

# FLORIDA DEPARTMENT OF EDUCATION



**DPS: 2012-26**  
Date: April 27, 2012

Gerard Robinson  
Commissioner of Education



## Technical Assistance Paper

### Providing Services to Eligible Private School Children

**Summary:** Local Educational Agencies (LEAs) that receive Title I, Part A, funds must ensure that private school students receive equitable services. This document describes the funding process, services that LEAs must provide, the process LEAs must follow, and the documentation LEAs must keep.

**Contact:** Audrey Obinyan  
[Audrey.Obinyan@fldoe.org](mailto:Audrey.Obinyan@fldoe.org)  
(850) 245-0690

**Status:**

- New Technical Assistance Paper
- Revises and Replaces Existing Technical Assistance: K12: 2009-060

Issued by the  
Florida Department of Education

Division of Public Schools  
Bureau of Federal Educational Programs  
<http://www.fldoe.org/bsa/>

# TABLE OF CONTENTS

<b>INTRODUCTION .....</b>	<b>1</b>
<b>CONSULTATION.....</b>	<b>2</b>
A-1. Are all private schools eligible to participate in Title I? .....	2
A-2. Which private schools must LEAs consult with?.....	2
A-3. What is consultation? .....	2
A-4. Is there a minimum definition of consultation?.....	2
A-5. When must consultation take place in order to be “timely”? .....	2
A-6. What must consultation include in order to be “meaningful”? .....	3
A-7. How do LEAs begin the consultation process?.....	3
A-8. Who participates in the consultation process?.....	4
A-9. How long does consultation continue?.....	4
A-10. What records on consultation must an LEA maintain?.....	4
A-11. Because consultation is an on-going process, when should private school officials or their representative(s) sign the required written affirmation that appropriate consultation has taken place?.....	4
A-12. Must an LEA provide a copy of its Title I application if a private school official requests it?.....	5
<b>ALLOCATING FUNDS FOR EQUITABLE SERVICES FOR PRIVATE SCHOOL STUDENTS .....</b>	<b>5</b>
B-1. How does an LEA allocate funds for Title I services under Section 1113(c) of the Title I statute?.....	5
B-2. How may an LEA collect poverty data on private school children?.....	6
B-3. How does an LEA determine if it should collect the poverty data annually versus biennially (every two years) and must the collection of poverty data be uniform across the LEA?.....	8
B-4. If an LEA does not collect the names of low-income families, how do LEA officials or auditors determine that the poverty numbers provided by the private school officials are accurate? .....	8
B-5. Is there a preferred method for collecting poverty data?.....	9
B-6. May an LEA use more than one method of collecting poverty data? .....	9
B-7. May an LEA reserve funds off the top of its Title I allocation before it allocates funds to participating public school attendance areas or schools? .....	9
B-8. What are the requirements if an LEA reserves Title I funds for LEA-wide instructional programs for public elementary and secondary schools?.....	9
B-9. Are private school children who receive Title I services eligible to receive supplemental educational services? .....	10
B-10. Does the equitable services requirement in Section 1120(a) of the Title I statute apply to LEA set-asides for preschool programs?.....	10
B-11. Does the equitable services requirement in Section 1120(a) apply if the LEA takes funds off the top of its Title I allocation for summer school programs?.....	10
B-12. How does the carryover provision apply to equitable services for private school children? .....	10

B-13. If funds are transferred into the Title I program from other NCLB programs under the transferability authority, do the requirements relating to the equitable participation of private school students apply to these funds?..... 11

B-14. May an LEA transfer funds into the Title I program solely to provide services for private school students?..... 11

B-15. Does the LEA have options about how to allocate funds to provide services for eligible private school students?..... 11

B-16. If an LEA, in consultation with private school officials, decides to pool funds allocated for private school children and, later, eligible low-achieving children in some schools choose not to participate in the Title I programs, do the funds allocated for children in these private schools remain in the pool? ..... 12

B-17. If there are no children from low-income families attending a private school, and so no funds are allocated for Title I services, may the private school children who meet the educational criteria obtain Title I services? ..... 12

B-18. When an LEA elects not to serve an eligible public school attendance area or school, as permitted under Section 1113(b)(1)(D) of the Title I statute, what are the procedures for serving the private school children who reside in that attendance area?..... 12

B-19. How are private school children to be identified as residing in a participating public school attendance area if an LEA is operating under an open enrollment, desegregation, or magnet plan? ..... 13

**ELIGIBLE CHILDREN..... 13**

C-1. Which private school students are eligible for Title I services?..... 13

C-2. What are the criteria for selecting private school children from preschool through grade 2? 13

C-3. Are private school children from low-income families automatically eligible for Title I services? ..... 13

C-4. How are the criteria determined?..... 13

C-5. May Title I funds be used to identify eligible private school students?..... 14

C-6. May an LEA require private school officials to verify that students attending their school reside in a Title I public school attendance area?..... 14

C-7. Once participants are selected, how does an LEA determine what Title I services are to be provided? ..... 14

C-8. Must the number of private school children served be equal to the number of private school students from low-income families? ..... 14

C-9. If a school in the attendance area in which private school students reside is operating a schoolwide program, may private school students be offered a schoolwide program also?.. 14

C-10. If after receiving an offer of equitable services, the private school officials or parents choose to have the children participate in only some of the services, may the LEA provide only those services? ..... 14

C-11. When a child who is most at risk of failing resides in a Title I attendance area in one LEA and attends a private school in another LEA, which LEA is responsible for serving the child? ..... 15

C-12. May an LEA establish a minimum number of private school children selected for the program in order to establish a Title I program in the private school? If so, what is the LEA's responsibility to serve children attending private schools with fewer than that minimum number? ..... 15

C-13.	If the funds allocated for private school children are not sufficient to provide instructional services, may the funds be used to provide other services, such as professional development or counseling?.....	15
-------	--	----

**DELIVERY OF INSTRUCTIONAL SERVICES..... 15**

D-1.	Who is responsible for planning and designing the Title I program? .....	16
D-2.	How does an LEA design a Title I program? .....	16
D-3.	What types of services are available for private school participants?.....	16
D-4.	May an LEA just provide a private school with instructional materials and supplies paid with Title I funds?.....	16
D-5.	When should Title I services for private school participants start?.....	16
D-6.	What are the obligations of an LEA that does not start the Title I program for private school participants at the same time it starts the Title I program for public school students? .....	17
D-7.	May private school officials order or purchase materials and supplies needed for the Title I program and be reimbursed by an LEA?.....	17
D-8.	Where may Title I services take place?.....	17
D-9.	Are private schools required to make space available in their schools for Title I services?..	17
D-10.	May Title I, Part A teachers use private nonprofit school facilities such as a teachers' lounge? .....	18
D-11.	May Title I services be provided in religiously affiliated private schools?.....	18
D-12.	Must an LEA require the removal of religious symbols in private school classrooms in which Title I services are provided? .....	18
D-13.	May Title I, Part A, services be provided in the regular private school classroom through aides or joint (or team) teaching? .....	18
D-14.	May space used for Title I instruction in a private school be used for non-Title I purposes at other times? .....	18
D-15.	May equipment used for Title I instruction in a private school be used for non-Title I purposes at other times? .....	18
D-16.	May Title I, Part A teachers and other public school personnel meet or have discussions with private school teachers and administrators? .....	19
D-17.	May the Title I teacher use the same textbooks as those used by the private school students in their regular classroom? .....	19
D-18.	Who provides the Title I services to private school participants?.....	19
D-19.	Must teachers and paraprofessionals hired by an LEA to provide Title I services to private school participants meet the highly qualified teacher and paraprofessional requirements in Section 1119? .....	19
D-20.	After consultation with the appropriate private school officials, may an LEA employ a third-party contractor to provide Title I services to private school participants?.....	20
D-21.	If an LEA contracts with a third-party provider, must the third-party provider employ Title I teachers and paraprofessionals who meet the highly qualified requirements in Section 1119 of Title I? .....	20
D-22.	May an LEA hire a private school teacher to provide Title I services to private school participants?.....	20
D-23.	How does the requirement in Section 1119 of the Title I statute, which states that paraprofessionals employed by an LEA work under the direct supervision of a public school teacher, apply to the Title I program for private school participants?.....	20

**ADMINISTRATIVE COSTS ..... 21**

- E-1. May an LEA reserve funds for administering programs for private school children? ..... 21
- E-2. May third-party contractors incur administrative costs? ..... 21
- E-3. May Title I funds be used to purchase furniture for a Title I classroom? ..... 21
- E-4. What are special capital expenses?..... 21
- E-5. Are the costs of computer equipment and software considered to be special capital expenses?  
..... 22
- E-6. May Title I funds be used to renovate the private school site? ..... 22
- E-7. Must an LEA provide transportation for private school children from the private school to  
another site in order to receive Title I Services, if necessary? ..... 22

**EQUITABLE SERVICES FOR PRIVATE SCHOOL FAMILIES AND TEACHERS ..... 22**

- F-1. How does an LEA determine the amount of funds to be used for parental involvement  
activities for parents of participating private school students?..... 22
- F-2. How does an LEA provide equitable services for parents of private school students  
participating in the Title I program?..... 22
- F-3. How must the LEA reserve funds for parental involvement activities at the private school? 23
- F-4. How does an LEA meet the equitability requirement for professional development?..... 24
- F-5. Which private school teachers are eligible for professional development under “equitable  
services”?..... 24
- F-6. Must the LEA reserve funds from the private school allocation to provide professional  
development activities to teachers who are employees of the LEA? ..... 25
- F-7. How may the funds reserved for professional development for teachers of private school  
participants be used?..... 25
- F-8. May the private school officials arrange for professional development services for teachers  
of Title I participants and submit an invoice to the LEA for payment? ..... 25
- F-9. May Title I funds be used to pay stipends to private school teachers of Title I participants  
who participate in a Title I professional development program? ..... 25
- F-10. May Title I funds be used to pay for substitute teachers who replace private school teachers  
in their regular classroom while they attend Title I professional development activities? .... 25

