p> <p>Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc. Consultation should be completed for the next school year prior to LEA submitting its Title I application to the State Educational Agency (SEA).</p> <p><i>Title II, Part A and D: in May and June, LEA will:</i></p> <ul style="list-style-type: none"> • <i>Share evaluation data from professional development which has occurred throughout the year</i> • <i>Ongoing Title II, Part A and D professional development, with appropriate evaluation component, as predetermined</i> <p><i>Title III, Part A:</i> <i>Complete planning for required parent involvement and any professional development</i></p> <p><i>For all funds:</i></p> <ul style="list-style-type: none"> • Complete all necessary reports, contract negotiations, ordering of materials, hiring of teachers, etc. • <i>Share necessary reports with appropriate school groups. School Improvement Team, and invite input from staff, parents and PNP</i>
--	--

<p>August in preparation for the beginning of school year</p>	<p>Report on readiness of Title I program for private school participants to private school officials.</p> <p>For Title I, Part C; Title II, Part A and D and Title III: Report on readiness of Title I, Part C; Title II, Part A and D and Title III programs to Board and to private school officials.</p> <p>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</p>
<p>September of school year</p>	<p>Title I, Part A; Title I, Part C and Title III, Part A: LEA begins Title I, Part A; Title I, Part C and Title III, Part A services for students identified the previous spring as participants and provides private school officials with their names, services to be provided, and names of Title teachers.</p> <p>Obtain a list of newly-enrolled students who meet eligibility criteria. Consult with private school officials on how new students might be accommodated in the program.</p> <p>Initiate fund specific related professional development and parent involvement activities based on previous spring's consultation.</p> <p>Title II, Part A: <i>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</i></p>
<p>October of school year</p>	<p>LEA provides information about possible adjustments and program changes to private school officials.</p> <p>Start planning for the next school year's consultation cycle.</p> <p><i>Ongoing Title II, Part A professional development with appropriate evaluation component, as predetermined.</i></p>

NOTE: SUGGESTED LETTER TO BE SENT TO PRIVATE SCHOOLS LOCATED WITHIN PUBLIC SCHOOL DISTRICT'S BOUNDARIES

[Date, usually spring of the year]

[Administrator]

[Private Nonprofit School]

[School Address]

[School City], [State], [Zip]

Dear [Administrator]:

Community Public Schools invite you to participate in the following Federal programs during the 2009-2010 school year: [list those programs that apply to your district's situation; Title I, Part A services should be offered to all private nonprofit schools with resident children enrolled; services for all other grant sources should be offered only to private nonprofit schools located within district boundaries; note that some private nonprofit schools receive their Title V services through the Intermediate School District].

Title I, Part A, Improving Basic Programs, to provide supplementary instruction to students who are failing or most at risk of failing to meet your school's core academic curriculum.

Title I, Part C, Migrant Education, to provide supplementary educational and support services to migrant students through both regular school year and summer programs.

Title II, Part A, Teacher and Principal Training and Recruiting, to help support sustained and intensive professional development.

Title II, Part D, Enhancing Education Through Technology, to support the integration of educational technology into classrooms to improve teaching and learning. (ARRA Recovery Funds Only)

Title III, Limited English Proficient, to provide instruction and professional development that help limited English proficient students in the speedy acquisition of English language proficiency to achieve in the core academic subjects. It also provides immigrant students with high quality instruction to meet challenging State standards, and assists the transition of immigrant children and youth into American society.

Title V, Innovative Programs, to support local educational reform efforts consistent with statewide reform or provide a source for continuing innovation and educational improvement, including support for library services and instructional media materials. (Innovative programs are only for Small, Rural School Achievement Program (SRSA) Districts).

The level of services available to your school under Title I and Title III programs is based upon your documentation of student eligibility. The level of services available to your school under Title II and Title V programs is based on your school's total enrollment.

We encourage you to participate in this planning of these federal programs for the benefit of your students and staff. Please complete the attached form indicating your school's interest in participating in these federal programs in 2009-10. Upon receipt of this form, I will contact you to set up a planning meeting and discuss the purposes of each program and the policies that guide program implementation.

