



David P. Driscoll
Commissioner of Education

[Commissioner's Update Archive](#)

Commissioner's Update

January 21, 2003

Dear Superintendents, and Leaders of Charter Schools and Collaboratives:

In this update I have included four announcements and four items posted at www.doe.mass.edu/.

State Budget Update

At last week's MASS meeting, we promised to keep you informed of state budget developments which might affect your district. Last Friday the Governor signed legislation which gives him the power to reduce FY 03 local aid allotments. As of today, no decision has been made regarding the potential size of any local aid cut or which specific accounts might be affected. The legislation does specify that a school district's Chapter 70 aid may not be reduced if doing so would cause the district's net school spending requirement to fall below foundation.

FY 04 Federal Entitlement Grants

Here is some information that we can provide for you at this time regarding your inquiry about FY 04 federal entitlement grants:

Title I: The President has requested a one billion dollar increase for Title I for next year, but until there is agreement on the federal budget we cannot be sure of what allocations will look like for next year. For planning purposes, we suggest that school districts anticipate the lowest funding possible; 15% decrease from the current FY03 allocation.





Title I Special Education 94-142: We have not received amounts for our special education grant, even estimated, but we would recommend that the district plan is based on level funding and we will provide more information when it is available to us.



Quality Full Day Kindergarten: This is a state-funded program. We will have a better sense of its funding when the Governor submits House 1 in February and the House of Representatives submits its budget after that time.

Teacher Quality: Same as for 94-142 -- level funding for planning purposes.


Special Update on Reading First

Included in this [special update on Reading First](#) are five pieces of information promised at the December 16-17 and the December 18-19, 2002, Proposal Preparation Workshops.





1. The Massachusetts Department of Education's [Working Draft on Private Participation under the No Child Left Behind Act](#)
2. The [list of Reading First reading programs by other states](#)  is available. Most states, including Massachusetts, do not have approved lists.
3. The presentation on professional development that was given at the workshops is now available in power-point and includes sections of each of the following three parts:
 - a. [Roadmap and Action Plan for Professional Development](#) 
 - b. [Reading First Professional Development: State Questions](#) 
 - c. [Implementing Reading First Professional Development Plans](#) 

[Help for Viewing PowerPoint Presentations](#)
4. [The updated RFP "Massachusetts Reading First Plan \(MRFP\) Fund Code 728B"](#), that was distributed at the workshops is included again for use by districts
5. [A table with more specific disaggregated data by school](#)  for Reading First eligible districts is included and may be useful in grant preparation.
6. [Recommended Criteria for Evaluating Instructional Materials and Programs in Reading](#) 

Singapore Mathematics Presentation

Due to the overwhelming interest in the Singapore Mathematics program, we will be repeating the Singapore Mathematics Information Session on Friday, January 31, at Worcester State College. This unique instructional program has generated strong interest and much success internationally, including in Massachusetts. I invite you to come and learn about its merits. Limited funding opportunities may be available for interested districts. Please see the [Singapore Mathematics Informational Session Flyer](#)  for registration information.

Here are the four items recently posted at www.doe.mass.edu/:

1. Working Draft on Paraprofessional Qualifications 
2. Working Draft on Private School Student and Educator Participation in ESEA/NCLB Programs 
3. Singapore Mathematics Information Session 
4. Student Information Management System V2 

It was great to see so many of you at the MASS Mid-Winter Conference last week.

All the best, and

Sincerely,

David P. Driscoll
Commissioner of Education

[E-mail this page](#) | [Print View](#)

Massachusetts Department of Education

[Search](#) · [Site Map](#) · [Privacy](#) · [Site Info](#) · [Contact DOE](#)



David P. Driscoll
Commissioner of Education



Mark McQuillan
Deputy Commissioner

No Child Left Behind

Working Draft on Paraprofessional Qualifications


To: Interested Parties

From: Mark K. McQuillan
Deputy Commissioner of Education

Date: January 3, 2003

The Elementary and Secondary Education Act (ESEA), as re-authorized by the *No Child Left Behind Act of 2001 (NCLB)*, requires instructional paraprofessionals working in Title I school-wide and targeted assistance programs to upgrade their skills and abilities to help under-achieving students learn complex subject matter.

The attached document contains explanations of some of the law's provisions, how they will be carried out in Massachusetts, and what assessment options school districts will have in order to comply with the new regulations. Much of the information in this document has been drawn from federal guidance documents posted on the [United States Department of Education \(USED\) website](#).

Since the issues surrounding paraprofessionals are of interest to so many different constituencies, we would like to give this paper as wide a reading as possible before it is put into final form. As such, the Massachusetts Department of Education will hold this document as "[working draft](#)"  until February 14, by which time I hope to have completed all of the relevant work needed to publish it for statewide distribution. I would appreciate receiving your feedback on the usefulness of this document and on ways it could be made more "user friendly."

Should you wish further information, please feel free to contact my office at 781-338-3109 or Carole Thomson, Associate Commissioner, at 781-338-6201.

[E-mail this page](#) | [Print View](#)

**Massachusetts' Policies for
Instructional Paraprofessionals in Title I Funded
Targeted Assistance and School-wide Programs**

A. Introduction

The recent reauthorization of the Elementary and Secondary Education Act (ESEA) through the No Child Left Behind Act of 2002 specifies new employment requirements for instructional paraprofessionals working in Title I funded targeted assistance and school-wide programs. The law requires newly hired paraprofessionals to have higher levels of education and requires current paraprofessionals to upgrade their skills and abilities to help under-achieving students learn complex subject matter.

The demand for higher employment standards as set forth in the Act will do much to build the type of work force needed to overcome achievement gaps that have long separated advantaged and disadvantaged students. These requirements will lead to significant changes in the hiring and training practices of most Massachusetts schools. Below, we set forth the policies and procedures governing qualification requirements for paraprofessionals in Title I targeted assistance and school-wide programs.

B. Definition of Instructional Paraprofessional

As defined in US Department of Education guidance, an instructional paraprofessional is an individual who has instructional duties. Individuals who work solely in non-instructional roles, such as food service, cafeteria or playground supervision, personal care services, and non-instructional computer assistance are not considered to be instructional paraprofessionals

Please note that the term instructional paraprofessional, as used throughout this document, refers solely to those instructional paraprofessionals in Title I funded targeted assistance or school-wide programs. For additional guidance from the USED No Child Left Behind website, consult <http://www.ed.gov/offices/OESE/SASA/paraprofessional.html>

C. Responsibilities of Instructional Paraprofessionals

Section 1119 (g) of ESEA specifies that instructional paraprofessionals may engage in the following activities:

- Provide one-on-one tutoring for eligible students, if the tutoring is scheduled at a time when a student would not otherwise receive instruction from a teacher
- Assist with classroom management, such as organizing instructional and other materials
- Provide assistance in a computer laboratory
- Provide support in a library or media center
- Provide instructional services to students under direct supervision of a teacher

All instructional paraprofessionals must be supervised directly by teachers; instructional paraprofessionals cannot be supervised by peers.

D. Required Qualifications, Skills and Knowledge

Instructional paraprofessionals must possess specific skills and knowledge in reading, writing, mathematics and instruction to be considered qualified to practice. To demonstrate proficiency in these areas, federal law requires instructional paraprofessionals to have:

- (1) earned a high school diploma or its equivalent (e.g., the GED); and
- (2) earned an associate's (or higher) degree; *or* one of the following:

- completed at least two years, or 48 hours, of study at an institution of higher education; or
- taken and passed a formal assessment measuring one's knowledge of and ability to assist classroom teachers in reading, writing, and mathematics.

These two requirements apply to all instructional paraprofessionals (including special needs aides and tutors) carrying out instructional duties in a school-wide program, without regard to whether the position is funded with Federal, State, or local funds. In a school-wide program, Title I funds support all teachers and paraprofessionals, by definition.

In a targeted assistance program, moreover, *any* instructional paraprofessional who is paid for with Title I funds, must also meet the new standard. Again, this applies to special needs aides and tutors if their positions are wholly or partially funded by Title I dollars.

Two categories of paraprofessionals exempted from these requirements are:

- Paraprofessionals in Title I programs who serve primarily as *translators* (as long as these paraprofessionals are proficient in English and a language other than English); and
- Paraprofessionals working solely on parental involvement activities.

