

Tamaqua Area School District

Office of Federal Programs and Grants



Procedures for Participation of Nonpublic Schools

October 2023

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Resources/Sources

Pennsylvania Department of Education - Equitable Services

Guide for Non-Public School Equitable Share Consultation, Funding and Service Delivery, School District of Philadelphia, Nov. 2017

Private School Consultation & Program Coordination Handbook (v3), Seminole County Public Schools

Introduction and General Requirements for Provision of Equitable Services

Several federally funded programs require school districts to provide the opportunity for equitable participation of private school students, teachers, principals, and other school leaders. Elementary and secondary private schools with nonprofit status, including religiously affiliated schools, are eligible to participate in many ESSA programs, as applicable.

Under the Elementary and Secondary Education Act (ESEA), as reauthorized by the Every Student Succeeds Act (ESSA), programs with an equitable services provision include:

- Title I, Part A - Improving the Academic Achievement of the Disadvantaged
- Title II, Part A - Supporting Effective Instruction
- Title III, Part A - English Language Acquisition and Language Enhancement
- Title IV, Part A - Student Support and Academic Enrichment Grant

Federal regulations also stipulate that federal funds cannot pass directly from the school district to the non-public schools. The district must administer and retain control of these funds, engaging nonpublic entities in a consultation process to provide services to eligible students, their parents and their instructional staff in the non-public schools. In providing these services, the district must follow all federal cost principles and policies and procedures for federal grant management and compliance.

Section 1117 of ESSA contains provisions that pertain to the participation of students enrolled in private schools under Title I, Part A.

Title VIII of ESSA – sections 8501-8506 – contains the Uniform Provisions (Part F) language that pertains to the participation by private school students and other educational personnel in the programs listed above.

The **purpose** of this handbook is to clarify responsibilities and equitable share processes, provide timelines for activities, and ensure uniformity in the implementation of the private school provisions across federal programs within the Fleetwood Area School District (FASD). Topics covered in this handbook include:

- Notification, consultation, and planning
- Eligible activities and program implementation
- Funding allocations and provision of services
- Carryover
- Record keeping
- Complaint procedures

Notification, Consultation and Planning

Notification of private school eligibility to participate in various federal programs available through the Tamaqua Area School District begins in December of the school year preceding implementation. Specific deadlines are provided to private school officials to ensure timely and meaningful consultation occurs.

In December of each year, the school district contacts nonprofit private schools located within district boundaries, and those outside of its boundaries where FASD students are enrolled, via email and/or mail, inviting each to participate in equitable services under ESSA. The district requests that private schools complete and submit an *Intent to Participate* (Appendix A) form by a specific deadline. This deadline is set to ensure consultation can be scheduled with interested schools prior to the district's final planning and submission of the consolidated federal program application to the Pennsylvania Department of Education.

Once the *Intent to Participate* forms are received by the district, consultation meetings are scheduled and conducted by the Coordinator of Federal Programs, with a specific focus on school-based needs in the area(s) covered by the program. Consultation topics, as required by ESSA, Sections 1117(b) and 8501(5)(c), addressed in the meeting(s) include the following:

- A. How the children's needs will be identified;
- B. What services will be offered;
- C. How, where, and by whom the services will be provided;
- D. How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- E. The size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated for such services, and how the proportion of funds allocated for equitable services will be services is determined;
- F. The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- G. How and when the school district will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- H. How, if the school district disagrees with the views of the private school officials on the provision of services through a contract, the district will provide in writing to such private school officials an analysis of the reasons why it has chosen not to use a contractor;
- I. Whether the school district shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- J. Whether to provide equitable services to eligible private school children by combining the funds generated by private school children into one or more pools of funds;
- K. When, including the approximate time of day, services will be provided;

- L. Whether to provide services to eligible private school children by consolidating and using funds, in coordination with eligible funds available for services to private school children under programs covered by section 8501(b))(1)
- M. Total carryover funds available for the provision of equitable services under the respective program(s) and in determining how carryover funds will be used, the LEA must consult with the appropriate private school officials (ESEA sections 1117(b) and 8501(c)).
- N. Before an LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation (ESEA section 5103(e)(2).)

While consultation will be an on-going process, it will occur most intensively during the planning period in advance of the start of a new fiscal and school year and continue to occur throughout the year to ensure and improve delivery consistent with the scope of the agreed upon service plan.

