



COMMONWEALTH of VIRGINIA
Department of Education

February 3, 2017

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

SUBJECT: Eligibility of Private Schools to Participate in Federal Programs

EQUITABLE SERVICES UNDER THE ELEMENTARY AND SECONDARY EDUCATION ACT OF 1965

Title VIII, Part F, Uniform Provisions, Subpart I – Private Schools

Under Section 8501 of Title VIII of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *Every Student Succeeds Act of 2015* (ESSA), private, nonprofit elementary and secondary school students, teachers, and other educational personnel are eligible to participate in federally-funded programs as authorized under the Act. Each school division is obligated to inform officials of private schools located within the division's boundary that private, nonprofit elementary and secondary schools are eligible to participate on an equitable basis. Under ESSA, Title VIII provisions governing equitable services will apply to the federal programs listed below beginning with the 2017–2018 school year.

1. Title I, Part C (Education of Migratory Children);
2. Title II, Part A (Preparing, Training, and Recruiting High-Quality Teachers, Principals, and Other School Leaders);
3. Title III, Part A (Language Instruction for English Learners and Immigrant Students);
4. Title IV, Part A (Student Support and Academic Enrichment Grants); and
5. Title IV, Part B (21st Century Community Learning Centers).

Private Schools Non-Regulatory Guidance for existing equitable service provisions is available at: <http://www.ed.gov/policy/elsec/guid/equitableservicesguidance.doc>. In addition, guidance on changes to equitable services under Title VIII of ESSA is provided in *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act Of 1965 (ESEA), as Amended by The Every Student Succeeds Act (ESSA)*.

Section 1117 of Title I, Part A

Separate provisions govern private school participation requirements under Title I, Part A. School divisions must inform officials of private schools that eligible children attending private, nonprofit schools are eligible to participate on an equitable basis in Title I, Part A, services.

Private Schools Non-Regulatory Guidance related to Title I, Part A, is available at: <http://www.ed.gov/programs/titleiparta/psguidance.doc>. In addition, guidance on changes to equitable services under Title I, Part A, of ESSA is also provided in *Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements under the Elementary and Secondary Education Act Of 1965 (ESEA), as Amended by The Every Student Succeeds Act (ESSA)*.

Virginia Title I Bypass

Fourteen Virginia school divisions participate in a bypass provision, under which the U.S. Department of Education directly provides Title I, Part A, equitable services to private school students and teachers through a third-party provider.

INDIVIDUALS WITH DISABILITIES ACT

Regulations for Part B of the *Individuals with Disabilities Education Act* (IDEA) contain provisions for equitable services to students that are parentally-placed private school students with disabilities.

Informal guidance, entitled *Questions and Answers on Serving Children with Disabilities Placed by Their Parents at Private Schools*, is available at:

http://idea.ed.gov/object/fileDownload/model/QaCorner/field/PdfFile/primary_key/1 ↗.

Informing Private Schools about Participation in ESEA and IDEA Programs

All school divisions should initiate and facilitate meaningful consultation with officials of private schools within their boundaries about their intent to participate in applicable ESEA and IDEA programs for the 2017-2018 school year.

TECHNICAL ASSISTANCE WEBINARS

The Department will offer webinars to provide technical assistance to school divisions and private school officials in understanding equitable participation requirements for private school students, teachers, and other educational personnel in applicable ESEA and IDEA programs. The introductory webinar will explore general ESEA and IDEA federal provisions for private school participation and will include updates under ESSA.

Introduction to Equitable Services for Private Schools

- Tuesday, February 21, 2017, 9 a.m. – 10 a.m. (repeated from 2 p.m. – 3 p.m.)

Additional webinars will provide guidance for equitable services in specific federal programs. Please see Attachment A for details on all equitable services webinars. Division federal programs coordinators are encouraged to attend both the introductory webinar and applicable program specific webinars to receive information about changes to equitable services provisions under ESSA.

General questions regarding equitable services to private schools should be directed to Christopher Kelly, Education Coordinator, Office of Program Administration and Accountability, at Christopher.Kelly@doe.virginia.gov or (804) 225-2122.

If you have specific questions regarding private school participation in a particular ESEA program, please contact the appropriate Department staff member below:

Title I, Part A	Shyla Vesitis	Shyla.Vesitis@doe.virginia.gov	(804) 225- 3711
Title I, Part C	Shyla Vesitis	Shyla.Vesitis@doe.virginia.gov	(804) 225- 3711
Title II, Part A	Carol Sylvester	Carol.Sylvester@doe.virginia.gov	(804) 371-0908
Title III, Part A	Stacy Freeman	Stacy.Freeman@doe.virginia.gov	(804) 371-0778
Title IV, Part B	Marsha Granderson	Marsha.Granderson@doe.virginia.gov	(804) 786-1993

IDEA	Christina Owens	Christina.Owens@doe.virginia.gov	(804) 225-4551
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Attachment:

- A. [Webinars on Equitable Services to Private Schools](#) (PDF)

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