**STANDARDS, ASSESSMENT, AND PROGRAM MODIFICATION ..... 26**

- G-1. What standards apply to private school students who participate in Title I programs? ..... 26
- G-2. Must an LEA evaluate the progress of private school students?..... 26
- G-3. Must an LEA evaluate students’ progress on a school-by-school basis? ..... 26
- G-4. What actions must an LEA take if the Title I program for the private school participants does  
not make the expected annual progress? ..... 26
- G-5. In what subjects does an LEA assess private school children? ..... 26
- G-6. May Title I funds be used to assess private school children?..... 27
- G-7. May an LEA use the private school’s assessment data to determine progress of the LEA’s  
Title I program? ..... 27
- G-8. May an LEA pay a private school for the assessment data of title I participants? ..... 27

**COMPLAINTS AND FEDERAL BYPASS.....27**

H-1. Do private school officials have the right to complain?.....27

H-2. What happens if the United States Secretary of Education determines that an LEA has substantially failed or is unwilling to provide for such participation as required by Section 1120 of the Title I statute?.....27

**APPENDICES.....29**

**ADDITIONAL RESOURCES.....39**

## INTRODUCTION

Serving private school students under the No Child Left Behind (NCLB) Act of 2001 is the most common monitoring finding across the United States. The United States Department of Education (USDE) has cited Florida and the Local Educational Agencies (LEAs) in this area. The purpose of this Technical Assistance Paper (TAP) is to consolidate the guidelines that LEAs should follow in serving eligible private school students. This document draws on two federal guidance documents: “*Providing Services to Eligible Private School Children*” (2003), and “*Ensuring Equitable Services to Private School Children: A Title I Resource Kit*” (2006). The intent of this document is to provide Florida’s LEAs the necessary information needed to successfully serve eligible private school children.

Under Title I of the No Child Left Behind Act of 2001, LEAs are required to provide services for eligible public and private school students. In particular, Section 1120 requires a participating LEA to provide eligible children attending private elementary and secondary schools, their teachers, and their families with Title I services or other benefits that are equitable to those provided to eligible public school children, their teachers, and their families.

The Title I services for private school students must be developed in consultation with officials of the private schools in a timely and meaningful manner. An LEA must collect a written affirmation signed by private school officials indicating that the required consultation has occurred.

The amount of Title I funds allocated to each participating public school attendance area or school is determined primarily on the basis of the total number of low-income students—both public and private—residing in each attendance area. Private school students who reside in a participating public school attendance area of the LEA are eligible to receive Title I services, regardless of the physical location of the participating private school.

The Title I services provided by the LEA for private school participants should be designed to meet their educational needs and supplement the educational services provided by the private school. These services may be provided by the LEA, or by a contractor who is independent of the private school and any religious organization. Title I services or benefits must be secular, neutral, and non-ideological.

## **CONSULTATION**

### **A-1. Are all private schools eligible to participate in Title I?**

No. The LEA must consult with all non-profit private schools registered with the Florida Department of Education with a tax-exempt identification number that serves students who live in the LEA. Registered private schools within the state of Florida are listed on the official list of private schools, which is maintained by the Office of Independent Education and Parent Choice. Local educational agencies may find the list of private schools within their LEA and their tax-exempt identification number status by viewing the official list of private schools for the state of Florida, located on the Office of Independent Education and Parental Choice website at (<http://www.floridaschoolchoice.org/information/privateschooldirectory/Default.aspx>).

### **A-2. Which private schools must LEAs consult with?**

The LEA must consult with all private schools with a non-profit status that serve students who live in the LEA.

### **A-3. What is consultation?**

Consultation is the statutorily required basis for determining all services to be provided to eligible private school students. Local educational agencies are required to annually discuss key elements of the program and the evaluation of services that allow equitable participation of private school students, their parents, and teachers in Title I programs. The key elements are instructional services, professional development, and parental involvement.

### **A-4. Is there a minimum definition of consultation?**

No. However, a unilateral offer of services by an LEA with no opportunity for discussion is not adequate consultation. Similarly, it is not adequate consultation to send a letter to officials of the private schools explaining the intent of Title I. In general, consultation must meet two conditions: it must be (1) timely and (2) meaningful.

### **A-5. When must consultation take place in order to be “timely”?**

Timely consultation takes place before decisions are made about Title I funding and services that could affect the opportunity for eligible private school children, their teachers, and their families to participate in Title I programs. In order for the initial consultation to be considered timely, it is recommended by the United States Department of Education (USDE) that it take place between October and February. Examples of activities that should be discussed prior to decisions about services are

- providing LEA-wide activities, such as a reading program, with Title I funds;
- decisions on LEA-wide activities to be implemented; and
- ordering supplies and equipment for the Title I program.



## Providing Services To Eligible Private School Children

### **A-6. What must consultation include in order to be “meaningful”?**

Consultation is meaningful if it includes all of the statutorily required topics. Under the Code of Federal Regulations, Title 34, Chapter II, Part 200, Section 200.63 consultation must, at a minimum, address the following issues:

- Timeline of consultation with private school officials regarding the Title I program and the development of the Title I, Part A application and other Title I funded activities.
- Method(s) for feedback from private school officials;
- The method, or the sources of data, that the LEA used (under 34 CFR, Part 200, Section 200.78) to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the LEA extrapolated data if a survey was used;
- The size and scope of the equitable services that the LEA provides to eligible private school children and, consistent with 34 CFR, Part 200, Section 200.64, the proportion of its Title I funds that the LEA allocates for these services and the amount of funds that the LEA reserves from its Title I allocation for the purposes listed in 34 CFR, Part 200, Section 200.77;
- How the LEA will identify the needs of eligible private school children;
- What services the LEA will offer to eligible private school children;
- How and when the LEA makes decisions about the delivery of services;
- How, where, and by whom the LEA provides services to eligible private school children;
- How the LEA assesses academically the services to private school children in accordance with 34 CFR, Part 200, Section 200.10, and how the LEA uses the results of that assessment to improve Title I services;
- The services the LEA provides to teachers and families of participating private school children;
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider;
- The LEA and state compliant policy and/or procedures;
- The LEA policy and/or procedures regarding equipment, property, and materials purchased with Title I funds; and
- Consultation with private school officials regarding LEA-wide activities.

Consultation must also include

- Discussion of service delivery mechanisms the LEA will use to provide services; and
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider. If the LEA disagrees with the views of the private school officials on that issue, the LEA must provide in writing to those officials the reasons why the LEA has chosen not to use a third-party contractor.

### **A-7. How do LEAs begin the consultation process?**

Every year, an LEA must contact officials of private schools with children who reside in the LEA regardless of whether the private school they attend is located in the LEA. Consultation should take place early (i.e., November of the previous year) to ensure adequate and sufficient time to plan.

## Providing Services To Eligible Private School Children

### **A-8. Who participates in the consultation process?**

Consultation includes appropriate public school officials and representatives of private schools and their central administrative offices, if appropriate.

### **A-9. How long does consultation continue?**

An LEA must meet with appropriate private school officials throughout the implementation and assessment of Title I services. This consultation must include early discussions so that there is a timely start of the Title I program at the beginning of each school year. Consultation should be ongoing, and as appropriate, include discussions on how carryover or roll forward funds will be used to provide equitable services to participating private school students. Please see the sample timeline for LEA consultation in **Appendix A**.

### **A-10. What records on consultation must an LEA maintain?**

Each LEA must maintain and provide to the Florida Department of Education a written affirmation, signed by officials of each private school with participating children or appropriate representatives of the private school officials that the required consultation has occurred. **Appendix B** provides sample affirmations of consultation with additional topics that should be covered during consultation.

However, LEAs may use their own forms as long as the forms contain the minimum information on the sample. Copies of these forms must be sent in to the Florida Department of Education as part of the annual self-monitoring process. Additional documents that should be submitted as records on consultation are the LEA's list of private schools annually notified, official meeting notices and or letters, intent to participate form, LEA consultation letters, agendas, affirmations of consultations, minutes, and private school agreement of services.

The Florida Department of Education will verify that signed consultation forms are submitted for each private school registered as operating in each LEA. If the LEA cannot obtain a signature (for example, because the school does not respond to repeated contacts), the LEA must provide this information in lieu of a signed consultation form. If the private school simply indicates it does not wish to participate in Title I services, LEAs should make every effort to obtain a signature indicating refusal of services.

### **A-11. Because consultation is an on-going process, when should private school officials or their representative(s) sign the required written affirmation that appropriate consultation has taken place?**

An LEA is required to submit an affirmation that the consultation for the upcoming school year, including funding decisions, has taken place at the time that it submits its annual self-monitoring work papers. After the affirmation is obtained, consultation continues throughout the implementation and assessment of services. **Appendix C** provides a sample contact log that may be used to track ongoing contacts with private school officials.

Providing Services To Eligible Private School Children

**A-12. Must an LEA provide a copy of its Title I application if a private school official requests it?**

Yes. An LEA must provide a copy of its Title I, Part A application when a private school requests it, as it is public information. All Title I, Part A applications are maintained by the Bureau of Federal Educational Programs. Once approved, they are posted on the Bureau of Federal Educational Programs website.

**ALLOCATING FUNDS FOR EQUITABLE SERVICES FOR PRIVATE SCHOOL STUDENTS**

Under Section 1113(a) of the Title I statute and 34 CFR, Part 200, Section 200.78, an LEA must allocate Title I funds to public school attendance areas or schools, identified as eligible and selected to participate, in rank order on the basis of the total number of children from low-income families residing in each area and for private schools.

**B-1. How does an LEA allocate funds for Title I services under Section 1113(c) of the Title I statute?**

Under Section 1113(c) of Title I, an LEA calculates the per-pupil allocation (PPA) for each participating public school attendance area or school. Then, based on the total number of children from low-income families residing in each attendance area attending either public or private schools, the LEA calculates the total amount of funds for each area.

