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How Federal Programs Support Private K-12 Students and Teachers

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Executive Summary

All nonprofit private schools—irrespective of educational model, creed, or religious belief—are entitled to “equitable services” under various federal programs through their local school districts. These programs include:

- **Title I, Part A programs for at-risk populations of students.** In Colorado, private schools utilize Title I-A allocations to pay a portion of the costs of an in-school teacher from the local school district and defray the costs of instructional support services from another organization.
- **Title I, Part C programs for migrant students.** This program provides support designed to address the unique challenges faced by the children of migrant families, including children enrolled in private schools.
- **Title II, Part A programs for teachers and school leaders.** Colorado private schools utilize Title II, Part A allocations to build and implement professional development programs, help their teachers attend training courses or conferences, or learn to master specific educational models.
- **Title III, Part A programs aimed at improving students’ ability to learn and master the English language.** Private schools can use Title III, Part A allocations to purchase supplemental literacy materials, provide intercultural or diversity training, or help teachers earn endorsements related to teaching English learners.
- **Title IV, Part A programs support a variety of enrichment programs for students.** Although this is a new program, some Colorado private schools are already using Title IV-A to support enrichment activities ranging from counseling to robotics.

- **Title IV, Part B programs in support of 21st Century Community Learning Centers.**

Title IV, Part B facilitates the creation of learning centers that can be used to provide a wide variety of services for private school students. These services include academic support, nutrition and health education, drug and violence prevention, internship or apprentice programs, and more.

A large number of private schools across Colorado access services through federal Title programs. The additional support benefits both students and teachers.

The Number of Colorado Private Schools Participating in Title Programs in 2018-19

Federal Program	Number of Participating Colorado Private Schools
Title I, Part A	41
Title I, Part C	0
Title II, Part A	97
Title III, Part A	6
Title IV, Part A	73
Title IV, Part B	0

Source: Colorado Department of Education

Other federal programs provide direct funding to nonpublic schools in need of assistance. For instance:

- Federal emergency impact aid from the U.S. Department of Education can be used to support schools serving students displaced by natural disasters.
- FEMA nonprofit security grants can be used for target-hardening and security-enhancement projects at schools serving populations at high risk of attack.
- Federal nutrition programs that provide food to students at private schools.

All nonprofit private schools—irrespective of educational model, creed, or religious belief—are entitled to “equitable services” under various federal programs through their local school districts.

Introduction

Private and parochial schools are a critical part of Colorado’s diverse educational landscape. These schools exist separately from the state’s public education system, which allows them to pursue forms and models of education that may differ significantly from those found in government-run schools. Yet the students who attend nonpublic schools come from the same communities as those who attend public schools and often face the same challenges on their paths to success.

Despite the widely held misconception that private schools are barred from all forms of taxpayer-funded support, the federal government has long recognized the need to support nonpublic school students and staff nationwide. Federal law requires that these schools have access to a number of federally funded “equitable services” through their local school districts. There are also several other programs through which private schools can access services or funds.

In 2018-19, 107 of Colorado’s known 338 private schools utilized one or more of the programs made available by federal Title funding provided under the Elementary and Secondary Education Act. The uses of these programs are as diverse as the nonpublic schools accessing them. Working with their local public school districts, private schools utilize federally funded support to provide everything from student instruction to teacher training to various enrichment programs for students. Some private schools also have access to other sources of funding, including funding to improve security for schools serving populations of students at high risk of terrorist attack.

This paper outlines the various services and funding available to private schools and provides examples of these services in practice. While it does not provide a comprehensive look at all services potentially

available to nonpublic schools, it does provide an overview of several of the most common areas of support:

- Equitable services required under the Elementary and Secondary Education Act (ESEA) of 1965, which was reauthorized in 2015 as the Every Student Succeeds Act (ESSA)
- Temporary emergency impact aid for displaced students in disaster areas where schooling has been disrupted
- Support available through the Federal Emergency Management Agency’s (FEMA) Nonprofit Security Grant Program
- Federal nutrition programs available to nonpublic schools

Working with their local public school districts, private schools utilize federally funded support to provide everything from student instruction to teacher training to various enrichment programs for students.



