

**Title II, Part A of the Elementary and Secondary Education Act and Equitable Services to Private School Teachers**

---

Office of Non-Public Education (ONPE) and Academic Improvement & Teacher Quality Programs (AITQP)  
U.S. Department of Education

---

---

---

---

---


---

---

---

### Webinar Tools

- Print Materials
- Chat: How to Make a Comment or Ask a Question
- Polling Questions




---

---

---

---

---

---

---

---

### Today's Webinar

The webinar will address the obligations of state and local educational agencies (SEAs/LEAs) in providing for the equitable participation of private school teachers in Title II, Part A of the *Elementary and Secondary Education Act (ESEA)*.

#### Presenters

Maureen Dowling, Director, ONPE  
Amy Huber, Education Program Specialist, ONPE  
Libby Witt, Team Leader, AITQP  
Carol Manitaras, Education Program Specialist, AITQP

ONPE@ED.GOV

---

---

---

---

---

---

---

---

## Agenda

- Overview of the Office of Non-Public Education (ONPE)
- ESEA equitable services requirements
- ESEA Consultation requirements
- Title II, Part A
- Frequently Asked Questions
- Questions from webinar participants



ONPE@ED.GOV

4

---

---

---

---

---

---

---

---

---

---



### OFFICE OF NON-PUBLIC EDUCATION (ONPE)

Office of Innovation and Improvement  
U.S. Department of Education

Liaison to the Non-public School Community for the U.S. Department of Education  
*Independent Private Schools • Faith-based Private Schools • Homeschools*

#### ONPE Mission and Activities

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. In this context, ONPE fosters maximum participation of non-public school students and teachers in federal education programs and initiatives by:



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

5

---

---

---

---

---

---

---

---

---

---

#### Statistics on Non-public Education in the United States



- About 4.7 million students are in private schools, which is approximately 15 percent of all U.S. elementary and secondary school students (2007-10).
- About 30,000 schools are private, which is approximately 20 percent of all U.S. schools (2008-09).
- About 50 percent of private school students attend religious schools, and 20 percent attend non-religious private (2006-07).
- About 68 percent of private schools are religiously affiliated, and 92 percent are non-religious (2006-07), and
- About 1.5 million students were homeschooled in spring 2007, which is approximately 2.0 percent of U.S. students ages 6-17 with a grade equivalent of kindergarten-grade 12.

Source: U.S. Department of Education, National Center for Education Statistics, Characteristics of Private Schools in the United States, released from the 2007-2010 Survey of School Enrollment, Grade Level, and Enrollment in the United States, and from the 2007-2010 Survey of School Enrollment, Grade Level, and Enrollment in the United States, as well as surveys for which the highest grade level at least the 1st grade, and from the U.S. Census Bureau, Current Population Reports for the United States in 2007 (2009).

#### How to Contact ONPE

Mailing Address:  
Office of Non-Public Education  
Office of Innovation and Improvement  
U.S. Department of Education  
400 Maryland Ave. SW  
Washington, DC 20520-5540  
Phone: 202-401-1265  
Fax: 202-401-1368  
Email: ONPE@ed.gov  
Website: <http://www.ed.gov/about/offices/list/ed/nonpublic/index.html>

#### Join the ONPE Listserv

The ONPE Listserv is a free subscription service providing information on all U.S. education issues affecting the non-public school community. To subscribe, visit the ONPE website.



6

---

---

---

---

---

---

---

---

---

---



### Equitable Service Requirements

(continued)

**LEAs are required to:**

- **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.




---

---

---

---

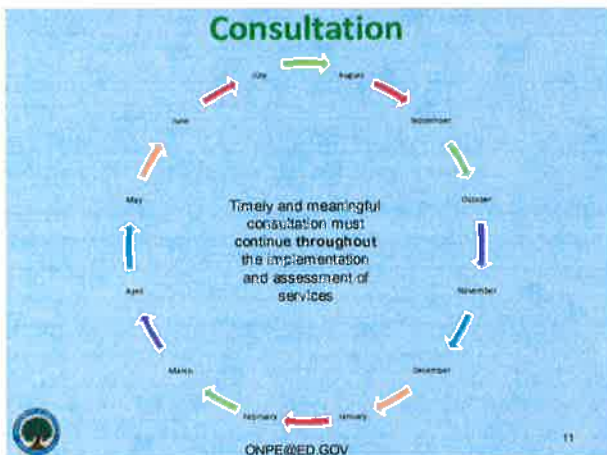
---

---

---

---

### Consultation




---

---

---

---

---

---

---

---

### 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 the children's needs will be identified;
- What services will be offered;
- How and where the services will be provided;

