



CALIFORNIA
DEPARTMENT OF
EDUCATION

TOM TORLAKSON

STATE SUPERINTENDENT OF PUBLIC INSTRUCTION

February 10, 2015

Dear Select County and District Superintendents:

**ELEMENTARY AND SECONDARY EDUCATION ACT,
TITLE III, PART A, LIMITED ENGLISH PROFICIENT EDUCATION STUDENT
SUBGRANT PROGRAM PRIVATE SCHOOL PARTICIPATION**

Under Title III, Part A, Section 3114(d)(1) of the Elementary and Secondary Education Act (ESEA), the California Department of Education (CDE) is required to provide subgrant awards to local educational agencies (LEAs) that meet eligibility requirements for participation in the Limited English Proficient (LEP) Student Subgrant Program. LEAs are eligible to apply for Title III LEP Student Subgrant Program funding to provide services and products to eligible private schools students that reside within their geographical jurisdiction.

Eligibility for LEP Student Subgrant Program funding is based on the counts of eligible LEP students enrolled in public and private schools. Student enrollment data reports on the Language Census Data show private schools enrollment within jurisdiction of LEAs that are eligible to receive Title III products and services. To view the private schools instructions on data collections, reimbursement and program guidance, please visit the CDE Instructions: LEP Nonprofit School Reimbursement Web page at <http://www.cde.ca.gov/fg/aa/co/ca13sinst3lepschreimburs.asp>.

On an annual basis, the LEAs must consult with private schools within their geographical jurisdiction, as to whether the private schools' students and teachers will participate in the Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement Program as part of the ESEA programs available to them. To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of all Title III program issues. The LEA must develop a Memorandum of Understanding (MOU) with each private school that requests to participate in Title III LEP Student Subgrant Program. The MOU, should at a minimum, include a description of the services and/or products to be provided, the estimated costs, and the dates of provision. As with other federal programs, LEAs should begin the annual Title III consultation process with the private schools early during the school year before school starts to ensure that these products and services can be provided in a timely manner to identified private school students.

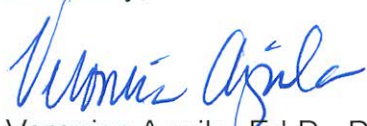
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LEAs may not allocate Title III funds directly to private schools, but instead, the LEA must provide products and services to eligible LEP students enrolled in the private schools. Federal guidance on meaningful consultation between private schools and LEAs can be found at the U.S. Department of Education Web page located at <http://www2.ed.gov/policy/elsec/guid/equitableseguidance.doc>. Pursuant to Title IX, Section 9506(d), LEAs may not mandate, direct, or control the curriculum of a private school. LEAs are required under Title IX uniform provisions to consult with the private school officials about how the Title III, Part A services provided to private schools and teachers will be assessed, and how the results of the assessment will be used to improve those services (Section 9501[c][1][D]), but may not impose additional requirements not authorized by Federal Law. For a sample MOU, please visit the CDE Title III LEP: Private Schools Web page at <http://www.cde.ca.gov/sp/el/t3/leppriv.asp>.

If you have any questions regarding the Title III LEP Private School Request to Participate, please contact Geoffrey Ndirangu, Education Programs Consultant, Language Policy and Leadership Office, by phone at 916-323-5831 or by e-mail at gndirang@cde.ca.gov.

Sincerely,

A handwritten signature in blue ink, appearing to read "Veronica Aguila".

Veronica Aguila, Ed.D., Director
English Learner Support Division

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