From this amount, the LEA reserves an amount of funds for the private school children (equal to the PPA multiplied by the number of low-income private school students in the area) to provide equitable services to eligible private school participants.

Public school attendance area	Column A Per pupil allocation (PPA) by attendance area	Column B Number of public school low-income children by attendance area	Column C Number of private school low-income children by attendance area	Column D Total allocation for each public school [Col. A X Col. B]	Column E Amount available for Title I services to private school children (Col. A X Col. C)
A	\$800	500	130	\$400,000	\$104,000
B	\$700	300	8	\$210,000	\$ 5,600
C	\$600	200	3	\$120,000	\$ 1,800
D	\$500	400	17	\$200,000	\$ 8,500

In this example, excerpted from the federal guidance, eligible public school attendance areas are identified and ranked on the basis of the number of children from low-income families attending public schools.

Providing Services To Eligible Private School Children

**B-2. How may an LEA collect poverty data on private school children?**

Section 1120(c)(1) of the Title I statute and 34 CFR, Part 200, Section 200.78(2) allows an LEA to calculate the number of children who are from low-income families and attend private schools in several ways:

1. Using the same measure of poverty. *If available, an LEA should use the same measure of poverty used to count public school children, (e.g., free and reduced price lunch data).*
2. Using comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.
  - a. *In order to obtain the number of private school children from low-income families, an LEA may use a survey to obtain poverty data comparable to those used for public school students. To the extent possible, the survey must protect the identity of families of private school students. The only information necessary for an LEA to collect in such a survey of private school children is*
    - (1) Geographic information verifying residence in a participating public school attendance area;
    - (2) Grade level of each child; and
    - (3) Income level of parents.

Under Section 1002.42, Florida Statutes LEAs may not require that the private school officials give the names of low-income families.

- b. *After obtaining income data from a representative sample of families with children in private schools, an LEA may extrapolate those data to the entire private school student population if complete actual data are unavailable. The LEA should take care to ensure that the data is truly representative of the private school students in the LEA.*

**EXAMPLE OF REPRESENTATIVE SAMPLE AND EXTRAPOLATION:**

Column 1	Column 2	Column 3	Column 4	Column 5
Public school attendance area	Number (#) of resident private school children	Number (#) of private school children submitting surveys	Number (#) of low-income private school children from survey	Extrapolated number (#) of low-income private school children
A	150	115	100	130
B	20	10	4	8

## Providing Services To Eligible Private School Children

Key:

Column 1. Public school attendance area;

Column 2. Number (#) of resident private school children;

Column 3. Number (#) of private school children submitting surveys;

Column 4. Number (#) of low-income private school children on returned surveys;

Column 5. Extrapolated number (#) of low-income private school children.

### CALCULATIONS:

Col. 5 (extrapolated number of low-income children) =

$$\frac{\text{Col. 4 (\# of low-income on survey)}}{\text{Col. 3 (total submitted surveys)}} \text{ multiplied by Col. 2 (\# resident private school children)}$$

Or 
$$\frac{100}{115} \text{ times } 150 = 130 \qquad \frac{4}{10} \text{ times } 20 = 8$$

3. Using comparable poverty data from a different source. *If data from the same source used for public school children are not available, an LEA may use poverty data for private school children that are from a different source than the data it uses for public school children so long as the income threshold in both sources is generally the same.*

For example, an LEA uses free and reduced price lunch data but private school children do not participate in the free lunch program; however, private school officials are able to provide an LEA with a count of children who are from low-income families using other sources of poverty data such as Temporary Assistance to Needy Families (TANF) or tuition scholarship programs. If the different sources use different definitions of low-income, an LEA would need to adjust the results accordingly.

4. Using proportionality. An LEA may apply the low-income percentage of each participating public school attendance area or school to the number of private school children who reside in that school attendance area. To do this, an LEA will need the addresses and grade levels of those students attending private schools. Under Florida Statute 1002.42, an LEA cannot require that a private school provide this information. However, private schools may provide the information on a voluntary basis.

### EXAMPLE OF PROPORTIONALITY CALCULATIONS:

An LEA calculates the percent of poverty of a public school attendance area or school to be 60 percent. The LEA then applies the poverty percentage of the public school attendance area or school to the number of private school children residing in that public school attendance area. For example, if the number of private school children residing in the public school attendance area or school is 50, then 60 percent of 50 children or 30 children are considered to be from low-income families. The LEA calculates the per-pupil amount on this number (30 children).

## Providing Services To Eligible Private School Children

Using an equated measure. *An LEA may use an equated measure of low-income status by correlating sources of data—that is, determining the proportional relationship between two sources of data on public school children and applying that ratio to a known source of data on private school children. An LEA uses free and reduced price lunch data, but this data is not available for private school students. However, if TANF data is available, the LEA could determine an equated measure of poor students in private schools based on free and reduced price lunch data by correlating the two sets of data as follows: TANF in the public school is to free and reduced price lunch as TANF in private schools is to “X.”*

$$\frac{\text{TANF (public)}}{\text{Free \& reduced price lunch (public)}} = \frac{\text{TANF (private)}}{\text{X (private)}}$$

In this example, the LEA may then use the equated number of private school students based on free and reduced-price lunch data (“X”) as the number of low-income private school students.

### **B-3. How does an LEA determine if it should collect the poverty data annually versus biennially (every two years) and must the collection of poverty data be uniform across the LEA?**

Section 1120(a)(4) of the PL 107-110 permits an LEA to determine the number of children from low-income families who attend private schools "each year or every 2 years." This provision was included to reduce the burden of annually collecting poverty data from private schools, particularly if those private schools do not otherwise maintain poverty data and have to obtain this data through a survey. An LEA should consult with appropriate private school officials about the availability of poverty data on private school students and by this process determine whether it would be more feasible to collect annually or biennially. It is not necessary that an LEA adopt a uniform procedure with regard to all private schools. For example, if some private schools have free and reduced-price lunch data available, the LEA could collect this data annually. For other private schools that rely on a survey, the LEA could collect data biennially. If data is collected from different years, the LEA should ensure that the data for the LEA, taken as a whole, appropriately and consistently represent concentrations of low-income students.

### **B-4. If an LEA does not collect the names of low-income families, how do LEA officials or auditors determine that the poverty numbers provided by the private school officials are accurate?**

Private school officials should maintain the poverty data in their files. If LEA officials or auditors wish to review the poverty data, they may review the data at the private schools.

**B-5. Is there a preferred method for collecting poverty data?**

Yes. If the same data source is available for public and private schools, then that is the preferred method for determining the number of public and private school children from low-income families because of comparable data. However, if the data used for public school children is not available for the private school children, then, after consultation with the appropriate private school officials, the other methods described in this guidance may be used to collect poverty data for private school students.

**B-6. May an LEA use more than one method of collecting poverty data?**

Yes. Since some private schools within an LEA do not participate in the free and reduced-price lunch program, it may be necessary for an LEA, after consultation with appropriate private school officials, to use more than one method of collecting data on children living in poverty. However, the LEA must ensure that there are no duplicate counts and that the methods used have comparable income levels.

**B-7. May an LEA reserve funds off the top of its Title I allocation before it allocates funds to participating public school attendance areas or schools?**

Yes. The provisions for allocating Title I funds are in 34 CFR, Part 200, Section 200.77. Before allocating Title I funds to participating public school attendance areas or schools, an LEA must reserve a portion of its Title I allocation “off the top,” as needed, for specific purposes. These purposes may be to provide services for neglected children in local institutions or for homeless children, to carry out parental involvement and professional development activities, pay for choice-related transportation and supplemental educational services, or administer Title I programs for public and private school children, including paying any special capital expenses. The LEA may also reserve funds for other authorized activities, such as school improvement activities or LEA-wide instructional programs.

**B-8. What are the requirements if an LEA reserves Title I funds for LEA-wide instructional programs for public elementary and secondary schools?**

If an LEA reserves funds from its Title I allocation for LEA-wide instructional programs for public elementary and secondary school students, the equitable services requirement applies. 34 CFR, Part 200, Section 200.64(a)(2)(i)(A) requires that, if an LEA reserves funds for instructional and related activities for public elementary or secondary school students at the LEA level, the LEA must also provide from these funds, as applicable, equitable services to eligible private school children. This requirement does not apply to preschool. (See B-10)

The amount of funds available to provide equitable services from the applicable reserved funds must be proportional to the number of private school children from low-income families residing in participating public school attendance areas.

## Providing Services To Eligible Private School Children

### EXAMPLE OF EQUITABLE CALCULATIONS FOR LEA-WIDE ACTIVITIES:

An LEA reserves \$500,000 for an LEA-wide reading initiative. The number of public and private school children from low-income families residing in participating Title I attendance areas is 25,000. Five percent of the 25,000 children from low-income families attend private schools; thus five percent of the \$500,000 set-aside, or \$25,000, is available for equitable services for private school participants. Thus, the LEA has \$475,000 for its public school LEA-wide reading initiative and \$25,000 for Title I services to private school participants. The Title I program funded with this \$25,000 must meet the needs of the private school participants, but does not have to be identical to the LEA-wide reading initiative. The LEA must consult with appropriate private school officials to determine how these funds will be used to benefit private school participants.

#### **B-9. Are private school children who receive Title I services eligible to receive supplemental educational services?**

No. Only children from low-income families attending public schools not making Adequate Yearly Progress (AYP) for two or more consecutive years are eligible for Supplemental Educational Services (SES). Not all children participating in Title I are eligible to receive Supplemental Educational Services (SES).

#### **B-10. Does the equitable services requirement in Section 1120(a) of the Title I statute apply to LEA set-asides for preschool programs?**

No. The equitable services requirement does not apply to children attending private preschool programs, since Florida does not consider preschool to be part of elementary education.