The following annual timeline ensures ongoing communication and collaboration between the district and nonprofit private schools:

Month	Consultation Activity for Current School Year	Consultation Activity for Next School Year
August - September	<ul style="list-style-type: none"> ● Begin programs and services at the start of the school year or within 30 days of grant award, as appropriate by program. ● Engage in ongoing consultation with private school officials about programs and services to be implemented and modify as necessary 	
September - October	<ul style="list-style-type: none"> ● Continue consultation about current programs and verify implementation of services ● Nonpublic schools provide beginning of year assessment data for Title I students 	
November - December	<ul style="list-style-type: none"> ● Continue consultation about the status of current programs/services. 	<ul style="list-style-type: none"> ● T ASD compiles list of all private schools with contact information for use in the following year's consultation efforts ● T ASD sends invitations and <i>Intent to Participate</i> forms to eligible nonpublic schools
January	<ul style="list-style-type: none"> ● Continue consultation about the status of current programs/services. ● Review budget expenditures and/or services provided to date, and develop an action plan for expenditure, as necessary. 	<ul style="list-style-type: none"> ● <i>Intent to Participate</i> forms due to the school district for nonpublic school participation in programs the following year

February - March	<ul style="list-style-type: none"> ● Continue consultation about the status of current programs/services. ● Nonpublic schools provide mid-year assessment data for Title I students ● Upon receipt of final federal grant allocations, revise budget and allocations, and submit funding adjustments to PDE as necessary, ● Consult with nonpublic schools regarding any change in allocations 	<ul style="list-style-type: none"> ● TASD initiates consultation with any new schools that have indicated their intent to participate ● Nonpublic schools provide FASD with list of addresses and grade level of low-income students residing in district boundaries ● FASD verifies student eligibility and notifies nonpublic schools of results
April - May	<ul style="list-style-type: none"> ● Continue consultation about the status of current programs/services. ● Review budget expenditures and/or services provided to date, and develop an action plan for expenditure, as necessary. 	<ul style="list-style-type: none"> ● Upon receipt of preliminary allocations, consult with nonpublic school officials to complete plans for programs/services and set dates for when services will begin in the next school year ● Provide nonpublic school officials with <i>Affirmation of Consultation</i> forms to be signed and returned for submission with the Consolidated Application
June - July	<ul style="list-style-type: none"> ● Nonpublic schools provide end of year assessment data for Title I students ● Evaluate programs and services for the current school year ● Finalize actions and expenditures related to programs and services for the current year 	<ul style="list-style-type: none"> ● Completion and submission of Consolidated Application

Eligible Activities and Program Implementation

All activities under the equitable services provision must align with the intended purpose of each federal program. In accordance with ESSA, Section 8501(2), all educational services, or other benefits – including materials and equipment – provided from these federal programs must be secular, neutral and non-ideological. A brief description of each program’s intended use is included below.

Title I, Part A - Improving Basic Programs

The purpose of Title I of the ESEA is to provide all children significant opportunity to receive a fair, equitable, and high-quality education and to close educational achievement gaps. (ESEA section 1001). Accordingly, Title I requires each participating LEA to provide Title I services to eligible non-public

school students. These services must be equitable to those provided to public school students in each LEA.

To be eligible for Title I services, a nonpublic school child must reside in a participating Title I public school attendance area and be identified as low achieving based on multiple, educationally related, objective criteria. (ESEA sections 1115(c)(1)(B) and 1117(a)(1)). Poverty is not a criterion for eligibility for services. The target population is non-public school children identified as failing or most at risk of failing to meet challenging academic content and student academic achievement standards as adopted by each participating students' non-public school. Funds are allocated to non-public schools for instruction and parent engagement activities. Allocations are determined in eGrants based upon the number of income-eligible students residing in FASD's attendance area.

Title II, Part A - Supporting Effective Instruction

Title II, Part A funds are allocated to nonpublic schools to help with preparing, training, recruiting, and retaining high-quality teachers and principals. Private school teachers, principals, and other educational personnel may receive professional development that meets the specific needs of school staff, and will improve teacher and principal quality, and thereby increase student achievement. Allocations are determined in eGrants based upon total student enrollment in the nonpublic school.

Professional development activities can include:

- Improving the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional 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;
- Training in methods in improving student behavior, identifying early and appropriate interventions, and involving parents more effectively in their children's educations;
- Leadership development and management training to improve the quality of principals; and
- Training in the use of data and assessments to improve instruction and student outcomes.

Title II, Part A funds may be used to pay for a non-public teacher's attendance at a professional conference to the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher. Title II, Part A funds may not be used to pay for a substitute teacher who replaces a nonpublic schoolteacher who is attending a professional development activity.

Title III- Language Instruction for English Learners

Title III funds provide supplemental services to ensure that Limited English Proficient (LEP) students, including immigrant children, develop English proficiency and meet the same academic content and academic achievement standards that other children are expected to meet. Title III funds may also be used to provide staff with professional development in educational strategies to best meet the academic

and language needs of English Learners, and for activities that promote parent, family, and community engagement.

TASD provides participating nonpublic schools with a *Home Language Survey* (Appendix C) to be completed by parents when registering their child(ren) to attend the nonpublic school. If parents indicate a language other than English is spoken in the home, the *Home Language Survey* is forwarded to TASD's ESL Liaison, who will determine ESL needs in accordance with TASD's *Procedures for Participation of Students who are English Learners (ELs) in Private Schools* (Appendix D)

Title IV, Part A - Student Support and Academic Enrichment

Title IV funding consolidates various existing federal grants into a single award to the LEA. Title IV funds are used for three primary purposes: 1) to provide students with a well-rounded education; 2) to support safe and healthy students; and 3) to support the effective use of technology. Title IV is subject to equitable share to non-public schools. After meaningful consultation, TASD may elect to transfer these funds to its Title I, Part A grant (which will increase the private schools' equitable share of Title I).

