



**COMMONWEALTH of VIRGINIA
Department of Education**

February 22, 2013

TO: Division Superintendents

FROM: Patricia I. Wright, Superintendent of Public Instruction

SUBJECT: Eligibility of Private Schools to Participate in Federal Programs under the *Elementary and Secondary Education Act of 1965 (ESEA)*, as amended by the *No Child Left Behind Act of 2001 (NCLB)*

Title IX, Part E. Uniform Provisions. Subpart 1—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. Title IX, Part E, Subpart 1, specifically addresses 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).

Section 1120 of Title I, Part A

Separate provisions govern private school participation requirements under Title I, Part A. Fourteen (14) 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. With the exception of these 14 divisions, all other 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.

Informing Private Schools Regarding Participation on an Equitable Basis

All school divisions must initiate and facilitate meaningful consultation with officials of private schools within their boundaries about their intent to participate in any applicable Title IX program for the 2013-2014 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 programs. The first webinar will explore general ESEA federal

provisions for private school participation in ESEA programs. The second and third webinars provide specific guidance for equitable services in three ESEA programs.

Overview: Equitable Services to Private Schools
Tuesday, March 19, 2013, 10 - 11 a.m. (repeated from 2 - 3 p.m.)

Meaningful Consultation for Title II, Part A, Teacher and Principal Training and Recruiting Fund
Thursday, March 21, 2013, 10 - 11 a.m.

Meaningful Consultation for Title I, Part A, Improving Basic Programs Operated by Local Educational Agencies, and Title III, Part A, English Language Acquisition, Language Enhancement, and Academic Achievement
Thursday, March 21, 2013, 2 - 3 p.m.

Please see the attached webinar information for further details ([Attachment A](#)).

Nonregulatory Guidance

Nonregulatory guidance on Title IX and Title I, Part A, private school equitable services are available at the following links: [Title IX: Private Schools Non-Regulatory Guidance](#) and [Title I, Part A, Services for Private School Children Non-Regulatory Guidance](#). These guidance documents include samples of consultation letters, intent to participate forms, and other reference materials that may be helpful when contacting private school officials.

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	Becky Marable	Rebecca.Marable@doe.virginia.gov	(804) 371-0044
Title I, Part C	Patience Scott	Patience.Scott@doe.virginia.gov	(804) 786-9935
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) 786-6418
Title III, Part A	Stacy Freeman	Stacy.Freeman@doe.virginia.gov	(804) 786-1692
Title IV, Part B	Duane Sergent	Duane.Sergent@doe.virginia.gov	(804) 371-2929

PIW/cjk

Attachment:

- a. [Webinars on Equitable Services to Private Schools](#) (Word)

