

English Learners in Nonpublic Schools

Nonpublic schools with English learners (EL), as identified in their Nonpublic Fall Report, are eligible to participate in the Title III program, when the Local Educational Agency (LEA) where the nonpublic is located receives Title III. The nonpublic school official must complete the Title III form entitled “[Intent to Participate in Elementary and Secondary Act \(ESEA\) Programs](#)”. On the form, the nonpublic official provides data and other required information. The official also attends the consultation with the district official to discuss and complete the Affirmation of Consultation (Pub. L 1114-95, Sec. 8501).

Intent to Participate

All LEAs who have nonpublic schools within their boundaries or within their consortium members’ boundaries must send out a notice, [Intent to Participate](#), to all nonpublic schools, asking the nonpublic if they wish to participate in the Title III program. A sample [Intent to Participate](#) is located on the Minnesota Department of Education’s (MDE) website. It is recommended that the LEAs sends this out to all nonpublic schools within the district in the early spring. The nonpublic should return the Intent to Participate within the time limits established by the LEA to indicate their interest in the Title III program.

LEAs should note that not all nonpublics within their district boundaries have English learners. The LEA should locate the Nonpublic Fall Report on Minnesota Department of Education’s website to see if the nonpublic schools have identified English learners. The reporting of the nonpublic fall report information is located in the [Data Center/Data Reports and Analytics/Student Data/Student/](#). Select [Category/year/all/nonpublic](#) under Student. If the nonpublic does not identify ELs on their Nonpublic Fall Report, the LEA does not have to send out the Intent to Participate for Title III. LEAs who participate in a consortium, should review the [Title III Consortium document](#) to further understand their responsibilities towards the nonpublic.

Consultation

To ensure timely and meaningful consultation, the LEA must consult with appropriate nonpublic school official during the design and development of the Title III program. The LEA should inform the nonpublic, before the meeting, of the nonpublic data that is needed to address the programmatic services. The timely consultation must occur before any decision can be made. As stated in Pub. L. 114-95, Section 8501(c)(3):

“The consultation shall take place before any agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue through-out the implementation and assessment of activities under this section.”

During the consultation, the following issues must be addressed:

- How to identify English learners (ELs) in the nonpublic;
- What services will be offered;
- How, when and by whom the services will be provided;
- What amount and scope of services will be provided to the nonpublic English learners and educational personnel;
- How the services will be assessed and how the results of the assessment will be used to improve those services;
- What amount of funds will be available for those services;
- How and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the nonpublic school officials on the provision of contract services through potential third-party providers.

Time Frame for Consultation

A plan between the LEA and the nonpublic school should be developed as a result of the initial consultation covering the items above. It is advised that this meeting be conducted in the spring of the prior school year. Title III funds may only be used for supplemental EL services that are reasonable, allocable, and allowable. It is possible for the LEA to hold one consultation meeting to address all of the title programs that the nonpublic chooses to participate in. Upon completion of the consultation, the LEA and nonpublic school official should completely fill-out the required [Affirmation of Consultation for Title III](#).

Equitable Resources

The Elementary and Secondary Education Act (ESEA), as amended by Every Student Succeeds Act (ESSA), specifies that assistance to ELs in nonpublic schools should be equitable to that of ELs in public schools. The recommended method to determine equity is to use the [Title III Budget Worksheet](#) that accompanies the Title III SERVS application and determines the per pupil allocation of the Title III funds.

Student Counts and Data

MDE calculates Title III funding based upon the number of ELs submitted in the LEA's MARSS fall report of the previous year and the number of ELs submitted by the nonpublic school official in the previous year's Nonpublic Fall Report. If the nonpublic did not report its data last year using the Nonpublic Fall Report or did not report ELs in the previous year, the nonpublic is not eligible to participate in Title III.

Allowable Uses of Title III Funding

The LEA maintains control of the Title III program. Money is never transferred directly to the nonpublic school for Title programming. The easiest way to consider a title program at the nonpublic is that *it is a district's program for the nonpublic students/staff at the nonpublic school*. As mentioned above, the nonpublic Title III program must be reasonable, allocable, and allowable.

Identifying English Learners

LEA Title III funding can never be used to identify ELs in public school districts. However, the equitable share of Title III funding for the nonpublic Title III services *can* be used to identify eligible ELs in the nonpublic school. The nonpublic may use procedures similar to those used by public schools to identify students eligible for Title III services. The LEA is responsible for the oversight and costs of initial identification and must ensure that objective criteria are used.

A sample EL identification process is as follows:

- The nonpublic school identifies Title III participants by administering a home language survey that is completed by the parent or guardian.
- The nonpublic may use the [Minnesota Language Survey](#). If a language other than English is indicated on the language survey, a language screener is administered.
 - A home language survey is usually given to parents at the time of enrollment, in late summer or the first few days of school.
 - A screener is administered within the first 30 days of the start of school. If the nonpublic elects to use a screener that is not provided by the district, the Title III equitable share funding can be used to cover the cost of that screener. Additionally, Title III funding can cover the cost of public school district staff if they administer the screener.

Program Design

Title III program design is not required to be the same for both the LEA and the program at the nonpublic. All Title III LEA programs must have three separate elements: family and community engagement; language instruction educational program; and professional development. However, the Title III program at the nonpublic does not require all three elements. The LEA and the nonpublic staff should use data, coordination and consultation to develop a high-quality program. The program must meet the needs of the ELs in attaining proficiency in English and meeting the challenging state academic standards is developed.

Materials

The LEA maintains control of the federal funds used to provide services to nonpublic schools and their English learners. It also maintains title to materials, equipment, and property purchased with Title III funds. LEAs may allow the nonpublic schools to keep the items from year to year, in accordance with approved activities specified in the agreement between the two entities.