Equitable Share Funding and Calculation Methodology

TASD utilizes the eGrants data entry wizard and nonpublic calculations that are generated by the Pennsylvania Department of Education (PDE) in the eGrants system. Once FASD receives its Title I allocation from PDE, the percentage of identified poverty students that attend non-public schools is used to calculate the amount of Title I dollars that will be given as Equitable Share. Equitable shares of Title II and IV are determined in eGrants based upon total public and nonpublic student enrollment. Nonpublic schools must record their enrollment in the PNPE system. The equitable share of Title III will be determined by the number of nonpublic students identified as Limited English Proficient (LEP).

Carryover

ESEA sections 1117(a)(4)(B) and 8501(a)(4)(B) indicate that funds allocated to a school district for educational services and other benefits to eligible private school children, teachers and other educational personnel, and families must be obligated in the fiscal year for which the funds are received by the school district.

As such, TASD will work with the private school officials to obligate and expend all funds for a given fiscal year no later than 30 days prior to the federal program's grant closure date. Any supplies, supplemental materials, or curriculum, and/or equipment must be received and implemented to benefit the program purpose before the close of the grant period. If funds are unobligated at the end of the Federal fiscal year, TASD must use the funds to provide equitable services in the affected nonpublic schools the following year.

If there are extenuating circumstances that prevent a private school from utilizing the funds dedicated under a specific federal program, and timely and meaningful consultation with private school officials has occurred, the school district will reflect carryover funds in its next eGrants Consolidated Application under the carryover section. These carryover funds will be available for expenditures for the participating private school officials in the next year.

Record Keeping

The school district *is not permitted to reimburse a private school directly*; rather, the district may only obligate and expend federal funds *on behalf of* private schools (ESSA, Section 8501(6)(d)). As such, all private school expenditures must comply with the school district's procurement and finance policies and procedures.

If the school district enters into a contract or services agreement on behalf of a private school, it is acknowledged that the primary responsibility for maintaining documentation is on the school district. It is important, however, to note that the school district may require the private school officials to provide supporting documentation to determine that the expense is allowable, reasonable, and necessary in accordance with applicable federal requirements. Specific documentation and/or deliverables may be requested prior to payment to a vendor (i.e. participant sign-in sheets, an agenda and receipts).

In addition to records of procurement and financial transactions, the school district will maintain documentation of consultation by program staff with private school officials, to include a written affirmation (Appendix B) signed by officials of each participating private school that the meaningful consultation has occurred for each applicable federal program. The written affirmation provides the option for private school officials to indicate such officials' belief that timely and meaningful consultation has or has not occurred or that the program design is not equitable with respect to eligible private school children, as required by ESSA Section 8501(c)(5).

Inventory Control and Equipment

As permissible by each particular federal program, the purchase and use of computers, audio-visual equipment, and other equipment and materials is allowable under equitable services to support the education of eligible students and/or support of nonpublic schoolteachers. The school district is responsible for monitoring and safeguarding equipment or other durable goods which were purchased with federal funds and reside on a private school campus. This includes both capitalized items (purchase price of more than \$4,999 and/or items considered to be 'computing devices' (i.e., tablets, small computers)).

Private schools who obtain capitalized and/or computing devices through equitable services are required to participate in annual inventory of such items. The school district manages this process in collaboration and coordination with private school leaders.

Any equipment or non-consumable supplies provided to private schools through equitable services shall be returned to the district at the conclusion of the project period unless the equipment or supplies could be repurposed for other federal program activities.

Complaints and the State Ombudsman for Private Schools

ESSA, Sections 1117 and 8501 requires state educational agencies to designate an ombudsman to monitor and enforce equitable services requirements to help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families. The equitable services ombudsman is the state's primary point of contact for addressing questions and concerns pertaining to the equitable services requirements.

TASD has established *Complaint Procedures for Participation of Private School Children* that is disseminated annually to private school officials as part of the consultation process. This document includes local and state-level complaint procedures. (see Appendix E)

Appendix A - Intent to Participate

NON-PUBLIC SCHOOL INTENT TO PARTICIPATE FORM Title I, Part A

_____ School Year Enrollment Data

The Title I program provides supplemental educational services so that all children have a fair, equal, and significant opportunity to obtain a high-quality education. Generally, to qualify for assistance under Title I, a student must reside within the attendance area of a participating public school located in a low-income area and be failing, or at risk of failing, to meet student academic achievement standards. Expenditures for equitable services to eligible non-public school children, teachers and other educational personnel, and families must be equal to the proportion of funds allocated to participating public school attendance areas based on the number of children from low-income families who reside in those attendance areas and attend non-public schools. ESEA section 1117(a)(4)(A). The Title I services for non-public school students are developed in consultation with designated officials of the non-public schools.

