



# Public/Private Design for Educational Service

“No Child Left Behind” requires timely and meaningful consultation between public school district personnel and representatives of private schools. To ensure that this consultation meets the needs of students and teachers in either type of school, it is required that public school personnel and administrators from the non-public school answer the questions written on the following pages. The district must complete one planning document with each non-public school it serves. When completed, this plan for services must be signed by representatives from both parties and kept in the central office of each entity. The completed document must be available to parents of both public and private school students and the general public. This planning document will also be requested during a district’s federal programs’ monitoring.

Required consultation shall include meetings of public school district personnel and private school officials, and must take place before the public school district can receive a substantial approval date for its Consolidated Application for the Federal Programs. Meetings between public and private school officials must continue throughout the implementation and assessment of services provided and shall be documented.

**Programs included are:**

- Title I, Part A (if not on bypass), Subpart 1;
- Title I, Part C (if applicable);
- Title II, Part A; (only to provide professional development for teachers and others)
- Title III, Part A (if applicable); and
- Title IV, Part A.

\_\_\_\_\_  
Signature of Public School Official

\_\_\_\_\_  
Signature of Non-Public School Official

Date \_\_\_\_\_

Date \_\_\_\_\_

**1. How will the needs of the private school children be identified?**

**2. What services will be offered to private school students and teachers?**

**3. How, where, and by whom will the services be provided to private school children and teachers?**

**4. How will the services be academically assessed and how will the results of that assessment be used to improve services to private school children and teachers?**

**5. Explain the size and scope of the equitable services to be provided to the eligible private school children and teachers, and the amount of funds allocated for such services.**

**6. Describe the method or sources of data that will be used to determine the number of children from low-income families in participating school attendance areas who attend private schools.**

7. Explain how and when the public school district will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers.

If the public school district disagrees with the views of the private school officials on the provision of services through a contract, how will the local educational agency provide in writing to the private school officials an analysis of the reasons they have chosen not to use a contractor.

# From Title IX of No Child Left Behind

## **“SEC. 9501. PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.**

### **“(a) PRIVATE SCHOOL PARTICIPATION.—**

**“(1) IN GENERAL.—**Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

**“(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—**Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and non-ideological.

**“(3) SPECIAL RULE.—**Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

**“(4) EXPENDITURES.—**Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

**“(5) PROVISION OF SERVICES.—**An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

### **“(c) CONSULTATION.—**

**“(1) IN GENERAL.—**To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials during the design and de-

velopment of the programs under this Act, on issues such as—

**“(A) how the children’s needs will be identified;**

**“(B) what services will be offered;**

**“(C) how, where, and by whom the services will be provided;**

**“(D) how the services will be assessed and how the results of the assessment will be used to improve those services;**

**“(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel and the amount of funds available for those services; and**

**“(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of contract services through potential third-party providers.**

**“(2) DISAGREEMENT.—**If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

**“(3) TIMING.—**The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

**“(4) DISCUSSION REQUIRED.—**The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

### **“(d) PUBLIC CONTROL OF FUNDS.—**

**“(1) IN GENERAL.—**The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for the uses and purposes provided in this Act, and a public agency shall administer the funds and property.