

NONPUBLIC FEDERAL PROGRAMS IDEA, TITLE I, TITLE II A and TITLE III

April 7, 2014 – New Providence, NJ

April 8, 2014 – Mullica Hill, NJ

April 11, 2014 – Hamilton, NJ



EVERYTHING NONPUBLIC

Federal Programs

IDEA





**Children with Disabilities Enrolled by
their Parents in Private Schools
Services through IDEA-B – 34 CFR
*§§300.129-144***

(<http://www.state.nj.us/education/nonpublic/pd/ServicestoNonpublicRegulations.pdf>)

Office of Special Education Programs

Who is served?

- The reauthorized IDEA-B Act of 2004 contains a provision for participation of children **parentally placed** in private schools. LEAs **must** consider the needs of these students in the development of their IDEA applications. This applies to both the Basic (Section 611) ages 3-21 and the Preschool (Section 619) ages 3-5.
- The reauthorization placed the responsibility on the **district of location** (attending) for the provision of services to eligible children attending private schools within the district borders. This includes out-of-state eligible students.

How do I identify the eligible students?

- Not through the 407-1 (this is the intake form for Chapter 192-193)
- Each LEA must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in private, including religious, elementary and secondary schools located in the school district. (34 CFR §300.111 and §300.201) Child Find
- The LEA may use an outside public agency to conduct the evaluations (i.e. Evaluations completed through Chapter 193) however:
 - The cost of the evaluations may not be charged to the proportionate share
 - Out-of-state evaluation costs
 - What about Preschool children?
 - Procedure similar to evaluation of public school students

How is the Proportionate Share Created?

- The children with disabilities identified as **ELIGIBLE** for special education and related services are reported by the LEA on their October 15th Nonpublic Annual Data Report (ADR) consistent with 34 CFR §300.133(a). LEAs should work with NJSmart to ensure correct data reporting.
- Number of eligible parentally placed private school children with disabilities / total number of students with disabilities x the allocation amount.

APPENDIX B of 34 CFR Part 300.

Proportionate Share Calculation

Number of eligible children with disabilities

In public schools 300

In private schools + 20

320

Federal Part B Flow-
Through \$\$
LEA receives \$152,500


$$\frac{\$152,500}{320}$$

\$476.57 a student

X 20 students

\$9,531.25
For proportionate share

Supplement not Supplant

- LEAs are required to use the entire proportionate share of IDEA-B funds (Section 611 and section 619) to provide for services to students with disabilities parentally placed in private (nonpublic) schools.
- State (Chapter 193) and local funds may supplement and in **no case** supplant the proportionate share. 34 CFR §300.133(d)

How are services determined?

- OSEP (federal) has posted a Q&A entitled “Questions and Answers on Serving Children with Disabilities Placed by their parents at Private Schools”. Provides guidance on the requirements and is updated regularly as questions arise.
- The website <http://idea.ed.gov> provides a topic brief and a video clip describing specific highlights of the requirements and suggested processes.

How are services determined?

Consultation Process

- Among the LEA, private school representatives and parent representatives throughout the year (and prior to the completion of the federal entitlement grant(s)). A representative of the district must be present at a meeting if convened by an agency other than the district.
- How, where and by whom special education and related services will be provided is determined through this process. Services that may be provided through the federal share are similar to those provided to public school students with disabilities (not limited as with Chapter 193).
- **Continue communication throughout the year to ensure that the agreed upon services are provided.**

How are services determined?

Written Affirmation

- When timely and meaningful consultation, as required by 34 CFR §300.134, has occurred, the LEA must obtain a written affirmation signed by the representatives of the participating private schools (Sample Handout)
 - *What this is **not**:*
 - A list of attendees at a meeting
 - Consultation signoff as defined in Title I
- If written affirmation is not provided within a reasonable period of time the LEA must keep documentation of the consultation process on file for SEA review and request. Verification is within the grant application.