E. Timelines for Meeting Paraprofessional Standards

Instructional paraprofessionals hired before January 8, 2002 have until January 8, 2006 to meet federal requirements listed above. Instructional paraprofessionals hired after January 8, 2002 must meet both conditions as an immediate prerequisite of employment. Stated differently, after January 8, 2002, no instructional paraprofessional who will be employed in a Title I targeted assistance or school-wide program may be hired unless he/she meets the new federal standard for Title I paraprofessionals.

F. Pathways for Meeting Paraprofessional Qualifications in Massachusetts

Instructional paraprofessionals in possession of a high school diploma or its equivalent, now have the opportunity to meet the post-secondary requirements of *No Child Left Behind* by pursuing one of the three options, or pathways, listed below. These pathways are open to both incumbent and prospective instructional paraprofessionals working in Massachusetts.

Proof of successful completion of Pathways 1, 2 or 3 will enable an instructional paraprofessional to work in *any* Title I school-wide or targeted assistance program in Massachusetts, and school districts will be expected to honor this documentation. Stated differently, requirements met once do not need to be met again if an instructional paraprofessional begins working in a new school system.

- Pathway 1: 48 Credit Hours of Coursework or an Associate's Degree

Incumbent and prospective instructional paraprofessionals may satisfy the federal requirements by obtaining an associate's (or higher) degree; or by completing at least two years of study, or 48 credit hours of coursework, at an institution of higher education. This coursework may be completed at community colleges, colleges, universities or institutions of higher education (IHE); or in a district program offered locally in conjunction with an IHE and/or through an educational collaborative working in conjunction with an IHE.

- Pathway 2: Formal State Assessment

Incumbent and prospective instructional paraprofessionals may also take and pass a formal, standardized test endorsed by the Department in order to meet the new requirements. The Department is currently considering published tests such as the College Level Examination Program (CLEP) or Paraprofiler (ParaPro) offered through ETS; and/or a paraprofessional exam developed by the New York Department of Education.

- Pathway 3: Formal Local Assessment

Incumbent paraprofessionals hired before January 8, 2002 may also participate in a formal, locally-sponsored assessment. To this end, the Department will develop standards for paraprofessionals in the areas of reading, writing, mathematics and instruction. These standards will describe the essential skills and competencies needed to assist classroom teachers working in Title I school-wide or targeted-assistance programs.

Options	Pathway 1	Pathway 2	Pathway 3
NCLB Requirements	HS Diploma; <u>and</u> Associate’s Degree; or Coursework at IHE; or Bachelor’s Degree or higher	HS Diploma; <u>and</u> Formal Standardized Test: <ul style="list-style-type: none"> • CLEP Achievement Examinations • ParaPro • NYSEexam • Other 	HS Diploma; <u>and</u> Formal Local Assessments: <ul style="list-style-type: none"> • Summary Evaluation • Portfolios; or Local Course of Study Sponsored by a: <ul style="list-style-type: none"> • Local District (LEA) • Collaborative • Staff-Development Consortium
Pathways Open to <i>Incumbent</i> Paraprofessionals Hired <u>before</u> January 8, 2002	Yes	Yes	Yes
Pathways Open to <i>Prospective</i> Paraprofessionals wishing to be hired <u>after</u> January 8, 2002	Yes	Yes	No

Once approved by the Commissioner of Education, these standards will define the framework needed by local districts and charter schools to develop local assessment programs that will formally document, summarize and confirm each instructional paraprofessional’s competence to work with students receiving Title I services.

Each district choosing to develop a formal local assessment will be expected to demonstrate how its program aligns with the standards set forth by the Commissioner; fits into the system’s District Improvement Plan; and adheres to Massachusetts’ criteria for high quality professional development. Although this program will need to be updated annually, as part of state and federal reporting requirements, districts will determine how best to design an assessment tool that represents either:

- a summary evaluation of an individual’s proficiency in mathematics, reading, writing and ability to assist instruction, or

- a prescribed set or sequence of courses and/or activities that will demonstrate proof of an individual's attainment of competency. The assessment designs will vary depending upon local needs.

Summary evaluations may be based on: prior end-of-course grades, projects, "reflection" papers accompanying locally-sponsored workshops, seminars, training institutes, or professional development programs offered to teachers and other instructional personnel; *or* individual portfolios documenting competencies acquired through previous work experiences or related educational programs.

Districts may also administer a prescribed course of study which, when completed over a period of months and years, will result in a paraprofessional being declared competent to work in an instructional capacity. This course of study may be the route taken by incumbent instructional paraprofessionals, or other non-instructional paraprofessionals who, after working in a district, may choose to enroll in the program in order to move into a new role with new responsibilities. Prescribed local programs may be taught by district personnel or consultants; or they may be sponsored through educational collaboratives or other staff development organizations that offer structured coursework in mathematics, reading, writing and instruction, based on statewide standards.

G. Accountability Provisions for Districts and Charter Schools

When choosing among the various options, districts will be expected to offer assurances that their local assessment programs: (1) comply with both the federal regulations and state requirements for district-wide professional development programs; and (2) are supported by the records of their employees' work and/or assessment results. As specified in the federal statute, each district and charter school must require principals in schools that operate a Title I funded targeted assistance or school-wide program to attest annually in writing that his/her school is in compliance with the employment requirements outlined for paraprofessionals. Copies of those assurances shall be maintained at both the school and the district's central office and made available to the public and the Department upon request (Section 1119 (i)).

H. New Federal Requirements in Relation to Collective Bargaining

School officials in a district that has a collective bargaining agreement covering instructional paraprofessionals should consult with the district's legal counsel about how to implement the new federal requirements consistently with state labor law and the collective bargaining agreement. The federal law applies only to paraprofessionals working in instructional roles who are assigned to Title I school-wide or targeted assistance programs funded with Title I money. Any paraprofessional currently employed in the district who either transfers or is re-assigned to work in a Title I school or classroom must meet the new requirements by 2005-2006. All instructional paraprofessionals in Title I programs, regardless of their date of hire, must have a high school diploma or equivalent.

School officials should review any applicable collective bargaining agreement and work with the paraprofessionals' representative in determining how to implement the new requirements for Title I instructional paraprofessionals. In addition, in districts that have a collective bargaining agreement with paraprofessionals, topics subject to bargaining may include:

- the terms and effects of voluntary and involuntary transfers from non-Title I schools to Title I schools
- pay differentials based on educational attainment
- opportunities for coursework offered through the district or institutions of higher education
- opportunities for reimbursement for taking courses at institutions of higher education;
- changes in working conditions resulting from implementation of the federal law; and
- such other matters as may fall within the purview of the district's local collective bargaining agreement or the collective bargaining requirements of Chapter 150E.

While each district will address these matters differently, all districts and charter schools will as a matter of Massachusetts General Law, be obligated to bargain with paraprofessionals working under a collective bargaining agreement.

I. Planning for Ongoing Professional Development

Once paraprofessionals have demonstrated that they possess the skills and knowledge required by statute, they should be encouraged to continue to participate in professional development opportunities that address the standards and promote their continued professional growth. This professional development may be offered through a school district's planned professional development activities or by other registered professional development providers. Districts and charter schools are encouraged to make use of federal funding available through Title IA, Title IIA and D, Title III, and Title V, to help support local professional development programs.

The Department strongly encourages districts and charter schools to develop short-term and long-range strategies for meeting the new federal requirements. While the *No Child Left Behind Act* affects instructional paraprofessionals in Title I programs, the new rules provide schools and districts an opportunity to develop comprehensive staffing plans for all support personnel--including non-Title I paraprofessionals. Simply transferring paraprofessionals to different assignments in order to comply with the new law is not an effective long-term strategy. Over time, strengthening the qualifications and professional development of all instructional paraprofessionals will eliminate disparities and enhance the quality of education that students receive.

J. Programs and Guidelines

The intricacies of setting up a comprehensive assessment program for all Title I paraprofessionals statewide are considerable. As such, the Department of Education plans to work with districts, schools, collaboratives, and institutions of higher education to develop and strengthen programs for instructional paraprofessionals. Guidance to districts and charter schools on how to set up local programs, administer, and document the results of these formal assessments; or collaborate with community colleges, educational collaboratives, or other institutions of higher education, will be published in February 2003. The Department also will issue Standards for Instructional Paraprofessionals Practicing in Massachusetts Public Schools, along with guidelines for local assessments and information about how to prepare for the state assessment.

