



Ensuring Equitable Services to Private Schools

Title I, Part A, Title II, Part A,
Title III, Part A, & IDEA

*Under the **Elementary and Secondary Education Act of 1965 (ESEA)**,
as reauthorized by the
No Child Left Behind Act of 2001 (NCLB)*

Virginia Department of Education
July 29, 2014

ESEA Requirements Regarding Equitable Services

The Uniform Provisions in Title IX, Part E, Subpart 1, of ESEA govern the participation of private school students and teachers in certain programs.



Title I, Part A, (Section 1120) has its own provisions governing private school participation.

Student, Teacher, and Principal Eligibility

Private school students, teachers, and principals in nonprofit private elementary and secondary schools, including religiously affiliated schools, are eligible under the *same conditions as the federal program allows for public school students, teachers, and principals.*



IDEA Requirements Regarding Equitable Services

Section 612(a)(10)(A) of the IDEA and 34 CFR §§ 300.130 through 300.144



The LEA must consult with private school representatives and representatives of parents of parentally placed private school children with disabilities during the design and development of special education and related services.

Uniform Provisions

Eligibility and participation requirements *differ* from program to program.

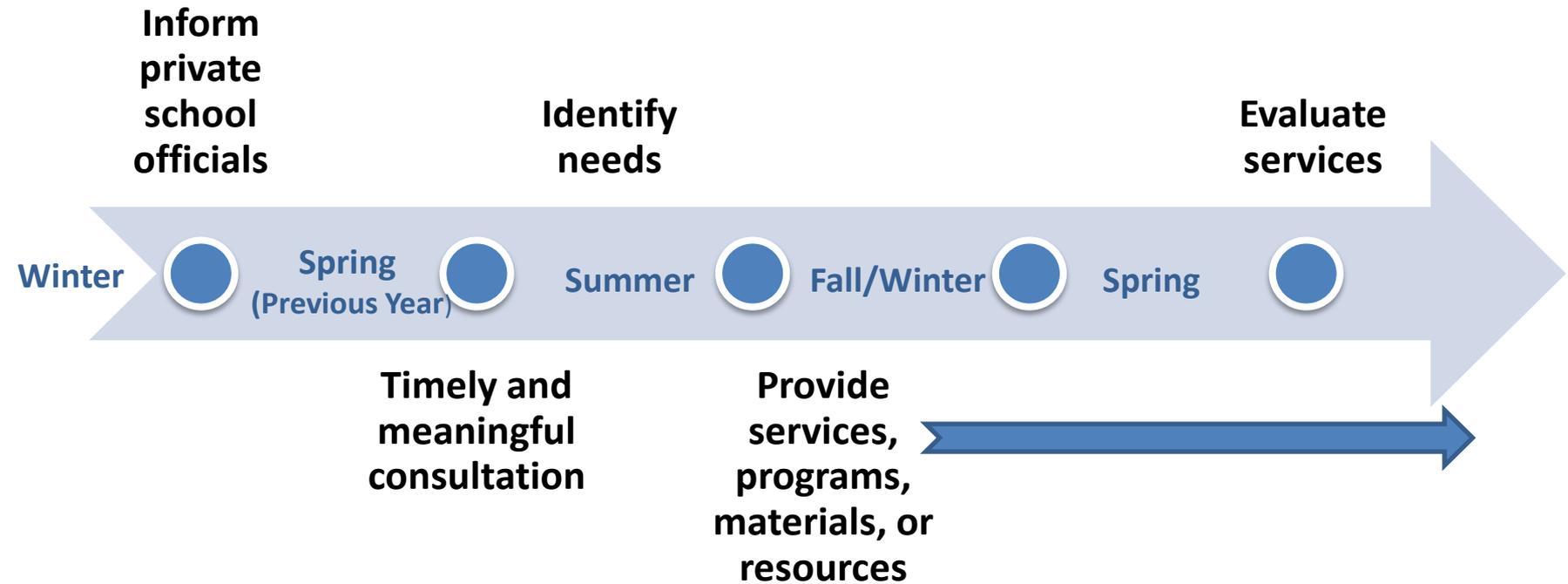


All Programs Require...