How are services determined?

Equitable Services

- No parentally-placed private school child with a disability has an individual right to receive some or all of the special education and related services that the child would receive if enrolled in the public school. All of the proportionate share could be spent on one child depending on consultation and need.
- Students enrolled in nonpublic schools by their parents may receive a different level of service than public school students.
- Decisions about services are through the consultation model.
- The LEA must make the final decisions with respect to the services to be provided (not the vendor).

Complaints?

Compliance

- A private school representative has the right to submit a complaint to the SEA that the LEA –
 - Did not engage in consultation that was meaningful or timely; or
 - Did not give due consideration to the views of the private school official.
- The complaint is filed in the same manner as a public school complaint . The forms and process may be found on the SEA's website at <http://www.state.nj.us/education/specialed/complaint/>

How are services provided?

- A representative of the student with a disability may request services of district of location at any point by completing the Request for IDEA Services for Eligible Nonpublic School Students with Disabilities form (Not a 407-1) (Handout)
- A Services Plan is required (34 CFR §300.138 (b)) and must describe the specific special education and related services that will be provided for the parentally placed private school children. (Handout)
- It must also specify the funding source.
- Can a current service plan for a child under Chapter 193 be modified to include services through IDEA-B?

Provisions

- IDEA-B funds may not be used for separate classes as per 34 CFR §300.143.
- IDEA-B funds must be used to meet the special education and related services needs of these students and not the needs of a private school or the general needs of the students enrolled in the private school.
- Services, including materials and equipment , must be secular, neutral and nonideological.
- Services may be provided on-site at a child's private school, to the extent consistent with the law.

Provisions

Contracting

- LEAs may contract with another public agency, including another school district, to provide the required services. 34 CFR § 300.138(c)
- No administrative charges may be made against the IDEA Proportionate share, only services to students. (Federal Q&A)
- The contracted agency is not the sole decision maker about what services are to be provided. A representative of the district of location must be involved.
- IDEA funds may not be distributed directly to a nonpublic or the parent/guardian of an eligible child.
- The entire proportionate share may not be transferred to a vendor without proof of service. (Monthly billing with proof of service)

Provisions

Transportation as a related service

- Transportation may be provided from the home to the service site or from the school to the service site. LEAs are not required to provide transportation from the home to the private school.
- Transportation is an allowable cost and may be considered when determining whether the district has met its proportionate share responsibility.
- Include in the Services Plan (SP) as necessary for the child to benefit from the services.

Provisions

Use of personnel

- The services provided to parentally placed private school children with disabilities must be provided by personnel meeting the same standards as personnel providing services in the public schools. Exception for private school personnel regarding highly qualified.
- Public School Personnel – to the extent necessary and if those services are not normally provided by the private school.
- Private School Personnel – outside of his or her regular hours of duty and under public supervision (hired by the LEA/Agency)

Provisions

Property Equipment and Supplies

- The public agency must keep title to and exercise administrative control of all property, equipment, and supplies that the public agency acquires under 611 or 619 for the benefit of private school children with disabilities. These items are to be returned to the public agency when no longer needed .
- No IDEA-B funds are to be used for repairs, minor remodeling, or construction of school facilities.
Example: Smart Boards and FM systems.



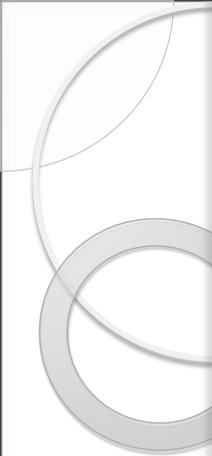
Contact Information

Office of Special Education Programs

IDEA-B Program Coordinator

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609-984-4953



TITLE I

Improving The Academic Achievement Of The Disadvantaged

Title I, Part A

- **Purpose:** To improve the teaching and learning of children failing, or most “academically” at-risk of failing, to meet challenging State academic achievement standards.
- **How:** By providing supplemental (additional) learning opportunities for eligible students, their parents and their teachers.