Sincerely,

Director of Federal Programs

Name of Private Nonprofit School: _____

Name of School Contact Person: _____

Title: _____

Phone Number: _____

_____ Yes, our school plans to participate in the federally-funded program services during 2009-2010

_____ No, our school does not wish to participate at this time

Signature: _____

Please return this completed form no later than _____ to:

Director of Federal Programs
Community Public Schools
123 Learning Avenue
Schooltime, MI 48899

**DOCUMENTATION AND ASSURANCE OF PRIVATE SCHOOL
CONSULTATION FOR THE EQUITABLE DISTRIBUTION OF
TITLE III, PART A FUNDS**

Sec. 9501 – IN GENERAL – Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection(b), who are enrolled in private elementary and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

CONSULTATION – IN GENERAL – to ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and development of the programs under this Act, on issues such as:

- How the needs of children will be identified;
- Types of services that will be offered to meet those needs under the regulations, legislation and guidance of the fund;
- How, where and by whom services will be provided;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- Size and scope of the equitable services to be provided to the eligible private school children, teachers and other educational personnel and the amount of funds available for those services; and
- How and when the agency, consortium or entity will make decisions about the delivery of services, including thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.

We agree that timely and meaningful consultation occurred before the LEA made decisions that affected the participation of eligible private school children, teachers, other personnel and/or families, for the next school year.

Public School Official Date

Private School Official Date

School District

Private School Name

Sample Agendas for Consultation Meetings Throughout the School Year

Agenda for early winter meetings (typically in December or January) in preparation for the next school year

1. Welcome and introduction.
2. Overview of Title I program.
3. Options for service providers: the LEA or a third-party.
4. Discussion on the collection of poverty data: What is available from private schools? Is the survey with extrapolation a possibility? Should the LEA consider proportionality?
5. Discussion on possible program designs: Should it be a pullout program or a before or after school program? Which grade levels and what academic subjects should the Title I program encompass? Do private school officials have space in their schools for the LEA to provide Title I services?

Agenda for late winter or early spring meetings (typically in February or March)

1. Review of poverty data collected and the estimated amount of funds available for services. Decide if pooling option will be used.
2. Determination of the multiple, educationally related and objective criteria used to select eligible children who reside in Title I public school attendance areas.
3. Review of options for service providers.
4. Plan a program design workshop for private school principals and LEA instructional specialists.
5. Discuss how the Title I program will be evaluated: What standards and assessments will be used? What will be annual progress and what percentage of participants must meet that progress in order for the program to be effective?
6. Establish the date that Title I services will start.
7. Discuss the professional development needs of the private school teachers of Title I participants based on the most recent student assessment data.
8. Discuss the needs of parents of participants: How can parents better support their children's instruction?

Agenda for late spring meetings (typically in April or May)

1. Finalize the designs of the Title I programs—ensure materials have been ordered, LEA personnel who are providing services are in place, and service start date is firm.
2. Finalize professional development programs and activities for private school teachers. Establish a calendar for the next year's activities.
3. Finalize parent involvement programs and activities for parents of participants. Establish a calendar for next year.
4. Review current year's assessment data for current year participants to determine if any adjustments to instruction should be made.
5. Provide affirmation forms for signature.

Agenda for meeting one month after program has begun (typically in the month of October)

1. Review the implementation of the program for the first month.
2. Discuss changes in roster of eligible children and the possibility of adding children to the program, as needed, depending on space and time.
3. Review process for coordinating Title I program with classroom teachers.
4. Review implementation of the professional development program.
5. Review implementation of the parental involvement program.

Determining Private School Participation—Student Numbers

<p>Private School Students Residing Within District Boundaries (who attend a private school within or outside of district boundaries)</p>	<p>Students Attending Private School Within District Boundaries (regardless of their residency)</p>
<p>Title I, Part A</p> <p><u>Funding Generated By:</u></p> <ul style="list-style-type: none"> • Low-income students who reside in a Title I school attendance area • Would attend a Title I school? <p><u>Students Eligible to be Served:</u></p> <ul style="list-style-type: none"> • Identified by a Needs Assessment for achievement below standard and reside in a Title I school attendance area* 	<p>Title I, Part C</p> <ul style="list-style-type: none"> • Meet criteria for migrant? • Meet priority for services? <p>Title II, Part A</p> <p>Title II, Part D</p> <p>Title III, Part A</p> <ul style="list-style-type: none"> • Meet criteria for LEP/Immigrant? • Completes Home Language Survey? <p>Title V, Part A</p>

- Eligible student not required to be low-income

Title III, Part A Calculation of Private Schools' "Equitable Participation"

Worksheet for School Year _____

STEP 1: List the Private Schools located within your district's boundaries and the number of students eligible for Title III, Part A services:

Private School	LEP and Immigrant Student Enrollment
	Total

STEP 2: Determine the amount of the district's Title III allocation. This is the BASE.