K. Follow-up Documents Soon to be Issued

- Standards for Instructional Paraprofessionals
- Guidelines for Setting Up Program Offerings with IHEs, Community Colleges
- Guidelines for Setting Up Local Assessment Programs using funds from Title I, IIA, IID, III, and V
- Guidelines for Documenting and Meeting Title I Reporting Requirements for Paraprofessionals
- Information and Instructions on how to take the ParaPro or other Formal Tests of Subject Area Preparedness



David P. Driscoll
Commissioner of Education



Mark McQuillan
Deputy Commissioner


No Child Left Behind

Working Draft on Private School Student and Educator Participation in ESEA/NCLB Programs

To: Interested Parties
From: Mark K. McQuillan
Deputy Commissioner of Education
Date: January 3, 2003

The Elementary and Secondary Education Act (ESEA), as re-authorized by the *No Child Left Behind Act of 2001 (NCLB)*, provides educational services and benefits to private school students and educational personnel, including those in religiously affiliated schools. These services are meant to provide assistance to students and educators, **not** to the private schools themselves. The re-authorized ESEA requires the equitable participation of private school students and educational personnel in some of its major programs. Many of the requirements are the same as those in the prior legislation. However, in some areas there have been changes.

The attached document contains explanations of some of the law's provisions, brief summaries of each program, and questions and answers regarding the participation of private school students and educational personnel in the programs. Information is also provided on the transfer of funds from one program to another. Much of the information in this document has been drawn from federal guidance documents posted on the [United States Department of Education \(USED\) website](#).

Since the USED is still issuing guidance on these programs, the Massachusetts Department of Education will keep this document in "[working draft](#)"  form until all related federal guidance has been finalized. The Department compiled this information to provide assistance to public and private schools as they work together on implementing the equitable participation requirements of the federal programs. I would appreciate receiving your feedback on the usefulness of this document and on ways it could be made more "user friendly."

Should you wish further information, please feel free to contact my office at 781-338-3309 or Carole Thomson, Associate Commissioner, at 781-338-6201.

MASSACHUSETTS DEPARTMENT OF EDUCATION

Working Draft 1/3/03

PRIVATE SCHOOL STUDENT AND EDUCATOR PARTICIPATION IN ESEA/NCLB PROGRAMS

The No Child Left Behind Act of 2001

The Elementary and Secondary Education Act (ESEA), as reauthorized by the *No Child Left Behind Act of 2001 (NCLB)*, provides educational services and benefits to private school students and educational personnel, including those in religiously affiliated schools. These services are considered to be of assistance to students and educators and not to private schools. The reauthorized ESEA requires the equitable participation of private school students and educational personnel in some of its major programs. Following are explanations of some of the law's provisions, brief summaries of each program, and questions and answers regarding the participation of private school students and educational personnel in the programs. Information is also provided on the transfer of funds from one program to another. Much of the information in this document has been drawn from federal guidance documents posted on the United States Department of Education website: www.ed.gov

The following programs, which are administered by the Massachusetts Department of Education, are addressed in this document:

- Title I, Part A—Improving Basic Programs Operated by LEAs
- Title I, Part B—Reading First
- Title II, Part A— Improving Educator Quality
- Title II, Part D—Enhancing Education Through Technology
- Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement
- Title IV, Part A—Safe and Drug-Free Schools and Communities
- Title IV, Part B—21st Century Community Learning Centers
- Title V, Part A—Innovative Programs
- Transferring NCLB Funds

QUESTIONS AND ANSWERS

Following are questions and answers to general and program specific private school participation requirements of No Child Left Behind.

GENERAL:

The following questions and answers apply to all of the programs listed on page 1 unless otherwise noted.

1. *What does equitable participation by private school students and educational personnel mean?*

The Uniform Provisions in Title IX of ESEA, sections 9501-9504 govern the participation of private school students and educational personnel in the ESEA programs. <http://www.ed.gov/legislation/ESEA02/pg111.html>

Under the Uniform Provisions, local education agencies (LEAs) or other entities receiving federal financial assistance are required to make educational services available to eligible private school students and educational personnel consistent with the number of eligible students enrolled in private elementary and secondary schools in the communities or geographic area served by the LEA. These educational services and other benefits must be comparable to the services and other benefits provided to public school students and educational personnel participating in the program and must meet the needs of private school students and educational personnel. The services are to be provided in a timely manner. Private schools are not required to accept the educational services.

To ensure equitable participation, the LEA receiving federal financial assistance must:

- consult with private schools to assess, address, and evaluate the needs of private school students and educators;
- spend an equal amount of funds per student to provide services;
- provide private school students and educators with an opportunity to participate in activities equivalent to the opportunity provided to public school students and educators; and
- offer services that are secular, neutral, and non-ideological.

Two of the federal programs administered by the Massachusetts Department of Education (Department) contain their own federal provisions for the equitable participation of private school students and teachers, which differ, in some respects, from the Uniform Provisions. These are: Title I, Part A, Improving Basic Programs Operated by LEAs, and Title V, Part A, Innovative Programs. Information on these provisions can be found in the program specific sections.

2. *What are the requirements for timely and meaningful consultation?*

To ensure timely and meaningful consultation, the LEA shall consult with appropriate private school officials during the design and development of the programs under this Act. At a minimum, the LEA must consult with private school representatives on:

- how the needs of private school students, and educational personnel will be identified;
- 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;
- the size and scope of the equitable services to be provided to the eligible private school students and educational personnel and the amount of funds available for those services; and
- how and when the LEA 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.

The LEA is to consult with private school administrators prior to the submission of the grant application to the Department. During the grant application process, the Massachusetts Department of Education will collect information on how the LEA has complied with this requirement.

3. *What happens if there is a disagreement between the LEA and the private school on the provision of services through a contract with a third party?*

If the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA shall provide to the private school officials a written explanation of the reasons why it has chosen to use or not use a contractor. The LEA should maintain copies of this written communication.

4. *Must an LEA contact the officials of all private schools every year, even when there have been no recent indications of a desire to participate in the federal program(s)?*

Yes. The LEA is required to contact appropriate officials of all private schools within the boundaries of the school district annually to determine if they want their educators and/or students to participate in the program, regardless of whether or not those officials have indicated any interest in program participation in the past. In addition, for Title I the LEA must contact the private schools in other communities that are serving eligible students who are residents of the school district.

5. *When must an LEA consult with appropriate private school officials?*

To ensure timely and meaningful consultation, an LEA must consult with appropriate private school officials during the design and development of the proposed programs and prior to the submission of the grant application to the Department. Decisions that affect the opportunities of eligible private school educators and/or students to participate in federal program activities should be made only after discussions have taken place. [Section 9501(c)(3) and (4)].

6. *May an LEA require private school representatives to submit written documentation in order to receive services?*

LEAs may request that reasonable documentation be submitted in a timely manner, as needed, from private school officials to help the LEA identify educational services that may be appropriate to the needs of private school students and educators. Such documentation should be limited to a description of the needs of the students and/or educators and a brief description of the services and programs desired to meet those needs.

7. *What kinds of records should an LEA maintain in order to show that it has met its responsibilities for equitable participation of private school educators and/or students?*

To meet its general record-keeping responsibility, an LEA should document that: (a) representatives of private schools were informed of the availability of services; (b) the needs of private school educators and/or students were identified; (c) private school officials were consulted and provided an opportunity for input into the planning of the LEA's program activities; (d) the amount of funds made available were equitable to that for public school students and educators; and (e) the LEA-designed project met the needs of the private school educators and/or students.

The LEA also should maintain records of its efforts to resolve any complaints made by private school representatives regarding equitable services.

Note: For Title I, see Question A. 7 in the Program Specific section.

8. *Who has control of the funds?*

The LEA maintains control of the federal funds used to provide services under the grant programs funded through the No Child Left Behind Act. It also maintains title to materials, equipment, and property purchased with those funds. LEAs may allow the private schools to keep the items from year to year, in accordance to approved ongoing activities, so long as records are maintained.

9. *How does the Massachusetts Department of Education receive and use information on private school student enrollment?*

Each September, private schools are asked to complete the Individual School Report (ISR) that collects aggregated student enrollment by grade, gender,

residence, race, first language not English, low-income, migratory, and eligibility for free and reduced priced lunch.

Each September, the Department mails the Private ISR is mailed to all private schools in the Commonwealth and to the local public school superintendent. The private schools are asked to submit two copies to the local public school superintendent by October 11. The school district sends one copy to the Department by October 15, and the other is kept for use by the district. The ISR form is located under sample forms at:
<http://www.doe.mass.edu/infoservices/data/guides.html>.

The Department uses the private school and public school enrollment information to calculate a school district's grant entitlement amount in accordance with the specific formula for each grant program. For example, the Title I formula determines private school allocations based on whether or not a private school student lives within the district boundaries.