Ensuring Equitable Services to Nonpublic School Students



ESEA § 1120 Title I, Part A: *Participation of Children Enrolled in Private Schools*

Equitable Service Provision

ESEA §1120

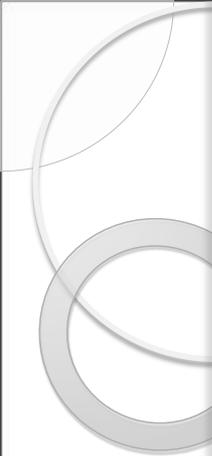
Requires districts receiving Title I, Part A funds to provide services to:

- Eligible nonpublic school students
- Teachers of eligible nonpublic school students
- Families of eligible nonpublic school students.

Equitable Services

Why?

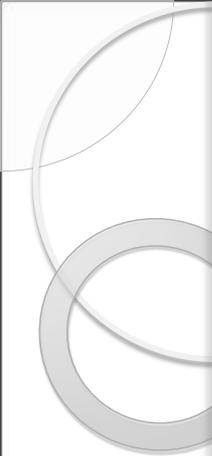
- Census poverty data includes low-income families with nonpublic school children
- Census poverty data used to determine districts' Title I allocations
- Child Benefit Theory: Funds benefit child ONLY



**Requirements to Ensure that Funds do Not Benefit
a Private School**
34 CFR § 200.66

Child Benefit Theory

- Title I services benefits the “individual” child, NOT the entire school.
- Services are provided by the district, not the nonpublic school



**Requirements to Ensure that Funds do Not Benefit a
Private School**
34 CFR §200.66

Child Benefit Theory

Child Benefit Theory complies with the
Constitutional Prohibition against Federal
funding- **No funds are to go to the nonpublic
school!**

Equitable Services Provision

Phase I

- **Step 1:** Locating Nonpublic Students
- **Step 2:** Counting Nonpublic Students
 - ❖ Enrollment data, Income data
- **Step 3:** Generating Nonpublic Allocation

Equitable Services Provision

Phase I

Step 1: Locating Resident Nonpublic Students

- Resident nonpublic schools
- Bordering nonpublic schools
- Transportation Documents
 - ❖ Busing routes, Aid-in-Lieu

Equitable Services Provision

Phase I

Step 2: *Counting Resident Nonpublic Students*

- ***Enrollment data***: match resident nonpublic students to their public school attendance area
- ***Low-income data***: Contact schools enrolling resident nonpublic students
 - ❖ Various methods: survey, extrapolation, proportionality, equated measure

Equitable Services Provision

Phase I

Step 3: *Generating Nonpublic Allocations*

- **Who:** Nonpublic students who 1) live in the attendance area of a Title I public school and 2) come from low-income families
- **How:** District enters enrollment and low-income numbers into its annual Title I, Part A application
- **How much:** The same per-pupil amount as public schools students residing in the Title I attendance area

Consultation

When?

- During the design and development of the Title I program [ESEA §1120(b)]
- Throughout the Title I program
- Before and after the program (Evaluation)

Consultation

Scheduling Meetings

- Send invitation to **ALL** nonpublic schools enrolling resident students (documented effort)
- Agenda
- Meeting Minutes
- Refusal form

Consultation

Agenda

- Needs of eligible children
- Services to be provided
- How, where and by whom
- Evaluation of the program
- Size and scope of the services
- Data for poverty count
- Activities for teachers and families of participants
- Third-party contract

Consultation

Timely and meaningful consultation between the district and nonpublic school officials during the design and development of the services is required on such issues as:

- How the children's needs will be identified;
- What services will be offered;
- How and where the services will be provided;

Consultation

(continued)

- How the services will be assessed and how the results of the assessment will be used to improve those services;
- What service delivery mechanisms will be used to provide equitable services;
- Who will provide the services;
- The amount of funds available to serve nonpublic school students;

Consultation

(continued)

- The size and scope of the services to be provided;
- How and when the agency will make decisions about the delivery of services;
- Consideration of the views of the nonpublic school officials regarding use of third-party providers;

Consultation

(continued)

- Consultation must continue throughout the implementation and assessment of services; and
- Consultation shall occur before the district makes any decision that affects the opportunities to participate of eligible nonpublic school children, teachers, and other education personnel.

