

## **Board Policy 2365: Participation of Private School Students in Federally Funded District Programs**

**Status:**

**Original Adopted Date: | Last Reviewed Date:**

It is the policy of the District to ensure, consistent with the number of students who reside within District boundaries who are enrolled in private elementary schools and secondary schools, who would otherwise be eligible to receive federally funded educational services, to make such services available to students attending private schools.

To accomplish this objective, the Superintendent shall:

1. Initiate timely and meaningful consultation with appropriate private school officials to effectuate provision of services to eligible children, on an equitable basis and individually or in combination, as requested by the officials, by providing covered special educational services, instructional services (including evaluations to determine the progress being made in meeting such students' academic needs), counseling, mentoring, one-on-one tutoring, or other federally funded benefits (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and
2. Ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to District Policy 2420 on parent engagement.
3. Ensure that such educational services or other benefits, including materials and equipment, are secular, neutral, and non-ideological.
4. Ensure that the educational services and other benefits for such private school children are equitable to the services and other benefits for participating public school children, and are provided in a timely manner.
5. Assign an employee to help ensure such equity for such private school children, teachers, and other educational personnel.
6. Ensure the expenditures for educational services and other benefits to eligible private school children are equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools. The proportional share of funds is determined based on the total amount of federal funds received by the District for education services prior to any allowable expenditures or transfers by the local educational agency. Funds allocated to the District for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the District.
7. Ensure notice is provided in a timely manner to the appropriate private school officials served by eligible students of the allocation of funds for educational services and other benefits that the District determines are available for eligible private school children. Such notice shall be provided at least every two years. These services may be provided to eligible private school students either directly or through contracts with public and/or private agencies, organizations, and institutions.
8. Ensure that timely and meaningful coordination with appropriate private school officials during the development of the District's programs for the purpose of reaching an agreement

on how to provide equitable and effective services to eligible private school children, the results of which agreement shall be provided to the employee designated by the Superintendent. The consultation should include identification of:

- 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 academically assessed and how the results of that 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, the proportion of funds allocated for such services, and how that proportion of funds is determined;
  - F. The method or sources of data that will be used to determine the number of children from low-income families in the District's participating school attendance areas who attend private schools;
  - G. How and when the District will make decisions about the delivery of services to such children, 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;
  - H. How, in the event the District disagrees with the preferences of the private school officials regarding the provision of services through a contract, the District will provide in writing to the private school officials an analysis of the reasons why it has chosen to not use a contractor;
  - I. Whether the District will provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
  - J. Whether to provide equitable services to eligible private school children:
    - I. By creating a pool or pools of funds with all of the eligible federal funds based on all the children from low-income families in a participating school attendance area who attend private schools; or
    - II. In the District's participating school attendance area who attend private schools with the proportion of funds allocated under eligible federal funds based on the number of children from low-income families who attend private schools; and
  - K. When during the day the services will be available.
9. In the event there is any disagreement with the views of private school officials with respect to an issue described in paragraph (8), above, the Superintendent shall explain in writing to the private school officials the reasons why the District disagrees. The joint consultation meetings shall occur before the District makes any decision that affects the opportunities of eligible private school children to participate in funded programs. These meetings will continue throughout implementation and assessment of applicable services. The meetings will include discussion of how the District intends to deliver equitable services to eligible private school children. The District shall maintain in its records and provide to the State educational agency involved a written affirmation signed by all participating private school

officials that participated in meaningful consultation with the District as set forth above. The written affirmation shall provide the option for private school officials to indicate the officials' belief that timely and meaningful consultation had not occurred, or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the District shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State Department of Education.

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**Legal References**

20 USC § 6320

**Description**

Participation of Children Enrolled in Private Schools

**Cross References****Code**

4160

**Description**

[Parents Right-to-Know Notices](#)