



ESEA EQUITABLE SERVICES UNDER TITLE I GUIDE

Student, School, and Family Support Bureau
New Mexico Public Education Department
Guide

► **Services to Eligible Private School Children**

Under Title I, section 1117 of the ESEA, as amended by the ESSA, school districts are required to provide services for eligible private school students, teachers and their families that are equitable to those of the eligible public-school students.

How is funding for instructional services generated for private schools?

A private school student generates funds if he/she resides within an attendance area of a participating Title I public school and meets the established low-income criteria.

Who can participate in Title I?

A private school student who can participate in Title I resides within an attendance area of a participating Title I public school **and** is failing or at risk of failing state student academic achievement standards. Low-income status is **not** a basis for participation in the Title I Program.

Consultation

LEA officials must conduct a timely and meaningful consultation with appropriate private school officials prior to making any decisions that could prevent eligible private school children, teachers or families from participating in Title I, and must discuss at a minimum the following:

- How are children's needs identified?
- What services will the LEA provide to teachers and families of participating children?
- How, where and by whom will services be provided?
- How will the services be evaluated?
- How will the results of the evaluation be used to improve those services?
- What is the amount of funds available for services?
- What data will determine the number of low-income children who attend the private non-profit (PNP) and who reside in a participating Title I school attendance area?
- What is the complaint process if a private school official does not agree with an aspect of outcome of the consultation?

If a private school elects to participate in Title I Services the consultation must be ongoing throughout the year. The level of involvement is dictated by the size and scope of the services provided by the LEA to eligible private school students. The LEA is considered to be the recipient of the Title I grant. In providing equitable services, the LEA is responsible for maintaining and managing funds. Private schools are not allowed to receive or expend funds.

LEA Services to Eligible Private Non-Public (PNP) Students

Services to eligible private school children must be secular, neutral, non-ideological, provided in a timely manner, and equitable in comparison to services and benefits for public school children. To help ensure such equity, the PED is required to designate an Ombudsman to monitor and enforce these requirements. Options for private-school services include, but are not limited to:

- Instructional services provided by public-school employees or third-party contractors
- Extended-day services
- Summer school
- Family literacy programs
- Counseling programs
- Computer-assisted instruction
- Home tutoring
- Instruction using take-home computers

PNP Equitable Services Quick Facts

1)The scope of Title I services provided to eligible students in a private school should be comparable (but not necessarily identical) to those provided to students in public schools. The number of eligible students, available funding and student needs will determine services.

2)Providing a private school with supplies, materials, and resources in the absence of an instructional program is not allowed. This practice does not meet the requirement for an LEA to provide equitable services to eligible PNP students.

3)Any supplies (except expendables) and equipment purchased by the LEA for use in a private school remains the property of the LEA, and the LEA must maintain an inventory.

4)Individual students, not schools, are eligible for services and because of this, teachers paid for out of Title I funds cannot teach alongside classroom teachers.

5)The school district, in consultation with private school officials, administers the agreed upon program. It may not delegate responsibility for program planning, design and implementation to private school officials or staff.

6)Employees hired to provide services (paraprofessionals, aides and teachers) are employees of the district, must be supervised by the district, and must meet the PED licensure requirements. Paraprofessionals who provide instructional support must work under the direct supervision of a licensed public-school teacher.

- A paraprofessional works under the direct supervision of a teacher if (1) the teacher prepares the lessons and plans the instructional support activities the paraprofessional carries out and evaluates the achievement of the students with whom the paraprofessional is working, and (2) the paraprofessional works in close and frequent proximity with the teacher. As a result, a program staffed entirely by paraprofessionals is not permitted.
- A program where a paraprofessional provides instructional support and a teacher visits a site once or twice a week but otherwise is not in the classroom, or a program where a paraprofessional works with a group of students in another location while the teacher provides instruction to the rest of the class would also be inconsistent with the requirement that paraprofessionals work in close and frequent proximity to a teacher.
- There are no ESSA or PED licensure requirements for contractors.

7)If the LEA disagrees with the views of the private school officials on the provisions of services through a contract, the LEA must provide the private schools the reasons in writing why the LEA chooses not to use a contractor.

8)The LEA will evaluate the services provided to eligible private school students and will use the results of that evaluation to improve Title I services.

July 2023 USDE Non-Regulatory Guidance The USDE Non-regulatory Guidance for Providing Equitable Services to Eligible Private School Children, Teachers and Families, released July 17, 2023 can be found at [this website](#) . Timely and meaningful consultation and documentation is required by LEA's and private school officials to provide equitable services for eligible private school children. Additionally, third party contracts may be made with religious organizations.

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