History and Current State of Equitable Services in America

Originally adopted in 1965, the Elementary and Secondary Education Act was part of President Lyndon B. Johnson's War on Poverty. Johnson called on Congress to "declare a national goal of full educational opportunity."¹ This legacy of intent has survived more than five decades, during which the ESEA has been reauthorized several times. In each case, the law has required equitable services to be provided for private-school students and teachers.

Between 2001 and 2015, ESEA was known as the No Child Left Behind Act. This iteration of the federal law included equitable services for nonpublic schools, but it lacked many of the structural supports needed to facilitate widespread use of those services. A 2007 analysis by the U.S. Department of Education found that fewer than half of America's private schools had at least one student participating in an equitable services program under No Child Left Behind. In addition, no support program offered under ESEA had private school participation above 20 percent.²

Congress once again reauthorized ESEA in 2015, this time as the Every Student Succeeds Act, colloquially known as ESSA.³ ESSA makes a number of important

changes in the realm of equitable services for nonpublic schools. In particular, the law:

- Further elaborates on the types of services available to private schools through local education agencies
- Provides more clearly defined recourse for private schools that believe they have not been afforded the services required by the law
- Creates a new "ombudsman" in each state whose role is to "help ensure equity for [private school] children, teachers, and other educational personnel" by monitoring compliance with the law and enforcing its requirements⁴

The creation of an ombudsman role is a particularly important component of the law. In addition to the primary role of monitoring and enforcement of the relevant statutory provisions, the U.S. Department of Education envisions the ombudsman as a primary point of contact for private schools, a direct participant in school communication and engagement, and the person who responds to and resolves complaints about the provision of equitable services.⁵

The ombudsman is designated by state education agencies, but many private schools and networks of private schools have sought to play a role both in the selection of the individual and in the definition of his or her specific responsibilities.⁶ Beginning in December 2016, the Colorado Department of Education (CDE) undertook a series of meetings with nonpublic-school officials, school districts, and boards of cooperative education services to discuss equitable services in the state.⁷

Originally adopted in 1965, the Elementary and Secondary Education Act was part of President Lyndon B. Johnson's War on Poverty.



Process for Accessing Equitable Services

Equitable services under ESSA are administered directly through local education agencies—typically school districts in Colorado. As one of a number of “assurances” required to receive federal funding, districts must certify to the federal government that they will provide services to private-school students as required by law. They are responsible for a number of critical steps in the process, including:

- Conducting “timely and meaningful” consultation with nonpublic schools within their geographic boundaries regarding available services
- Determining the proportional share and allocation of funds for the provision of these services
- Deciding upon the specific means by which the services are provided to nonpublic schools

There are a few exceptions and restrictions when it comes to district consultation and provision of services. For instance, districts are not required to consult with for-profit private schools because these schools are not eligible to receive equitable services under ESEA. The services are available to nonprofit private schools only.⁸

Additionally, services may *only* be provided by the district directly or indirectly through contracts with public or private agencies. Districts may not release actual money to private schools under any of the available equitable services programs. Notably, this restriction does not apply to other federal programs. Direct federal funding may be provided to nonpublic schools through the programs discussed later in this paper, and the federal government operates a direct school voucher program in Washington, D.C.⁹

In Colorado, the results of the required consultation between school districts and each private school must be submitted to the nonpublic school ombudsman by May 30 for the following school year. This consultation is guided by a state document jointly completed by school district and private school leaders.¹⁰ Should private school leaders wish to file a complaint or pursue recourse in the event that their local school district does not meet the relevant federal requirements, they can submit an official complaint form with Colorado’s ombudsman.¹¹

Districts may not release actual money to private schools under any of the available equitable services programs.





EQUITABLE SERVICE PROGRAMS UNDER ESSA

The following is an overview of each program under which private schools are eligible to receive equitable services.

Title I, Part A

Title I, Part A is intended to ensure that students have a fair, equitable, and significant opportunity to obtain a high-quality education, and to close educational achievement gaps. In 2018-19, 41 Colorado private schools participate in Title I, Part A programs.¹² Title I-A services can take a variety of forms, some of which may surprise those unfamiliar with the program.