(continued)




---

---

---

---

---

---

---

---



### Consultation (continued)

- How the services will be assessed and how the results of the assessment will be used to improve those services;
- What service delivery mechanisms will be used to provide equitable services;
- Who will provide the services;
- The amount of funds available to serve private school students;

(continued)




---

---

---

---

---

---

---

---

### Consultation (continued)

- The size and scope of the services to be provided;
- How and when the agency will make decisions about the delivery of services;
- Consideration of the views of the private school officials regarding use of **third-party providers**; and
- Where the LEA disagrees with the views of the private school officials on the provision of services through a contract, receiving from LEA the required **written explanation** of the reasons why the local education agency has chosen not to use a contractor.

(continued)




---

---

---

---

---

---

---

---

### Consultation (continued)

- Consultation must continue **throughout the implementation and assessment of services**; and
- Such consultation shall occur **before the local education agency makes any decision that affects the opportunities to participate of eligible private school children, teachers, and other education personnel.**




---

---

---

---

---

---

---

---

### Characteristics of Services

- Services, materials and equipment must be secular, neutral, nonideological and 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.



ONPE@ED.GOV

10

---

---

---

---

---

---

---

---

### Formal Complaint

**A formal written complaint must include:**

- A statement that the SEA, LEA, or other entity receiving federal financial assistance has violated a requirement of a federal statute or regulation that applies to a program requiring equitable participation;
- The facts on which the statement is based and the specific statutory or regulatory requirement allegedly violated; and
- The signature of the complainant.



ONPE@ED.GOV

17

---

---

---

---

---

---

---

---

### Title II, Part A

- Provides funds for **professional development** for private school teachers and other educational personnel.
- LEAs may use Title II, Part A funds for a variety of teacher-quality activities that may or may not include professional development. However, services for private school teachers must be for professional development.

(continued)



ONPE@ED.GOV

18

---

---

---

---

---

---

---

---

### Title II, Part A (continued)

- Title II, Part A services are for improving knowledge in core academic subjects and effective instructional teaching strategies; and
- Training in:
  - Effectively integrating technology;
  - Teaching students with different needs, disabilities, and limited English proficiency;
  - Methods of improving student behavior, identifying early interventions, and involving parents;
  - Leadership development and management; and
  - Use of data and assessments to improve instruction and student outcomes.




---

---

---

---

---

---

---

---

---

---

### Title II, Part A Expenditures

- Where an LEA chooses to spend little or no Title II, Part A funds for professional development, the law establishes a minimum it must set aside for professional development for private school staff. The LEA must assume that the amount it spends that year on all professional development (for public and private school teachers) is at least what it spent for professional development in 2000-01 under two prior federal programs. Equitable service and equal expenditure rules apply based on this "imputed" level of LEA expenditures for professional development.
- The LEA remains in control of the federal funds and maintains ownership of materials, equipment and property purchased with such funds.




---

---

---

---

---

---

---

---

---

---

### Title II, Part A Expenditures (continued)

A. Number of Students	Example A	Example B
A1. District Enrollment	900	900
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. Districts and Administration (for public and private programs) + Class Size Reduction + Recruitment Activities	\$10,000	\$50,000
B3. Amount District is Using for Professional Development (B1 + B2)	\$160,000	\$100,000
C. Total Available Amount		
C1. Based on FY2001 Estimated Professional Development + Federal Class Size Reduction used for Professional Development	\$40,000	\$40,000
D. Per Pupil Rate		
D1. \$400 or 8% of C1 - whichever is LESS (determined by A2)	\$40	\$100
E. Equitable Service		
E1. Amount District must reserve for equitable services for participating private schools (A2 x D1)	\$1,600	\$4,000




---

---

---

---

---

---

---

---

---

---

### Title II, Part A Frequently Asked Question (FAQ)

**Q. Does the professional development program for private school teachers have to be the same as the professional development program for public school teachers?**

**A. No.** LEAs must assess the needs of private school teachers in designing the professional development program for private school teachers. If the professional development needs of the private school teachers are different from those of public school teachers, the LEA, in consultation with private school representatives, should develop a separate program.