The formulas for other Titles base allocations on the total enrollment at a private school and not on residency. This means that all students in the private schools , including those who are not residents of the community, are counted for allocation purposes.

10. *Are private school students and educators entitled to equitable participation in competitive grants as well as in formula grants?*

In some cases, private school students and educators are entitled to equitable participation in competitive grants. These competitive grant programs include 21st Century Learning Centers, Reading First, Even Start, and Title IID: Enhancing Education Through Technology.

LEAs seeking these competitive grant funds must consult with appropriate private school officials during the design and development of the proposal prior to its submission. The Department will include information in this regard in the relevant Requests for Proposals (RFPs).

11. *How can private schools assist the LEA in meeting the obligation for equitable participation and consultation?*

Private schools can facilitate the process by:

- completing and submitting the Private ISR to the local superintendent by October 11 each year (see #9 above);
- responding to the LEA's request for information in a timely manner;
- providing documentation on the needs of students and educators in accordance with each grant program's requirements; and
- assessing student achievement in accordance to the grant program requirements (see A.1, B.1, E.3).

12. *What recourse is available if an LEA will not use its federal funds to provide equitable services to private school students and educational personnel?*

The private school should first work to resolve the concerns at the local level. If this does not work, then concerns about an LEA's failure to provide equitable services to private school students and educational personnel may be submitted in writing to the Deputy Commissioner's Office at the Massachusetts Department of Education. The state Department's resolution may be appealed to the United States Department of Education.

13. *Do charter schools need to provide equitable services to private schools?*

No. Although charter schools are considered LEAs for the purpose of receiving federal entitlement funds, they are not subject to the provisions regarding equitable participation of private schools.

14. *Does the law require that LEAs provide equitable services with NCLB funding only to private "nonprofit" schools?*

Yes. Section 9501(a) requires LEAs to provide equitable services to teachers and students in "private elementary and secondary schools." NCLB defines "elementary" and "secondary" schools to mean only "nonprofit institutional day or residential school(s)" [Section 9101(18) and (38)].

PROGRAM SPECIFIC INFORMATION

The following questions and answers pertain to specific programs.

A. Title I, Part A—Improving Basic LEA Programs: Overview

Title I, Part A, provides supplementary instruction by public school teachers or through a third-party contractor to students who are educationally disadvantaged and failing or are most at risk of failing to meet high academic standards, and who live in areas of high poverty. Instruction may take place during the school day, before or after school, or in the summer.

A.1. *What is the applicability of state academic assessment to private schools?*

Private schools, including private schools with Title I students, are **not** required to participate in a state's academic assessments. If a private school has students who receive Title I services, the LEA must consult with private school officials about how those students will be assessed.

Section 200.10 addresses this issue. Specifically, it states:

Nothing in Sec. 200.1 or Sec. 200.2 requires a private school whose students receive Title I services to participate in a State's academic assessment system.

(a) If an LEA provides services to eligible private school students, the LEA must, through timely consultation with appropriate private school officials, determine

how services will be academically assessed and how the results of that assessment will be used to improve those services.

(b) The assessments may be the State's academic assessments or other appropriate academic assessments. These Title I regulations for standards and assessment requirements went into effect on August 5, 2002, and are available at <http://www.ed.gov/legislation/FedRegister/finrule/2002-2/070502a.html>.

A.2. How are Title I funds for private school students determined?

Funds are generated on the basis of the number of students from low-income families who reside in participating public school attendance areas and attend private schools whether the private schools are located within or outside district boundaries. Private school students who reside within a Title I attendance area, and who are failing or most at risk of failing to meet high academic standards, are eligible for services.

Allowable methods an LEA may use for determining low-income private school students are:

- same poverty data as for the public school students
- comparable poverty data
- extrapolate data based on representative sample
- comparable data from a different source (e.g., scholarship applications)
- apply low-income percentage of each participating public school attendance area to the number of private school children who reside in that attendance area, or
- equated measure of low income correlated with the measure used for public school children. Final Regs. Sec. 200.78 (a)(2)(ii)(A-E)

After timely and meaningful consultation, "...the LEA shall have the final authority in determining the method used to calculate the number of private school children from low-income families." Final Regs. Sec. 200.78 (a)(2)(iv)

The amount of funds available to provide equitable services from the applicable reserved funds must be proportionate to the number of private school children from low-income families residing in participating public school attendance areas. Final Regs. Sec. 200.64 (a)(2)(i)(B)

Also, see Title I, Appendix D: Generating Funds for Services to Eligible Private School Students at:

http://finance1.doe.mass.edu/Grants/grants03/rfp/305_appn_d.html.

A.3. Where may Title I services be provided to private school students?

Title I services may be provided at the private school, including religiously affiliated schools, or at other locations. See Guidance on the Supreme Court's Decision in *Agostini v. Felton* and Title I (Part A) of ESEA at www.ed.gov/legislation/ESEA/feltguid.html.

A.4. *What services may be provided to private school students, parents, and educators?*

Services may include assistance through a pullout model, supplementary instruction, direct instruction, computer-assisted instruction, tutoring, counseling, family literacy, and early childhood programs. In addition, the law requires equitable participation of private school educators of Title I students in professional development activities and of parents of Title I students in parent involvement activities.

A.5. *Who may be contracted to provide services in private schools?*

Services shall be provided:

- by employees of the LEA or another public agency; or
- through a contract by the public agency with an individual, association, agency, organization, or other entity.

In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization. The employment or contract shall be under the control and supervision of the LEA.

A.6. *What qualifications must contracted service providers have?*

Educators hired with Title I, Part A funds must be “highly qualified” as defined by the No Child Left Behind Act of 2001. Information about this definition can be found at: [Draft Title II Non-Regulatory Guidance: Improving Teacher Quality State Grants](#)

A.7. *What records does the LEA need to maintain regarding private school participation in Title I services?*

Under Title I, LEAs are required to maintain records of an offer of consultation to officials at private schools where eligible students attend, as well as a written affirmation signed by an official for each participating private school that the required consultation has occurred.

B. Title I, Part B — Reading First

Reading First provides funding to implement comprehensive reading instruction for students in kindergarten through third grade. Funds must be used for reading programs; instructional materials; professional development; administering screening, diagnostic, and classroom-based reading assessments; collecting and reporting data; and promoting reading and library programs. Private school students in the areas served by public schools receiving Reading First funds are eligible for services.

B.1. *Are private school students eligible to participate in the Reading First program?*

Yes. Funds awarded to LEAs under Reading First are subject to the requirements of Section 9501 of ESEA. The statute requires LEAs to provide private school

students and educational personnel with educational services that address their needs related to Reading First on an equitable basis with public school students and educational personnel. LEAs must provide these services in a timely manner.

Funds going toward educational services (and other benefits) for private school students and their educators must be equal on a per-pupil basis to the funds provided for participating public school students and educators, taking into account the number and educational needs of the students to be served.

All services and benefits provided to private school students and their educators under Reading First must be secular, neutral, and non-ideological.

LEAs seeking Reading First grants must consult with appropriate private school officials during the design and development of their Reading First plans on such issues as determining eligibility of private school students; identifying the students' needs; what services will be offered; how, where, and by whom services will be provided; and how the services will be assessed.

B.2. *How is the eligibility of private school students determined?*

In general, private school students in the areas served by public schools receiving Reading First funds would be eligible. This determination can be made *either* through private school students residing in the attendance area of a public school receiving Reading First funds, or by the location of a private school in the attendance area of a public school receiving Reading First funds.

C. Title II, Part A— Improving Educator Quality: Overview

Title II, Part A provides assistance for preparing, training, recruiting, and retaining high-quality teachers. The amount of funding available for services to private school personnel is governed by Section 9501 (b) (3), which requires equitable participation of private school education personnel to the extent that the LEA uses its funds for professional development.

Activities may include improving teachers' knowledge in the core academic subjects and effective instructional teaching strategies, technology integration training, teaching students with different learning styles, using assessments to improve instruction and student outcomes, involving parents more effectively, and educational leadership development.