Consultation

Agenda

Should:

- Be a discussion between district and nonpublic school officials
- Allow all parties to express their views and to have their views heard.

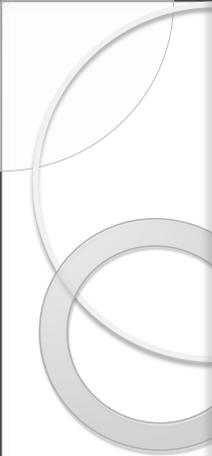
Should not

- Nonpublic schools dictating menu of services
- Occur via faxed documentation

Consultation

Outcomes

- Participating nonpublic schools.
- Timeline for services
- Parent involvement activity topics
- Professional development activity topics
- Amount of funds for:
 1. Instructional services
 2. Parental Involvement activities
 3. Professional development topics



Consultation

Complaint Process

Nonpublic school officials may file a complaint with the NJDOE if the district does not engage in timely and meaningful consultation or give adequate consideration to the views of nonpublic school officials.

Generating Funds

How are funds generated for services for nonpublic school students?



Ensuring Equitable Services

Generating Funds for Instruction

An LEA may calculate the number of nonpublic school children who are from low income families and live in participating public school attendance areas:

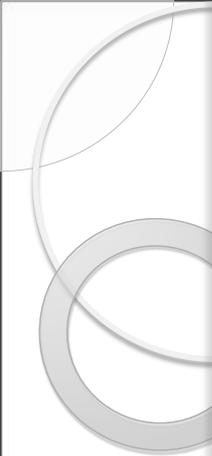
1. Use the same measure of poverty as for public school children
2. Use comparable poverty data from a survey

Ensuring Equitable Services

Generating Funds for Instruction

A district may calculate the number of private school children who are from low income families and live in participating public school attendance areas:

1. Use comparable data from a different source
2. Use an equated measure



Ensuring Equitable Services

Generating Funds for Instruction

Low-income public and nonpublic school children residing in the same Title I attendance areas generate the same per-pupil amount (PPA)

Ensuring Equitable Services

Generating Funds for Instruction

PPA x the number of low-income nonpublic school children residing in participating public school attendance areas = **Instructional funds** for the Title I programs for eligible nonpublic school children

Ensuring Equitable Services

Use of Funds

These instructional dollars generated by low-income private school children who reside in Title I attendance areas must be used for **INSTRUCTIONAL services ONLY!**

Ensuring Equitable Services

Transferability

- If a district transfers funds into the Title I program that requires equitable participation, the district must consult with nonpublic school officials prior to transferring funds.
- Funds may not be transferred for the sole purpose of meeting the needs of the nonpublic school children.

Ensuring Equitable Services

Additional Funds (Carryover)

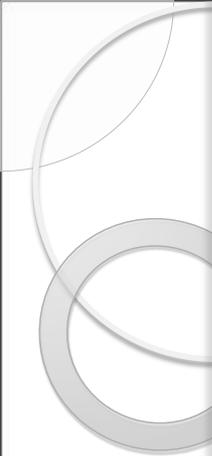
- Districts have flexibility on how to use carryover funds; however, they must ensure that the equitable services requirement are met, as applicable.
- If equitable services were NOT provided, the district must carryover unspent funds designated for nonpublic school services to the next year's program for services to nonpublic school students.