Section A – Intent to Participate

Title I, Part A – Improving Basic Programs

Do you intend to participate? Please check on of the following: **YES** ☐ **NO** ☐

If you have checked “yes” to participating in the Title I, Part A, program, you must have income eligible non-public students who would have attended an LEA’s participating Title I school, and you will be required to provide specific student eligibility data.

Section B – Certification

Non-public School Name: _____

Address: _____

Officials Name and Title: _____

Phone: _____ Email: _____

Signature _____ Date _____

Please return this form by [insert due date] to:

Dr. Stephen P. Toth

570.668.2570 ext. 1000

Stoth@tamaquasd.org



Affirmation of Consultation with Private School Officials

The goal of reaching agreement between an LEA and appropriate private school officials is grounded in timely, meaningful, and open communication between the LEA and the private school officials on key issues that are relevant to the equitable participation of eligible private school students, teachers and other education personnel, and families in ESEA programs.

LEA Information

Name of LEA: Fleetwood Area School District

Name of Superintendent/LEA Authorized Representative: Stephen P. Toth

Telephone Number: **570.668.2570 ext. 1000**

Email Address: stoth@tamaquasd.org

Private (Nonpublic) School Information

Name of Private School: _____

Private School Authorized Representative: _____

Telephone Number: _____

Email Address: _____

Consultation must cover the following topics:

- A. How the children's needs will be identified;
- B. What services will be offered;
- C. How, where, and by whom the services will be provided;
- D. How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- E. The size and scope of the equitable services to be provided to the eligible private school children, and the proportion of funds that is allocated for such services, and how the proportion of funds allocated for equitable services is determined;
- F. The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- G. How and when the school district will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- H. How, if the school district disagrees with the views of the private school officials on the provision of services through a contract, the district will provide in writing to such private school officials an analysis of the reasons why it has chosen not to use a contractor;
- I. Whether the school district shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;

- J. Whether to provide equitable services to eligible private school children by combining the funds generated by private school children into one or more pools of funds;
- K. When, including the approximate time of day, services will be provided; and
- L. Whether to provide services to eligible private school children by consolidating and using funds in coordination with eligible funds available for services to private school children under programs covered by Section 8501(b)(1).
- M. Total carryover funds available for the provision of equitable services under the respective program(s) and in determining how carryover funds will be used, the LEA must consult with the appropriate private school officials . (ESEA sections 1117(b) and 8501(c)).
- N. Before an LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation (ESEA section 5103(e)(2).)

The goal of consultation is agreement between the LEA and appropriate private school officials on how to provide equitable and effective programs for eligible private school children (ESEA sections 1117(b)(1) and 8501(c)(1),(5)).

By signing this form, you affirm the following:

We agree timely and meaningful consultation occurred prior to the district making any decisions which affected the participation of eligible private school students in the program.

We agree we have participated in meaningful and timely discussion on each Title program and have chosen to participate in the program(s) marked below.

We agree timely and meaningful consultation shall continue throughout implementation and assessment of services provided under these Title programs throughout the duration of the school year.

Private School Participation by Title Program

Check off to indicate nonpublic school program participation as applicable.

☐ Title I Part A ☐ Title II Part A ☐ Title III ☐ Title IV (SSAEG)

LEA Authorized Representative Signature

Date

Private School Authorized Representative Signature Date

(Check box/sign below ONLY if in disagreement with the LEA)

- ☐ By checking this box and signing within you are indicating that you believe the timely and meaningful consultation HAS NOT occurred or the program design is not equitable with respect to eligible nonpublic school children.

Private School Authorized Representative Signature Date

The results of agreement following consultation must be * transmitted to the SEA's equitable services ombudsman (ESEA section 1117)(b)(1).)

Appendix C - Home Language Survey

HOME LANGUAGE SURVEY

ALL newly registering students regardless of race, nationality, or language origin MUST complete this form.

Federal law requires that all Local Education Agencies (LEAs) utilize a non-biased procedure for identifying which students are potential English Learners (ELs) in order to provide appropriate language instruction educational programs and services. Given this responsibility, LEAs have the right to ask for the information contained on this, and other forms associated with the identification process.

Student Information (Parents/Guardians should complete this section):

Child's name: _____

Child's Date of Birth (Month/Day/Year): _____

Questions for Parents or Guardians

1. Is a language other than English spoken in the child's home? ☐ No ☐ Yes

What is the language? _____

2. Does your child communicate in a language other than English? ☐ No ☐ Yes

What is the language? _____

3. What is the language that your child first learned to speak? _____

4. Has the student attended any United States school in any 3 years during his/her lifetime? ☐ No ☐ Yes

If yes, complete the following:

Name of Last School Attended: _____ State: _____ Dates: _____

Name of Previous School Attended: _____ State: _____ Dates: _____

Parent/Guardian Signature: _____ Date: _____

Interpreter Provided: ☐ No ☐ Yes

*The school district has the responsibility under the federal law to serve students who are limited English proficient and need English instructional services. Given this responsibility, the school district has the right to ask for the information it needs to identify English Language Learners (ELLs). As part of the responsibility to locate and identify ELLs, the school district may conduct screenings or ask for related information about students who are already enrolled in the school as well as from students who enroll in the school district in the future.