C.1. *How does an LEA determine the amount of funds required for equitable services to private school educational personnel?*

Funds provided for professional development for private school teachers must be equal to the amount spent for public school teachers, on a per-pupil basis. Hence, on a per-pupil basis, expenditures for professional development for public and private school teachers must be equal. The statute assumes that the LEA spends, at a minimum, the amount expended by the LEA for professional development in

FY 2001 under the Eisenhower Professional Development and Class-Size Reduction programs

To determine the per-pupil allocation, LEAs should take the total amount allocated for professional development in the district and divide this amount by the total number of public school students and private school students (enrolled in private elementary and secondary schools in the area served by the LEA) to arrive at a per pupil amount. This per pupil amount should then be multiplied by the total number of students enrolled in private schools to arrive at a total amount of funds to be designated for professional development for non-public school educators participating in the program.

When calculating the total amount of funds to be used for professional development, an LEA may first deduct the cost of administering the professional development program under Title II, Part A, including activities for non-public school educators. See question C. 10.

C.2. *What happens if an LEA decides not to use any of its Title II, Part A funds for professional development? How does the LEA meet its obligation to provide for the equitable participation of private school educators?*

The LEA must set aside Title II, Part A funds for professional development for private school educators, even if the district decides not to use any of these funds for professional development activities. For purposes of determining the amount of Title II, Part A funds that an LEA must make available for services to private school educational personnel, the statute creates a presumption that the LEA is spending at least as much for professional development under Title II, Part A as it did in 2001-2002 under the Eisenhower Professional Development and federal Class-Size Reduction programs. The total amount of funds expended by the district for professional development under these prior grant programs would be the basis for determining the per-pupil amount and total allocation for private school educators. See Title IX, section 9501(b)(3)(B) of ESEA.
<http://www.ed.gov/legislation/ESEA02/pg111.html> .

This is an ongoing requirement. That is, as long as the LEA receives Title II, Part A funds, it must assume that it is spending at least as much for professional development under Title II, Part A as it did in 2001-2002 under the Eisenhower Professional Development and federal Class-Size Reduction programs for purposes of calculating the equitable amount of funds to be spent on professional development for private school educators.

C.3. *How does the LEA ensure that it is providing equitable services?*

In order to ensure that it is providing equitable professional development services to private school educational personnel, the LEA should consider ways to:

- assess, address, and evaluate the needs and progress of both public and private school educators;
- spend an equal amount of funds per student to serve the needs of public and private school educators and their students;
- provide private school educators with an opportunity to participate in Title II activities equivalent to the opportunity provided public school educators; and
- offer educational services to private school educators that are secular, neutral, and non-ideological [*Section 9501(a)(2)*].

C.4. *What are some of the eligible activities under this program in which private school teachers and other educational personnel may participate?*

As with any activity sponsored by the LEA for public school educators, activities supported with Title II, Part A funds benefiting private school educators must meet the requirements of the Title II statute. Activities carried out for private school personnel must be based on a review of scientifically-based research and must be expected to improve student academic achievement. Only activities meeting these standards are eligible for funding.

Professional development activities may include:

- improving the knowledge of teachers, principals, and other educational personnel in one or more of the core academic subjects and in effective instructional teaching strategies, methods, and skills;
- training in effectively integrating technology into curricula and instruction;
- training in how to teach students with different needs, including students with disabilities or limited English proficiency, and gifted and talented students;
- training in methods of improving student behavior, identifying early and appropriate interventions, and involving parents more effectively in their children's education;
- leadership development and management training to improve the quality of principals and superintendents; and
- training in the use of data and assessments to improve instruction and student outcomes.

C.5. *Does the professional development program for private school teachers have to be the same as the professional development program for public school teachers?*

No. Consultation and coordination are essential to ensuring high-quality, sustained, intensive, and classroom-focused professional development activities for private school teachers. LEAs must assess the needs of private school educators in designing the professional development program for private school teachers. If the professional development needs of the private school educators are different from those of public school educators, the LEA, in consultation with private school representatives, should develop a separate program with the private schools' equitable share. In designing the program to meet the needs of private

schools, an LEA may “pool” the funds for the schools and allow the private schools to do joint planning.

C.6. *What happens if an LEA's professional development offerings address some, but not all, of a private school's needs? How are costs calculated for private school participation in these activities and how does this affect the total private school allocation?*

After consultation, a district and private school may decide that the district's professional development activities address some of the private school's needs, but not all. Therefore, they may determine that the private school should participate in those activities and receive a reduced allocation to address its other needs. This reduction in allocation would reflect the cost of a private school's participation in a district's activity.

To arrive at the reduced allocation the district would determine the cost of the professional development activity that the private school wants to attend, then divide the total cost by the number of total participants in order to arrive at a per participant figure for that particular district offering. The district would then multiply the number of private school attendees by the per participant cost. This would provide the private schools with the cost for participating in the activity. The district and private school would then deduct this amount from the total private school allocation. The private school would be able to use the remainder of its “allocation” for other activities that address its needs.

C.7. *May funds be used to support the acquisition of advanced degrees by private school teachers?*

Yes. An LEA may use Title II, Part A funds to support a teacher's acquisition of an advanced degree if, in doing so, the degree program is consistent with the results of the needs assessment conducted for private school teachers. The financial support must be for graduate courses that would enable the teacher to provide more effective instruction.

C.8. *May funds be used to pay stipends to private school educators participating in a Title II, Part A, Improving Educator Quality Grants professional development program?*

Yes. Title II, Part A funds may be used to pay for stipends for private school educators. The use of funds for stipends must be reasonable and necessary. For example, if the professional development activity is conducted during after-school hours or in the summer, stipends may be needed to compensate educators for their participation outside their regular employment hours. The stipends must be paid directly to the private school educators for their own use and not to the private school.

C.9. *May Title II, Part A, Improving Educator Quality Grants funds be used to pay for substitute teachers who replace teachers from private schools while they attend professional development activities?*

No. The Title II, Part A program does not authorize payments to private schools to be used for hiring substitute teacher.

C.10. *May Improving Teacher Quality State Grant funds be used to pay any portion of a private school teacher's salary or benefits?*

No. While LEAs must set aside an amount of Title II, Part A funds for the equitable participation of private school teachers in professional development activities, funds may not be used to pay or subsidize any portion of a private school teacher's salary or benefits.

C.11. *May administrative costs be considered in determining the per-teacher expenditures for private school teachers?*

Yes. LEAs pay the costs of administering professional development programs for public and private school educational personnel "off the top" of their total allocation. This is calculated before determining how much of the Title II, Part A funds are to be made available for professional development of public and private school educators.

To determine the amount of Title II, Part A funds that an LEA must make available for equitable services to private school educational personnel, the LEA must assume that it is spending at least as much for professional development under Title II, Part A as it did in 2001-2002 under the Eisenhower Professional Development and federal Class-Size Reduction programs. This amount cannot be reduced by charging administrative costs to this portion.

C.12. *Must the LEAs administer and retain control over the Title II, Part A, Improving Educator Quality Grants funds used to serve private school educators?*

The LEA must administer and retain control over the funds and, therefore, may not provide program funds directly to private schools

**D. Title II, Part D—Enhancing Education Through Technology:
Overview**

The Enhancing Education Through Technology program provides funds for innovative initiatives to support the integration of educational technology into classrooms to improve teaching and learning. Activities may include professional development in technology integration and the use of the Internet; distance learning initiatives; acquiring educational technology; and using technology to enhance parental involvement. This program is governed by the Uniform Provisions and requires the equitable participation of students and educators in private schools located in school districts that receive a Title IID grant.

D.1. *What do the equitable participation provisions in Title IID require LEAs to do?*

LEAs must engage in timely and meaningful consultation with appropriate private school officials during the design and development of programs and continue the consultation throughout the implementation of these programs. Therefore, for both Ed Tech formula and competitive awards, the consultation should begin during the development of the local grant proposals. Eligible LEAs that seek both competitive and formula funding under Ed Tech may engage in consultations that simultaneously involve the Ed Tech competitive and formula grants.

LEAs must provide, on an equitable basis, educational services or other benefits that address the educational technology needs students and educational personnel in private schools in areas served by the LEAs.

Activities may include professional development in technology integration and the use of the Internet; distance learning initiatives; acquiring educational technology; and using technology to enhance parental involvement.

D.2. *Must the expenditures that the LEA provides for private school educators be equal on a per-pupil basis?*

Title II, Part D services for private school students and educational personnel must be equitable in relations to services to public school students and educational personnel. The law also requires that funds for private schools be equal on a per-pupil basis. Hence, on a per-pupil basis, expenditures for public and private school students and educators must be equal.

The per-pupil allocation is based on the number of eligible students "enrolled in private elementary schools and secondary schools in areas served" by the school district. Residence is not a factor.

D.3. *Who has control of the funds?*

The LEA maintains control of funds used to provide services under Title II, Part D. It also maintains title to materials, equipment, and property purchased with those funds.

