



# Serving Nonpublic School English Learners Guidance

## Introduction

English learners (ELs) are among the fastest-growing populations in Iowa's schools and are enrolled in both public and nonpublic schools. Regardless of whether an EL is enrolled in a nonpublic school or public school local education agency (LEA), all Iowa LEAs and accredited nonpublic schools must be prepared to serve nonpublic ELs (including immigrant children and youth). With that, the purpose of this guidance is to outline the steps each LEA and accredited nonpublic school must follow when serving nonpublic EL students.

## Required Nonpublic EL Access to Public Language Instruction Educational Program

In accordance with Iowa law and rules, the LEA must allow nonpublic EL students access to their language instruction educational program (LIEP). Specifically, [281—Iowa Administrative Code rule 60.4](#) states the following regarding nonpublic school participation:

60.4(1) A nonpublic school provides services under this chapter; however, the standard for services, if the nonpublic school does not receive services pursuant to subrule 60.4(2), is to make minor adjustments to curriculum and instruction.

60.4(2) English as a second language and transitional bilingual programs offered by a public school district are available to students attending an accredited nonpublic school located within the district. The district obtains funding for such students in accordance with rule 281—60.5(280).

While the public LEA must allow nonpublic ELs access to its LIEP, the LEA is not required to provide programming at the nonpublic school (see Step 4 below).

## Steps to Ensure Provision of Appropriate EL Programming to Nonpublic EL Students

### Required Nonpublic Provision of EL Programming

The accredited nonpublic school must ensure its EL students are provided services. This requirement must be met either by providing the EL(s) with services at its own expense or arranging for its ELs to access the LEA's LIEP. Services or access to the LEA's LIEP must be provided to all EL students regardless of the EL weighted funding received by the public LEA.

### Nonpublic and LEA Steps to Serve Nonpublic ELs

Below are the steps the nonpublic school and LEA should follow when serving nonpublic EL students:

1. The nonpublic school determines whether it will either:
  - a. Serve its EL students at its own cost or
  - b. Arrange with the LEA to have its ELs access the LEA's LIEP.
2. If the nonpublic school chooses to provide the required support and programming to its EL students, it does so at its own expense.
3. If the nonpublic school chooses to arrange to have its ELs access the public LEA's LIEP, the nonpublic school must:
  - a. Contact the LEA,
  - b. Inform it that the nonpublic wishes to access the LEA's LIEP, and

- c. Schedule a meeting to determine how services will be provided to address the EL student's needs as soon as possible.
4. The LEA and nonpublic school must meet to discuss the needs of the student(s) and negotiate the location of services. Depending on the situation, the LEA may choose to serve the students in the nonpublic school; however, it is not required to do so.
5. The public LEA must allow nonpublic EL students to access the LEA's LIEP, enter the student's enrollment as a nonpublic shared time student in its local student information system, and report the nonpublic EL student's enrollment to the Iowa Department of Education. This report of EL enrollment in the LEA will generate additional state weighted funding for the LEA for up to five years based on the student's proficiency level. An EL identified at:
  - a. The intensive level is assigned an additional weighting of twenty-six hundredths (.26).
  - b. The intermediate level is assigned an additional weighting of twenty-one hundredths (.21).
6. The nonpublic school is responsible for any necessary transportation to access programming.
7. If nonpublic ELs—
  - a. Are dually enrolled in the LEA for EL services, the LEA must administer the required English language proficiency (ELP) testing for the purposes of identification and measuring the annual progress of participating nonpublic school students. Assessment requirements and the expenses necessary to administer English language proficiency ELP tests are considered to be a component of the LIEP.
  - b. Are not participating in the LIEP offered by the public LEA, the LEA's amount reserved for equitable nonpublic student services may be utilized to pay for required ELP assessments for nonpublic school students as an allowable program expense under Title IIIA ([Title III, Part A—Equitable Services to Private Schools, Non-regulatory Guidance, July 2015](#)).

## Questions and Additional Resources

For program contact information and resources, please see the Department's [ESSA Guidance and Allocations](#), [Consolidated Application for ESEA Title Programs](#), [English Learners](#), and [ELPA21](#) pages.