**Timely and Meaningful
Consultation**



Suggested Consultation Timeline



*** Note: The timeline is subject to change based on uniqueness of program needs.**

Equitable Services

Provide services that are allowable and comparable to those provided to public school students and teachers participating in the program.

Services can be different from those provided to public school participants.

Needs of private school students and teachers must be assessed and evaluated.

No funds are provided directly to private school.

Programs Governed Requiring Equitable Services

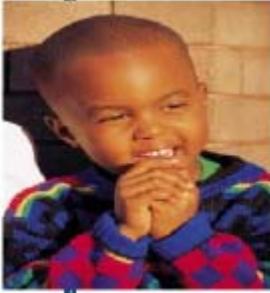
Title IX

- Title I, Part C, Migrant Education
- Title II, Part A, Teacher and Principal Training and Recruiting Fund
- Title II, Part B, Mathematics and Science Partnerships
- Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part B, 21st Century Community Learning Centers

Other

- Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies
- Part B of the Individuals with Disabilities Education Act (IDEA or Act)

Overview of Equitable Services



**Title I, Part A,
Title II, Part A
Title III, Part A
IDEA**

Title I, Part A - Improving Basic Programs Operated by Local Educational Agencies

Title I, Part A, (Section 1120) has separate provisions governing private school participation.



Bypass and Title I, Part A

Bypass is a means by which USED directly provides Title I, Part A, equitable services to private school students and teachers through a third-party provider. (Section 1120(e)(1-3))



Virginia is one of two Bypass states.



Services are offered by a third-party provider to private schools in 14 school divisions.



All other eligible private school students in the remaining 118 school divisions may receive Title I, Part A, services through their resident public school division.

Divisions in the Title I Bypass

1. Alexandria City
2. Arlington County
3. Chesapeake City
4. Fairfax County
5. Falls Church City
6. Henrico County
7. Lynchburg City
8. Newport News City
9. Norfolk City
10. Portsmouth City
11. Prince William County
12. Richmond City
13. Stafford County
14. Virginia Beach City

Requirements for Timely and Meaningful Consultation

Consultation occurs between public and private school officials for the purpose of:

- **designing and implementing a program that will provide equitable services; and**
- **meeting the needs of eligible private school students, teachers, and other education personnel.**

Requirements for Timely and Meaningful Consultation

Consultation must:

- include discussing funds reserved at the division level, if applicable, for professional development, parental involvement, and special divisionwide instructional programs; and
- result in a written annual affirmation of consultation signed by an official of each participating private school (Section 1120)