E. **Title III, Part A—English Language Acquisition, Language Enhancement, and Academic Achievement: Overview**

The English Language Acquisition, Language Enhancement, and Academic Achievement program provides funds for helping limited English proficient (LEP) students attain English proficiency and meet the same challenging state academic content and student achievement standards as all students are expected to meet. Private school students and educators whose schools are located within an LEA that receives a grant from the state are eligible to participate in this program, as required by the Uniform Provisions.

E.1. *What is meant by “equitable” participation by public and private school students and educational personnel in a Title III program?*

Participation is considered to be equitable if the LEA (a) assesses, addresses, and evaluates the needs and progress of public and private school students and educational personnel on a comparable basis; (b) provides, in the aggregate, approximately the same amount of services to students and educational personnel with similar needs; (c) spends an equal amount of funds to serve similar public and private school students and educational personnel; and (d) provides both groups of students and educational personnel equal opportunities to participate in program activities.

E.2. *Must an LEA’s Title III program design be the same for both public and private school students and educational personnel?*

No. Consultation and coordination between LEA and private school officials are essential to ensure a high-quality program that meets the needs of the students being served and assists those students in attaining English proficiency and meeting the same challenging standards as all students are expected to meet. The LEA must assess the needs of private school students and educational personnel in designing a program that meets their needs. If their needs are different from those of public school students and educational personnel, the LEA, in consultation with private school officials, must develop a separate program design that is appropriate for their needs.

E.3. *Are private school students receiving Title III services required to participate in the English language proficiency assessments that are required of public school students receiving Title III services?*

Private school students receiving Title III services, like participating public school students, must be assessed annually for their level of English proficiency in the domains of speaking, listening, reading, writing, and comprehension. The state assessments may be used, if they are appropriate, or other assessments may be used. In any case, the assessments must be comparable to those used for the public school students and aligned with the academic learning standards established by the state or by the private school.

E.4. *Does the Title III requirement on language qualifications for teachers providing Title III services to public school students apply to teachers providing these services to private school students?*

Yes. Like teachers serving public school limited English proficient students, teachers providing Title III services to private school students must be fluent in English and any other language used for instruction.

E.5. *How are limited English proficient students identified?*

Private schools receiving Title III services must establish a consistent and reasonable process for identifying LEP students. This will entail using qualified staff and appropriate procedures and assessments to assess the ability of students whose first language is not English to do ordinary classwork in English.

Information on the number of LEP students in the private school should be recorded in the Private Individual School Report (ISR) form (see General Question #9).

**F. Title IV, Part A—Safe and Drug-Free Schools and Communities:
Overview**

The Safe and Drug-Free Schools and Communities Act supports programs that foster a safe and drug-free learning environment. Authorized activities include: drug, violence, and suicide prevention programs; professional development and training; developing school security plans; conflict resolution, community service, and character education programs; family involvement activities; counseling; mentoring; and emergency intervention services.

F.1. *What private school students can receive Title IV, Part A services?*

Any student attending a private school within the boundaries of the LEA and whose school chooses to participate in the program may receive services.

F.2. *Must an LEA's Title IV, Part A program design be the same for both public and private school students and educational personnel?*

To the extent consistent with the number of students who are enrolled in private elementary and secondary schools in areas served by the LEA, the LEA shall, after timely and meaningful consultation with appropriate private school officials, provide to those students and their educators, educational services or other benefits that address their needs under the program.

The required consultation shall occur before the LEA makes any decision that affects the opportunities of eligible private school students and educational personnel to participate in programs, and shall continue throughout the implementation and assessment of activities.

Educational services and other benefits provided for private school students and educational personnel shall be equitable in comparison to services and other benefits for public school students and educational personnel participating in the program and shall be provided in a timely manner. These services may or may not be the same as those provided to public school students and educational personnel.

Expenditures for educational services and other benefits for private school students and educational personnel serving those students shall be equal on a per pupil basis, taking into account the number and educational needs of the students to be served, to the expenditures for participating public school students and educational personnel.

F.3. *Who may provide the services?*

Services shall be provided:

- by employees of the LEA or another public agency; or
- through a contract by the public agency with an individual, association, agency, organization, or other entity.

In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the LEA.

F.4. *Who has control of the funds?*

The LEA maintains control of funds used to provide services under Title IV, Part A. It also maintains title to materials, equipment, and property purchased with those funds.

**G. Title IV, Part B—21st Century Community Learning Centers:
Overview**

The 21st Century Community Learning Centers (21st CCLC) program provides before- and after-school (including summer) services to students and their families that include academic enrichment activities, particularly for students who attend low-performing schools, to help them meet state and local student performance standards in core academic subjects. Activities may include remedial education, academic enrichment, art, music, tutoring, mentoring, recreation, technology, drug and violence prevention, counseling, character education, and family literacy. The Uniform Provisions apply to the 21st CCLC program and require the equitable participation of private school students and education personnel who are part of the target population.

G.1. *Are religious organizations, including entities such as religious private schools, eligible to receive 21st CCLC grants from the state Department of Education?*

Yes. Faith-Based Organizations (FBOs) are eligible to apply for a 21st CCLC grants provided they meet all statutory and regulatory requirements of this program. A local grantee, including a FBO may not discriminate against beneficiaries on the basis of religion. In matters of program eligibility, the Department may not discriminate against grant applicants with regard to religion.

Funds are to be used solely for the purposes set forth in this grant program. No funds may be expended to support religious practices, such as religious instruction, worship, or prayer. FBOs may offer such practices, but not as part of the program receiving assistance, and FBOs should comply with generally applicable cost accounting requirements to ensure that funds are not used to support these activities. For example, FBOs may wish to keep grant funds in a separate account or accounts to ensure that they are not used inappropriately.

OMB Circulars A-21 (for educational institutions) and A-122 (for non-profit organizations) provide further guidance regarding these accounting requirements.

G.2. *Are private school students and educational personnel eligible to participate in 21st CCLC activities carried out by public schools?*

Yes. Students and educational personnel are eligible to participate in 21st CCLC programs on an equitable basis. A public school or other public or private organization that is awarded a grant must provide equitable services to private school students, their families, and their educators if those students are part of the population identified for assistance.

H. Title V, Part A—Innovative Programs: Overview

Innovative Programs support education reform and innovative school improvement programs to improve school, student, and teacher performance. Private school students and educational personnel may receive professional development, library materials, and educational equipment. Other activities may include: community service programs; consumer education; purchase of computer hardware and software; programs to hire and support school nurses; school-based mental health services; programs for cardiopulmonary resuscitation training in schools; and parent and community involvement.

H.1. *How may private school students and educators receive services under Title V, Part A?*

An LEA must provide Title V, Part A services to private school students and educators if, after consultation with private school officials, the officials of the private school indicate that they wish their students and/or educational personnel to participate. The LEA must contact the private schools within the LEA annually to determine which schools wish to participate. The LEA must consult with the officials of interested private schools in a timely and meaningful manner to determine the needs of the students, the types of Title V, Part A services that will be provided, and how those services will be provided. The LEA provides those services on an equitable basis whether or not the services are the same Title V, Part A services the LEA provides to the public school students and educators. The expenditures for such services, however, shall be equal on a per pupil basis (consistent with the number of students enrolled) to Title V, Part A services provided to the public school.

When calculating the per-pupil allocation for Title V, Part A, the per-pupil allocation is based on the number of students "**enrolled** in private elementary and secondary schools in areas served" by the school district. Residence is not a factor.

LEAs pay the cost of administering Title V, Part A services for public and private school students "off the top" of their allocations, before calculating how much of the Title V, Part A funds are to be made available for services for public and private school students and educational personnel. [Section 5142(a) and (b).]

H.2. *What administrative requirements apply regarding the provision of services to private school students and educators?*

The services, materials, and equipment that an LEA provides for the benefit of participating private school students and educators must be secular, neutral, and nonideological. The control of Title V, Part A funds and the title to any equipment and materials purchased with those funds must remain in the LEA. No Title V, Part A funds may be paid to any private school, and the title to equipment and materials may not be transferred to any private school.

Title V, Part A services must be provided by a public agency either directly or through a contractor. Any contractor must be a person or an association, agency, or corporation who or that, in the provision of the Title V, Part A services, is independent of the private school and any religious organization. A public agency must supervise and have ultimate control over any contractor hired to provide Title V, Part A services.

