

**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 Manltaras, Education Program Specialist, AITQP



ONPE@ED.GOV 3

---

---

---

---

---


---

---

---

## 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 9.8 percent of all U.S. elementary and secondary school students (2009-10);
- About 33,366 schools are private, which is approximately 20 percent of all U.S. schools (2009-10);
- About 80 percent of private school students attend religious schools, and 20 percent attend nonsectarian schools (2009-10);
- About 68 percent of private schools are religiously affiliated, and 32 percent are nonsectarian (2009-10); and
- About 1.5 million students were homeschooled in spring 2007, which is approximately 2.9 percent of U.S. students ages 5-17 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 June 14, 2011; 2010-2011 Private School Enrollment Survey; and U.S. Department of Education, "The Nation's Schools: A Report Card on the Nation's Schools," released June 14, 2011.

<p><b>How to Contact ONPE</b></p> <p>Mailing Address: Office of Non-Public Education Office of Innovation and Improvement U.S. Department of Education 400 Maryland Ave. SW Washington, DC 20520-5940 Phone: 202-401-1265 Fax: 202-401-1368 Email: ONPE@ed.gov Website: <a href="http://www.ed.gov/about/offices/list/oeip/oeipnonpublic/index.html">http://www.ed.gov/about/offices/list/oeip/oeipnonpublic/index.html</a></p>	<p><b>Join the ONPE Listserv</b></p> <p>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.</p> 
---	--

6

---

---

---

---

---

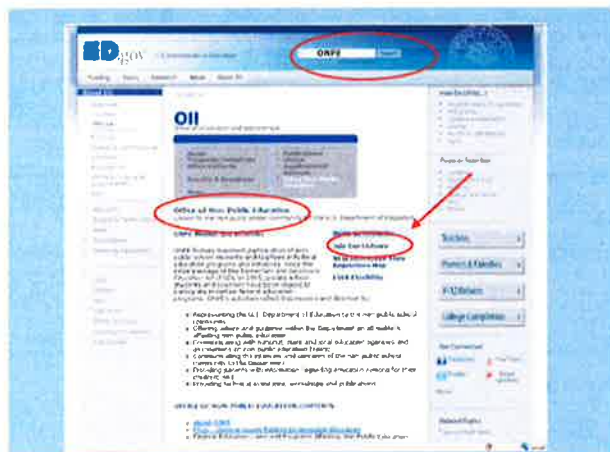
---

---

---

---

---




---

---

---

---

---

---

---

---

---

---

---

---

## The Elementary and Secondary Education Act (ESEA)

The *ESEA* requires LEAs to provide for the equitable participation of private school students, teachers and, in some cases, parents and other education personnel in some of the *ESEA*'s major programs, including Title II, Part A, Teacher and Principal Training and Recruiting Fund.

ONPE@ED.GOV

---

---

---

---

---

---

---

---

---

---

---

---

## Equitable Service Requirements

LEAs are required to:

- 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;

(continued)

ONPE@ED.GOV

---

---

---

---

---

---

---

---

---

---

---

---

## 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.




---

---

---

---

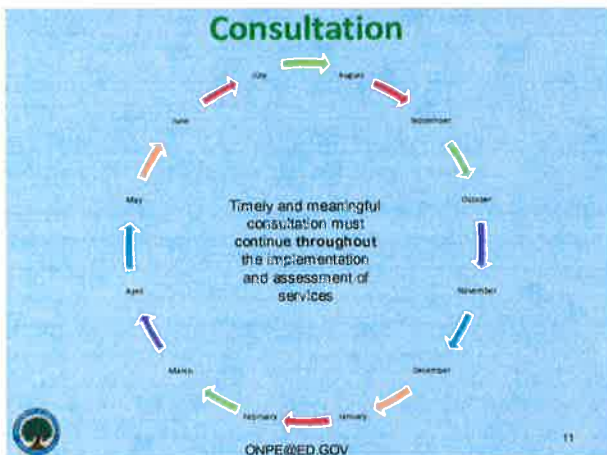
---

---

---

---

## 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)



ONPE@ED.GOV

13

---

---

---

---

---

---

---

---

### 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)



ONPE@ED.GOV

14

---

---

---

---

---

---

---

---

### 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.



ONPE@ED.GOV

16

---

---

---

---

---

---

---

---

### 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.



ONPE@ED.GOV 19

---

---

---

---

---

---

---


---

---

---

### 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.



ONPE@ED.GOV (continued)  
20

---

---

---

---

---

---

---


---

---

---

### 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>B. Title II, Part A Allocation to be Used for Professional Development</b>		
B1. District Allocation	\$150,000	\$150,000
B2. Indirects 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)	\$140,000	\$100,000
<b>C. Equal Expenditure</b>		
C1. Based on FY2001 Estimated Professional Development + Federal Class Size Reduction used for Professional Development	\$40,000	\$40,000
<b>D. Per Pupil Rate</b>		
D1. Dollar Use B3 of C1 - whichever is LARGER (dollar by A2)	\$40	\$100
<b>E. Equitable Service</b>		
E1. Amount District must reserve for equitable services for participating private schools (A3 x D1)	\$1,600	\$4,000



ONPE@ED.GOV 21

---

---

---

---

---

---

---

---

---

---

### 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

28

---

---

---

---

---

---

---

---

## 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

29

---

---

---

---

---

---

---

---



## 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)

---

---

---

---

---

---

---

---