Consider, for instance, St. Rose of Lima Catholic Academy in Denver. St. Rose has long served a predominantly Hispanic immigrant population. The school's staff work every day to meet the needs of these students, many of whom face steep challenges both personally and academically. To help support at-risk students, St. Rose has had a public school teacher physically in its school building for a number of years to provide Title I-A literacy services.

Although this teacher goes to work every day at St. Rose, works exclusively with St. Rose students, and fits into the school's staffing and instructional structure, this "teacher on

special assignment," or TOSA, is employed by and accountable to Denver Public Schools. The district pays a portion of the teacher's salary using St. Rose's proportionate Title I-A allocation (approximately \$57,000 in 2018-19), which in turn fulfills the district's obligation to provide Title I-A services to St. Rose students.¹³

While this model works well for St. Rose, other schools find different ways to utilize Title I-A support. Annunciation Catholic School, which also serves an urban, largely minority population in Denver, contracts with an external organization that provides instructional support for students in need of assistance. Annunciation is free to choose its own provider for these services in consultation with Denver Public Schools, and the district then helps pay that provider's contract fees with the school's allotted Title I-A funding.¹⁴

To help support at-risk students, St. Rose has had a public school teacher physically in its school building for a number of years to provide Title I-A literacy services.

Calculating Title I-A Allocations

For the purposes of equitable services, Title I, Part A allocations focus on the boundary areas of specific public schools receiving Title I funding rather than entire school districts. These schools are designated as Title I schools based on the number and percentage of students from low-income or at-risk backgrounds.¹⁵ The Colorado Department of Education maintains a full list of Title I schools each school year.¹⁶

School districts must calculate a proportionate share of their Title I funds for nonpublic-school students based on the number of low-income students living within the attendance boundary of public Title I schools. School districts have a number of options for how to define “low-income” status, such as:

- The same measure of low income used to count public school children (i.e., free or reduced-price lunches under the National School Lunch Program)
- The results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable
- The low-income percentage of each participating public school attendance area to the number of private school

children who reside in that school attendance area

- An equated measure of low income correlated with the measure of low income used to count public school children¹⁷

After deciding how to determine low-income status, school districts must calculate a proportionate amount of Title I funds. This amount reflects the allocation the school district will make for Title I-A services in nonpublic schools. For an example of this calculation, see the chart below:

While the number of low-income students is used to calculate a proportionate share of funds for nonpublic schools, they do not necessarily reflect the students who actually receive the services. Instead, eligibility for services is determined based on two factors: residence in a Title I public school attendance area and educational need. The latter component is determined by school districts in consultation with private school officials and is intended to identify students who are failing or at risk of failing to meet academic expectations. Poverty itself is not a criterion for eligibility when it comes to the rendering of equitable services under Title I-A.¹⁸

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Example of Determining the Amount of the Proportionate Share under Title I, Part A

Public Schools Being Served by the LEA with Title I Funds	Number of Low-Income Student who are: • Residing within the Title I School Boundary, & • Attending Public School	Number of Low-Income Student who are: • Residing within the Title I School Boundary, & • Attending a Non-Public School	Total
Title I School A	300	20	320
Title I School B	150	5	155
Title I School C	500	25	525
Total	950	50	= 950+50 = 1,000
Percentage of Students	= 950/(950+50) = 95%	= 50/(950+50) = 5%	
Proportionate Share of \$1M Title I Allocation	= .95 * \$1M = \$950,000	= .05 * \$1M = \$500,000	

Source: Colorado Department of Education

Title I, Part C

A lesser-known component of federal education law is Title I, Part C. This section seeks to address the unique challenges faced by migrant children, who tend to move frequently with their parents and therefore must change schools on a regular basis.

Services offered under Title I-C could include direct academic instruction, remedial and compensatory education, bilingual and multicultural instruction, vocational education, health services, and more. Many of these services could be particularly applicable in regions of Colorado—agricultural regions, for instance—where migrant families are likely to be present throughout the year.

The Colorado Department of Education operates a five-region Migrant Education Program that serves students up to age 21.¹⁹ Migrant students attending nonpublic schools are also eligible to access these services through their local school district. However, no Colorado private schools currently make use of the services, according to CDE.