#### **B-11. Does the equitable services requirement in Section 1120(a) apply if the LEA takes funds off the top of its Title I allocation for summer school programs?**

Yes. Since a Title I summer school program provides instructional services, 34 CFR, Part 200, Section 200.64(a)(2)(i)(A) would apply and would require the LEA to provide equitable services to eligible private school children. The LEA must determine equitable services based on the reserved funds and the proportion of private school children from low-income families residing in participating public school attendance areas.

#### **B-12. How does the carryover provision apply to equitable services for private school children?**

In general, if an LEA provided equitable services for private school students in the first year, any carryover funds would be considered additional funds for the entire Title I program in the subsequent year, and would be part of the LEA's Title I resource base in the next year. Those funds would be used, along with any other carryover funds, for serving both public and private school students on an equitable basis. This situation might occur, for example, if private school students did not fully participate in the federal program in the first year, even though an equitable program was planned and offered for those students.



## Providing Services To Eligible Private School Children

However, there may be a circumstance in which equitable services were not provided, for example, because of a delay by an LEA in implementing an equitable program for private school children. As a result, the LEA could not spend all the funds it had available for providing equitable services to private school children and needed to carry over those funds and use them to provide services to private school children in the following year. These carryover funds would be in addition to funds that the LEA would otherwise be required to use to provide equitable services for private school students out of the LEA's current-year allocation.

Under either situation, the LEA retains control of the federal funds carried over into the following year. Funds are not provided directly to private schools.

### **B-13. If funds are transferred into the Title I program from other NCLB programs under the transferability authority, do the requirements relating to the equitable participation of private school students apply to these funds?**

Yes. With respect to any funds transferred into the Title I program, the LEA must provide equitable services for private school students.

### **B-14. May an LEA transfer funds into the Title I program solely to provide services for private school students?**

No. The LEA may not transfer to the Title I program only the portion of funds available for services for private school students from one or more of the programs whose funds may be transferred. Funds that are transferred into Title I must be used for all the required set-asides, including parental involvement and professional development.

### **B-15. Does the LEA have options about how to allocate funds to provide services for eligible private school students?**

Yes, although it must make this decision in consultation with the private schools. The LEA and private school officials may choose one or both of the following options for using the funds reserved for instructional services for eligible private school children:

- (1) On a School-by-School Basis: Provide equitable services to eligible children in each private school with the funds allocated for the children who reside in participating public school attendance areas and attend that private school.
- (2) Pooling Option: Combine funds allocated for private school children in all participating areas to create a pool of funds from which the LEA provides equitable services to eligible private school children who are in the greatest educational need of those services and reside in participating public school attendance areas. If it pursues this option, the LEA, in consultation with officials from the private schools, must establish criteria to determine the eligible private school students in greatest educational need who should receive services. Under this option, the services provided to eligible children attending a particular private school do not depend on the amount of funds allocated for children in that school.

## Providing Services To Eligible Private School Children

When it applies for NCLB funding in its annual application, the LEA must indicate whether it will use school-by-school or pooling to provide equitable services.

**B-16. If an LEA, in consultation with private school officials, decides to pool funds allocated for private school children and, later, eligible low-achieving children in some schools choose not to participate in the Title I programs, do the funds allocated for children in these private schools remain in the pool?**

Yes. An LEA allocates Title I funds to participating public school attendance areas or school using data on the number of low-income children, both public and private, who reside in that public school attendance area. Once funds are allocated, if a particular private school with eligible low-achieving children does not wish to have its students participate in the Title I program, any funds allocated for children in that private school remain in the pool.

**B-17. If there are no children from low-income families attending a private school, and so no funds are allocated for Title I services, may the private school children who meet the educational criteria obtain Title I services?**

If there are no children from low-income families to generate funds, and the LEA is not pooling the funds, then children in that private school who meet the educational criteria will not receive Title I services because there are no funds available to provide services. If the LEA is pooling funds, then eligible low-achieving children who meet the educational criteria and attend private schools with no children from low-income families may receive Title I services.

**B-18. When an LEA elects not to serve an eligible public school attendance area or school, as permitted under Section 1113(b)(1)(D) of the Title I statute, what are the procedures for serving the private school children who reside in that attendance area?**

An LEA may elect not to serve ("skip") an eligible public school attendance area or school that has a higher percentage of children from low-income families than other schools it elects to serve if (1) the school meets the comparability requirements; (2) the school is receiving supplemental funds from other state or local sources that are spent according to the requirements of either Section 1114 or 1115; and (3) the funds expended from such other sources equal or exceed the amount that would be provided under Part A. Eligible private school children who reside in a "skipped" attendance area, however, must be provided Title I services even though the public school attendance area or school is not served.

On its Public School Eligibility Survey (PSES), each LEA must determine the per-pupil allocations for skipped schools. The LEA must then determine the amount of funds that would have been allocated for private school children residing in those school attendance areas. This amount is included in the funds available for serving eligible private school children residing in the LEA.

## Providing Services To Eligible Private School Children

### **B-19. How are private school children to be identified as residing in a participating public school attendance area if an LEA is operating under an open enrollment, desegregation, or magnet plan?**

If an LEA identifies a public school as eligible on the basis of enrollment, rather than serving an eligible school attendance area or school, the LEA must, in consultation with private school officials, determine an equitable way to identify eligible private school children. For example, the LEA may assign a private school child to the public school attendance area in which the child resides or to the public school that the child would have attended if not enrolled in a private school.

## **ELIGIBLE CHILDREN**

### **C-1. Which private school students are eligible for Title I services?**

To be eligible for Title I services, a private school child must reside in a participating public school attendance area and must meet the requirements in Section 1115(b) of Title I, which requires the LEA to use multiple, educationally related, objective criteria in selecting the most educationally needy children to participate in the Title I program. Under that section of the statute, certain children may be identified as eligible solely by virtue of their status: for example, homeless children and children who in the preceding two years had participated in Head Start, Even Start, Early Reading First, a Title I preschool program, or a Title I, Part C (Migrant Education) program.

### **C-2. What are the criteria for selecting private school children from preschool through grade 2?**

Children from preschool through grade 2 are selected on the basis of such criteria as teacher judgment, interviews with parents, and developmentally appropriate measures.

### **C-3. Are private school children from low-income families automatically eligible for Title I services?**

No. Student eligibility for Title I services for private school children is determined by (1) residence in a participating public school attendance area; and (2) educational need. Poverty is not a criterion.

### **C-4. How are the criteria determined?**

In consultation with private school officials, an LEA must establish multiple, educationally related, objectives criteria to determine which private school children are eligible for Title I services, and, within the eligible group, which children will be served. To the extent appropriate, the LEA must select private school children who are failing, or most at risk of failing, to meet the state student academic achievement standards. Criteria may include the results of achievement tests (including, but not limited to, the SAT 9, SAT 10, or another norm-referenced test), teacher referrals and recommendations, and grades.

## **EXAMPLES OF THE STEPS AN LEA USES TO SELECT PARTICIPANTS:**

## Providing Services To Eligible Private School Children

LEA and private school officials decide that the criteria for private school students are (1) test scores on a national norm-referenced test given annually by the private school; and (2) teacher referral. The criteria should provide accurate and unduplicated information. The private school principal provides the names, addresses, and grades of the private school children meeting the agreed upon criteria. The LEA checks the addresses of the children on the list to determine those who live in participating public school attendance areas. Based on established educational criteria, the LEA then selects, from among those who are eligible and live in participating public school attendance areas, those private school children who are failing, or those who are most at risk of failing, to meet high achievement standards.

### **C-5. May Title I funds be used to identify eligible private school students?**

No. Title I funds may not be used to identify private school children who are eligible to participate. Title I funds, however, may be used to select participants from among those who are eligible and to determine the specific educational needs of those children.

### **C-6. May an LEA require private school officials to verify that students attending their school reside in a Title I public school attendance area?**

No. It is an LEA's responsibility to verify that the eligible private school children reside in participating public school attendance areas. The officials of the private school may help with this determination if they wish. However, the LEA cannot require private school officials to do this verification.

### **C-7. Once participants are selected, how does an LEA determine what Title I services are to be provided?**

An LEA, in consultation with appropriate private school officials, determines the appropriate Title I services based on the needs of the private school students. Title I services may be provided in subject areas or at grade levels that are different from those provided public school students, as long as these services are provided in the same grade-span as the services provided to public school children. These services must hold reasonable promise that the academic performance of private school participants will improve.

### **C-8. Must the number of private school children served be equal to the number of private school students from low-income families?**

No. The needs of eligible private school children and the amount of funds available determine which students receive the services determined during consultation.

### **C-9. If a school in the attendance area in which private school students reside is operating a schoolwide program, may private school students be offered a schoolwide program also?**

No. Since private schools are not eligible for Title I services, schoolwide programs may not be operated in private schools. However, eligible private school children residing in an area served by a schoolwide public school program must be offered equitable services.

### **C-10. If after receiving an offer of equitable services, the private school officials or parents**

## Providing Services To Eligible Private School Children

**choose to have the children participate in only some of the services, may the LEA provide only those services?**

Yes. Federal statute requires that an LEA offer equitable services to private school children, but not that private school children accept or participate in all those services. An LEA meets its responsibility to provide services even if the services are wholly or partially refused by private school officials or parents. The LEA must continue to offer equitable services each year and cannot presume to reduce the services offered based on what was offered or accepted in the past.

**C-11. When a child who is most at risk of failing resides in a Title I attendance area in one LEA and attends a private school in another LEA, which LEA is responsible for serving the child?**

34 CFR, Part 200, Section 200.62(b)(1)(i) defines Title I eligible private school children as those who reside in participating public school attendance areas of the LEA, regardless of whether the private school they attend is located in the LEA. Thus, the LEA in which the child resides is responsible for providing services to the child, but it may arrange to have services provided by another LEA and reimburse that LEA for costs.

