



THE ELEMENTARY AND SECONDARY EDUCATION ACT

Equitable Services to Private School Students,
Teachers and Other Educational Personnel

Office of Non-Public Education (ONPE)
U.S. Department of Education



Agenda

- Overview of ONPE
- ESEA Equitable Services Requirements
- Title I, Part A
- Title IX, Uniform Provisions
- The Every Student Succeeds Act- Reauthorization of the Elementary and Secondary Education Act
- Program Coordination





Office of Non-Public Education

You are here: [Home](#) » [What We Do](#) » Office of Non-Public Education



Office of Non-Public Education



The roles and activities of the Office of Non-Public Education (ONPE) fall into two major categories: leadership and outreach. ONPE represents the interests, activities and needs of the private elementary and secondary school community, and also consults with the private school community on the participation of students and teachers in programs and initiatives at the U.S. Department of Education.

Our Mission

ONPE fosters maximum participation of nonpublic school students and teachers in federal education programs and initiatives. Since the initial passage of the *Elementary and Secondary Education Act (ESEA)* in 1965, private school students and teachers have been eligible to participate in certain federal education programs. ONPE's activities reflect this mission and direction by:

- Representing the U.S. Department of Education to the nonpublic school community;
- Offering advice and guidance within the Department on all matters affecting nonpublic education;
- Communicating with national, state and local education agencies and associations on nonpublic education topics;
- Communicating the interests and concerns of the nonpublic school community to the Department;
- Providing parents with information regarding education options for their children; and
- Providing technical assistance, workshops and publications.



Additional Info

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[List of State Departments of Education](#)

Contact

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The Elementary and Secondary Education Act (ESEA)

The *ESEA* requires Local Education Agencies (LEAs) to provide for the equitable participation of private school students, teachers and, in some cases, parents and other educational personnel in some of the *ESEA's* major programs.



A stylized graphic of a tree with green leaves and a blue silhouette of a person with arms raised, standing on a red and blue open book.

Title I, Part A

Improving Basic Programs Operated by LEAs



Title I, Part A Consultation

Timely and meaningful consultation between the LEA and private school officials during the design and development of the services is required on such issues as:

- 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;
- How services will be **assessed** and **improved** based upon assessment results;
- **Size and scope** of services;
- Proportion of **funds** allocated for services;





Consultation (cont.)

- Method for **determining poverty**;
- Equitable services to **teachers and parents** of participants;
- Thorough analysis of the views of private school officials regarding **third-party contractor**;
- What **service delivery mechanisms** will be used to provide equitable services; and
- Where the LEA disagrees with the views of the private school official on the provision of services through a contract, the LEA shall provide to the official a **written explanation** of the reasons why the LEA has chosen not to use a contractor.





Consultation (cont.)

Consultation must:

- Include **meetings** of the LEA and private school officials;
- Occur **before** the LEA makes any decision that affects the opportunities of eligible private school children to participate in programs; and
- **Continue throughout** the implementation and assessment of services.





Title I, Part A

Reservation of Funds

LEAs must provide equitable participation from some, but not all, funds reserved under section 200.77 of the Title I regulations, such as:

- **Parental involvement** funds reserved under section 1118 of ESEA;
- **Professional development** funds reserved under section 1119 of ESEA ; and
- **District-wide** instructional activities in Title I schools.





Title I, Part A

Identifying Children To Be Served

Must **reside** in participating public school Title I attendance area AND be failing or **most at risk of failing** to meet high standards.

Selected on the basis of multiple, educationally-related, developmentally-appropriate criteria.

Homeless, two preceding years in Head Start, Even Start, Early Reading First, Title I Preschool or Title I, Part C (Migrant Education).

Poverty is **NOT** a criterion.

District chooses children to be served from the list that the private school provides of eligible students.





Examples of Title I, Part A Services for Eligible Private School Students

- Instruction outside the regular classroom;
- Extended learning time (before and after school and in the summer);
- Family literacy programs;
- Early childhood education programs;
- Counseling;
- Home tutoring;
- Instruction using take-home computers;
- Computer-assisted instruction; and
- Combination of services listed above.



