



COMMONWEALTH of VIRGINIA  
Department of Education

January 30, 2015

TO: Division Superintendents

FROM: Steven R. Staples, Superintendent of Public Instruction

**SUBJECT: Eligibility of Private Schools to Participate in Federal Programs**

**Elementary and Secondary Education Act**

***Title IX, Part E, Uniform Provisions, Subpart I - Private Schools***

Under Section 9501 of Title IX of the *Elementary and Secondary Education Act of 1965* (ESEA), as amended by the *No Child Left Behind Act of 2001* (NCLB), 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 in the following federal programs:

1. Title I, Part C (Education of Migratory Children);
2. Title II, Part A (Teacher and Principal Training and Recruiting – if grant funds are used for professional development for teachers and other personnel);
3. Title II, Part B (Mathematics and Science Partnerships);
4. Title III, Part A (English Language Acquisition, Language Enhancement, and Academic Achievement);  
and
5. Title IV, Part B (21st Century Community Learning Centers).

Private Schools Non-Regulatory Guidance, Revised March 2009, related to Title IX, Part E, and Subpart I, is available at: <http://www.ed.gov/policy/elsec/guid/equitableseguidance.doc>.

***Section 1120 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 located within the division's boundary 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, Revised October 2003, related to Section 1120 of Title I, Part A, is available at: <http://www.ed.gov/programs/titleiparta/psguidance.doc>.

***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*, revised April 2011, is available at:

[http://idea.ed.gov/object/fileDownload/model/QaCorner/field/PdfFile/primary\\_key/1](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 2015-2016 school year.

### **Webinars**

The Department will offer three 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 first webinar will explore general ESEA and IDEA federal provisions for private school participation. The second and third webinars provide guidance for equitable services in specific federal programs.

#### Introduction to Equitable Services for Private Schools

Tuesday, February 17, 2015, 9 - 10 a.m. (repeated from 3 - 4 p.m.)

#### Meaningful Consultation for ESEA Title II, Part A, Teacher and Principal Training and Recruiting and Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement

Thursday, February 19, 2015, 9 - 10 a.m.

#### The *Individuals with Disabilities Education Act*: Provisions Related to Children with Disabilities Enrolled by Their Parents in Private Schools

Thursday, February 19, 2015, 2 - 3 p.m.

Please see [Attachment A](#) for additional webinar details.

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](mailto: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	Lynn Sodat	<a href="mailto:Lynn.Sodat@doe.virginia.gov">Lynn.Sodat@doe.virginia.gov</a>	(804) 371-2934
Title I, Part C	Chris McLaughlin	<a href="mailto:Chris.Mclaughlin@doe.virginia.gov">Chris.Mclaughlin@doe.virginia.gov</a>	(804) 225-2901
Title II, Part A	Carol Sylvester	<a href="mailto:Carol.Sylvester@doe.virginia.gov">Carol.Sylvester@doe.virginia.gov</a>	(804) 371-0908
Title II, Part B	Eric Rhoades	<a href="mailto:Eric.Rhoades@doe.virginia.gov">Eric.Rhoades@doe.virginia.gov</a>	(804) 786-6418
Title III, Part A	Stacy Freeman	<a href="mailto:Stacy.Freeman@doe.virginia.gov">Stacy.Freeman@doe.virginia.gov</a>	(804) 371-0778
Title IV, Part B	Marsha Granderson	<a href="mailto:Marsha.Granderson@doe.virginia.gov">Marsha.Granderson@doe.virginia.gov</a>	(804) 786-1993
IDEA	Henry J. Millward	<a href="mailto:Hank.Millward@doe.virginia.gov">Hank.Millward@doe.virginia.gov</a>	(804) 371-0525

SRS/cjk

Attachment:

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