Title V, Part A services for private school students must supplement, and in no case supplant, the level of services that would be available to participating students and educational personnel in the private schools in the absence of the Title V, Part A funds [*Sections 5142(a)(1)(A) and (c)*].

H.3. *How may an LEA ensure that Title V, Part A resources are provided in a proper manner for the benefit of private school students and educational personnel?*

LEAs should implement safeguards and procedures to ensure that Title V, Part A funds are used properly for private school students and educators.

First, private school officials should be fully informed of and agree to the limitations on the use of any equipment and materials located in the private school. LEAs should obtain from the appropriate private school official a written assurance that any equipment and materials placed in the private school will be used only for secular, neutral, and nonideological purposes; that private school personnel will be informed as to these limitations; and that the equipment and materials will supplement, and in no case supplant, the equipment and materials that, in the absence of the Title V, Part A program, would have been made available for the participating students.

Second, the LEA is responsible for ensuring that any equipment and materials placed in the private school are used only for proper purposes. The LEA should determine that any Title V, Part A materials, such as library books and computer software, are secular, neutral, and nonideological. A good benchmark for this review is that the equipment and materials would be appropriate for use in public schools.

The LEA should mark all equipment and materials purchased with Title V, Part A funds so that they are clearly identifiable as Title V, Part A property of the LEA. The LEA should maintain an up-to-date inventory of all Title V, Part A equipment and materials provided for the benefit of private school students. It is also a helpful practice for private schools to maintain logs to document the use of Title V, Part A equipment and materials located in their schools.

The LEA should perform periodic onsite monitoring of the use of the equipment and materials. The monitoring could include on-the-spot checks of the use of the equipment and materials, discussions with private school officials, and a review of any logs maintained.

Third, the LEA should designate one public school official to oversee Title V, Part A services for private school students and ensure that services, materials, and equipment provided for these students are secular, neutral, and nonideological. The designated official also should be responsible for receiving and handling any complaints or allegations that Title V, Part A funds are being used for improper activities for private school students and educators.

LEAs need to ensure that if any violations occur, they are corrected at once. An LEA must remove materials and equipment from a private school immediately if removal is needed to avoid an unauthorized use.

H.4. *May private school students and educational personnel receive services under any Title V, Part A innovative program area?*

If Title V, Part A funds are used to provide services for private school students and educators, these services must primarily benefit the students and educators, not the private schools. This means that the funds must be used to meet specific needs of students enrolled in the private schools, rather than the needs of the private schools themselves or the general needs of the students enrolled in the private schools. (See section 76.658 of the Education Department General Administrative Regulations (EDGAR).)

In working with private schools to decide what Title V, Part A programs and activities will be carried out for students and educational personnel in those schools, LEAs must ensure that the programs and activities are supplemental in nature and will meet the specific needs of the students enrolled in the schools. For example, LEAs may not use funds for class-size reduction purposes in a private school [*Section 5131(a)(1)*]. This use of funds, which would involve hiring teachers for private school classrooms, would meet the needs of the private schools themselves, as well as the general needs of the students enrolled in the schools, rather than the specific needs of those students. However, LEAs may use funds to provide professional development activities for educators in private schools [*Section 5131(a)(2)*].

There are several innovative assistance programs that, by their nature, cannot be carried out in a private school. These include: (1) the planning, design, and initial implementation of charter schools [Section 5131(a)(8)]; (2) activities to promote, implement, or expand public school choice [Section 5131(a)(12)]; and (3) programs to implement the unsafe school choice policy in section 9532 [Section 5131(a)(25)].

For all other innovative assistance programs, particularly those involving education reform or school improvement activities, LEAs must evaluate closely whether the activities proposed to be carried out in a private school will primarily benefit the students enrolled in the school or the school itself. If the latter, then the LEA may not permit that activity or program to be implemented in the private school. In some instances, a program or activity that primarily benefits the private school's students (because it addresses specific, rather than general, needs of the students) will also incidentally benefit the school. The LEA may permit a program or activity of this type to be carried out in the private school. However, LEAs must be careful in this determination and may not authorize any services whose purpose is to benefit the general needs of the private school or its students.

H.5. *What are the obligations of LEAs to private schools that did not participate in Title V, Part A programs in the preceding year?*

The LEA has the obligation to contact, on an annual basis, appropriate officials from private schools within the LEA to determine whether such schools desire that their students and/or educational personnel participate in Title V, Part A programs. This must be done for all schools whether or not they participated in the program during the previous year. Once a private school agrees on behalf of its students and educators to participate, the enrollment of those students is considered in calculating the allocation for the LEA for the following year. The method for calculating funds does not diminish the responsibilities of the LEA under section 5142.

H.6. *What happens if an LEA chooses not to participate in the Title V, Part A program?*

If no program is carried out in the LEA, the Massachusetts Department of Education shall make arrangements to provide students and educators in private schools in the LEA services and materials to the same extent as would have occurred if the LEA had received funds. These arrangements may be set up through contracts with contracts with nonprofit agencies or organizations.

I. Transferring NCLB Funds: Private School Involvement: Overview

In general, an LEA may transfer up to 50 percent of each fiscal year's funds that it receives *by formula* under the following provisions:

Title II, Part A -- Improving Educator Quality Grants

Title II, Part D – Enhancing Education Through Technology Grants

Title IV, Part A -- Safe and Drug-Free Schools and Communities Grants

Title V, Part A -- Innovative Programs

An LEA that has been identified for improvement under section 1116(c)(3) may transfer up to 30 percent of each fiscal year's funds that it receives *by formula* under each of the programs listed above. All of the transferred funds must be used for LEA improvement activities consistent with section 1116(c) of the ESEA. An LEA that has been identified for corrective action may not transfer funds from one program to another during the period that it is in corrective action status.

The questions and answers below focus on private school involvement in the transferring of funds. For complete guidance on this topic, check www.ed.gov/flexibility/transferabilityguidance.doc.

I.1. *Does the LEA need approval from the state Department of Education or from the United States Department of Education to transfer NCLB funds among eligible programs?*

The law authorizes an eligible LEA to transfer funds without seeking approval from either its state Department of Education or the United States Department of Education. Thus, an LEA does not have to apply for transferability authority – it already has that authority. However, the LEA must notify the state Department of Education of its intent to transfer funds at least 30 days before each transfer occurs.

I.2 *What steps must an LEA take before transferring funds?*

Before transferring funds, an LEA must:

- (a) conduct consultations in accordance with section 9501 of the ESEA in order to provide for the equitable participation of private school students and staff (*see II-C-2*);
- (b) determine what funds are to be transferred (subject to the applicable percentage limitation) and the programs to which the funds will be transferred on the basis of the LEA's priorities and after engaging in the consultations referenced in paragraph (1);
- (c) modify each affected LEA plan or application to account for the transfer;
- (d) establish an effective date for the transfer; and
- (e) notify the Department of the transfer at least 30 days *before* the effective date of the transfer. (If a transfer results in a significant change in the administration or operation of a local plan or application, the LEA must also submit to the Department, within 30 days after the transfer, a copy of its revised local plan or application.)

I.3. *How do requirements relating to the equitable participation of private school students and staff apply to funds that an LEA is considering to transfer?*

Each of the programs covered by the LEA transferability authority is subject to the equitable participation requirements of each title. Thus, before an LEA may

transfer any funds, it must engage in timely and meaningful consultation with private school officials. With respect to the transferred funds, private school students and teachers are entitled to receive equitable services from the LEA under the programs to which the funds are transferred.

An LEA may not transfer funds to a particular program solely to provide services for private school students and/or educators. Rather, the LEA provides equitable services to private school students and educators from the overall funds of a program, including the transferred funds.

I.4. *May an LEA transfer funds more than one time during a year?*

Yes. The law does not limit the number of times an LEA may transfer funds during a year.



An Invitation to **A Singapore Mathematics** **Informational Session**

Friday, January 31st, 2003
North South Auditorium, Student Center
Worcester State College, Worcester, MA
8:45 am - 12 noon

Due to the overwhelming interest in learning about Singapore Mathematics, we will be repeating the Singapore Mathematics Informational Session on Friday, January 31, 2003. Registration begins at 8:15 am. Please RSVP by Friday, January 24, 2003 to Michele Cipoletta at 781-338-3492 or mcipoletta@doe.mass.edu.

The Department of Education will be repeating the informational session on Singapore Mathematics on Friday, January 31st, 2003 from 8:45 am- 12:00 noon. This Initiative responds to the interest in the Singapore Mathematics curriculum indicated by Massachusetts educators attending the Department's May 2001 Mathematics Education Conference and by officials in the United States Department of Education at a recent meeting with Singapore's Minister of Education. The Singapore Mathematics curriculum is used by the highest scoring country in the world on the Third International Mathematics and Science Study.

