

# Title II, Part A

## Equitable Services for Private Schools

### Technical Assistance

Under the Title II, Part A program, local educational agencies (LEAs) are required to provide educational services and other benefits for private school children, teachers and other educational personnel, equitable in comparison to services and other benefits for public school children, teachers and other educational personnel, pursuant to [section 8501\(a\)\(3\)\(A\)](#) of the [Elementary and Secondary Education Act \(ESEA\)](#), amended by the [Every Student Succeeds Act of 2015 \(ESSA\)](#). Private schools must hold non-profit status in order to be eligible to receive funds.

The [Elementary and Secondary Education Act \(ESEA\)](#), amended by the [Every Student Succeeds Act of 2015 \(ESSA\)](#), requires that public LEAs contact appropriate officials of all private schools within the geographic boundaries of the LEA annually to determine if they want their teachers to participate in the Title II, Part A: Supporting Effective Instruction grant program, regardless of whether or not those officials have recently indicated any interest in program participation. In order to allow participants the opportunity to take part in the annual needs assessment before allocations are made available in the next fiscal year, letters should be mailed in the current fiscal year. The LEA must include private schools that wish to participate in the Title II, Part A program in the assessment, planning, participation and assessment of professional learning activities.

Title II, Part A coordinators may work in collaboration with other appropriate federal program coordinators in the LEA in sending invitations to private schools for a consultation meeting regarding their participation in the Title II, Part A program as well as other federal programs. Mail receipts should be kept and available for each program served.

To ensure timely and meaningful consultation, the LEA must consult with appropriate private school officials during the design and development of the proposed programs, pursuant to [section 8501\(c\)](#).

It is important that attention be given to the timing of the consultation so that decisions affecting the opportunities for eligible private school teachers to participate in Title II, Part A program activities are made after discussions have taken place. In accordance with [section 8501\(c\)\(3\)](#), the consultation must occur before the LEA and private schools consult. Consultation should continue throughout the implementation and

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assessment of activities.

To meet its general record keeping responsibility, the LEA should document that:

- Representatives of private schools were informed of the availability of Title II, Part A: Supporting Effective Instruction funds and services;
- The needs of private and public school teachers were identified as part of an LEA-wide needs assessment;
- Private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; and
- The LEA approved a budget that permitted equitable participation for private schools.

Pursuant to [section 8501\(c\)\(1\)](#), LEAs must consult with appropriate private school officials and have the goal of reaching agreement on how to provide equitable and effective programs for eligible private schools on issues such as the following:

- How student needs will be identified
- How student needs will inform professional learning needs of teachers, principals and other school leaders
- What services will be offered
- How, where and by whom the services will be provided
- How the services will be assessed and how the results of the assessment will be used to improve those services, as LEAs are responsible for ensuring private schools measure effectiveness of funded activities
- The size and scope of the equitable services to be provided to eligible teachers, the amount of funds available for those services and how that amount is determined
- How and when the LEA will make decisions about the delivery of services, including a thorough

LEAs should obtain a written affirmation signed by officials of each participating private school that meaningful consultation required by ESSA has occurred. The written affirmation must provide the option for private school officials to indicate if they feel timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children.

If private school officials do not provide the written affirmation within a reasonable period of time, the LEA must document that consultation or attempts at consultation took place, pursuant to [section 8501\(c\)\(5\)](#).

The amount an LEA must reserve to provide equitable services for private school teachers and other educational personnel for Title II, Part A services is based on the LEA's total Title II, Part A allocation, less administrative costs. The LEA determines the amount of funds available for Title II, Part A equitable services by calculating, on a per-pupil basis, the amount available for all public and private school students enrolled in participating private elementary and secondary schools in areas served by the LEA (regardless of a student's residency), taking into consideration the number and needs of the students, their teachers and other educational personnel to be served.

Example of Formula to Determine Amount for Title II, Part A Equitable Services	
<b>A. Number of Students</b>	
A1. LEA Enrollment	900
A2. Participating Private Schools Enrollment	100
A3. Total Enrollment = A1 + A2	1,000
<b>B. Title II, Part A Base Preliminary Allocation</b>	
B1. Total LEA Base Preliminary Allocation	\$1,000,000
B2. Administrative Costs (for public and private school programs)	\$50,000
B3. LEA Base Preliminary Allocation Minus Admin Costs = B1 - B2	\$950,000
<b>C. Per Pupil Rate</b>	
C1. B3 divided by A3	\$950
<b>D. Equitable Services</b>	
Amount LEA must reserve for equitable services for private school teachers and other educational personnel = A2 x C1	\$95,000

The LEA should complete this formula in the summer when the LEA receives the preliminary base allocation from the department. The LEA will again complete this formula mid-year when the LEA receives the final base allocation from the department. Private schools should be notified when the allocation has been adjusted to account for the changes between the preliminary and final allocations.





private school; LEAs are not allowed to reimburse to private schools directly for professional learning costs. However, an LEA may use federal funds to reimburse an individual private school teacher, principal or other school leader for professional development that the LEA has preapproved, and meets the reasonable and necessary cost principles of [2 CFR section 200](#).

LEAs must not reimburse for unallowable activities.