Nationally, ESSA authorizes approximately \$375 million in funding for Title I-C activities in fiscal years 2017-2020.²⁰ This funding is distributed to states in order to:

- Ensure that migratory children who move among the states are not penalized in any manner by disparities among the states in curriculum, graduation requirements, and state academic content and student academic achievement standards
- Ensure that migratory children are provided with appropriate educational services (including supportive services) that address their special needs in a coordinated and efficient manner
- Ensure that migratory children receive full and appropriate opportunities to meet the same challenging state academic content and student academic achievement standards that all children are expected to meet
- Design programs to help migratory children overcome educational disruption, cultural and language barriers, social isolation, various health-related problems, and other factors that inhibit the ability of such children to do well in school, and to prepare such children to make a successful transition to postsecondary education or employment
- Ensure that migratory children benefit from state and local systemic reforms²¹

Title II, Part A

While Title I focuses on student services, Title II focuses on school personnel. In particular, this program provides professional development opportunities for teachers, principals, and other school leaders.

Nationally, ESSA authorizes approximately \$2.3 billion for these activities for fiscal years 2017-2020.²²

In 2018-19, 97 Colorado private schools participate in programs offered under Title II, Part A.²³

Title II-A funds may be used to:

- Increase student achievement consistent with the challenging state academic standards
- Improve the quality and effectiveness of teachers, principals, and other school leaders
- Increase the number of teachers, principals, and other school leaders who are effective in improving student academic achievement in schools

Services offered under Title I-C could include direct academic instruction, remedial and compensatory education, bilingual and multicultural instruction, vocational education, health services, and more.



- Provide low-income and minority students greater access to effective teachers, principals, and other school leaders²⁴

While nonpublic school personnel can participate in trainings for public school personnel, equitable services for nonpublic school personnel under Title II-A do not necessarily have to be the same as those offered to public school teachers and leaders. Instead, equitable services under this section must be designed to help private school teachers address the specific needs of their students. School districts should assess the needs of private school teachers to determine if they are substantially different from those of public school teachers and, if necessary, develop a separate program accordingly.

Title II-A also provides for a number of other services that could be of help to nonpublic schools, including support for early-childhood educators, the development of meaningful educator evaluation systems, and the support of licensure or alternative licensure programs. Funds may also be used for some or all of the cost to attend professional conferences, including professional conferences hosted by faith-based organizations (with some restrictions).²⁵

As with Title I services, Colorado private schools have significant leeway to determine how to use their Title II-A services in accordance with their needs and capacity. Crossroads School in Longmont, for instance, has had to find a way to balance its ability to manage paperwork with a need to serve its unique population of students. Unlike many private schools, Crossroads focuses exclusively on providing an alternative educational setting for students who have struggled in traditional public and private settings. Many of the school's 37 students suffer from behavioral or physical issues, and Crossroads staff are constantly busy managing multiple roles to keep the school running.

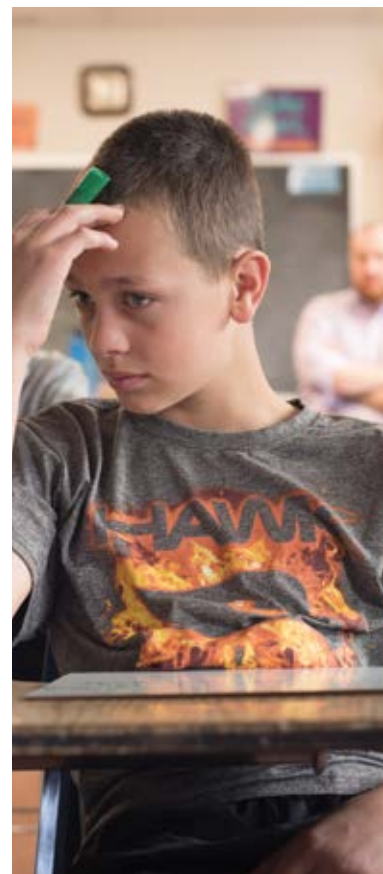
Partially as a result of this tight staffing situation, Crossroads chooses to forgo the process of submitting its own professional development activities for district approval. Instead, the school sends its teachers to trainings or workshops hosted by St. Vrain Valley School District. The school is charged attendance fees at in-district rates for these events, and those fees are covered by the school's Title II allocation. Crossroads views this arrangement not only as simpler and more cost effective than developing its own programs, but also as a good way to strengthen its relationships with district officials and educators.²⁶