Equitable Services

Phase III: Providing Services

Student Selection

- Must live in a Title I participating public school attendance area; and
- Must meet multiple, educationally related, objective criteria (i.e., grades, standardized assessments, local assessments, teacher recommendations)
 - Pre-K to 2: developmentally appropriate criteria, teacher recommendations and interviews with parents



Equitable Services

Phase III: Providing Services

Types of Services

- Direct instruction outside the regular classroom
- Tutoring
- Services to four-year old children who are enrolled in a preschool program at the private school (Early Childhood)
- Counseling
- Computer assisted instruction
- Extended day/year programs (i.e. , Saturday, summer)
- Transitional program

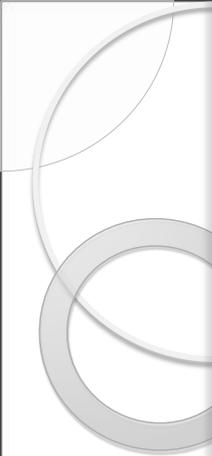


Equitable Services

Phase III: Providing Services

Program Considerations

- During the school day, the program is a pull-out model in a space separate from the regular nonpublic school children
- Title I services can not be provided in the regular classroom through cooperative learning or co-teaching.
- Nonpublic schools can not operate a schoolwide program.



Equitable Services

Phase III: Providing Services

Location of Services

- Title I services may be provided onsite at the nonpublic school, including religious affiliated schools. The district has exclusive use of the space when providing Title I services.
- If space is not available at the nonpublic school, the district (in consultation-to the extent possible) is required to find other appropriate space.

Equitable Services

Phase III: Providing Services

Supplement NOT Supplant

Title I services **MUST** be in addition to and can not replace or supplant services that would be provided by nonpublic schools to their eligible students.

Equitable Services

Phase III: Providing Services

Third Party

- District must follow state policies and procurement procedures.
- Contract **MUST** be detailed enough so that district knows that the third-party will comply with all Title I requirements
- Invoices must list administrative and instructional costs in sufficient detail as required by an audit.
- District must monitor third-party's performance.

Equitable Services

Phase III: Providing Services

What Should the Contract Include?

The district should include definitions and uses for:

- Instructional;
- Administrative;
- Professional development; and
- Parental Involvement costs



Equitable Services

Phase III: Providing Services

What Should the Contract Include?

- The district should provide the standards and assessment agreed to in consultation that the district will use to measure the effectiveness of the Title I program provided to nonpublic school students.
- Invoices have separate categories for instructional, professional development, parental involvement, and administrative costs.

Equitable Services

Phase III: Providing Services

What Should the Contract Include?

- Sufficient documentation from the contractor prior to payment of invoice
- A description of the procedures for submission of invoices by the contractor including how often they are submitted.
- All equipment purchased with Title I funds is the property of the district, not the contractor.
- The contractor will comply with all Title I statutory and regulatory requirements.
- The district has the right to withhold payment if any requirement is not met.



Equitable Services

Phase III: Providing Services

Provider Options

- District employee
- Employee of a third-party under contract with the district
- Highly Qualified Title I paraprofessionals under the direct supervision of a certificated teacher.
- Nonpublic school teachers may be employed by the LEA to provide Title I services to “identified” Title I students.

Equitable Services

Phase III: Providing Services

District maintains control of the program

- Design and implement the program
- Verify time and activity of Title I employees.
- Control of Title I funds, materials, equipment and property
- Monitor the Title I program in the nonpublic school

Equitable Services

Phase III: Providing Services

- Allowable Title I expenditures: must address needs of low-performing (Title I) students, their teachers or their families.
- Title I funded equipment or supplies in the nonpublic school are used for Title I purposes only.