Interested mathematics professors, mathematics education faculty, K-12 or K-8 mathematics curriculum directors, and other educational leaders are invited to attend this opening meeting to learn more about the Singapore Mathematics curriculum, both for professional development for elementary and middle school teachers and for implementation in elementary classrooms and in education courses for prospective early childhood and elementary teachers. As part of the morning program there will be a description of the successful implementation of this curriculum over the past three years in a large number of classrooms in the North Middlesex Regional School District. Harvey Champigny, Mathematics Curriculum Coordinator, 6-12, will present an analysis of its promising results. Professor Richard Bisk of Worcester State College, assisted by two teacher leaders from the North Middlesex schools, will offer detailed information on the mathematical content of the Singapore Mathematics curriculum; the alignment between the concepts and skills taught in the Singapore curriculum and the Massachusetts mathematics standards; North Middlesex teachers' and students' responses to the curriculum; and strategies for effective implementation of the Singapore Mathematics curriculum in pilot classrooms.

At this meeting, Department staff will describe the three major components of this year-long initiative:

- A Training Institute that will provide intensive training to interested mathematics professors, mathematics education faculty, and K-12 mathematics supervisors, in cooperation with the Rosenbaum Foundation of Chicago.

- Summer Content Institutes coordinated by Professor Richard Bisk and the two teacher leaders from North Middlesex Regional School District that will provide professional development for the classroom teachers who pilot the curriculum in their classrooms in the 2002-2003 school year. Participants in the Training Institute will also serve as faculty at the Summer Institutes.
- Follow-up support sessions throughout the school year for classroom teachers piloting the Singapore Mathematics curriculum.

At this meeting, the Department would like to identify mathematics and mathematics education faculty and district staff who are interested in participating as a team and piloting the Singapore Mathematics curriculum in at least two classrooms in a district, preferably K-5. The Department would also like to identify higher education faculty members interested in piloting the Singapore Mathematics curriculum as course content for prospective early childhood and elementary teachers.

The meeting will close with information about specific funding opportunities the Department will make available for participants in the Training Institute and for districts interested in applying for a Singapore Mathematics Summer Content Institute and follow-up support sessions.

RSVP required. Please contact Michele Cipoletta by Friday, January 24th at the Massachusetts Department of Education (mcipoletta@doe.mass.edu) or 781-338-3492.

Driving Directions to Worcester State College

From Massachusetts Turnpike (I-90):

Take Exit 10 (Auburn) to Rt. 290 East. (see from 290 East)

From Rt. 495:

Take Exit 25 to Rt. 290 West. (see from 290 West)

From Rt. 9 West:

Follow Rt. 9 West into Worcester. (see from Highland St.)

From Rt. 146 North:

Take Rt. 146 North to Rt. 290 East. (see from 290 East)

From Rt. 190 South:

Take Rt. 290 West. (see from 290 West)

From Rt. 290 West:

Take Exit 18 (Rt. 9 West); turn right off exit ramp and stay in center lane, following directions for Rt. 9 West. Turn right onto Rt. 9 West, also known as Highland Street. (see from Highland St.)

From Rt. 290 East:

Take Exit 17 (Rt. 9). Turn left onto Rt. 9 West which will turn into Highland Street at bottom of the hill. Proceed up the hill onto Highland Street. (see from Highland St.)

From Highland Street:

While on Highland Street, stay in the right hand lane. Stay on Highland Street for 1.5 miles. (you'll pass Elm Park and Doherty High School on the left.) At the rotary, bear left onto June Street. (Pizza establishment on corner) At the second light, turn right onto May Street. The main entrance to the College will be three blocks up on your left.



- > [Information Services](#)
- > [Data Collection](#)
- > [On-Line Forms](#)
- > [SIMS](#)
- > [Directory Admin](#)

Related Data Collection Info

- > [Guides/Sample Forms](#)
- > [Reporting Schedule](#)
- > [FAQ](#)
- > [Contact Us](#)
- > [ACLS Staff](#)

[Information Services](#) > [Data Collection](#) >

Student Information Management System V.2

To: School Superintendents and Charter School Leaders

From: David P. Driscoll, Commissioner of Education

Date: January 20, 2003

Since 2000, the Department of Education and public school districts have been working together to report individual student information using the Student Information Management System or SIMS. When SIMS was first implemented, only 75% of the districts reported data over a span of three months. Today, I am happy to report that all districts reported October 1, 2002 data within 6 weeks.

The student data elements within SIMS serve multiple purposes. The data elements have resulted in the elimination of the following paper forms:

- Foundation Enrollment
- Individual School Report
- Transitional Bilingual Education Annual Report
- Special Education December 1 Count
- Year End School Indicator Report (except suspensions)
- Returned Drop Out Report
- Emergency Immigrant Assistance Program Report

In addition, SIMS is the source data for the following Department work and publications.

- State and federal grant calculations
- School choice claim form
- [Plans of High School Graduates Report](#)
- [High School Dropout Rates Report](#)
- [Reporting of Enrollment Statistics](#)
- [National Center for Educational Statistics - Common Core of Data](#)
- MCAS student answer booklet labels
- MCAS on-line student tutorial

As the Department plans for the 2003-04 school year, we are continuing our efforts to streamline student data collection. Beginning with the October 1, 2003 SIMS data collection, additional data elements will be added to SIMS and thus reported by all districts. See [attachment](#) for a detailed listing.

With these new data elements, we will be able to eliminate the Special Education December 1 Count and the Revised Year-End School Indicator Report. The new data elements will also cover Career and Technical Education Program information and for data required for federal reporting under the No Child Left Behind Act. At this time, I do not have information regarding the collection of English Language Learner data. We will be modifying the bilingual data elements based on future Board of Education decisions. In addition, there will be minor changes made to

some existing data elements. Those changes will be communicated to SIMS contact people in your district.

We are going to delay the change to the collection of race/ethnicity data until the 2004-05 school year, to give districts more time to prepare their data systems. The Federal Office of Management and Budget has identified new racial and ethnic categories that better represent the country's multi-cultural population. The Office of Management and Budget and the U.S. Department of Education have not yet determined the aggregation method for performing longitudinal analysis with the different categories. Later in 2003, we will provide more information on collecting and maintaining the new race and ethnicity data in preparation for 2004-05.

I understand that these additional data elements will require perhaps the most important investment of all: time. Modifications need to be made to various data collection systems maintained by districts and to student software systems; data collection and data entry will likely be a necessity. I encourage you to begin discussions with your staff to plan for the appropriate resources and training that will accompany this new SIMS system. I will continue to provide you with updates throughout 2003. We are planning a workshop for late winter/early spring that will cover these changes.

I would like to take a moment to thank you for your cooperation and staff commitment to this project over the past three years. Your leadership and support have been crucial to the success of SIMS.

SIMS version 2.0

New Data Elements

DOE036	Special Education - Nature of Primary Disability
DOE037	Special Education - Nature of Services
DOE038	Special Education - Level of Need
DOE039	Special Education - Cost-Share Placement
DOE040	Special Education - IEP Goals - Reason for Exit from Special Education
DOE041	Special Education - Reason for Leaving School District
DOE042	Chapter 74 Special Populations
DOE043	Chapter 74 Program Participation
DOE044	Non-Chapter 74 Program Participation
DOE045	Number of In-school Suspensions
DOE046	Number of Out-of-school Suspensions
DOE047	Advanced Placement Course 1
DOE048	Advanced Placement Course 2
DOE049	Advanced Placement Course 3
DOE050	Advanced Placement Course 4
DOE051	Advanced Placement Course 5
DOE052	Advanced Placement Course 6
DOE053	Student Truancy

Revised Data Elements

Data Element Number	Data Element Name	Modifications
District Code	4 digit code	0 + 3 digit code (expand from 3 to 4 digits)
DOE20	Title 1 Participation	Change from Perkins low-income to Title 1. Indicate Schoolwide or Targeted Assistance Programming
DOE12	Enrollment Status	Addition of Graduate with CD and Graduate with Certificate of Attainment
DOE15	School Code	8 digits (expand from 6 to 8 digits)
DOE19	Low Income Status	Expanded to distinguish free lunch or reduced price lunch
DOE26-32	Bilingual Education	Unknown at this time

[E-mail this page](#) | [Print View](#)