Appendix D - Procedures for Participation of Students who are English Learners (ELs)

Component 1: Understanding and Complying with State Regulations

Specific to the education of ELs, Pennsylvania Code states “Every school district shall provide a program for each student whose dominant language is not English for the purpose of facilitating the student’s achievement of English proficiency and the academic standards under § 4.12 (relating to academic standards). Programs under this section shall include appropriate bilingual-bicultural or English as a second language (ESL) instruction” (22 PA. Code §4.26).

Section 1: Screening, Identification and Placement of ELs

Federal regulations require that LEAs identify students who may be in need of language assistance services by administering a Home Language Survey within 30 days of the beginning of the school year or 14 calendar days if the identification process begins after the school year is underway. The steps to identification include:

Step 1: Administering the Home Language Survey

Administer the home language survey (HLS) to parents and students who are newly enrolled or students without previous EL records from other educational entities.

- If the HLS indicates a language other than English for any question on the HLS, proceed to STEP 2: Family Interview.
- If the HLS indicates a language other than English for all questions, move to EL screening.

Step 2: Conducting the Family Interview

The purpose of the family interview is to gather additional information to determine if the student is an EL. The family interview must be conducted by district-trained enrollment personnel in an interview format. The district-trained interviewer may use an interpreter to assist in conducting the interview if necessary.

Plan a family interview to discuss the HLS and obtain additional information about the student and family. This meeting may also serve as an opportunity to discuss what happens next if the student is identified as an EL. For example, district personnel may choose to use this time to discuss the parent’s right to refuse some or all of the ELD services if their child is identified as an EL.

Step 3: Reviewing the Family Interview Data

Review of the family interview data must be conducted by a certified ESL specialist. Analyze the interview responses to determine whether or not there is reasonable evidence that the student’s primary home language is a language other than English (PHLOTE).

If it is determined that the information from the family interview indicates that the student is not identified as PHLOTE, do not place this student on the PHLOTE list. The EL identification process ends here.

If it is determined that the information from the family interview indicates that English is not the student’s primary home language or that exposure to another language may have had a significant impact on the student’s English language development, place this student on the PHLOTE list and proceed to STEP 4: Reviewing Academic Records.

Step 4: Reviewing Academic Records

If a student's file includes ACCESS for ELLs® scores from the previous school year and these scores indicate that he/she is an EL, the student would receive services.

Conduct a review of the student's academic records from previous schooling, if available. If the academic records are not available, proceed to STEP 5: Administering the WIDA Screener. If records are available, analyze the records to locate evidence that the student has sufficient English proficiency to benefit from instruction in English without specialized supports or accommodations. During a parent meeting data is gathered on a student's prior schooling and any interruptions in their schooling.

Acceptable evidence might include:

- Proficient scores from standardized summative or interim tests administered in English
- Passing grades for core content classes where the primary language of instruction was English
- Student work samples written in English

If the review of the academic records does not indicate enough evidence to reasonably determine that the student has sufficient English proficiency to benefit from instruction in English without support services, proceed to STEP 5: Administering the WIDA Screener.

Step 5: Administering the WIDA Screener

WIDA assessment administrator should screen the student to measure his/her English proficiency using either the K MODEL and WIDA screener (online). Use the screener criteria for identification as an EL to determine whether the student should be identified as an EL based on his/her screener scores.

The screener scores serve as initial or baseline English proficiency levels. If identified as an EL, the student will take the annual WIDA ACCESS for ELLs® assessment.

If the student's scores do not meet the criteria for identification as an EL based on the scoring criteria, the student should not be identified as an EL and the identification process ends here.

NOTE: If a student is unable to complete the full screener (e.g. because of a disability or refusal), the determination of EL status must be made based on the remaining available evidence gathered from the HLS, parent interview, and academic records review. If reasonable evidence of English proficiency cannot be established based on those sources along with the incomplete screener results, if any, then the student should be identified as an EL.

Special Education Consideration

If the student arrives with an IEP, English language proficiency screening must be completed with appropriate accommodations and the test results must be interpreted in consultation with special education (SPED) personnel.

If the student is suspected of having a disability but a determination cannot be made prior to completing the EL identification procedure, English language proficiency screening must be completed with any administrative considerations, universal tools or accommodations that the ESL and SPED educators deem necessary. This procedure must be completed in accordance with the outlined guidelines and the student must be placed in the appropriate LIEP based on the

information available at the conclusion of the identification procedure. A student who arrives with an IEP or is suspected of having a disability should not be excluded from the EL identification process nor should the process be deferred until a later special education determination can be made.

If, after the student is placed in the LIEP, the student is determined to have a disability that may have affected the screening results (e.g. the student requires a testing accommodation that was not offered), the student must be re-screened using the appropriate accommodations. If the student does not meet the criteria for identification as an EL based on this subsequent screening, then the district must contact PDE to remove the EL identifier and the student should be removed from the LIEP.