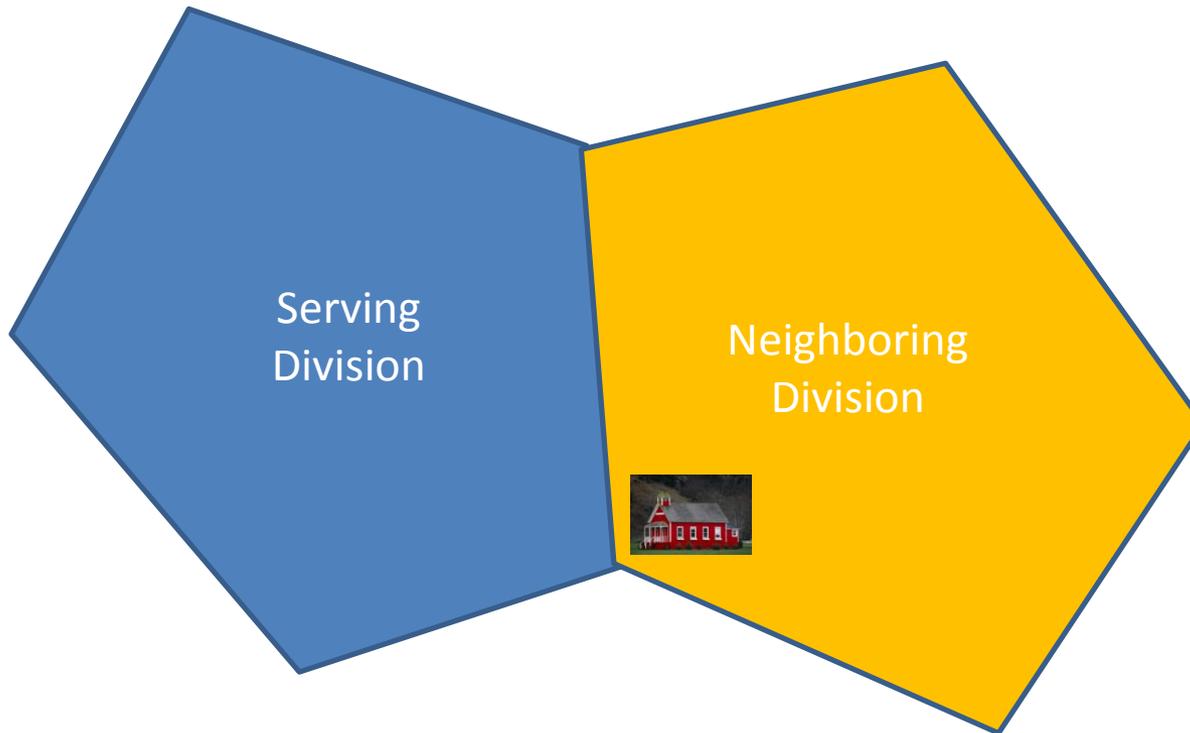
Consultation Process

Consultation with private schools is the responsibility of the school division.



Consultation Process

The division is responsible for providing equitable services for its eligible children who attend private schools, even those attending private schools located in other divisions.



Affirmation of Consultation

Each division must have a written annual affirmation of consultation signed by an official of each participating private school. (Section 1120)



Consultation Considerations

- How children's **needs will be identified;**
- What **services will be offered;**
- **How and when decisions about the delivery of** services will be made;
- How, where, and by whom services will be provided;
- **Size and scope** of services.

Examples of Services

Must be
Secular, Neutral, Non-Ideological

Saturday
Tutoring

Small Group
Remediation

Virtual
Learning
Opportunities

Family
Literacy Night

Professional
Development

Methods for Determining Poverty

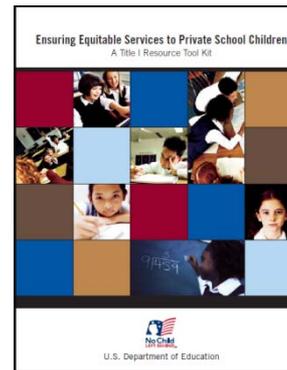
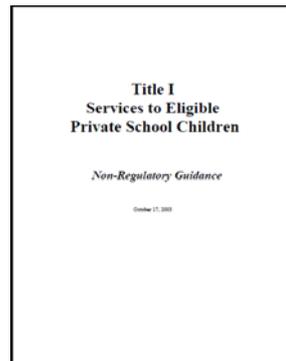
Divisions can calculate the number of private school children who are from low-income families in several ways:

- **Using the same measure of poverty as for public school children;**
- **Using comparable poverty data from a survey; or**
- **Using proportionality.**

Equitable Services Resources

Title I

Title I, Part A, (Section 1120) has its own Guidance



Title I, Part A, has a Toolkit

Title I Toolkit

The Toolkit contains valuable examples such as:

- **Example Letters**
- **Communication Logs**

Contact Information

Title I, Part A

Improving Basic Programs Operated
by Local Educational Agencies

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Title I Coordinator

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Title II, Part A - Teacher and Principal Training and Recruiting Fund



Eligibility for Services Under Title II, Part A

Teachers and principals in private, nonprofit private schools within the geographic boundaries of the school division are eligible to participate in Title II, Part A, professional development services.