St. Rose of Lima Catholic Academy, the Denver Catholic school with a full-time Title I, Part A teacher, has also found a way to fit Title II support into its unique educational model. As an expeditionary learning school, St. Rose focuses heavily on curricula and activities designed to support real-world, project-based learning. To facilitate this work, St. Rose utilizes its Title II-A allocation to partially cover the costs of teacher training and development related to expeditionary learning. The district pays a portion of the contract fees between St. Rose and Expeditionary Learning, the organization that develops and helps implement this unique type of education.²⁷

Calculating Title II-A Allocations

Like funds under Title I-A, funds under Title II-A are required to be reserved for private school services on proportionate basis. Unlike Title I-A, which relies on student residency for the calculation of this amount, Title II-A calculations require districts to use the total per-pupil enrollment in participating schools.²⁸ For an example of how this calculation is performed, see the chart on the next page:

To facilitate this work, St. Rose utilizes its Title II-A allocation to partially cover the costs of teacher training and development related to expeditionary learning.



While the majority of these funds flow to school districts, ESSA allows state education agencies like the Colorado Department of Education to retain 5 percent of funds for related purposes at the state level.²⁹

Example of Formula to Determine Amount for Title II, Part A Equitable Expenditures

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

Source: Colorado Department of Education

Title III, Part A

Title III, Part A provides support for language instruction for English learners (EL). In Fiscal Year 2019, ESSA authorizes \$785 million in national funding for this program. That level of funding will increase to \$885 million in FY 2020.³⁰ In 2018-19, six Colorado private schools participate in Title III-A programs.³¹

Title III-A programs are intended to:

- Help ensure that English learners, including immigrant children and youth, attain English proficiency and develop high levels of academic achievement in English
- Assist all English learners, including immigrant children and youth, to achieve at high levels in academic subjects so that all English learners can meet the same challenging state academic standards that all children are expected to meet
- Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, local educational agencies, and schools in establishing, implementing, and sustaining effective language instruction educational programs designed to assist in teaching English learners, including immigrant children and youth

- Assist teachers (including preschool teachers), principals and other school leaders, state educational agencies, and local educational agencies to develop and enhance their capacity to provide effective instructional programs designed to prepare English learners, including immigrant children and youth, to enter all-English instructional settings
- Promote parental, family, and community participation in language instruction educational programs for the parents, families, and communities of English learners

Colorado has seen significant growth in its number and percentage of English learners. There are now approximately 126,000 EL students attending public schools in the state, which equates to 14 percent of the state's total student enrollment.³² These numbers reflect 38 percent growth in Colorado's EL population over the past 10 years—a growth rate more than double that of the total student population.³³ Recognizing the growing need for EL services in all sectors of Colorado education, the Colorado Department of Education provides a number of specific examples of Title III-A activity:

- Tutoring for English learners before, during, or after school hours

Title III, Part A provides support for language instruction for English learners (EL).

- Professional development for private school EL teachers (notably separate from Title II-A programming)
- Summer programs for English learners
- Administration of assessments for the purposes of identifying English learners and assessing the effectiveness of services to those students
- The provision of supplemental instructional materials and supplies. These materials must be secular and will remain the property of the school district in accordance with the law³⁴

The amount of funding available for Title III-A services tends to be more limited than that available for Title I-A and Title II-A services. However, nonpublic schools in Colorado still find ways to make use of this important program.

