



Title IX, Part E Uniform Provisions, Subpart 1 Private Schools Participation by Private School Children and Teachers

Title IX Programs Requiring Equitable Services

Covered Programs:

- Title I, Part B, Subpart 1 – Reading First [no longer funded]
- Title I, Part B, Subpart 3 – Even Start Family Literacy [no longer funded]
- Title I, Part C – Education of Migratory Children
- Title II, Part A – Improving Teacher Quality State Grants
- Title II, Part B – Mathematics and Science Partnerships
- Title II, Part D – Enhancing Education Through Technology [no longer funded]
- Title III, Part A – English Language Acquisition, Language Enhancement, and Academic Achievement Act
- Title IV, Part A – Safe and Drug-Free Schools and Communities [formula grants no longer funded]
- Title IV, Part B – 21st Century Community Learning Centers

Note: Title I, Basic Programs; Title V, Innovative Programs; and Title V, Gifted Programs contain provisions for the equitable participation of private school students within their own titles.



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(Section 9501(b)(1) of the ESEA)

Title IX 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)



(Section 9501 of the ESEA; 34 CFR Part 299, Subpart E)

Title IX 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.



ONPE@ED.GOV (Section 9501 of the ESEA; 34 CFR Part 299, Subpart E)

Title IX Eligible Students

- Private school students who are enrolled in nonprofit private elementary and secondary schools, including those in religiously affiliated schools, located in the LEA generally are eligible to receive services from that LEA.
- Some ESEA programs restrict eligibility or participation to a particular group of students, in which case the eligibility or participation of private school students likewise is restricted.
- A private school student's residency is **not** a factor, even if a student resides in an LEA and/or State that is different from the LEA and/or State in which the private school is located.



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(Section 9501(a)(1) of the ESEA)

Title IX 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)



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(Section 9501(c)(1) of the ESEA)

From: US Department of Education, Office of Non-Public Education, webinar, July 10, 2013

Resource: U.S. Department of Education, March 2009, *Equitable Services for Eligible Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance*: www2.ed.gov/policy/elsec/guid/equitableservicesguidance.doc

Title IX 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)



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(Section 9501(c)(1) of the ESEA)

Title IX 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. (continued)



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(Section 9501(c)(3) of the ESEA)

Title IX Timely and Meaningful Consultation



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(Section 9501(c)(1) and (3) of the ESEA)

Title IX Expenditures

- Expenditures for equitable services for programs governed by **Title IX** for private school students must be equal to those of public school students on a **per-pupil basis**, taking into account the **number** and the education **needs** of children to be served.
- The **LEA remains in control of the federal funds** and maintains ownership of materials, equipment, and property purchased with such funds.



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(Section 9501(a)(4) and (d)(1) of the ESEA)

Title IX Characteristics of Services

- Services, materials, and equipment must be secular, neutral, and nonideological. (Section 9501(a)(2) of the ESEA)
- Services must be supplemental in nature, not supplanting what the private school would otherwise provide absent the Federal education services. (34 C.F.R. 299.8(a))
- The services must be allowable, reasonable, and necessary in meeting the needs of private school students and teachers. (Office of Management and Budget, Circular A-87)



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Title IX Formal Complaint

- A private school official has the right to complain to the SEA that the LEA did not engage in timely and meaningful consultation or did not give due consideration to the views of the private school official. (Section 9503 of the ESEA)
- 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. (34 CFR 299.12)



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From: US Department of Education, Office of Non-Public Education, webinar, July 10, 2013

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