Step 6: Communicating Identification Results to Parents/Guardians

Parents have a legal right to be included in educational decisions for their child. The LEA must provide the parent with a detailed description of the LIEP and explain the identification and placement decisionmaking process in a language that the parent can understand within 30 days of the beginning of the school year or 14 calendar days if the identification process begins after the school year is underway.

The LEA should inform the parent of the advantages of having their child receive support through the LIEP in terms of their child's English language acquisition and academic success. The LEA should also inform parents of their right to decline ELD programs or services completely or in part, and supply the parents with the state required ELD Program Parental Refusal Waiver. Formerly, a parent could only refuse services for religious reasons; in compliance with new federal policy, this is no longer the case. To refuse placement in the LIEP, a parent must submit a signed waiver indicating their informed and voluntary decision not to place their child in the LIEP. A signed "waiver" indicates the parent's desire to waive the child from participation in all or some of the ELD programs or services offered by the school.

LEAs must ensure that parents do not opt their children out of any ELD programs or services based on schedule conflicts with other educational programs (such as special education programs); insufficient space in the available ELD programs; or insufficient offerings within the ELD program. LEAs must not recommend that a parent opt a child out of ELD programs or services for any reason. Additionally, there is no mechanism to opt a child out of taking the annual ACCESS for ELLs® language proficiency assessment, even if the parents choose to opt the child out of all or some ELD support services.

Serving ELs Who Have Been Opted-Out of ELD Services

If a parent chooses to decline all or some ELD support services, the LEA is still responsible for the following:

- Annually test opt-out ELs with the state required WIDA ACCESS for ELs® assessment until the student attains English proficiency by meeting the state exit criteria and is reclassified nonEL status.
- Maintain the student's EL status on all reporting even though the student's parents declined services.
- Provide ELD instruction within the general education content area instruction to meet the needs of the opt-out EL students.

- Content teachers will communicate with ESL teachers if the child is struggling in general education.
- Notify parents if their child is struggling in general education classes and recommend the ELD program and services again.
- Present the ELD Program Reinstatement Request Form to parents who wish to opt their child back into the school's ELD programs and services.

Section 2: Designing the Language Instruction Educational Program:

As stated in Pennsylvania Code, every school district is required to provide an LIEP for any student whose primary language is not English. LEAs are required to thoughtfully and deliberately plan, resource and evaluate their LIEP. The plan and evaluation results must be made available to all staff who work with ELs as well as parents/families of ELs.

Every LIEP must attend to:

- English language development to promote the attainment of both social and academic English proficiency AND
- The achievement of grade-level academic standards.

Attending to both of these components in daily instruction is the responsibility of all educators, including content-area teachers and ESL program specialists. Like federal regulations, PDE does not prescribe or endorse any particular instructional program model. LEAs have the autonomy to design and implement the program model that they determine to be most appropriate for their local context. State regulations do, however, mandate two specific components that are required to be incorporated into any LIEP. The LIEP is required to include both of the following:

• ***Instruction delivered by an ESL specialist.*** English language development (ELD) instruction that is delivered by a certified ESL specialist is considered its own content area. Language instruction in this context is content-based or content-driven, meaning that the grade-level content of general education classes provides the context in which ESL specialists implement a language curriculum that specifically and intentionally attends to students' development of general and academic language structures and functions. The ELD component of the LIEP that is taught by a certified ESL specialist may be delivered in a separate classroom, as is common in what's known as a Pull-Out ESL model, or integrated into general content classrooms, as is common in what's known as a Push-In ESL model. Other program models include various forms of bilingual education.

• ***Guidelines to consider when planning for ESL support*** based on the BEC, Educating Students With Limited English Proficiency (LEP) and English Language Learners (ELL), April 14, 2009:

Entering (Level 1) = 2 hrs. per day
 Beginning (Level 2) = 2 hrs. per day
 Developing (Level 3) = 1-2 hrs. per day
 Expanding (Level 4) = 1 hr. per day
 Bridging (Level 5) = up to 1 hr. per day or support dictated by student need

This includes both direct language instruction and adaptations to instruction/assessment in all content areas by both the content teacher and the ESL teacher. Exact hours of direct

language instruction by proficiency level must be determined based on student need and program/instructional delivery model.

- ***Appropriately modified instruction and assessment for ELs delivered by content-area teachers.*** Appropriate accommodations and modifications are required in all content-area classes in which ELs are enrolled to ensure that ELs at all proficiency levels have equitable access to the same rigorous grade-level content. Content-area teachers, including those who are not certified ESL specialists, are responsible for intentionally planning and implementing instruction that incorporates appropriate and necessary supports, modifications, and accommodations that allow ELs to overcome language barriers and access instruction and assessment on par with their native English-speaking peers.