STEP 3: Divide this BASE by the total of Limited English Proficient (LEP) and Immigrant Students enrolled in the Public School and the Private Schools to produce the "Per-LEP and Immigrant Pupil" amount:

$$\frac{\text{Title III Allocation (BASE)}}{(\text{Total Private LEP and Immigrant Student Enrollment} + \text{Total Public School LEP and Immigrant Student Enrollment})} = \text{Per LEP and Immigrant Pupil amount}$$

- The Public School's "share" = Per-LEP and Immigrant Pupil amount X Public School's Enrollment
- Each Private School's "share" = Per-LEP and Immigrant Pupil amount X Private School's Enrollment

NOTE: Turn total count of Private and Public School eligible students into the State.

Allowable District Uses of Funds for Services to Private Schools

	Title I Part A	Title I Part C	Title II Part A	Title II Part D	Title V Part A
Salaries for private school staff	No	No	No	No	No
Salaries of district staff who service private school	Yes	Yes	Yes, if providing professional development	Yes, if providing professional development	Yes
Substitutes for ANY reason	No	No	No	No	No
Stipends for private school staff * Professional Development in core academic areas – secular content only * Reasonable & necessary * Outside of school day * Paid directly to teacher by district	Yes	Yes	Yes	Yes	Yes
Purchase of Computers	Yes, if exclusively for use by Title I students	Yes, if exclusively for use by Migrant students	No	Yes	Yes
Supplies	Yes, for Title I students	Yes, for Migrant students	Yes, for professional development	Yes, for technical support and professional development	Yes for Title V student programs
Class Size Reduction	No	No	No	No	No
Professional Development	Yes, for assisting Title I students	Yes, for assisting Migrant students	Yes	Yes	Yes

Sample: LEA Procedures for Using Title III, Part A Assessment Information to Develop a Program Evaluation Plan and Subsequent Program Modifications

Title III, Part A Program Assessment

- After the assessment and analysis of the appropriate data, priorities will be established that meet the needs of students.
- A program model and schedule will be aligned with the established priorities.
- A professional development program will be designed to **supplement** the private school's core curriculum.

Evaluation Plan

LEA officials must assess annually the progress of the Title III, Part A program towards enabling private school participants to meet the agreed-upon standards. Student performance results will be reviewed annually. When the standardized test information is available, the Title I teacher and the private school official(s) will meet to analyze the assessment results for the participating students. Their goal is to determine whether or not the level of student performance, as measured by the standardized test, has met or exceeded the desired outcomes agreed to in consultation.

Based on consultation, the effectiveness of the Title III, Part A professional development program at each private school will be measured through comparing the targeted percentage of students reaching the established performance-level standard and the agreed-upon year-end percentage of students achieving the performance level.

In the event the Title III, Part A program fails to meet the annual progress target, consultation will occur to examine the student performance data to determine if modifications to the professional development program are required.

Worksheet
Determining Professional Development Activities
For Private School Teachers Based on Needs Assessments

Local Educational Agencies (LEAs) and private school officials can use this worksheet to develop effective professional development programs for private school teachers of Title I children. Using the worksheet during consultation, LEAs and private school officials can identify: the needs of the private school participants and their teacher; the teacher's strengths; the most appropriate professional development to meet the identified needs; and the estimated cost of the professional development activity. To follow is a sample completed worksheet.

Grade	Student Needs	Teacher Strengths	Teacher Areas of Need	Proposal for Professional Development	Estimated Cost
Grade 3	Reading for comprehension; Increasing time on task	Excellent classroom management; creative approach to learning	Reading in the content area for at-risk students	Local university course, "Applying New Reading Research to Instruction in Content Areas for Low-achieving Students"	\$1,150
Grade 2	Reading fluency	Reading in the content areas	Analysis of and correction of reading problems	Quarterly in-service training with LEA reading specialist to develop skills to analyze reading problems	\$800 per person (when there is a class of 10 individuals)
Grade 1	Letter recognition; Lack of phonic skills	Reading in the content areas	Phonics-based instruction	Quarterly in-service training with LEA reading specialist or 3-credit course at the local teachers college	\$800 \$900 for 3 credits

Title III, Part A Program for Eligible Private School Students

Certification of Technology Equipment

Private School Name: _____

Title III, Part A Teacher: _____

By the signature below, the Title III, Part A teacher assigned to the program at this private school certifies that the technology equipment provided by the LEA (list attached) is located at this school site.