Eligibility for Services Under Title II, Part A

For Title II, Part A, the following staff members MAY be eligible for services, based on needs assessment:

- **Teachers in federal core content areas*;**
- **Teachers of special populations (special education, gifted, English language learners);**
- **Principals and/or superintendents; and**
- **Paraprofessionals or other instructional personnel (consult with school division to ensure allowability).**

**Federal core content areas include the following: English/language arts/reading; mathematics; science; history, geography, civics, economics, government; foreign language; the arts.*

Title II, Part A - Provision of Services to Private Schools:

Services and benefits provided to private school students must be secular, neutral, and nonideological.

Services and materials that are purchased or provided on behalf of the private school must be necessary for carrying out professional development activities.

Examples of Professional Development Activities

Must be
Secular, Neutral, Non-Ideological

Content-specific professional development (federal core content areas*)

Instructional Teaching Strategies

Classroom Management/Improving Student Behavior

Working with Students with Different Needs/Differentiation Strategies

Instructional Leadership

Integrating Technology into the Curriculum/
Data Analysis

**Federal core content areas include the following: English/language arts/reading; mathematics; science; history, geography, civics, economics, government; foreign language; the arts.*

Possible Service Delivery Methods

Coursework
(through accredited
university)

Onsite/Off-site
workshops; conferences

Virtual courses/PD
activities

Onsite
coaching/mentoring
(Personnel may only be
hired by public schools
and under their direction)

All services must be tied to
needs assessment

Public schools are responsible for
providing/paying for services. Requests for
services **MUST** be discussed in advance.

Consultation Process

How and where services are provided is determined through consultation with private school officials.

If needs are similar between public and private schools, public and private school teachers may participate jointly in professional development activities.



Contact Information

Title II, Part A

Teacher and Principal Training and Recruiting

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Title III, Part A

English Language Acquisition, Language Enhancement, and Academic Achievement



Equitable Participation

Divisions are required to provide services to eligible private school students enrolled in private elementary and secondary schools in the school division, or in the geographic area served by another division.



Requirements for Timely and Meaningful Consultation

Consultation occurs between public and private school officials for the purpose of:

- **designing and implementing a program that will provide equitable services; and**
- **meeting the needs of eligible private school students, teachers, and other education personnel.**

Consultation Process

Divisions must consult with appropriate private school officials during the design and development of the Title III program.

Identify student's needs.



Identify services to be offered.



Determine how and where services will be provided.



Assess services.

Examples of Services

**Screening of
LEP Students**

**Assessing LEP
Students**

**Shared
Resources**

**Small Group
Instruction**

**After School
Tutoring**

**Professional
Development**

Consultation Process

How and where services are provided is determined through consultation with private school officials.

Services provided to children and educational personnel in private schools must be equitable and timely and address their educational needs.



Contact Information

Title III, Part A

English Language Acquisition, Language
Enhancement, and Academic Achievement

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Part B of IDEA

Provisions Related to Children With Disabilities Enrolled by Their Parents in Private Schools



Equitable Participation

Divisions are required to provide parentally placed private school children with disabilities an opportunity for equitable participation in programs assisted or carried out under IDEA, the foundation of which is the consultation process.



Requirements for Timely and Meaningful Consultation

Consultation must occur between a school district, private school representatives, and parents of parentally placed private school children with disabilities

- **Throughout the school year; and**
- **Ensure meaningful participation of the children in special education and related services.**

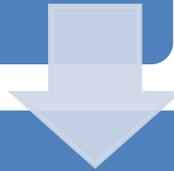
Consultation Process

School division consultation with the private schools must address the child find process including

How children suspected of having a disability can participate equitably



How parents, teachers, and private school representatives will be informed of the process



Determining the proportionate share and how the share was calculated

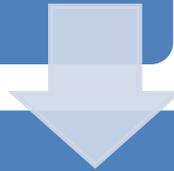
Consultation Process

Divisions consultation with the private school must address services including

How, where, and by whom special education and related services will be provided



The types of services, including direct services and alternate service delivery mechanisms



How special education and related services will be assigned if funds are insufficient

Written Affirmation and Complaints

- The school division must obtain a written affirmation of timely and meaningful consultation from the private schools' representatives who participated in the process
- Private school officials may file a complaint with the state if they were not consulted in a timely and meaningful manner or due consideration was not given to their views

Child Find

Each division must locate, identify, and evaluate all children with disabilities who are enrolled by their parents in a private school located in the division.