Regardless of how you design your LIEP, PDE requires that LEAs classify their program into one of the following categories:

- EL-Specific English-Only Instruction
- Mixed Classes With English-Only Support

Regardless of the program model(s) implemented, ELs must have equitable access to academic content for all courses in which they are enrolled. ELD is a required component of all LIEPs and is delivered by ESL specialists and general classroom teachers. The LIEP must, at a minimum:

- Be aligned to state academic content standards for the appropriate grade level of the ELs
- Include adaptations/modifications in the delivery of content instruction and assessment by all teachers based on students' language proficiency levels
- Include ELD instruction delivered by properly certified teachers who hold an ESL program specialist certificate
- Incorporate the use of the Pennsylvania English Language Development Standards 6
- Provide equitable access to grade-level content for ELs at all language proficiency levels
- Not limit the enrollment of ELs in any course or academic program for which they would otherwise be eligible

Once an LEA determines what their LIEP will be, effective implementation becomes the daily responsibility of all administrators, faculty, and staff.

Classroom instruction focuses on various strategies from direct, explicit instruction to smallgroup differentiated instruction. Teachers at the elementary level have all received professional development in LETRS. LETRS is a professional learning series focusing on systematic, explicit reading instruction that takes into the account the science of reading. Teachers at the secondary level have participated in Reading Apprenticeship professional learning, which supports all students in content area literacy. Students are taught various strategies in tackling content area literacy.

Below are a list of scaffolds that teachers can use:

Section 3: Reclassification, Monitoring, and Redesignation of ELs

Districts must employ uniform procedures in accordance with state requirements for reclassifying ELs as former ELs (FELs) when they attain proficiency. Districts are also responsible for identifying ELs who have been enrolled in a U.S. school for six or more years and have not been reclassified as English proficient as long-term English learners (LTELs).

To be eligible for reclassification, an EL must demonstrate the ability to access challenging academic content and interact with other students and teachers both academically and socially in an English language setting. Evidence of this ability is demonstrated by the student on the annual English language 7 August 3, 2021 proficiency assessment, ACCESS for ELLs® and gathered by teachers using two standardized language use inventories. The scores from the two-language use inventories are added together and then combined with the points assigned based on the ACCESS for ELLs® proficiency level (PL) score.

Students who exit from ESL instruction are monitored for four years. The first two years students will be actively monitored using the PDE monitoring forms (elementary form and secondary form). Appropriate records of student progress during the monitoring time must be maintained.

Monitoring may include:

- periodic review of grades
- local assessment results
- required state assessment results
- teacher observation

The third and fourth year students are reported in PIMS for tracking purposes.

Completing the Reclassification Process

The two language use inventories (Rubrics 1 and 2) are completed by both the ESL specialist and a content teacher for every EL being considered based on their WIDA score from the previous year. The English language arts teacher is the recommended content teacher for completing the inventories due to the nature of the content that the inventory asks the teacher to assess.

The two rubrics should be used to evaluate a student's use of language as part of the reclassification process. The evaluation must consist of multiple observations. Based upon the observations, the teacher determines the most appropriate proficiency definition for the student's language use (low, moderate, or high) for each item in the inventories.

Redesignation

If it is determined during the active monitoring phase that a Former EL (FEL) is struggling academically as a result of persistent language barriers, then the FEL may be redesignated as an active EL and be reenrolled in the LIEP. Through the trimester/quarterly monitoring form, FELs can be identified as struggling. In those cases, documentation must be reviewed to verify that the FEL is truly struggling as a result of persistent language acquisition needs and not academic needs. A meeting of all affected stakeholders, including administrators, teachers, and ESL Specialists, along with selected samples of work is to be held to decide the reasons for the academic struggle. Only if it is determined in that meeting that the FEL is struggling due to English language proficiency is redesignation applicable. FELs who have been re-designated as active ELs must meet the state-required criteria to be reclassified as FELs again. In cases such as these, the monitoring process starts over from year one upon the second reclassification.

Access to Programs and Services

- All ESL students are provided with the same opportunities to participate in curricular and extracurricular activities available to all non-ESL students in the district.

- Counseling: ESL students are carefully monitored by their ESL teacher, school counselors, classroom and instructional support teachers for both cognitive and affective growth. If problems arise, ESL students are provided with appropriate interventions to assist in making them more successful in the classroom. At the secondary level, career guidance is available to ESL students.
- Data collection for ESL students occurs in these areas: PSSA/Keystone assessments, achievement test results, retention rates, attendance rates, extracurricular activity rates, rate of placement in special education, graduation and drop-out rates.
- ESL students are eligible for gifted education or any other program that is available to all students in the school and for which they qualify. Assurances and procedures must be in place to allow equal access to all such programs with same-age peers.
- Area Vocational-Technical Schools (AVTSs)/Career and Technical Centers (CTCs)
 - ELLs may not be denied access to participate in programs at AVTSs/CTCs based solely on English language proficiency.
 - ELLs participating in vocational programs must be provided ESL instruction appropriate to their level or proficiency and properly adapted content-area instruction.
 - Comprehensive AVTS/CTC schools are responsible for providing ESL programs and staffing for students identified as ELLs as outlined in this document.

