



## English Learners in Private Schools

### Purpose

The purpose of Title III: Language Instruction for English Learners (ELs) and Immigrant Students under the Elementary and Secondary Education Act (ESEA) is to help eligible students attain English proficiency and to reach high levels of attainment in state academic standards. Title III funds are used to assist teachers, principals, and other school leaders in developing and enhancing their capacity to deliver effective instructional programs for ELs and to promote the engagement of the parents and families of EL students.<sup>1</sup>

### Equitable Participation

EL students in non-profit private schools (non-public schools), including private schools participating in one of the state's Parental Choice Programs, may be eligible to access Title III programs, services, and products through the Local Education Agency (LEA) where the non-public school is located.

Funding for Title III programs and services to serve eligible ELs in non-public schools is determined by a count of eligible students attending non-public schools located in the school district boundaries and is not dependent on where the student resides. The LEA where the non-public school is located must be accepting funds under Title III in order for ELs in a non-public school to have access to services.<sup>2</sup> If ELs are identified at the non-public school and the LEA where the non-public school is located participates in Title III, the non-public school should indicate its intent to participate in Title III to the resident LEA. The LEA and private school(s) within its jurisdiction must conduct a meaningful and timely consultation to determine how students are identified for services and what services will be provided.

### Identifying Eligible ELs in Private Schools

The LEA is responsible for the oversight of the initial identification process and must ensure that objective criteria are used. The process for identifying ELs in private schools should be similar to the process for identifying students attending public schools. This allows the LEA to leverage its

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<sup>1</sup> [U.S. Code §76812](#)

<sup>2</sup> [U.S. Code §76320](#)

expertise and existing tools and processes. Guidance on public school processes and sample forms can be found in the [Wisconsin EL Policy Handbook](#).

Private school students identified as EL must have their English proficiency tested annually. The Title III allocation for services to eligible private school students is based on the number of students tested for English language proficiency (ELP) during the prior year test administration window (e.g., ACCESS tested).

## ELP Assessments

Wisconsin makes WIDA's ACCESS for ELLs summative assessment and the K W-APT and WIDA Screeners available free of charge to Title III-participating private schools, including non-public schools participating in Parental Choice Programs within Title III receiving LEAs. If a private school elects to use an equivalent ELP assessment in place of the state-provided ELP assessments, Title III funds may be used to cover the assessment costs.

## Consultation

The LEA must consult with appropriate private school officials during the design and development of the Title III services. Consultation for Title III generally takes place at the same time LEAs and private schools consult on all ESEA Title services. There are additional requirements in ESEA consultation that relate to Title III and Title VIII yet extend beyond the Title III scope of services to students. LEAs and private school officials should review the [Affirmation of Consultation with Private School Officials \(form PI-9580-AC\)](#) form for a complete list of topics that must be addressed during the consultation process. For the purposes of Title III services to students, the consultation should focus on the required coordination between the LEA and private school officials on the implementation of high-quality programming necessary to assist students in attaining English proficiency and meeting the same challenging standards as all students. The following topics must be addressed<sup>3</sup>:

- how EL students will be identified
- what services will be offered
- how, when, 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
- what the size and scope of the services to be provided to the private school children and educational personnel will be
- the amount of funds available for those services
- how and when the LEA will make decisions about the delivery of services, including a thorough consideration of the views of the private school officials on the provision of contract services through potential third-party providers

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- how, if the LEA disagrees with the views of the private school officials on the provisions of services through a contract, the LEA will provide to the private schools, in writing, an analysis of the reasons why the LEA has chosen not to use a contractor

## Program Planning and Design

The LEA and private school should establish a plan for services as a result of their initial consultation. To be timely and meaningful, it is recommended that this consultation occur in May to plan for the next school year. Title III funds may only be used for supplemental EL services that are reasonable, allocable, and allowable. Title III funds must be supplemental to any state and federal obligations a private school may be under.

The ESEA specifies that assistance to EL students in private schools should be equitable to that of EL students in public schools. Title III program design is not required to be the same for both public and private schools. If the needs of the private school are different from those of the public school, the LEA, in consultation with private school officials, designs a separate program that is appropriate for the private school students. Title III services provided to private school children and educational personnel must be secular, neutral, and non-ideological.

The method to determine equity is to use the per-pupil allocation of Title III LEP student funds as the basis for the cost of Title III products and services to be provided to the private school. The private school should receive an equivalent amount of products and services for each of the EL students served as the public school receives for each of its EL students based on the per-pupil allocation.

The LEA maintains control of the federal funds used to provide services to private schools. It also maintains title to materials, equipment, and property purchased with those funds. LEAs may allow the private schools to keep the items from year to year, in accordance with approved activities specified in the agreement between the two entities.

## Staffing

Teachers providing Title III services to private school students, whether LEA employees or third-party contract employees of the LEA, are subject to the requirement that they must be fluent in English and any other language used for instruction. Fluency must be both in literacy and oral communication.<sup>4</sup> The LEA must follow state law in determining the applicable state licensure and certification requirements for its employees and contractors.

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<sup>4</sup> [U.S. Code §76826](#)

## WISEgrants

DPI uses [WISEgrants](#) for managing Title III budgets, including funding assigned to private schools participating in Title III. Title III funds assigned to private schools must be allocated to one of the three required activities: Instruction, Family Engagement, or Professional Development. Funds must be used for allowable, non-secular activities. LEAs are required to upload the [private school affirmation form](#) annually to WISEgrants. This form, PI-9580-AC, is signed by the private school authorizing agent indicating the private school's intention to participate in Title III. See [Title III Requirements and Guidance](#) for more information.

## Data Reporting for Title III Allocation

DPI collects data on the number of EL students enrolled and reported in private schools and adds this number to the number of EL students enrolled in public schools to determine Title III funding amounts. Current year allocations are based on the previous year's administration of the annual ELP assessment.

Private schools are not responsible for meeting the Title III accountability requirements. ELP assessment data of private school EL students can be used for program evaluation and programming purposes.

## Data Reporting for Parental Choice Program

Private schools participating in the Choice program submit data through WISEdata to meet school accountability reporting requirements. The ELP code submitted to WISEdata is determined as follows:

Option 1: Schools with a defined EL identification process that administer the WIDA assessments enter ELP codes based on those assessments. ELP codes 1-6 stem from the ACCESS for ELLs assessment or the WIDA Screener/W-APT, and ELP 7 is retained for students who are native English speakers and who have never been EL. For more information on ELP codes and the EL identification process used in the state, please reference the [EL Policy Handbook](#).

Option 2: Schools that do not identify ELs or administer the WIDA assessments should leave all students' ELP codes blank (unknown). This ensures that the submitted ELP code retains the same meaning as those submitted by public schools, to retain the same meaning on report cards.

## Resources

- [Wisconsin EL Policy Handbook- Identifying, Supporting, and Reclassifying English Learners](#)
- [Office of English Language Acquisition English Learner Toolkit](#)
- [DPI Equitable Participation](#)
- [Title III Requirements and Guidance](#)
- [TITLE III, PART A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance](#)