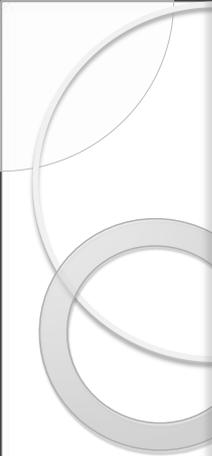


Equitable Services

Phase III: Providing Services

Materials and Equipment

- Title I funds may **ONLY** be used to meet the needs of participating children.
- Non-Title I nonpublic school children may **NOT** use materials paid with Title I funds.
- The district must retain title to **ALL** materials purchased with Title I funds.



Equitable Services

Phase III: Providing Services

Materials and Equipment

All materials purchased with Title I funds **MUST** be labeled, “Property of...School District” and placed in a secure location when not in use.

Equitable Services

Phase III: Providing Services

Unallowable Expenditures

- Address the needs of the nonpublic school
- Address the general needs of the nonpublic school students

Examples: SmartBoards, classroom textbooks, courses for teaching certification, professional development on reading

Allowable Uses

Scenarios

A participating nonpublic school is requesting to use equitable funds generated for professional development to hire a literacy consultant to work with all its third grade teachers. The consultant would work on strategies to differentiate instruction in the classroom.

Is this allowable?

Allowable Uses

Scenario 1

The request is **not** allowable for the following reasons:

- The professional development is not restricted to teachers that work with the participating Title I students.
- The professional development is not specifically designed to address the needs of the participating Title I students.

Allowable Uses

Scenario 2

The district informs a nonpublic school that the equitable share of Title I funds generated for professional development will be used to support the district's professional development program on implementing the Common Core State Standards. The districts agrees to allow nonpublic school teachers to participate in the professional development program.

Is this allowable?

Allowable Uses

Scenario 2

No.

The equitable funds generated for professional development must be used help teachers address the needs of their participating Title I students.

Allowable Uses

Scenario 3

The nonpublic school would like to use equitable funds generated for professional development to send selected nonpublic school teachers to a workshop on reading strategies for parents of ELL students.

Is this allowable?

Allowable Uses

Scenario 3

Yes.

- English Language Learners are automatically eligible for Title I services.
- The selected teachers must serve ELLs in their classrooms.

Resources

- **ESEA § 1120 Legislation and Guidance**
 - <http://www.state.nj.us/education/title1/leg/>
- **Equitable Services Provision**
 - <http://www.state.nj.us/education/title1/leg/policy/equitable.shtml>
- **Nonpublic Planning Documents and Templates**
 - <http://www.state.nj.us/education/grants/entitlement/nclb/>
- **Complaint Policy and Documentation**
 - http://www.state.nj.us/education/grants/nclb/issues/complaint_policy.htm

Contact Us...

Office of Title I



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609-943-4383



Federal Entitlement Grants Titles IIA and III

Title IIA – Improving Teacher Quality

*Title III – English Language Acquisition,
Language Enhancement and Academic
Achievement*



Title II-A

*For Nonpublic Schools
2014-2015*

Title II- A: NCLB § 2101.Purpose

To increase student academic achievement through strategies such as improving teacher and principal quality and increasing the number of highly qualified teachers in the classroom and highly qualified principals and assistant principals in schools.

Title II-A Nonpublic

- Activities to be carried out for private school personnel must be based on a review of scientifically based research and must be expected to improve student academic achievement.
- Expenditures must be reasonable and necessary to carry out the purposes of the program.
- Services must be secular, neutral, and non-ideological [Section 9501(a)(2)].

II-A Consultation/Planning

- LEAs must consult w/NP officials during the design, development, and implementation of the PD program
- LEAs may not give a check to the NP school
- NP can decline to participate
- Services must be secular, neutral, and non-ideological



II-A Allowable Activities (ex. P. 1)

- Improving knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods and skills;
- Training in effectively integrating technology into curricula and instruction;
- Training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;

Title II-A Funding/Hold Harmless

- Federal entitlement via formula in EWEG
- Professional development for teachers and other school personnel
- Hold Harmless Requirement
 - NP schools entitled to at least as much as it was allocated in FY 2001 under the Eisenhower PD and Class-Size Reduction programs
 - Additional IIA funds may be allocated to the NP school if the public school uses all its fund for PD