**C-12. May an LEA establish a minimum number of private school children selected for the program in order to establish a Title I program in the private school? If so, what is the LEA's responsibility to serve children attending private schools with fewer than that minimum number?**

No. Section 1120(a) of Title I requires that LEAs provide for the participation, on an equitable basis, of eligible children enrolled in private schools. The requirement applies regardless of the number of children attending a private school; there is no minimum number. However, when the number of eligible children at one location is very small, the cost of establishing certain types of programs to serve them may be prohibitive, especially when these children may be from different grades or have different educational needs. In this case, the LEAs should consider other options. If feasible and equitable, they might adopt methods that are cost effective for serving small numbers, such as take-home computer programs, individual tutoring programs, professional development activities with the classroom teachers of Title I participants, or other strategies.

**C-13. If the funds allocated for private school children are not sufficient to provide instructional services, may the funds be used to provide other services, such as professional development or counseling?**

Yes. After consultation with private school officials, an LEA may provide Title I services other than direct instruction if the provision of services, such as counseling, staff development, and parental involvement is appropriate to assist those children identified as failing or most at risk of failing to meet high student academic achievement standards. The LEA must measure the effect of the services on the academic achievement of participating children.

## DELIVERY OF INSTRUCTIONAL SERVICES

## Providing Services To Eligible Private School Children

### **D-1. Who is responsible for planning and designing the Title I program?**

After consultation, the LEA in collaboration with appropriate private school officials must design a Title I program that meets the needs of private school participants. The LEA is responsible for planning, designing, and implementing the Title I program and may not delegate that responsibility to the private schools or their officials.

### **D-2. How does an LEA design a Title I program?**

Consistent with Section 1115(c) of the Title I statute, the LEA provides a Title I program to private school children employing methods and instructional strategies for improving academic achievement that have been shown to be effective through scientifically-based research. The LEA must also give primary consideration to providing extended learning time and a high-quality curriculum.

Based on the needs of the children to be served, the LEA must provide an instructional program that not only supplements but also is well coordinated with the instruction that the private school children are receiving in their regular classrooms. This program should complement classroom instruction and should not be a separate instructional program.

### **D-3. What types of services are available for private school participants?**

Services, determined in consultation, may include a wide range of allowable activities such as the following:

- Books, materials, and equipment necessary to implement the Title I program;
- Extended-day services;
- Summer programs;
- Saturday programs;
- Counseling programs;
- Computer-assisted instruction (CAI) with non-instructional computer technicians who supervise computer labs, maintain discipline, and escort students to and from class;
- Home tutoring;
- Computers and software products; and
- Take-home computers.

In the delivery of instructional services to eligible students, the pull-out model is not recommended but is allowable.

### **D-4. May an LEA just provide a private school with instructional materials and supplies paid with Title I funds?**

No. Simply providing the private school with instructional materials and supplies is NOT an option available to the LEA because, according to federal guidance, it is neither a proper Title I program implemented by the LEA nor does it meet the equitability requirement.

### **D-5. When should Title I services for private school participants start?**

Under the equitable services provision of the Title I statute, the Title I program for private school

## Providing Services To Eligible Private School Children

participants must begin at the same time as the Title I program for public school participants. Therefore, the required consultation should begin early enough so that Title I teachers can be hired and materials ordered in order for the Title I program to start at the beginning of each school year.

### **D-6. What are the obligations of an LEA that does not start the Title I program for private school participants at the same time it starts the Title I program for public school students?**

An LEA is obligated to provide Title I services on an equitable basis, and the expectation is that Title I services start at the beginning of each school year.

If the LEA begins the Title I program late in the school year, in order to comply with applicable requirements, the LEA should provide additional services during the remainder of the year and carry over any unspent funds that should have been used to provide equitable services for private school students, and add them to the instructional funds for the private school participants for the next school year.

### **D-7. May private school officials order or purchase materials and supplies needed for the Title I program and be reimbursed by an LEA?**

No. Private school officials have no authority to obligate or receive Title I funds. The LEA must maintain control of Title I funds, materials, equipment, and property. Title I funds are not to be paid to a private school, under any circumstances.

### **D-8. Where may Title I services take place?**

Title I services for private school participants may be provided at various locations, including the private school, neutral sites, or public schools. LEA officials must consult with private school officials before any decision is made about the location of Title I services. If appropriate space is available, the least disruptive and least expensive location will be the private school that the participating children attend. The following conditions must be met:

- Title I services must be provided in a separate space that is under the LEA's control when Title I services are being provided;
- If the services are provided in a library or private school classroom, the space must be separate and partitioned off; and
- Computer equipment and other supplies purchased with Title I funds may be used only by Title I students in the Title I program.

### **D-9. Are private schools required to make space available in their schools for Title I services?**

No. If space is not available in a private school, or if the private school chooses not to make its facilities available to the LEA for this purpose, Title I services must be provided in another

## Providing Services To Eligible Private School Children

location. The LEA still has the responsibility of providing equitable Title I services for private school children under these circumstances, although the services would be at a location outside the private school. The extra costs of providing services at a location outside the private school would be taken “off-the-top” of the LEA’s Title I allocation before funds are allocated for instructional services for public and private school children.

### **D-10. May Title I, Part A teachers use private nonprofit school facilities such as a teachers’ lounge?**

Yes. There is no prohibition against reasonable use of private non-profit school facilities by a Title I, Part A teacher or other Title I, Part A personnel.

### **D-11. May Title I services be provided in religiously affiliated private schools?**

Yes. The Supreme Court decided in 1997 (*Agostini v. Felton*) that Title I instructional services may be provided by public school employees in religiously affiliated private schools without violating the Establishment Clause of the United States Constitution.

### **D-12. Must an LEA require the removal of religious symbols in private school classrooms in which Title I services are provided?**

No. The constitutionality of Title I instructional services provided in a private school will depend on consideration of the program's safeguards viewed as a whole, not any one factor, such as whether or not there are religious symbols in the space used for that instruction. However, a valid program must contain safeguards to ensure that public employees do not promote religion in the course of carrying out their Title I duties.

### **D-13. May Title I, Part A services be provided in the regular private school classroom through aides or joint (or team) teaching?**

No. Although the Supreme Court did not specifically rule this out, the USDE strongly recommends that LEAs not provide these kinds of services. The Supreme Court in *Agostini* emphasized that the Title I, Part A program was totally separate from the private, nonprofit school’s educational program and under the sole control of the LEA. Providing Title I, Part A instruction as part of private school classes raises significantly different issues and increases the risk that such services would be unconstitutional.

### **D-14. May space used for Title I instruction in a private school be used for non-Title I purposes at other times?**

Yes. The LEA should have the exclusive use and control of the Title I space during the time when Title I services are being conducted, but the space may be used for other purposes at other times.

### **D-15. May equipment used for Title I instruction in a private school be used for non-Title I purposes at other times?**

No. The USDE has stated that, although space may be used for both Title I and non-Title I purposes, equipment purchased with Title I funds use may not be used for any other purpose, even during other times. Any equipment or materials purchased for the Title I program at the private school must be properly maintained as the property of the LEA. Each item purchased



## Providing Services To Eligible Private School Children

with Title I funds must be labeled “Property of \_\_\_\_\_ School District.” The labels should not be easily erased or removable. It is important that the LEA shares its policy and/or procedures regarding equipment, property, and materials purchased with Title I funds with private school officials.

### **D-16. May Title I, Part A teachers and other public school personnel meet or have discussions with private school teachers and administrators?**

Yes. To facilitate the delivery of well-coordinated and high-quality services, Title I teachers, teachers of private school participants, private school officials, and LEA staff members should meet and discuss the design and implementation of the Title I program. These meetings should be one-on-one between the Title I teachers and the private school teachers of Title I participants to ensure that the Title I program supplements and coordinates with the regular classroom instruction received by the private school participants.

### EXAMPLES OF COMMUNICATION WITH THE REGULAR CLASSROOM TEACHERS

In one program, each Friday afternoon, the private school classroom teacher provides the Title I teacher with a copy of the regular classroom teacher’s weekly lesson plan for the next week in those subjects that the Title I teacher instructs, so that the Title I teacher can adapt the Title I instruction to support the instruction occurring in the regular private school classroom.

In another program a regular classroom teacher provides the Title I teacher, on a weekly basis, with a simple form that is used to inform the Title I teacher of a child’s individual needs as well as the content and skills being taught in the regular classroom. The Title I teacher then adjusts the Title I services to meet the child’s needs and to supplement the instruction provided.

### **D-17. May the Title I teacher use the same textbooks as those used by the private school students in their regular classroom?**

Yes. The Title I teacher may use the same textbooks and materials as those used in the regular private school classroom so long as the textbooks and materials are secular, neutral, and non-ideological, and the instructional services supplement and do not replace the instructional program in the participants’ regular classrooms.

### **D-18. Who provides the Title I services to private school participants?**

Section 1120(d)(2) of the statute requires that Title I services be provided by either an employee of a public agency (LEA) or through a contract by the public agency (LEA) with an individual, association, agency, or organization. These employees, individuals, associations, agencies, or organizations must be independent of the private school and any religious organization in the provision of those services and such employment or contract must be under the control and supervision of the public agency (LEA).

### **D-19. Must teachers and paraprofessionals hired by an LEA to provide Title I services to private school participants meet the highly qualified teacher and paraprofessional requirements in Section 1119?**

## Providing Services To Eligible Private School Children

Yes. Teachers and paraprofessionals who provide Title I services to private school participants and are employees of an LEA must meet the qualification requirements. If an LEA utilizes a paraprofessional to render services to eligible private school students, they must be under the direct supervision of a highly qualified LEA teacher. The LEA must retain documentation that the qualification and supervision requirements have been met.

### **D-20. After consultation with the appropriate private school officials, may an LEA employ a third-party contractor to provide Title I services to private school participants?**

Yes. An LEA may provide Title I services directly or indirectly through contracts with public and private agencies, organizations, and institutions as long as those entities are independent of the private school and of any religious organization in the provision of those services. The services may be provided in a private school under the same conditions, and subject to the same limitations, as if the LEA provided the services.