Annunciation Catholic School in Denver, for instance, uses its Title III-A allocation to cover the costs of state teaching

endorsements related to English learners.³⁵ St. Rose of Lima Catholic Academy utilizes its very small allotment to help defray the costs of supplemental materials for English Language Arts instruction.³⁶

Dayspring Christian Academy in Greeley takes a different approach. Recognizing the need to serve a wide variety of student populations in Northern Colorado, the school has chosen to use its Title III-A allocation to provide its teachers with diversity or other training. This training is provided through Greeley School District 6.³⁷

Title III-A funds are allocated in a less formal way than those allocated under Title I-A and Title II-A. Through the consultation process, districts should work with private school leaders to determine a method for Title III-A that “reasonably reflects the relative number and educational needs of [private school] English learners.”³⁸

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Title IV, Part A

In addition to longstanding programs under Titles I through III, ESSA includes a new Student Support and Academic Enrichment (SSAE) program under Title IV, Part A. The law authorizes \$1.6 billion in national funding for these programs through fiscal year 2020.³⁹

Unlike many other Title programs, school districts must apply for grants under the SSAE program using a consolidated application process. These applications must be submitted to the Colorado Department of Education.⁴⁰ Districts must complete a comprehensive needs assessment to “examine needs for improvement of”:

- Access to, and opportunities for, a well-rounded education for all students

- School conditions for student learning in order to create a healthy and safe school environment
- Access to personalized learning experiences supported by technology and professional development for the effective use of data and technology⁴¹

A district is required to ensure that private schools have equitable access to services provided using Title IV-A funds. As in Title II-A calculations, districts should determine the amount reserved for private school services using per-pupil enrollment counts in both public and private schools.⁴² In 2018-19, 73 Colorado private schools participate in programs provided under Title IV, Part A.⁴³



Funds can be used for a myriad of activities, which are broadly grouped into three categories: well-rounded education, safe and healthy schools, and effective use of technology.

Title IV-A creates the broadest of the available Title programs. Funds can be used for a myriad of activities, which are broadly grouped into three categories: well-rounded education, safe and healthy schools, and effective use of technology. Potential activities include:

- Coordinated efforts with other schools and community-based services and programs
- Partnerships with institutions of higher education, businesses, nonprofit organizations, community-based organizations, or other public or private entities with a demonstrated record of success
- College and career guidance and counseling programs
- Programs and activities that use music and the arts as tools to support student success through the promotion of constructive student engagement, problem solving, and conflict resolution
- Programming and activities to improve instruction and student engagement in science, technology, engineering, and mathematics, including computer science, (referred to in this section as “STEM subjects”)
- Increasing access for students through grade 12 who are members of groups underrepresented in certain subject fields, such as female students, minority students, English learners, children with disabilities, and economically disadvantaged students, to high-quality courses
- Supporting the participation of low-income students in nonprofit competitions related to STEM subjects (such as robotics, science research, invention, mathematics, computer science, and technology competitions)
- Providing hands-on learning and exposure to science, technology, engineering, and mathematics and

supporting the use of field-based or service learning to enhance the students’ understanding of the STEM subjects

- Facilitating collaboration among schools, afterschool programs, and informal program personnel to improve the integration of programming and instruction in the identified subjects
- Integrating other academic subjects, including the arts, into STEM subject programs to increase participation in STEM subjects, improve attainment of skills related to STEM subjects, and promote well-rounded education
- Efforts to raise student academic achievement through accelerated learning programs
- Reimbursing low-income students to cover part or all of the costs of accelerated learning examination fees, if the low-income students are enrolled in accelerated learning courses and plan to take accelerated learning examinations
- Increasing the availability of, and enrollment in, accelerated learning courses, accelerated learning examinations, dual or concurrent enrollment programs, and early college high school courses
- Activities to promote the development, implementation, and strengthening of programs to teach traditional American history, civics, economics, geography, or government education; (F) foreign language instruction
- Environmental education
- Programs and activities that promote volunteerism and community involvement; (I) programs and activities that support educational programs that integrate multiple disciplines, such as programs that combine arts and mathematics⁴⁴



Because it is a new program and available funding can be limited, many private schools are still deciding how and if to make use of Title IV-A services. Crossroads School, the small alternative school in Longmont, has chosen not to apply for services under the program because the allocations available are too small. The school's small staff is stretched too thin to justify the staff-time costs of procuring it.⁴⁵