Consultation Topics

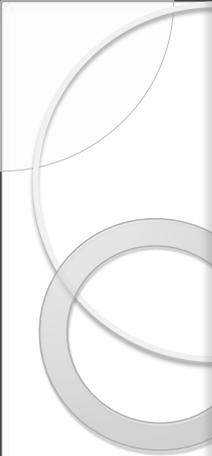
- Needs of children/teachers
- Services
 - How, when, where and by whom
 - How, when, where and by whom
 - Delivery of services
 - Size and scope of equitable services
- Amount of funds available

Title II A Questions ?

Please contact Sandy O'Neil with any specific
Title II-A questions

sandy.oneil@doe.state.nj.us





Title III

Title III provides funding for language instruction for English language learners (ELLs) and immigrant students.

Determining Eligibility

Nonpublic schools will be allocated Title III services base on:

- The number of limited English proficient students identified for and receiving ESL instruction under Chapter 192*; and
- The number of out-of-state and/or foreign exchange students who have been identified as LEP using the identification process for Chapter 192 ESL Services.
- ❖ This number represents those nonpublic students who have applied for services by completing a 407-1 form to the public school district and met the criteria for 192 services.

Eligibility Criteria

- The student's native language must be other than English;
- The student must score below the cut-off level of English language proficiency on a department-approved language proficiency test; and
- The student must have at least one other indicator.

Other indicators include:

- Assessing the level of reading in English
- Reviewing the previous academic performance of the student as well as standardized tests in English
- Reviewing the input of teaching staff members responsible for the educational program of the pupil.

Title III Immigrant

Federal definition of immigrant student includes students who:

- Are ages 3 – 21
- Were not born in any US state or Puerto Rico; and
- Have not attended one or more schools in one or more states for more than three full academic years.

Allowable Uses of Title III Funds

- Hiring of teachers, paraprofessionals, translators
- Professional development activities
- Curriculum development
- Tutorials, academic or vocational education
- After school or summer programs
- Community participation programs, family literacy services/parent outreach and training activities
- Curricular materials, classroom supplies, educational software, assessment materials

Title III Immigrant Funds

- Eligibility is dependent on combined public and nonpublic immigrant student enrollment
- Eligible districts are those that :
 - Enroll 20 or more immigrant students, and
 - have experienced an increase in their combined public and nonpublic immigrant student population of 2% or more as compared to the average of the previous two years.

Use of Title III Immigrant Funds

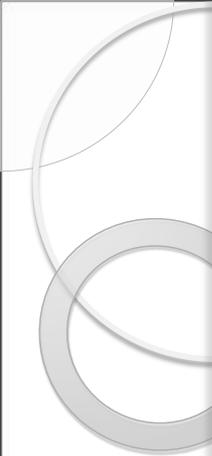
- Supplemental language assistance programs (summer or after school programs, tutorials)
- Family Literacy, parent outreach and training activities for parents
- Professional development training for teachers and aides
- Mentoring, academic and career counseling

Title III Immigrant Allowable Uses

- Acquisition of curricular materials, classroom supplies, software and technologies to be used in program.
- Transportation costs
- Programs of introduction to the educational system and civics education
- Activities coordinated with community based organizations, IHEs, private sector or other entities to assist parents of immigrant children and youth

Consultation Topics

- How the LEP children's needs will be identified.
- What services will be offered.
- How, where and by whom the services will be provided.
- How the services will be assessed and how the results of the assessment will be used to improve those services.
- The size and scope of the services to be provided to the private school children and educational personnel.
- The amount of funds available for those services.



Federally Funded Services

Must be supplemental and may not replace or supplant services that would, in the absence of federal funds, be provided by nonpublic school to participating nonpublic school children.



Office of Title I

Bureau of Bilingual/ESL Education

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