

Participation of Students Attending Private, Nonprofit Schools

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Question 8: Are LEP and immigrant students who attend private schools eligible to receive services under Title III, Part A?

Yes. The private school provisions in Title IX, Section 9501 apply to Title III, Part A and require that, after consultation with appropriate private nonprofit school officials, an LEA that receives Title III, Part A funds will provide for the benefit of children attending a private school within its boundaries and assure **equitable** participation in services, materials, and equipment, and in training programs for teachers of such children.

Consultation for Participating Private Nonprofit Schools:

If private nonprofit school officials desire that their children participate, the applicant must involve the participating private school officials during all phases of the development and design of the program through ongoing communication between appropriate parties. The applicant must consult with private nonprofit school officials prior to making any decision that affects the opportunities of those students, teachers, and other educational personnel to participate in the project. The applicant must provide private nonprofit school officials a genuine opportunity to express their views regarding each matter subject to the following consultation requirements:

- a) How the children's needs will be identified;
- b) What services will be provided;
- c) How, where, and by whom the services will be provided;
- d) How the services will be assessed and how the results of the assessment will be used to improve those services; and
- e) How services will be delivered.

Such consultation shall include a discussion of service delivery mechanisms that the LEA or shared services arrangement could use to provide equitable services to eligible private nonprofit school children, teachers, administrators, and other staff.

If services, materials, and equipment are not feasible or necessary in one or more such private nonprofit schools as determined by the applicant after consultation with appropriate private schools officials, the applicant shall provide such other arrangements as will meet the needs and assure equitable participation of such children in the purposes and benefits of this program.

Expenditures of funds for participating private nonprofit school children and their teachers must be equal on a per-pupil basis to the amount of funds expended for participating public school children and their teachers, taking into account the number and educational needs of those children and their teachers and other educational personnel

In no case are funds actually transferred to participating private nonprofit schools. The LEA must keep title to, and exercise continuing administrative control of, all property, equipment, and supplies that the LEA acquires with funds for the benefit of eligible private school children and their teachers and other educational

personnel.

The LEA shall ensure that equipment and supplies placed in a private nonprofit school are used only for proper purposes of the program and can be removed from the private school facility without remodeling the private school facility. The LEA must remove equipment and supplies from a private school if the equipment and supplies are no longer needed for the purposes of the program. No funds may be used for repairs, minor remodeling, or construction of private school facilities.

Services to private nonprofit school children shall be provided by employees of a public agency or through contract by such public agency with an individual, association, agency, or organization independent of any private school and of any religious organization. Such employment or contract shall be under the control and supervision of the public agency

Before determining equal expenditures for participating private nonprofit schools, the LEA shall pay for the reasonable and necessary administrative costs of providing services to public and private school children and their teachers and other educational personnel from the LEA's total allocation of funds under the applicable program.