Other schools, however, have chosen to try various options available under Title IV-A. St. Rose of Lima utilizes the program to cover a small portion of the costs of

having a counselor in the school,⁴⁶ while Annunciation uses its roughly \$1,000 in Title IV-A allocations to purchase materials and curriculum related to social-emotional development.⁴⁷

Dayspring Christian Academy in Greeley, meanwhile, has chosen to take an entirely different path—one focused on science and engineering. The school uses its Title IV-A allocation of approximately \$4,000 to support a robotics program through Quest for Space and NASA.⁴⁸

The school [Dayspring Christian Academy] uses its Title IV-A allocation of approximately \$4,000 to support a robotics program through Quest for Space and NASA.

Title IV, Part B

Title IV, Part B supports the creation of 21st Century Community Learning Centers. Unlike many other Title programs, which typically focus on in-school services, Title IV-B can be used to fund programs and activities outside of school hours.⁴⁹ These services could include:

- Opportunities for academic enrichment, including tutorial services
- Youth development activities
- Nutrition and health education
- Drug and violence prevention programs
- Counseling programs
- Financial literacy programs
- Environmental literacy programs

- Career and technical programs, including internship and apprenticeships
- Opportunities for active and meaningful educational engagement on the part of parents⁵⁰

A variety of organizations are eligible to apply for grants as community learning centers under Title IV-B. School districts, nonprofits, community-based organizations, consortiums of two or more organizations, and even private entities are considered eligible applicants under the program. Applications for grants must be reviewed by the relevant state education agency under a specifically prescribed “rigorous peer review process.”⁵¹



LESSER-KNOWN SUPPORTS FOR PRIVATE SCHOOLS



Emergency Impact Aid

The Emergency Impact Aid program... allows funds to flow directly to non-public schools that meet certain conditions.

A less frequently accessed type of federal support for nonpublic schools is the Emergency Impact Aid for Displaced Students program. This provides federal grants to state education agencies, which then use the funds to support local education agencies and nonpublic school students who have been displaced as the result of a disaster. The U.S. Department of Education has been authorized to spend up to \$2.7 billion before September 30, 2022, to “meet the needs of individuals affected by a covered disaster or emergency.”⁵²

Most recently, emergency impact aid has been used to defray “the cost of educating public and non-public school students displaced by Hurricanes Harvey, Irma, and Maria, or the 2017 California wildfires.”⁵³ Similar support programs have been used to fund students in a variety of states in previous years, including \$291.7 million in payments to Louisiana following Hurricane Katrina.⁵⁴ Although Colorado did not receive any emergency impact aid payments in 2018,⁵⁵

the state has received millions in similar payments in the past.⁵⁶

In FY 2018, 26 states received at least one emergency impact aid payment. The largest of these payments went to Texas (\$174.2 million), Florida (\$95.8 million), and Puerto Rico (\$70 million)—all areas where major hurricanes caused widespread destruction and displacement of students.⁵⁷

The Emergency Impact Aid program differs from equitable services under ESSA in that it allows funds to flow directly to nonpublic schools that meet certain conditions. For instance, the most recent iteration of emergency impact aid requires that schools operate as nonprofits, operate in accordance with state law, and have waived or refunded tuition for any displaced students for whom the school receives federal funding.⁵⁸

State education agencies must apply for grants under the Emergency Impact Aid program. Districts then apply to state agencies for funding, and the parents of

displaced students in nonpublic schools apply to districts.⁵⁹ State education agencies have broad authority to determine eligibility criteria for displaced students, including the use of income-based eligibility requirements. Once procured through the application processes, nonpublic schools can use the funds for:

- Paying the compensation of personnel, including teacher aides
- Identifying and acquiring curricular material and classroom supplies
- Acquiring or leasing mobile educational units or leasing sites and spaces (to the extent that those costs are not met by FEMA)
- Providing basic instructional services for displaced students, including tutoring, mentoring, or academic counseling
- Paying reasonable transportation costs
- Providing health and counseling services
- Providing education and support services

Notably, while eligible displaced students must apply for the funds, there is no requirement that these funds be used *only* to provide services for displaced students once received by the schools. However, funds may not be used for construction or major renovations.⁶⁰