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Title I, Part A

Characteristics of Services

- Services, materials, and equipment must be **secular, neutral, and non-ideological**. (Section 1120(a)(2) of the *ESEA*)
- Services must be **supplemental** in nature, not supplanting what the private school would otherwise provide absent the Title I services provided by the LEA. (34 CFR 200.66(a))
- The services must be **allowable, reasonable, and necessary** in meeting the educational needs of Title I private school students and teachers. (OMB Uniform Guidance, 2 CFR part 200)



Title I, Part A

Control of Program



- The LEA must maintain control of the Title I funds, materials, equipment, and property. (Section 1120(d)(1) of the ESEA)
- The LEA must provide assurances that it will:
 - Administer the program in accordance with all applicable statutes and regulations; and
 - Maintain control of the program. (Section 9306(a) of the ESEA)





Title IX, Part E

Uniform Provisions, Subpart 1

Private Schools

**Participation by Private School Children and
Teachers**

A stylized graphic of an open book with a person silhouette is centered on the page. The book is open, with pages in shades of blue and red. A light blue silhouette of a person with arms raised is positioned behind the book, appearing to be reading or presenting. The background behind the text is a light green leafy pattern.



Title IX

Programs Requiring Equitable Services

Covered Programs:

- Title I, Part C – Education of Migratory Children
- Title II, Part A – Improving Teacher Quality State Grants
- Title II, Part B – Mathematics and Science Partnerships
- Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, Part B – 21st Century Community Learning Centers

Section 9501(b)(1)

Note: *Title I, Basic Programs; Title V, Innovative Programs; and Title V, Gifted Programs* contain provisions for the equitable participation of private school students within their own titles.