---

---

---

---

---

---

---

---

---

---

### Title II, Part A FAQ

**Q. Is the SEA required to provide equitable services in State level Title II, Part A activities?**

**A. Yes.** An SEA must provide equitable services to public and private school teachers and other educational personnel in professional development activities supported by funds reserved for State activities. In addition, the State and Higher Education funded grants to partnerships of institutes of higher education and high-need LEAs must ensure that services are offered on an equitable basis to public and private school teachers since the equitable services requirements apply to grants of "financial assistance" provided to an LEA "or another entity" [See Section 9501(b)(1) of the ESEA].



---

---

---

---

---

---

---

---

---

---

### Title II, Part A FAQ

**Q. May Title II, Part A funds be used to pay for a private school teacher's attendance at a professional conference sponsored or conducted by a faith-based organization?**

**A. Yes.** To the extent that the conference is part of a sustained and comprehensive secular professional development plan for the teacher, then Title II, Part A funds may be expended to pay for the portion of the costs of the conference that, as determined by the LEA, represent the secular professional development in which the teacher participated. In this case, the LEA would pay or reimburse the teacher for attendance at the conference.



*Look at agenda. How much time is focused on faith-based activities.*  
*If 40% is faith-based, LEA can pay 40%.*

---

---

---

---

---



### Title II, Part A FAQ

**Q. May an LEA use Title II, Part A funds to write a reimbursement check to a private school?**

**A. No.** LEAs must administer and retain control over the funds and, therefore, may not provide program funds directly to private schools. An LEA may reimburse an individual private school teacher for professional development that the LEA has pre-approved to be paid for with Title II, Part A funds. At all times, the Federal funds must remain in the control of the LEA. Thus, the LEA expends the funds on behalf of the private school students and teachers.



---

---

---

---

---

---

---

---

### Title II, Part A FAQ

**Q. May private schools within the same district request that the LEA pool Title II, Part A funds?**

**A. Yes.** Pooling (combining) Title II, Part A funds generated by private school students from a number of private schools located in the same LEA is allowable. If a group of private schools in an LEA requests that the LEA pool the Title II, Part A funds their students have generated, the LEA may pool these funds. Then, based on the professional development needs assessment of the teachers in these schools, the LEA could provide services to all or most of the teachers. However, Title II, Part A funds may not be pooled across LEAs. This is because the amount of funds generated for services to private school teachers in an LEA may only be expended for services for those private school teachers in that LEA.



---

---

---

---

---

---

---

---

### Title II, Part A FAQ

**Q. Who serves as the private school official representing the private school in the consultation process?**

**A.** Most often, the private school principal serves as the official representative of the students and teachers in the school. However, a principal may designate another individual to be her/his representative in the consultation process. A group of private school officials may also be represented by one private school official or a central office administrator. In this case, that individual should inform in writing the LEA superintendent that she/he will serve as the designated representative for such schools and provide a list of the private schools that she/he represents.



*LEA during consultation should notify private school the process for distributing funds and establish deadlines*

## Title II, Part A FAQ

**Q. May Title II, Part A funds be used to pay for professional development for private school principals and superintendents?**

**A. Yes.** An LEA may use Title II, Part A funds to pay for professional development for private school principals and superintendents. Section 2123(a)(6) specifically permits an LEA to use Title II, Part A funds to carry out "professional development activities designed to improve the quality of principals and superintendents, including the development and support of academies to help talented aspiring or current principals and superintendents become outstanding managers and educational leaders."



ONPE@ED.GOV

20

---

---

---

---

---

---

---

---

## Title II, Part A Resources

- U.S. Department of Education *Improving Teacher Quality State Grants, ESEA Title II, Part A, Non-Regulatory Guidance, Revised October 5, 2006* (see section G, pages 47-55).
- U.S. Department of Education *Title IX Guidance on Equitable Services to Eligible Private School Students and Teachers.*
- ONPE listserv for announcements about upcoming webinars on ESEA equitable services.



ONPE@ED.GOV

20

---

---

---

---

---

---

---

---



## Office of Non-Public Education Contact Information

400 Maryland Avenue, SW  
Washington, DC 20202  
(202) 401-1365  
[ONPE@ED.GOV](mailto:ONPE@ED.GOV)  
[www.ed.gov](http://www.ed.gov) (search ONPE)

---

---

---

---

---

---

---

---