Train and Support Staff

- Translation/Interpretive Services:
 - The district currently has staff who are able to translate documents or provide interpretive services.
 - Interpretation services are obtained through contracted providers, as necessary.
- ESL Staff Development:
 - The district provides annual funding for ESL teachers to obtain professional training and development through workshops, seminars, university courses, and district inservices.
 - ESL teachers are included in the district's Act 48 Professional Development Plan.
 - ESL teachers provide district-level and on-going building-level staff development and information sessions to apprise and support the classroom teachers, specialists, guidance counselors, and administrators in ESL matters.
 - The district provides all non-instructional staff with ESL training appropriate to their needs.

Communication with Families

- Communication with families must be in the parent's preferred language and mode of communication. It is the LEA's responsibility to provide for translation (written) and /or interpretation (oral) services. In order to do this, LEAs must determine the preferred mode of communication of the parent and develop a plan for translation and interpreter services.
- PDE provides translated documents necessary for communication with families and students regarding general education via TRANSACT.

Program Compliance

- Tamaqua Area School District English Learner English Language Development (ELD) program guide will continue to be revised as needed to reflect current changes in ESL programming.
- Tamaqua Area School District has developed and uses the PIMS database to maintain demographic and academic information on its ELLs on an on-going basis.
- An evaluation of the ESL program is done periodically by the district to assess the effectiveness of instructional programs and language proficiency growth in the ESL population.

Appendix E - Complaint procedures

Title I Non-Public School Complaint Resolution Procedure

Introduction

The Every Student Succeeds Act (ESSA) of 2015 legislation requires State Educational Agencies (SEAs) to adopt written procedures for “receiving and resolving any complaint alleging violations of the law in administration of programs.” In accordance with this legislative requirement, the Pennsylvania Department of Education (PDE) has also required Local Educational Agencies (LEAs) to adopt written procedures for resolving complaints filed.

Definition

A “complaint” is a written, signed statement filed by an individual or an organization. It must include:

- A statement that a school has violated a requirement of federal statute or regulation that applies to Title I.
- The facts on which the statement is based.
- Information on any discussions, meetings, or correspondence with a school regarding the complaint.

Complaint Resolution Procedures

- A. **Referral** – Complaints against schools should be referred to the Director of Federal Programs:
Dr. Stephen P. Toth
Assistant Superintendent
Tamaqua Area School District
138 West Broad St. PO Box 112, 18252
- B. **Notice to School** – The Director of Federal Programs will notify the superintendent and principal that a complaint has been received. A copy of the complaint will be given to the superintendent and principal with directions given for the principal to respond.
- C. **Investigation** – After receiving the principal’s response, the Director of Federal Programs, along with the superintendent, will determine whether further investigation is necessary. If necessary, the Director of Federal Programs and the superintendent may do an onsite investigation at the school.
- D. **Opportunity to Present Evidence** – The Director of Federal Programs may provide for the complainant and the principal to present evidence.
- E. **Report and Recommended Resolution** – Once the Director of Federal Programs has completed the investigation and the taking of evidence, a report will be prepared with a recommendation for resolving the complaint. The report will give the name of the party bringing the complaint, the nature of the complaint, a summary of the investigation, the recommended resolution and the reasons for the recommendation. Copies of the report will be issued to all parties involved. The recommended resolution will become effective upon issuance of the report.
- F. **Follow-up** – The Director of Federal Programs and the superintendent will ensure that the resolution of the complaint is implemented.
- G. **Time Limit** – The period between the Director of Federal Programs receiving the complaint and resolution of the complaint shall not exceed sixty (60) calendar days.
- H. **Right to Appeal** – Either party may appeal the final resolution to the Department of Education. Appeals should be addressed as follows:

Ms. Susan McCrone
Chief Division of Federal Programs
Pennsylvania Department of Education
333 Market Street, 7th Floor Harrisburg, PA 17126-0333

Appendix F -

TITLE I ON-SITE VISIT TO NONPUBLIC SCHOOL

District Name	Fleetwood Area School District
Federal Program Coordinator Name	Dr. Stephen P. Toth
Nonpublic School visited	
Nonpublic School Administrator	
Date/Time of Visit	
Observation/Meeting	

Possible Agenda Items:

Questions for Nonpublic School Administration:

1. Tell me about the reading support program that your students are involved in.
2. Do you have any questions, issues, or concerns about your Title I program? How is the service you are receiving from the BCIU?
3. How is the communication between the reading specialist and the administrator? The teachers? The parents?
4. Do your students show progress as a result of these services? Do the reading specialists share the results of the assessments with you? The teacher? The parents?
5. How are parents informed about Title I and their child's progress?
6. Do you have any recommendations or suggestions for improvement?

Questions for the BCIU Intervention Staff:

1. How do you determine students who qualify for the nonpublic Title I program?
2. How often are you providing services to Title I students from our district?
3. How do you monitor student progress for those students within the Title I program?
4. What evidence-based practices are used to ensure students meet the Title I goals?
5. Do your students show progress as a result of the program?
6. How do you communicate with Title I families the progress or lack of progress made by a child?
7. Do you share the results of the assessments with the administrator and the teachers? How do you share the data? Are the teachers receptive to the data?

Signature of District Representative: _____ Date: _____

Signature of Nonpublic Administrator: _____ Date: _____