

Private Schools and Title II, Part A - Frequently Asked Questions

1. How does the process begin for a private school to access Title II, Part A equitable services?

Private schools must initiate the approval process by completing the Annual Approval forms and submitting a completed P105B Enrollment Data—October 1 enrollment in the OSPI EDS system. Approved schools are then eligible for federal program services.

Approved private schools must complete the “Intent to Participate Form” on the OSPI EDS System. The site opens in January/February each year and closes in February/March, though the dates can vary a little from year to year. Consultation with districts to plan for the following year begins in mid-winter. Each year a bulletin is sent to the private schools to explain the Intent to Participate Process and the timelines for completing the form.

2. What are “equitable services”?

Equitable services for professional development activities for private schools are based on the schools’ needs.

Participation is considered to be equitable if the public and private schools: (1) assess, address, and evaluate the needs and progress of both groups of teachers in the same manner; (2) provide approximately the same amount of training and, where appropriate, instruction to teachers with similar needs; (3) spend an equal amount of funds per student to serve public and private school teachers; and (4) provide private school teachers with an opportunity to participate in *Title II, Part A* program activities equivalent to the opportunity provided public school teachers.

3. Does an offer of services from a school district meet the requirement of consultation?

No. An offer of services by a school district without an opportunity for timely and meaningful consultation does not meet the requirement of the law. Only after discussing key issues relating to the provision of services, identifying the needs of the students and teachers to be served, and receiving input from the private school officials, does a school district make its final decisions with respect to the services and benefits it will provide to meet the needs of eligible private school students and teachers.

4. When does consultation between public and private school officials occur?

Section 9501(c)(3) of *ESEA* requires that consultation between school district and private school officials occur **before** the school district makes any decision (such as ordering materials or hiring staff) that affects the opportunities of private school children, teachers, and other educational personnel to participate in programs requiring their equitable participation. In order to meet the requirements for timely and meaningful consultation, many school districts begin consultation for the following school year in mid-to late-February or early March of the school year prior to the year covered by the plan.

5. Are there requirements for private school officials in the consultation process?

Private school officials should participate actively in the consultation meetings. By participating, the private school officials will have an opportunity to: (1) provide input in the development of a timeline for consultation; (2) provide data and information about the needs of their students and teachers; (3) offer suggestions regarding program design, implementation, and evaluation; (4) inquire about participation in any discretionary grant programs; (5) address the use of third-party providers, if appropriate; and (6) complete any appropriate forms needed by the school district to ensure the delivery of equitable services.

6. In designing and developing programs for private school students and teachers, how should the needs of private school students and teachers be assessed?

During the consultation process, the school district must discuss with private school officials the needs of their students and teachers as well as how best to meet those needs.

7. Can private schools be reimbursed for expenses?

No. Federal funds can never be paid directly to a private school. Equitable services are to be provided through in-kind (no money exchanged) activities. Only the school district may obligate and expend federal funds on behalf of private school students and teachers. Thus, the school district must purchase materials or procure services on behalf of the private school students and teachers.

8. Can private school teachers be reimbursed for expenses?

Yes. A school district may use federal funds to reimburse an individual private school teacher, administrator, or other educational personnel for professional development expenditures (e.g. mileage, meals, hotels) that the school district has pre-approved and that meet the reasonable and necessary cost principles of the Office of Management and Budget (OMB) Circular A-87.

9. May an LEA use funds to provide stipends to private school teachers?

Yes. As with any other costs, the use of funds for stipends must be allowable under the program and reasonable and necessary for the proper operation of the grant program. For example, if a professional development program is conducted during after-school hours or during the summer, stipends may be needed to compensate teachers for their participation outside their regular employment hours. In addition, stipends for private school teachers must be available on the same basis as for public school teachers, and the stipends must be paid to private school teachers for their own use. However, the stipends must not be paid to the private school or be for the benefit of the private school.

10. May Title II, Part A funds pay for substitute teachers who replace teachers from private schools while they attend professional development activities?

No. The *Title II, Part A* program does not authorize payments to private schools to be used for hiring substitute teachers. Federal funds may not be used to pay or subsidize any portion of a private school teacher's salary or benefits.

11. What are some service delivery mechanisms that a school district may use to provide equitable services?

A school district may provide services to private school students and teachers through an employee of the district or through a contract with a third-party provider, an individual, an education institution, or some other agency that, in the provision of those services, is under the control and supervision of the school district and is otherwise independent of the private school and any religious organization.

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

No. Consultation and coordination are essential to ensuring high-quality, sustained, intensive, and classroom-focused professional development activities for private school teachers. School districts 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 school district, in consultation with private school representatives, should develop a separate program. The needs of the private school students and teachers to be served, not the preferences of the school district or private school officials, determine the services to be provided.

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

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 school district, represent the secular professional development in which the teacher participated. In this case, the school district would pay or reimburse the teacher for attendance at the conference.

14. If the equitable services portion for the private school is small, can the private school request that the school district purchase professional development books for use by private school educators?

Yes. Professional development training and professional development books for private school educators are both allowable expenditures under Title II, Part A.

15. May a school district use federal funds to purchase textbooks, iPads or other student materials for private school students' use in their regular classroom?

No. In general, federal funds may not be used to purchase textbooks or other student materials for use by private school students in their regular classroom. Materials, programs, and benefits purchased with federal funds must be supplemental and must not supplant what the private school would otherwise provide in the absence of federal funds.

16. Are private schools whose students or teachers receive equitable services subject to the military recruiter requirements in section 9528 of ESEA?

No. Private secondary schools whose students or teachers receive equitable services but that do not receive funds under *ESEA* are not subject to the military recruiter requirements. Private secondary schools that do receive funds under *ESEA* are subject to the requirements. However, private schools that maintain a religious objection to service in the armed forces that is verifiable through the corporate or other organizational documents or materials of that school are not required to comply with this requirement.

17. What options are available to private school officials if they disagree with a school district's denial of a request for services?

If the private school officials believe timely and meaningful consultation has not occurred or the district did not give due consideration to their requests, the private school should complete the following steps:

Step 1: Contact federal program representatives or the superintendent at the school district to discuss the concerns.

Step 2: If the concern is not satisfactorily resolved, contact the OSPI federal programs staff representing the specific program for resolution.

Step 3: In the event the concern is not resolved, the private school has the right to file a formal written complaint with OSPI. A complaint should be sent directly to: Office of Superintendent of Public Instruction, Attn: Federal Programs Office, P.O. Box 47200, Olympia, WA 98504-7200 (Bulletin 058-10; WAC 392-168)