

From: Hernandez, Raydel

Sent: Tuesday, February 13, 2024 9:34 AM

Subject: Key Requirements Related to Title III, Part A, Equitable Services to Private Schools

Good morning, District Title III, Part A Directors /Administrators,

The purpose of this email is to inform you of key equitable service requirements applicable to Title III, Part A Program. As a condition of receiving Title III, Part A funds, districts are required to comply with Section 8501 of the ESEA, as amended by ESSA. Such equitable service requirements are applied to sub-recipients of English Language Learners and immigrant children and youth.

In general, a Local Educational Agency (LEA) receiving a Title III subgrant must provide supplemental services to English Learners (ELs) to help ensure that these students attain English language proficiency and succeed in the academic content areas. As articulated by the U.S. Department of Education in their non-regulatory guidance titled, "Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers and Other Education Personnel," an LEA that receives Title III funds must provide Title III services to eligible private school students, their teachers, and other educational personnel consistent with the number of eligible students enrolled in private elementary and secondary schools in the geographic area served by the LEA. These services and other benefits must be equitable in comparison to those provided to public school students, their teachers, and other educational personnel participating in the program, and they must be provided in a timely manner. The U.S. Department of Education's non-regulatory guidance can be found on the Florida Department of Education's website at the following link: [FDOE Equitable Services \(fldoe.org\)](https://fldoe.org/equitable-services)

In an effort to provide program services to eligible children attending private schools, an LEA must establish objective criteria to determine which private school students are eligible for Title III services. In consultation with private school officials, the LEA must engage in timely and meaningful consultation.

The following are key requirements concerning equitable services to private school students, teachers, and other educational personnel:

- **Consultation** - Consultation with private school officials is an essential requirement for an LEA's provision of Title III services for eligible private school ELs, their teachers, and other educational personnel. Under Section 8501(c) of the ESEA, an LEA is required to consult in a timely and meaningful manner with private school officials during the design and development of the Title III services. As part of timely and meaningful consultation, the LEA and private school officials should discuss whether the private school wishes to have its eligible ELs, their teachers, and other educational personnel receive Title III services and, if so, how its students will be identified as ELs. As appropriate, the LEA and private school officials should also discuss how the private school teachers and other educational personnel will be identified to receive services.

- **Eligibility and Identification of ELs and Immigrant Children and Youth in Private Schools** - To be eligible for Title III services for ELs, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for ELs and must meet the definition of LEP under Section 8101 of the ESEA.

To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by an LEA that receives a Title III subgrant for immigrant children and youth and must meet the definition of immigrant children and youth under Section 3301(6) of the ESEA.

Private school teachers and other educational personnel instructing private school ELs may receive professional learning under Title III. The extent to which private school teachers and other educational personnel would receive professional learning under Title III would be determined during the consultation process.

- **Services for Private School Students, Their Teachers, and Other Educational Personnel** - An LEA, in consultation with private school officials, determines the appropriate Title III services based on the needs of the eligible private school students, their teachers, and other educational personnel and the amount of funds available for such services pursuant to the equal expenditure requirements (see Section 8501 of the ESEA). The Title III services provided by the LEA for private school ELs should be designed to meet their educational needs and supplement the educational services provided by the private school. Services may be provided directly by employees of the LEA or through a contract by the LEA with an individual, association, agency, organization, or other entity.

Should you have any questions, please contact Dr. Raydel Hernandez at 850-245-0956 or Raydel.Hernandez@fldoe.org.

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