UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, DC 20202

March 14, 2013

Dear Chief State School Officers, State and Local Federal Education Program Directors and Private School Leaders:

Since the passage of the *Elementary and Secondary Education Act* (*ESEA*) in 1965, students enrolled in nonprofit private elementary and secondary schools, including religious schools, have been eligible to participate in certain programs authorized under the *ESEA*. State and local educational agencies (SEAs and LEAs) must ensure the equitable participation of eligible private school students and, as applicable, their teachers and parents in the *ESEA* programs providing for their participation. In addition, under the *Individuals with Disabilities Education Act, Part B* (*IDEA*), SEAs and LEAs must provide for the equitable participation of parentally placed private school students with disabilities in programs assisted or carried out under *Part B of the IDEA*, consistent with their number and location in the State. The U.S. Department of Education (the Department) is responsible for ensuring that SEAs meet these equitable services requirements and that SEAs, in turn, ensure that their LEAs meet their equitable services obligations.

The Department is committed to advancing needed education reforms to improve educational outcomes for all students, close achievement gaps, increase equity and improve the quality of instruction. We are also committed to supporting effective implementation of the *ESEA* and *IDEA* equitable services requirements in order to promote improved outcomes for participating private school students receiving these services. We appreciate the ongoing efforts of SEAs and LEAs, in conjunction with private school officials, to provide for the equitable participation of private school students and, as applicable, their teachers and parents in the *ESEA* and *IDEA* programs. At the same time, we believe there is an opportunity for SEAs and LEAs to provide higher quality, more consistent services to recipients. Accordingly, the Department has developed an action plan to improve the implementation of equitable services requirements under the *ESEA* and *IDEA* for eligible students enrolled in nonprofit private elementary and secondary schools and, as applicable, their teachers and parents. This plan focuses on four activities: Outreach, Promoting and Encouraging Promising Practices, Technical Assistance, and Monitoring. The following are the specific actions in each area that the Department is initiating:

Outreach

To build more effective relationships with the private school community and State Directors of Federal Education Programs, the Department will:

- Facilitate communications (including meetings, as appropriate) with national private school leaders to ensure ongoing discussion regarding the implementation of equitable services requirements under the *ESEA* and *IDEA*.
- Host conference calls twice each year with State Directors of Federal Education Programs to discuss the *ESEA* and *IDEA* equitable services requirements, progress and promising practices in the implementation of these services.

Promoting and Encouraging Promising Practices
To foster the use of promising practices that improve the implementation of equitable services requirements under the *ESEA* and *IDEA* in order to improve student academic achievement, the Department will:

- Encourage States, if they have not done so already, to establish a State-level private school working group, or similar structure, to oversee and facilitate effective communication and meaningful collaboration among nonprofit private elementary and secondary schools, the SEA and LEAs to ensure timely and meaningful implementation of equitable services requirements.
- Identify examples of promising practices for implementing equitable services requirements at the State and local level and disseminate this information through webinars, the Department's website and other appropriate mechanisms.
- Encourage SEAs and LEAs to be transparent in the implementation of the *ESEA* and *IDEA* equitable services requirements by posting protocols, pertinent documents and data on their websites. (One such example could be the information obtained from LEAs through the record-keeping requirements under the *IDEA* (34 CFR §300.132(c)) for parentally placed private school children with disabilities.)

Technical Assistance
To build the capacity of SEAs and LEAs to implement the statutory and regulatory requirements related to the provision of equitable services under the *ESEA* and *IDEA*, the Department will:

- Host webinars for State and local staff and private school officials that focus on the equitable participation of private school students and, as applicable, their teachers and parents in programs authorized under the *ESEA* and *IDEA*.
- Record and archive these webinars on the Department's website for future access by SEAs, LEAs and the private school community.
- Improve stakeholder understanding about allowable activities and uses of funds under the *ESEA* and *IDEA* statutes and regulations, through the dissemination of information.

Monitoring
To strengthen effective implementation of *ESEA* and *IDEA* equitable services requirements and to promote accountability for these services, the Department will:

- Continue to review the current *ESEA* and *IDEA* equitable services Federal monitoring protocols and practices and identify and implement process improvements as appropriate.
- Share information on technical assistance work and inquiries made to the Department regarding *ESEA* and *IDEA* equitable services requirements in order to promote better coordination among Department offices regarding equitable services concerns and use this information to assess potential areas for improvement.

Within the Department, the Office of Innovation and Improvement's (OII) Office of Non-Public Education (ONPE) will facilitate this plan in collaboration with Department offices responsible for administering *ESEA* and *IDEA* programs. In addition, the Department is developing an internal working group with representatives from these offices in order to effectively and efficiently implement the above listed action items.

The Department will provide additional information through the ONPE listserv and correspondence with SEAs, LEAs, Federal Education Program Directors and private school leaders. We welcome your support and suggestions as we carry out this plan to improve the implementation of equitable services requirements under the *ESEA* and *IDEA*.

Sincerely,

James H. Shelton III
Assistant Deputy Secretary
Office of Innovation and Improvement

Deborah S. Delisle
Assistant Secretary
Office of Elementary and Secondary Education

Michael K. Yudin
Delegated the authority to perform the functions of Assistant Secretary for Special Education and Rehabilitative Services