### **D-21. If an LEA contracts with a third-party provider, must the third-party provider employ Title I teachers and paraprofessionals who meet the highly qualified requirements in Section 1119 of Title I?**

No. The highly qualified personnel requirements only apply to those teachers and paraprofessionals who are directly employed by the LEA.

### **D-22. May an LEA hire a private school teacher to provide Title I services to private school participants?**

Yes, as long as the private school teacher meets the highly qualified teacher standards required in Section 1119 of the Title I statute and is independent of the private school in the provision of Title I services. The private school teacher can only be employed for Title I purposes outside of the time he or she is employed by the private school and must be under the direct supervision of the LEA with respect to all Title I activities. A well-defined schedule/contract must be maintained of the times the teacher is employed by the private school and when they are implementing Title I services.

### **D-23. How does the requirement in Section 1119 of the Title I statute that states that paraprofessionals employed by an LEA work under the direct supervision of a public school teacher apply to the Title I program for private school participants?**

Paraprofessionals providing instructional support must work under the direct supervision of a public school teacher (see Section 1119(g)(2)(G) and (g)(3)(A) of Title I). A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities that the paraprofessional carries out, and (2) the paraprofessional works in close and frequent proximity to the teacher. As a result, a Title I program for private school participants staffed entirely by paraprofessionals is not permitted.

Paraprofessionals paid with Title I funds must work under the supervision of public school teachers, i.e., those hired by the LEA to provide Title I services to private school students. A schedule must be maintained of the public school teacher and their assigned paraprofessional(s.)

## **ADMINISTRATIVE COSTS**

### **E-1. May an LEA reserve funds for administering programs for private school children?**

Yes. An LEA may reserve an amount that is reasonable and necessary to administer Title I programs for both public and private school children, including special capital expense costs. This reservation for administration, including funds needed to administer Title I programs for private school students, is taken "off-the-top" of the LEA's allocation and not from the funds allocated for Title I services for private school children. Funds for instructional services are allocated after administrative and other "off-the-top" costs are determined.

### **E-2. May third-party contractors incur administrative costs?**

Yes, a third-party contractor hired by an LEA to provide services to private school participants may incur administrative costs. These costs must come "off-the-top" of the LEA's Title I allocation as administrative costs. The LEA may not charge a third-party contractor's administrative costs to the funds allocated for private school children for instructional services.

The parties should identify in the contract the portion of the costs that are administrative, and the LEA should use funds taken "off-the-top" of its allocation to pay this portion of the contract.

### **E-3. May Title I funds be used to purchase furniture for a Title I classroom?**

Yes. Title I funds may be used to purchase furniture for a Title I classroom if that cost is reasonable and necessary for the operation of the Title I program; however, the cost of the furniture must be charged to administrative costs. If an LEA purchases furniture with Title I funds, only Title I participants may use it.

### **E-4. What are special capital expenses?**

Special capital expenses refer to expenditures for non-instructional goods and services that were or are still being incurred as a result of implementing alternative delivery systems such as the following:

- Purchase or lease of real and personal property (including mobile educational units and neutral sites);
- Insurance and maintenance costs;
- Transportation between a private school and another site;
- Buy-out leases for mobile vans or neutral space or other costs relating to terminating arrangements for providing Title I services to private school children outside of their private school; and
- Other comparable goods and services, which include costs to escort children to and from instructional areas and, in the case of computer-assisted instruction (CAI), costs to install equipment and pay for non-instructional computer technicians.

(Note: Technicians perform non-instructional duties, such as operating and maintaining computer equipment and keeping order in a Title I CAI classroom. Whether employees should be considered Title I instructional personnel or non-instructional technicians depends on the functions performed by the employees in addition to their job titles or classifications.)

## Providing Services To Eligible Private School Children

Under 34 CFR, Part 200, Section 200.77(f), these special capital expenses must be considered administrative costs and taken “off-the-top” of the LEA’s total Title I allocation.

### **E-5. Are the costs of computer equipment and software considered to be special capital expenses?**

No. Costs for computers and software are considered instructional costs and are paid from the funds allocated for instructional services for private school children. All such equipment must be clearly labeled as property of the LEA and counted in the LEA’s inventory. Property, equipment or materials purchased with Title I funds must be under the control of the LEA at all times.

### **E-6. May Title I funds be used to renovate the private school site?**

No. Federal funds cannot be used for any construction or renovations.

### **E-7. Must an LEA provide transportation for private school children from the private school to another site in order to receive Title I Services, if necessary?**

Yes. If eligible private school children need to be transported from their private school to another site, the LEA, as the provider of equitable services, has the responsibility of providing that transportation. The cost of such transportation is an administrative cost and should not be charged to the instructional funds allocated for private school children.

## **EQUITABLE SERVICES FOR PRIVATE SCHOOL FAMILIES AND TEACHERS**

### **F-1. How does an LEA determine the amount of funds to be used for parental involvement activities for parents of participating private school students?**

Section 1118 of Title I requires an LEA to reserve funds “off-the-top” of its Title I allocation to carry out required Title I parental involvement activities. 34 CFR, Part 200, Section 200.65 requires the LEA to calculate the amount of funds available for parental involvement activities from the reserved funds based on the proportion of private school children from low-income families residing in participating public school attendance areas. **Appendix D** provides a useful worksheet for these calculations.

### **F-2. How does an LEA provide equitable services for parents of private school students participating in the Title I program?**

An LEA must provide equitable services to parents of private school participants from the funds set aside for this purpose. Activities for the parents of private school participants must be planned and implemented after meaningful consultation with private school officials and parents. Activities that LEAs can provide parents that will assist private school students in achieving high academic standards should be discussed. A written agreement between the LEA and parents of private school participants regarding the responsibilities of the LEA and parents in the Title I program, parent meetings, communication between the Title I teachers and parents on students’ academic progress, parent-teacher conferences, and parent education should be developed.

## **EXAMPLES OF PARENTAL INVOLVEMENT ACTIVITIES:**

## Providing Services To Eligible Private School Children

During the consultation process, the LEA, private school officials and parents discuss a number of options for parental involvement in the Title I program, including parent meetings, parent compacts, parent-teacher conferences, parent training activities, and reasonable access to Title I staff. After considering the needs of the private school parents and the views of the private school officials and parents, the LEA conducts an annual meeting with parents, initiates written compacts between the LEA and parents outlining their shared responsibilities in the Title I program and provides workshops for parents on how to work at home with their children in reading and mathematics. The LEA also provides parents of each private school participant an individual student report on the performance of that participant on the FCAT or on an appropriate alternative assessment and informs parents about how their children are achieving in the Title I program through monthly reports to parents.

One LEA encourages and enhances parental involvement through hands-on workshops and individual meetings to provide parents with strategies and techniques for improving their children's learning. For example, a joint compact between the Title I teachers and the parents of participating students outlines their shared responsibilities for improved student achievement under Title I using books and tapes in a read-aloud program. In addition, parents use a variety of teacher-made and commercially prepared activity kits, resource books, and guides to enhance their involvement in their children's education. Progress reports are distributed to parents twice a year, and a parent representative from each private school community is invited to the District-wide Private School Steering Committee to share ideas and recommendations regarding services to be implemented for private school participants, their teachers, and their families.

### EXAMPLE OF EQUITABLE SERVICES FOR FAMILIES:

An LEA reserves one percent (\$60,000) of its Title I allocation of \$6,000,000 for parental involvement activities. The number of public and private school children from low-income families residing in participating Title I attendance areas is 25,000. Five percent of the 25,000 children attend private schools; thus five percent of the \$60,000 reservation, or \$3,000, is available for equitable services for parents of private school participants. The parental involvement program funded by Title I must meet the needs of the parents of private school participants. After consultation with the appropriate private school officials, the LEA may conduct these activities independently or in conjunction with the LEA's regular parental involvement activities.

### **F-3. How must the LEA reserve funds for parental involvement activities at the private school?**

LEAs who receive a total allocation greater than \$500,000 are required to set aside one (1) percent of their Title I, Part A allocation for parental involvement. The allocation for the parental involvement activities provided at the private school must be reserved from the LEA's set-aside amount for parental involvement, not the private school's allocation. The set-aside is calculated by dividing the total number of private school children from low-income families by the total number of children from low-income families, which allows you to compute a percentage of the set-aside. The percentage of the set-aside is then multiplied by the amount of the LEA's total amount to be set aside for parental involvement, which gives you the amount needed to be set aside for equitable parental involvement. This set-aside is listed in the Title I, Part A annual

Providing Services To Eligible Private School Children

application.

**Parental Involvement:**

<b>REQUIRED set-aside* - 1% of the LEA's Title I Allocation:</b>	\$ _____
<b>Total Amount LEA will set aside for Parental Involvement Activities</b>	\$ <input type="text"/>
<b>Minimum Amount for Equitable Services to Private School Parents</b> The amount entered here should be equal to or greater than ____% of the value entered for 'Total Amount LEA will set-aside for Parental Involvement Activities.'	\$ <input type="text"/>
<b>Balance after reservation of funds for Private School Parents</b>	<input type="text"/>
<b>Indicate the amount to be allocated (dollar amount) to public schools for parental involvement (minimum of 95% is required)</b>	<input type="text"/>
<b>If applicable, Balance to be used for LEA-level Parental Involvement Activities</b>	<input type="text"/>

**F-4. How does an LEA meet the equitability requirement for professional development?**

If an LEA reserves funds under Section 1119, “off-the-top” of its Title I allocation for carrying out Title I professional development activities, the LEA must provide equitable services to teachers of private school participants from this set-aside. This applies to funds reserved for professional development over and above the requirements of Section 1116 to set aside 10 percent for LEAs in need of improvement, 10 percent for schools in need of improvement, and Section 1119 to set aside a maximum of 5 percent for highly qualified teachers.

