



**COMMONWEALTH of VIRGINIA
Department of Education**

January 29, 2016

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 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 – to the extent that 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.

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 2016-2017 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.

Introduction to Equitable Services for Private Schools

- Thursday, February 18, 2016, 9 - 10 a.m. (repeated from 3 - 4 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.

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	Lynn Sodat	Lynn.Sodat@doe.virginia.gov	(804) 371-2934
Title I, Part C	Chris McLaughlin	Chris.Mclaughlin@doe.virginia.gov	(804) 225-2901
Title II, Part A	Carol Sylvester	Carol.Sylvester@doe.virginia.gov	(804) 371-0908
Title II, Part B	Eric Rhoades	Eric.Rhoades@doe.virginia.gov	(804) 786-2481
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

SRS/cjk

Attachment:

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