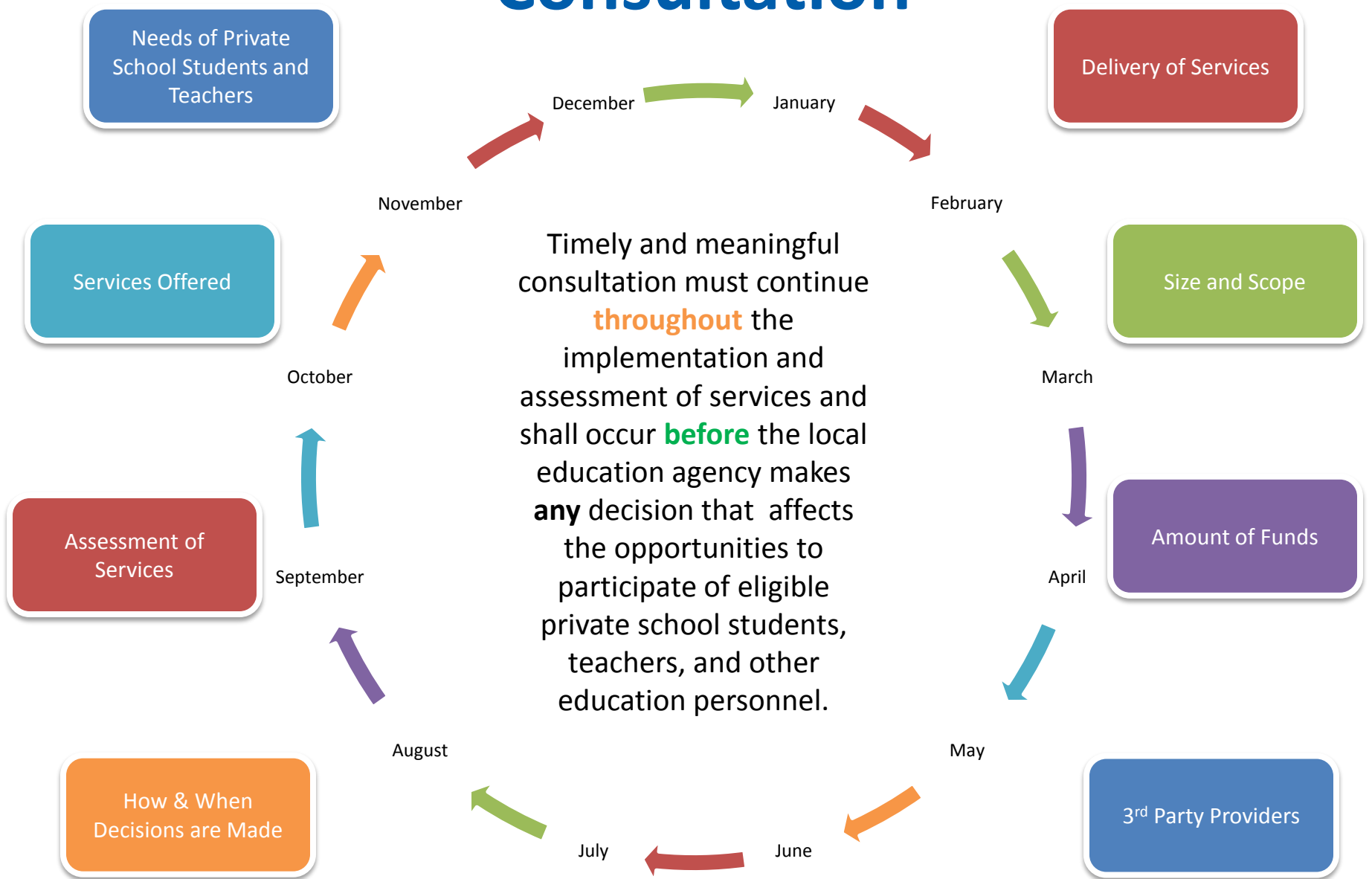
LEA Requirements for Equitable Services

- ✓ Engage in **timely** and **meaningful consultation** with private school officials;
- ✓ Provide private school students and teachers with an **opportunity** to participate in activities **equivalent** to the opportunity provided to public school students and teachers;
- ✓ **Assess and address** the needs of private school students and teachers;
- ✓ Provide benefits and services that **meet the needs** of private school students and teachers; and
- ✓ **Spend an equal amount** of funds per student to provide services.





Consultation





Title IX

Eligible Students

- Private school students who are enrolled in nonprofit private elementary and secondary schools, including those in religiously affiliated schools, located in the LEA generally are eligible to receive services from that LEA.
- Some *ESEA* programs restrict eligibility or participation to a particular group of students, in which case the eligibility or participation of private school students likewise is restricted.
- A private school student's residency is **not** a factor, even if a student resides in an LEA and/or State that is different from the LEA and/or State in which the private school is located.

(Section 9501(a)(1) of the *ESEA*)





Title IX Expenditures

- Expenditures for equitable services for programs governed by **Title IX** for private school students must be equal to those of public school students on a **per-pupil basis**, taking into account the **number** and the educational **needs** of children to be served.
- The **LEA remains in control of the federal funds** and maintains ownership of materials, equipment, and property purchased with such funds.

(Section 9501(a)(4) and (d)(1) of the *ESEA*)





Title IX

Characteristics of Services

- Services, materials, and equipment must be secular, neutral, and nonideological.
- Services must be supplemental in nature, not supplanting what the private school would otherwise provide absent the Federal education services.
- The services must be allowable, reasonable, and necessary in meeting the needs of private school students and teachers.





Special Considerations: Title II, Part A Allocations

A. Number of Students	Example A	Example B
A1. District Enrollment	960	960
A2. Participating Private School Enrollment	40	40
A3. Total Enrollment (A1 + A2)	1,000	1,000
B. Title II, Part A Allocation To Be Used for Professional Development		
B1: District Allocation	\$150,000	\$150,000
B2: Indirects and Administration (for public and private programs) + Class Size Reduction + Recruitment Activities	\$130,000	\$50,000
B3: Amount District is Using for Professional Development (B1 - B2)	\$20,000	\$100,000
C. Hold Harmless Amount		
C1: Based on FY2001 Eisenhower Professional Development + Federal Class Size Reduction used for Professional Development	\$40,000	\$40,000
D. Per Pupil Rate		
D1: Either use B3 or C1 – whichever is LARGER (divide by A3)	\$40	\$100
E. Equitable Services		
E1: Amount District must reserve for equitable services for participating private schools (A2 x D1)	\$1,600	\$4,000



Special Considerations: Title II, Part A Allocations

What is professional development for the purposes of the calculation?

- Equipment and supplies needed for the professional development
- Salaries of professional coaches, mentor teachers, special education mentors and instructional coaches
- Staff development in core content areas, teacher leadership programs, and professional learning communities programs

*The cost of administering the Title II, Part A funded professional development activities for private school teachers is not included in the equitable services calculation.



A large, stylized graphic in the background. It features a light blue silhouette of a person with arms raised, forming the trunk of a tree. The tree's canopy is composed of numerous light green leaves. Below the person, there is a stylized open book with pages in shades of red and blue.

Reauthorizing the Elementary and Secondary
Education Act

**THE EVERY STUDENT SUCCEEDS ACT
OF 2015 (ESSA)**



Important Information

- On December 10, 2015, the President signed into law the *Every Student Succeeds Act* amending the ESEA of 1965.
- The ESEA as amended by NCLB remains in effect through the 2016-2017 school year.
- Questions may be submitted to questions.ESSA@ed.gov.