Beginning of
School Year: _____
Teacher's Signature Date

Midyear: _____
Teacher's Signature Date

End of
School Year: _____
Teacher's Signature Date

In the event an inventory update is needed, please check the box below indicating the month when you signed and submitted this form with the updated list.

Attached is a list of the updated inventory of equipment, materials and property with Title III, Part A funds for the month of _____ for the LEA files. I have kept a copy for my files.



Office of School Improvement
Field Services Unit

Technical Assistance Packet
Working with Private Schools

Title III, Part A

Resources



Private School Participation Fact Sheet from the
U.S. Department of Education's
Office of English Language Acquisition (06/20/03)
Private School Participation in Title III Programs

Authorities

No Child Left Behind Act of 2001, Title IX, Part E, Sections 9501-9506
Education Department General Administrative Regulations (EDGAR), Part 76,
Sections 76.650-76.662

Statutory/Regulatory Requirements

- After timely and meaningful consultation with appropriate private school officials, local educational 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.
- To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the Title III program on issues such as:
 1. How the LEP 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 services to be provided to the private school children and educational personnel;
 6. The amount of funds available for those services;
 7. How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers.
- Title III services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.
- Funds provided for educational services for private school children and educational personnel must be equal, taking into account the number and educational needs of those children, to the funds provided for participating public school children.
- Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.

- LEAs may serve private school LEP children and educational personnel either directly or through contracts with public and private agencies, organizations, and institutions.
- The control of funds used to provide services and the title to materials and equipment purchased with those funds must be retained by the LEA.
- Services for private school children and educational personnel must be provided by employees of the LEA or through a contract made by the LEA with a third party.
- Providers of services to private school children and educational personnel must be independent of the private school and of any religious organization, and the providers' employment or contract must be under the control and supervision of the LEA.
- Funds used to provide services to private school children and educational personnel must not be commingled with non-Federal funds.

Frequently Asked Questions

What is meant by "equitable" participation by public and private school students and educational personnel in a Title III program?

Participation is considered to be equitable if the LEA (1) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel in the same manner; (2) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (3) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (4) provides both groups of students and educational personnel equal opportunities to participate in program activities.

What recourse is available if an LEA will not use its Title III funds to provide equitable services to private school children and educational personnel?

Complaints about an LEA's failure to provide equitable services to private school children and educational personnel must first be submitted to the State educational agency for resolution. The State's resolution or failure to make a resolution may be appealed to the U.S. Department of Education. If an LEA is prohibited by State law from providing for the participation in Title III programs of eligible children or teachers or other educational personnel from private elementary and secondary schools on an equitable basis, or if the Secretary determines that an LEA has substantially failed or is unwilling to provide for such participation as required by Section 9501, the Secretary waives the requirements of that section and arranges for the provision of

services by another entity. In making the determination to bypass an LEA, the Secretary considers one or more factors, including the quality, size, scope, and location of the program and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

To implement the bypass, the Department generally enters into a contract with a third party, awarded in accordance with the Federal Acquisition Regulations (FAR) and deducts funds from the SEA's Title III allocation in the States where the bypassed LEAs are located. Accordingly, the SEA reduces the allocations of the bypassed LEAs. The Department administers any bypass contract in accordance with the FAR.

Are States required to include participating private school students in the annual assessment of English language proficiency?

No. States are not required to include participating private school students in the annual assessment of English language proficiency. If an LEA provides services to private school students, the LEA must, through timely consultation with private school officials, determine how those students will be assessed for English language proficiency and how the results will be used to improve services to the participating private school students.

Do State English language proficiency standards and annual measurable achievement objectives apply to participating private school students?

No. A State's English language proficiency standards and annual measurable achievement objectives do not apply to private schools or their students. However, they apply to all public schools and public school students served under Title III.

Must private schools report the results of English language proficiency assessments to the LEA?

No. Private schools with children participating in programs funded under Title III are not required to report assessment results. Officials from the LEA and the private school must reach an agreement about how the results of the assessments will be used to improve services to the participating private school students.

Is a private school required to monitor and report on the academic progress of private school students for two years after the students are no longer receiving services under Title III?

No. Officials from a private school are not required to monitor or report on the academic progress of private school students who are no longer receiving services under Title III.

Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?

Yes. Like teachers serving public school LEP students, teachers providing Title III services to private school students, whether LEA employees or third-party contract employees, are subject to the requirement that teachers in a Title III program must be fluent in English and any other language used for instruction.