As required under 34 CFR, Part 200, Section 200.65, an LEA calculates these equitable services from the reserved funds in proportion to the number of private school children from low-income families residing in participating public school attendance areas. Activities for the teachers of private school participants must be planned and implemented in meaningful consultation with private school officials and teachers.

**EXAMPLE OF ALLOCATING FUNDS FOR EQUITABLE SERVICES FOR PRIVATE SCHOOL TEACHERS**

An LEA reserves six percent (\$360,000) of its Title I allocation of \$6 million for professional development as required under Section 1119. The number of public and private school children from low-income families residing in participating Title I attendance areas is 25,000. Five percent of the 25,000 children attend private schools; thus five percent of the \$360,000 reserved (\$18,000) is available for equitable services for the teachers of private school participants. The professional development activities funded by Title I must meet the needs of the teacher of private school participants. After consultation with the appropriate private school officials, the LEA may conduct these activities independently or in conjunction with the LEA’s professional development activities.

**F-5. Which private school teachers are eligible for professional development under**

## Providing Services To Eligible Private School Children

### **“equitable services” ?**

Eligible private school teachers include teachers who instruct private school students who are receiving Title I services. These are the regular classroom teachers of the private school students who receive Title I services, not just the teachers who provide the Title I services under contract with the LEA.

#### **F-6. Must the LEA reserve funds from the private school allocation to provide professional development activities to teachers who are employees of the LEA?**

No. The cost of training teachers who are employed by the LEA should be paid from the funds reserved for the professional development of the LEA’s teachers and not from funds required to provide equitable services to teachers of the private school participants.

#### **F-7. How may the funds reserved for professional development for teachers of private school participants be used?**

The professional development activities for private school teachers should address how those teachers can serve Title I students better, such as by providing information on research-based reading and mathematics instruction. Funds reserved for this purpose may not be used to upgrade the instructional program in the regular classroom of the private school.

#### **F-8. May the private school officials arrange for professional development services for teachers of Title I participants and submit an invoice to the LEA for payment?**

No. Private school officials are not authorized to obligate or receive Title I funds. Section 1120 (d) clearly states that the LEA must maintain control of Title I funds. Title I funds may not be paid to the private school.

#### **F-9. May Title I funds be used to pay stipends to private school teachers of Title I participants who participate in a Title I professional development program?**

Yes. Title I funds may be used to pay for stipends for private school teachers, if reasonable and necessary. For example, if the professional development activity is conducted during after-school hours or in the summer, stipends may be needed to compensate teachers for their participation outside their regular employment hours.

Stipends for private school teachers must be available on the same basis as those for public school teachers *and* the stipends must be paid directly to the private school teachers for their own use and not to the private school.

#### **F-10. May Title I funds be used to pay for substitute teachers who replace private school teachers in their regular classroom while they attend Title I professional development activities?**

No. Title I funds may not be used to hire substitute private school teachers. After consultation, the LEA should offer professional development activities at a time and place that is convenient for the teachers of private school participants.

## **STANDARDS, ASSESSMENT, AND PROGRAM MODIFICATION**

### **G-1. What standards apply to private school students who participate in Title I programs?**

Private school students who participate in Title I programs must be held to high standards. However, it may not be appropriate to expect private school children to meet Florida's standards if, for example, those standards are not aligned with the curriculum of the private school.

If the LEA, in consultation with private school officials, determines that it would be inappropriate to measure the achievement of participating private school children in relation to Florida's standards, the LEA must use alternative standards that reasonably promise that the services provided will enable the private school participants to achieve the high level called for by achievement standards of Florida's students.

### **G-2. Must an LEA evaluate the progress of private school students?**

Yes. An LEA must annually assess the progress of the Title I program toward enabling private school Title I participants to meet the agreed-upon standards. The LEA may use Florida's assessment system (under Section 1111(b)(3) of Title I) or other assessment measures that more accurately reflect the progress of the participating private school students toward meeting the standards that the LEA, in consultation with private school officials, has determined are appropriate. Every year the LEA and private school officials must consult on what constitutes annual progress for the Title I program.

While LEAs are required to assess the progress of Title I students annually, they should also consult with private school officials and teachers regularly about the progress Title I private school participants are making in their regular classrooms.

### **G-3. Must an LEA evaluate students' progress on a school-by-school basis?**

No. In measuring annual progress, the LEA has the flexibility to group children in a manner that will provide the most accurate information about their progress. For example, the LEA may decide to group children by instructional method, grade level, school, or another appropriate basis.

### **G-4. What actions must an LEA take if the Title I program for the private school participants does not make the expected annual progress?**

If the Title I program for the private school participants does not make the expected annual progress, the LEA must annually make modifications to the Title I program, in consultation with private school officials.

### **G-5. In what subjects does an LEA assess private school children?**

An LEA normally would assess private school children in the subjects in which the LEA provides Title I services to those children.



## Providing Services To Eligible Private School Children

### **G-6. May Title I funds be used to assess private school children?**

Yes. Title I funds may be used to assess private school children if the assessment is used only for Title I purposes. If an assessment is conducted for other purposes, it may not be paid for from Title I funds.

### **G-7. May an LEA use the private school's assessment data to determine progress of the LEA's Title I program?**

Yes. Officials of the private schools may provide the LEA with the assessment data on Title I participants that the private school has collected as part of its testing program. However, private school officials are not obligated to do this, and refusal by private school officials to provide these data does not release the LEA from its obligation to provide services and assess the progress of the private school participants in the Title I program.

### **G-8. May an LEA pay a private school for the assessment data of Title I participants?**

No. The review of private school assessment results is necessary so that they may be used as a catalyst for instructional change and to help determine the most academically needy private school students. Prior to program implementation, it is important to determine how the Title I program will be assessed, what benchmarks will be established for determining the effectiveness of the program, and how the LEA will use the results of the assessment to improve services.

## **COMPLAINTS AND FEDERAL BYPASS**

### **H-1. Do private school officials have the right to complain?**

Yes. Private school officials have the right to complain to the Florida Department of Education if they believe that an LEA did not engage in timely and meaningful consultation or did not consider their views. Private school officials have access to the Department's NCLB complaint process. If the Florida Department of Education receives a written complaint from a private school regarding Title I services, it will investigate the complaint and seek further information.

### **H-2. What happens if the United States Secretary of Education determines that an LEA has substantially failed or is unwilling to provide for such participation as required by Section 1120 of the Title I statute?**

If the United States Secretary of Education determines that an LEA has substantially failed or is unwilling to provide for such participation as required by Section 1120 of the Title I statute, the Secretary waives the requirements that the LEA serve private school children and arranges for the provision of such services by another entity; this process is called bypass. 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 to participate in the program.

To implement a 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

## Providing Services To Eligible Private School Children

the state's Title I allocation. Accordingly, Florida would then reduce the allocations of the bypassed LEAs. The Department administers any bypass contract in accordance with the FAR.

Providing Services To Eligible Private School Children

**Appendices**

**Appendix A: Example of Timeline for LEA Consultation with Private School Officials**

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

Month	LEA Activity	Legal Basis**
<p><b>November/December in preparation for the next school year</b></p>	<p>Obtain complete list of all private schools with students who are residents of the LEA.</p> <p>Meet with private school officials to review timeline and consultation process. Establish a consultation calendar and procedures for collecting poverty data (i.e., data on low-income families).</p>	<p>LEA uses list to ask all private school officials if they want their eligible students to participate in Title I the next school year.</p> <p>See Section 1120(a) of the <i>Elementary and Secondary School Act</i>.</p>
<p><b>December through February in preparation for the next school year</b></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"> <li>• Same poverty measure used to count public school students, which is usually free and reduced-priced lunch;</li> <li>• Survey of private school parents asking for income data, address, and grade level of children from which the LEA must extrapolate these data (see Section 2);</li> <li>• Alternative poverty data such as scholarships, Temporary Aid to Needy Families, Medicaid, etc.</li> </ul> <p>~or~</p> <ul style="list-style-type: none"> <li>• Decide through consultation to use proportionality (see Section 2).</li> </ul>	<p>Private school students from low-income families who live in Title I participating public school attendance areas generate funds for instructional services.</p> <p>See Section 1120(c)(1) &amp; 34 CFR, Part 200, Section 200.78(a)(2).</p>
<p><b>February/March in preparation for the next school year</b></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.</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>See Section 1120(b)(1)(f) &amp; (2) and 34 CFR, Part 200, Section 200.64(a).</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.