NCLB	ESSA
Title I equitable services provisions can be found in section 1120 of NCLB.	Title I equitable services provisions can be found in sections 1117 of ESSA.
Title IX provisions that govern Titles II and III may be found under section 9501-9504 of NCLB.	Title IX provisions that govern Titles II and III may be found under sections 8501-8504 of ESSA.





EFFECTIVE DATES

In general, FY 2016 non-competitive state formula grant funds for the 2016-2017 school year will be awarded and administered in accordance with the ESEA, as amended by NCLB. (*Consolidated Appropriations Act, 2016*)

- Funds will be allocated under NCLB rules.
- Except as otherwise provided, states and districts will comply with NCLB plans, procedures, and requirements.





Every Student Succeeds Act (ESSA) Highlights

ESSA strengthens and enhances the equitable services provisions and provides for more State and district level accountability.

Selected New Provisions

- State requirement to designate an ombudsman
- Change to and notification of funding allocation and calculation





Ombudsman

To help ensure that private school children, teachers and other educational personnel receive services equitable to those in public schools, SEAs must designate an ombudsman to monitor and enforce Title I and Title VIII equitable services requirements.





Funding Equitable Services

- The proportional share of funds for equitable services must be determined based on the total amount of Title I funds received by a district prior to any allowable expenditures or transfers by the district. (*Section 1117(a)(4)(A)(ii)*)
- The allocation for equitable services under Title II, Part A is no longer determined based on only the amount the LEA reserves for professional development. (*Section 8501(b)(3) REMOVED*)





Funding Equitable Services

- Funds allocated to districts for equitable services must be obligated in the fiscal year in which the funds are received. (Section 1117(a)(4)(B) and 8501(a)(4)(B))
- Each state must provide timely notice to appropriate private school officials in the state of the allocation of funds for equitable services that LEAs have determined are available for eligible private school children, teachers, and other educational personnel. (Section 1117(a)(4)(C) and 8501(a)(4)(C))





ESSA RESOURCES

- Please direct your questions to: ESSA.Questions@ed.gov
- Visit the website for more information: www.ed.gov/essa
- Read the Every Student Succeeds Act [here](#).
- See a side-by-side comparison of NCLB and ESSA equitable services provisions [here](#).
- [Sign up](#) for ESSA news and updates.

U.S. Department of Education

Student Loans Grants Laws Data

Every Student Succeeds Act (ESSA)

President Obama Signs the Every Student Succeeds Act

"With this bill, we reaffirm that fundamentally American ideal—that every child, regardless of race, income, background, the zip code where they live, deserves the chance to make of their lives what they will." — President Barack Obama

A New Education Law

The Every Student Succeeds Act (ESSA) was signed by President Obama on December 10, 2015, and represents good news for our nation's schools. This bipartisan measure reauthorizes the 50-year-old Elementary and Secondary Education Act (ESEA), the nation's national education law and longstanding commitment to equal opportunity for all students.

The new law builds on key areas of progress in recent years, made possible by the efforts of educators, communities, parents, and students across the country.

For example, today, high school graduation rates are at all-time highs. Dropout rates are at historic

Resources

- [White House Fact Sheet on House Passage of ESSA](#)
- [Read excerpts from U.S. Secretary Arne Duncan's remarks on ESSA](#)

How Do I Find...?

- Student loans, forgiveness
- College accreditation
- Every Student Succeeds Act (ESSA)
- FERPA
- FAFSA
- 1098-E Tax Form
- More...

Information About...

- Transforming Teaching
- Family and Community Engagement
- Early Learning
- K-12 Reforms
- More...



Program Coordination and Equitable Services

Consultation

Needs
Assessment

Challenges





Resources

- U.S. Department of Education [*Title I Services to Eligible Private School Children Non-Regulatory Guidance*](#), October 2003
- U.S. Department of Education [*Title IX Guidance on Equitable Services to Eligible Private School Students and Teachers*](#), March 2009
- U.S. Department of Education [*Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, Revised October 2006*](#) (see section G, pages 47-55)
- U.S. Department of Education [*Title III, Part A, Equitable Services, Non-Regulatory Guidance*](#), August, 2015
- *Code of Federal Regulations*, [*Title 34, Part 299, Subpart E--Services to Private School Students and Teachers*](#)
- Office of Management and Budget, 2 CFR Chapter 1, Chapter II, Part 200, et al. [*Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Rewards*](#) (Federal Register, December 26, 2013).