While an LEA may not overburden a private school in paperwork, as the LEA is fiscally responsible for the management of funds pursuant to [section 8501\(d\)](#), an LEA may require the private school to submit enough documentation to determine student and teacher needs, as well as documentation to determine that the activities and expenses are allowable, reasonable and necessary, in accordance with any and all federal and state requirements.

LEAs that serve private schools expend funds on behalf of the private schools, thus all private school expenditures must also comply with the LEA procurement procedures. LEAs entering into contracts on behalf of private schools must adhere to LEA procedures and have the primary responsibility for maintaining documentation.

As mentioned in the Consultation and Planning section of this document, in order to meet its general record-keeping responsibility, the LEA should document that:

- Representatives of private schools were informed of the availability of Supporting Effective Instruction services;
- The needs of private and public school teachers were identified as part of an LEA-wide needs

***May an LEA reimburse a private school for materials it has purchased or services it has procured to implement a Title II, Part A program?***

- No. Only the LEA may obligate and expend federal funds on behalf of private school students and teachers. Therefore, the LEA must purchase materials or procure services on behalf of the private school students and teachers. However, an LEA may use federal funds to reimburse an individual private school teacher, principal or other school leader for professional development that the LEA has preapproved and that meets the reasonable and necessary cost principles of the Office of Management and Budget (OMB) [2 CFR section 200](#).

***May an LEA use funds to provide stipends to private school teachers, principals, and other school leaders?***

- Yes. As with any other costs, the use of funds for stipends must be allowable under the Title II, Part A use of funds for private schools, and they must be reasonable and necessary. 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 participation outside their regular employment hours. In addition, stipends for private school teachers must be available on the same basis as public school teachers, and the stipends must be paid to private

2. The activity must serve to meet the needs of the private school teacher(s) as identified through the consultation process ([section 8501\(c\)](#)).
3. The activity must be supplemental in nature, and may not supplant the professional development that the private school would otherwise provide absent the Title II, Part A services ([34 CFR § 299.8\(a\)](#)).
4. The activity must be a reasonable and necessary expense ([2 CFR § 200.403\(a\)](#)).
5. The services must be secular, neutral, and nonideological ([section 8501\(a\)\(2\)](#)).

*Professional Development:* Under Title II, Part A, an LEA may “provide high quality, personalized professional development that is evidence-based, to the extent that the state (in consultation with LEAs in the state) has determined that evidence is reasonably available, for teachers, instructional leadership teams, principals, or other school leaders, that is focused on improving teaching and student learning and achievement.” Professional development services and programs must meet the definition of “professional development” in [section 8101\(42\)](#), which requires that the activity is both (1) part of the strategies for providing educators with the knowledge and skills necessary to enable students to succeed in a well-rounded education; and (2) “sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data driven, and classroom focused.”

Because many conferences are short-term or are stand-alone, they may not meet this definition as an allowable expenditure under [section 2103\(b\)\(3\)](#) without further integration as part of a comprehensive plan for professional development for the teacher or teachers. However, if a private school official can demonstrate, through consultation with an LEA, that attendance at a short-term conference is part of a sustained and comprehensive professional development plan for the teacher that meets these Title II, Part A requirements, including the statutory definition of professional development, then an LEA may use Title II, Part A funds for costs associated with a private school teacher’s participation in the conference. Furthermore, depending on the content and substance of the conference, participation may be allowable under other specifically-defined activities in Title II, Part A, which do not need to meet the definition of professional development under [section 8101\(42\)](#). For example, [sections 2103\(b\)\(3\)\(H\), \(J\), \(K\) and \(L\)](#) allow training for selecting and implementing formative and classroom-based assessments, for identifying gifted and talented students, for supporting instructional services provided by effective school library programs, and for preventing and recognizing child sexual abuse.

*Secular, Neutral, Nonideological Content:*



sessions in such a way that the LEA is able to determine the percentage of the teacher's overall time spent attending those sessions; and (3) apply that percentage against the overall costs of attending the conference as a whole. For professional development activities, whether in-person or via a virtual or online format, an LEA might require that the private school teacher provide both titles and descriptions of the sessions the teacher expects to attend, as well as some form of verification that he or she participated in the sessions.

A conference runs from 8 a.m. to 5 p.m. (with an hour for lunch). If for the 8 hours of work-time the teacher spends six hours attending or participating in secular sessions that meet the Title II requirements above, the LEA could use Title II, Part A funds to pay 75% of the registration and travel costs, since the teacher has spent 75% of the full-day conference time attending or participating in secular activities.

*Timely and Meaningful Consultation:* It is important to (t)3.1 9uffe (a)0.9 ( t)3.1080.4 (b)01 T Ou Mea18 (n)-0. development for private school teachers with *Title II* Part A funds must be a topic of 1 T Oie1.7 (l)1.2 (y)6 ( ) teaching and student learning and achievement in t private school teachers, the LEA would then decide would serve to meet those needs.

equitable services with a religious organization, such as a religiously affiliated college or university, on the same basis as with any other entity.

The Department will, however, continue to enforce all other provisions of [section 8501](#), including the requirement that the contractor be independent of the private school for which it is providing services and that the educational services and other benefits being provided by the contractor are “secular, neutral, and nonideological.” ([sections 8501\(a\)\(2\), \(d\)\(2\)\(B\)](#)).