- Child find activities must be similar to those the division uses for public school children.
- The child find process for private school children must be completed in a time period comparable to that for public school children.
- Initial evaluations must be completed within 60 days of receipt of parental consent.

Child Find and Proportionate Share Funds

Proportionate share expenditures for equitable services cannot include the cost of carrying out child find including individual evaluations and reevaluations

Parental Consent

IDEA regulations include the same requirements related to parental consent for parentally placed private school children.

- If the parent refuses to provide consent to determine eligibility, the child cannot be included in the annual count of the number of children with disabilities who are parentally placed.
- If the child is evaluated and found eligible but the parent refuses the provision of equitable services, the child must be included in the annual LEA child count.
- Parent consent must be obtained before information regarding parentally placed private school child is shared between school divisions.

Formula for Expenditures

$$\frac{\text{Total Federal Flow-Through}}{\text{Total IDEA-Eligible Public and Private School}} \times \text{Eligible Children Enrolled by Their Parents in Private Schools Located in the LEA} = \text{Total Proportionate Share for Parentally Placed Private School Children With Disabilities}$$

Provisions of Services

Services may be direct or by contract with a third party

Services may be provided on the premises of the private school or an alternate location

Each child who is to receive services must have a Services Plan which reflects only the services that will be provided

Provisions of Services

Private school representative must attend each meeting to develop the services plan

The local school division makes the final decision about which services will be covered

Contact Information

Part B of The Individuals with Disabilities
Education Act (IDEA)

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Information on Equitable Services

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FEDERAL PROGRAMS

ELEMENTARY & SECONDARY EDUCATION ACT (ESEA)

Professional Development ⓘ

February 2014 – Technical Assistance Webinars for school divisions and private school officials in understanding equitable participation requirements for private school students, teachers and other educational personnel in applicable [ESEA](#) programs. See [Superintendent's Memo, January 24, 2014](#).

VDOE assists schools and school divisions in administering programs authorized by the federal Elementary and Secondary Education Act (ESEA) – the most recent reauthorization of which is also known as the No Child Left Behind Act of 2001.

ESEA requires states to set annual objectives for increasing student achievement with the goal of ensuring that all children have an opportunity to obtain a high-quality education. Schools, school divisions and states that meet these objectives make what the law refers to as "Adequate Yearly Progress."

Each of the ten titles or chapters of the law pertain to a different set of programs where federal funding is authorized for improving public education and achieving the objectives of the law.

Professional development

Virginia's ESEA Flexibility

Virginia, under ESEA waivers granted by the US Department of Education, established Annual Measurable Objectives (AMOs) in English and mathematics.

[More about ESEA Flexibility >>](#)

Federal Programs
ELEMENTARY & SECONDARY EDUCATION ACT (ESEA)
MAIN MENU

- ESEA Flexibility
- Title I: Improving the Academic Achievement of the Disadvantaged
- Title II: Preparing, Training & Recruiting High Quality Teachers & Principals
- Title III: Language Instruction for Limited English Proficient & Immigrant Students
- Title IV: 21st Century Schools
- Title V: Promoting Informed Parental Choice & Innovative Programs
- Title VI: Flexibility & Accountability
- Title VII: Indian, Native Hawaiian & Alaska Native Education
- Title VIII: Impact Aid Program
- Title IX: Equitable Services to Private Schools**
- Title X, Part C: Homeless

http://www.doe.virginia.gov/federal_programs/esea/title9/index.shtml

Questions



General Information

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