## Providing Services To Eligible Private School Children

Month	LEA Activity	Legal Basis
<p><b>March/April in preparation for the next school year</b></p>	<p>Determine the multiple, educationally related, objective criteria to be used to select eligible students (educationally needy students who reside in Title I attendance areas) in consultation with private school officials.</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 service 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.</p> <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 LEA-wide instructional activities.</p> <p>Determine with private school officials the standards and annual assessments for measuring progress of the Title I program.</p> <p>Define annual progress. Determine criteria for making program modifications when annual progress is not achieved.</p> <p>Assess the achievement of <b>current year's</b> program using the standards previously agreed upon last year.</p> <p>After appropriate consultation, make modifications to next year's Title I program, if annual progress has not been met.</p>	<p>Multiple, educationally related, objective criteria required under Section 1115(b). See Section 200.62(b).</p> <p>See Section 1120(b).</p> <p>See Section 200.62(b)(2).</p> <p>See Section 1120(b)(1) and Section 200.63(a) and (b).</p> <p>See Section 200.64.</p> <p>LEA must assess quality and effectiveness of Title I program each year. LEA modifies the design of services if annual progress is not met.</p> <p>See Section 1120(b)(1)(D) and Section 200.63(b)(5).</p>

## Providing Services To Eligible Private School Children

Month	LEA Activity	Legal Basis
<p><b>April/June in preparation for the next school year</b></p>	<p>Determine in consultation with private school officials the professional development and parent involvement needs of private school teachers and families of private school participants.</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>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. 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 SEA.</p>	<p>Equitable services for teachers and families of participants apply to funds reserved under Section 1118 and Section 1119. See Section 1120(a) and Section 200.65.</p> <p>LEAs must provide opportunities for consultation with private school officials if program is modified or private school officials request more discussion. See Section 1120(b) and Section 200.63.</p> <p>See Section 1120(b)(4) and Section 200.63(e).</p> <p>These actions ensure that programs will begin at the start of the school year. See Section 1120(a)(3) and Section 200.62(a)(1).</p>
<p><b>August in preparation for the beginning of school year</b></p>	<p>Report on readiness of Title I program for private school participants to private school officials.</p>	<p>Private school officials should be aware of how the LEA will implement the program in September, including staffing, number of students to be served, location, etc. See Section 1120(b)(2) and Section 200.63(c).</p>

## Providing Services To Eligible Private School Children

Month	LEA Activity	Legal Basis
<b>September of school year</b>	LEA begins Title I 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 I teachers.	See Section 1120(a)(1) and 34 CFR, Part 200, Section 200.62(a)(1).
	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.	
	Initiate professional development and parent involvement activities based on previous spring's consultation.	See 34 CFR, Part 200, Section 200.65.
<b>October of school year</b>	LEA provides information about possible adjustments and program changes to private school officials.  Start planning for the next school year's consultation cycle.	See Section 1120(b)(2) and 34 CFR, Part 200, Section 200.63(c).

Key issues relating to provision of Title I services are discussed during consultation, which provides an opportunity for both public and private school officials to express their views and to have those views considered. Ultimately, the LEA is responsible for planning, designing, and implementing the Title I program and may not delegate that responsibility to the private schools or their officials.

As a result, private school officials who want services for their eligible students should be aware of their roles in the consultation process to ensure that Title I programs designed by the LEA effectively meet the needs of their participating children, their teachers, and their families. Roles for the private school officials are:

- Participating in consultation
- Providing lists of addresses and grades of low-income families
- Providing lists of names, addresses, and grade levels of children who meet the multiple, educationally related, objective criteria for participation eligibility
- Suggesting ideas, program designs, and modifications that meet the needs of their eligible children, their teachers, and their families
- Providing a dedicated space, if appropriate

Source: Ensuring Equitable Services to Private School Children: A Title I Resource Kit, U.S. Department of Education, September 2006.

**Appendix B: Sample Written Affirmation of Consultation-See sample form**

**LEA Affirmation of Consultation  
With Private School Officials**

Section 1120(b) of the *Elementary and Secondary Education Act* and 34 CFR, Part 200, Section 200.63 require that timely and meaningful consultation occur between the local education agency (LEA) and private school officials prior to any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this act. Consultation shall continue throughout the implementation and assessment of activities under this section.

The following topics *must* be discussed during the ongoing consultation process:

- Timeline of consultation with private school officials regarding the Title I program and the development of the Title I, Part A application and other Title I funded activities.
- Method(s) for feedback from private school officials.
- The method, or the sources of data, that the LEA used (under 34 CFR, Part 200, Section 200.78) to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the LEA extrapolated data if a survey was used.
- The size and scope of the equitable services that the LEA provides to eligible private school children and, consistent with 34 CFR, Part 200, Section 200.64, the proportion of its Title I funds that the LEA allocates for these services and the amount of funds that the LEA reserves from its Title I allocation for the purposes listed in 34 CFR, Part 200, Section 200.77.
- How the LEA will identify the needs of eligible private school children.
- What services the LEA will offer to eligible private school children.
- How and when the LEA makes decisions about the delivery of services.
- How, where, and by whom the LEA provides services to eligible private school children.
- How the LEA assesses academically the services to private school children in accordance with 34 CFR, Part 200, Section 200.10, and how the LEA uses the results of that assessment to improve Title I services.
- The services the LEA provides to teachers and families of participating private school children.
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider.
- The LEA and state complaint policy and/or procedures.
- The LEA policy and/or procedures regarding equipment, property, and materials purchased with Title I funds.
- Consultation with private school official regarding LEA-wide activities.

## Providing Services To Eligible Private School Children

Consultation must also include

- Discussion of service delivery mechanisms the LEA will use to provide services, and
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider. If the LEA disagrees with the views of the private school officials on that issue, the LEA must provide in writing to those officials the reasons why the LEA has chosen not to use a third-party contractor.

We agree that timely and meaningful consultation occurred before the LEA made any decision that affected the participation of eligible private school children in the Title I, Part A program.

\_\_\_\_\_  
Public School Official                      Date

\_\_\_\_\_  
Private School Representative                      Date

\_\_\_\_\_  
School District

\_\_\_\_\_  
Name of Private School Agency or School

The LEA must maintain a copy of this form in its records and provide copies to the Florida Department of Education.



## Providing Services To Eligible Private School Children

### LEA Affirmation of Consultation With Private School Officials That Includes Student Selection Criteria

Name of LEA \_\_\_\_\_

Name of Private School \_\_\_\_\_

To ensure timely and meaningful consultation during the design and development of the LEA's programs under Title I, Part A, the LEA has consulted with private school officials on the following issues:

The following topics *must* be discussed during the ongoing consultation process:

- Timeline of consultation with private school officials regarding the Title I program and the development of the Title I, Part A application and other Title I funded activities.
- Method(s) for feedback from private school officials.
- The method, or the sources of data, that the LEA used (under 34 CFR, Part 200, Section 200.78) to determine the number of private school children from low-income families residing in participating public school attendance areas, including whether the LEA extrapolated data if a survey was used.
- The size and scope of the equitable services that the LEA provides to eligible private school children and, consistent with 34 CFR, Part 200, Section 200.64, the proportion of its Title I funds that the LEA allocates for these services and the amount of funds that the LEA reserves from its Title I allocation for the purposes listed in 34 CFR, Part 200, Section 200.77.
- How the LEA will identify the needs of eligible private school children.
- What services the LEA will offer to eligible private school children.
- How and when the LEA makes decisions about the delivery of services.
- How, where, and by whom the LEA provides services to eligible private school children.
- How the LEA assesses academically the services to private school children in accordance with 34 CFR, Part 200, Section 200.10, and how the LEA uses the results of that assessment to improve Title I services.
- The services the LEA provides to teachers and families of participating private school children.
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider.
- The LEA and state complaint policy and/or procedures.
- The LEA policy and/or procedures regarding equipment, property, and materials purchased with Title I funds.

Consultation must also include

- Discussion of service delivery mechanisms the LEA will use to provide services, and
- Thorough consideration and analysis of the views of the private school officials on whether the LEA should contract with a third-party provider. If the LEA disagrees with the views of the private school officials on that issue, the LEA must provide in writing to

Providing Services To Eligible Private School Children

those officials the reasons why the LEA has chosen not to use a third-party contractor.

- Consultation with private school official regarding LEA-wide activities.

Consultation included meetings with private school officials before the LEA made any decision that affected the opportunities of eligible school children to participate in Title I, Part A programs. Such meetings will continue throughout the implementation of the program and will include assessment of services provided.

The following multiple, educationally related, objective criteria are used to determine private school student eligibility for the Title I, Part A program:

Grade level	Criteria	Method to determine greatest need

I affirm that the required consultation has occurred.

Signature of private school official	Name of private school official	Date
Signature of public school official	Name of public school official	Date

**Appendix C: Sample Contact Log**

**Title I  
Log of LEA Contacts With Private School Officials**

LEA \_\_\_\_\_

Title I Coordinator \_\_\_\_\_ Telephone Number \_\_\_\_\_

Title I Coordinator: Complete an entry for each conversation you had with private school officials to create an accurate log of contacts.

Private school	Telephone	Telephone contact: date/time/name	Purpose of contact

Source: Ensuring Equitable Services to Private School Children: A Title I Resource Kit, U.S. Department of Education, September 2006. [A](#)

**Appendix D: LEA Worksheet to Determine the Amount of Title I Funds for Equitable Services**

District \_\_\_\_\_

**LEA Worksheet to Determine the Amount of Title I Funds for Equitable Services**

**1. LEA-wide Instructional Program(s) Reservation (does not apply to preschool programs)**

**In participating public school attendance areas:**

<b>Number of private school children from low-income families</b>		<b>Total number of children from low-income families</b>		
_____	÷	_____	=	_____ <b>Proportion of Reservation</b>
_____ (Proportion of Reservation) x \$_____ Reservation = \$_____ for Equitable Services				

**2. Parental Involvement Reservation under Section 1118 of ESEA**

**In participating public school attendance areas:**

<b>Number of private school children from low-income families</b>		<b>Total number of children from low-income families</b>		
_____	÷	_____	=	_____ <b>Proportion of Reservation</b>
_____ (Proportion of Reservation) x \$_____ Reservation = \$_____ for Equitable Services				

**3. Professional Development Reservation under Sec. 1119 of ESEA**

**In participating public school attendance areas:**

<b>Number of private school children from low-income families</b>		<b>Total number of children from low-income families</b>		
_____	÷	_____	=	_____ <b>Proportion of Reservation</b>
_____ (Proportion of Reservation) x \$_____ Reservation = \$_____ for Equitable Services				

## Providing Services To Eligible Private School Children

### **ADDITIONAL RESOURCES**

For additional information on Title I and private schools, please refer to the following resources:

The United States Department of Education's *Title I Services to Eligible Private School Students* Guidance:

<http://www.ed.gov/programs/titleiparta/psguidance.doc>

The United States Department of Education's *Ensuring Equitable Services to Private School Children: A Title I Resource Kit*:

<http://www.ed.gov/programs/titleiparta/ps/titleitoolkit.pdf>

Florida Department of Education's Bureau of Student Assistance Title I Tool Kit for Private Schools:

<http://www.fldoe.org/bsa/title1/titleitoolkit.asp>