Because it involves the direct provision of funding to nonpublic schools, the Emergency Impact Aid program creates heavier oversight of these schools by state and local education agencies. In particular, state education agencies are charged with ensuring that all the requirements of the program are met by nonpublic schools. These requirements include accurate certification of students enrollment, verifying the eligibility of the nonpublic school itself, and monitoring the use of funds to ensure that they are used only for approved goods and services. The state education agency has the power to “take appropriate enforcement actions” should it find that a nonpublic school has not complied with requirements.⁶¹

Because it involves the direct provision of funding to nonpublic schools, the Emergency Impact Aid program creates heavier oversight of these schools by state and local education agencies.

Nonprofit Security Grants

One additional type of support for nonpublic schools comes directly from the Federal Emergency Management Agency rather than the U.S. Department of Education. The Nonprofit Security Grant Program is not specifically for schools, but it can be used by nonprofits of any kind. In FY 2018, the program had \$60 million in grant money available—\$50 million for designated urban areas and \$10 million for states.⁶² The Denver area is one of the designated urban areas eligible for the grant.⁶³

Authorized by the Homeland Security Act of 2002, the Nonprofit Security Grant Program allows nonprofits to receive up to \$150,000 in grant money for target hardening. To be eligible, the nonprofit must

have been determined to be at high risk of terrorist attack.⁶⁴ Funds can be used for target-hardening activities like the acquisition and installation of security systems or equipment, as well as for training in areas like physical and cyber security.⁶⁵ Nonprofits must apply directly through a designated



In particular, the program has been widely utilized by schools serving predominantly Jewish students, whom the Department of Homeland Security has deemed to be at particular risk of attack.

state administration agency. In Colorado, this administrative agency managing this program is the Colorado Department of Public Safety, Division of Homeland Security and Emergency Management.

While this program is not widely known, even among private schools, some Colorado schools serving targeted populations have used it to access substantial assistance. In particular, the program has been widely utilized by schools serving predominantly Jewish students, whom the Department of Homeland Security has deemed to be at particular risk of attack.

In 2018, Colorado received nearly \$680,000 in funding under the Nonprofit Security Grant program. Twenty-five organizations applied for a portion of the funds, which were ultimately allocated to five organizations under the program's urban-area component and two organizations under the state component. One of the organizations that received funding under the urban-areas component serves

immigrants and refugees as a community center and multi-faith worship space in Aurora. The other four urban-area recipients were Jewish organizations. The two state-component organizations granted funding under the program were a Jewish resource center in Western Colorado and the United States Space Foundation.⁶⁶

Hillel Academy, an Orthodox Jewish school in Denver, has previously received funding under the Nonprofit Security Grant program. That funding was used to replace the school building's front windows with shatter-resistant glass, add more sophisticated doors with electronic unlocking mechanisms, install metal barriers design to prevent a car from being driven into the school building, and increase staff's ability to monitor the campus using security cameras and other systems. Hillel leaders expressed during a visit that the security upgrades have made an enormous difference when it comes to keeping their students safe and providing peace of mind to parents and staff.⁶⁷

Federal Nutrition Programs

In addition to other federal aid, private schools can access certain federal nutritional programs and services administered by the Colorado Department of Education. CDE's School Nutrition Unit administers a variety of federal child nutrition programs, including the following:

- **School Breakfast Program**, which typically provides cash subsidies to schools that serve breakfasts meeting specific nutritional recommendations. Low-income students may receive meals for free or at a reduced price, depending on income level.⁶⁸
- **National School Lunch Program**, which provides meals to students while at school. Low-income students may receive meals for free or at a reduced price, depending on income level.⁶⁹

- **Special Milk Program**, which provides milk to school children attending schools that do not participate in other federal nutritional programs. Participating schools are reimbursed for milk served to students.⁷⁰
- **Summer Food Service Program**, which provides meals to low-income children when school is out of session for the summer.⁷¹

According to CDE, it is the last state education agency in the nation to take over the administration of federal child nutrition programs for nonpublic participants, known within the programs as "sponsors." To be eligible for participation in these programs, private schools must be incorporated as nonprofit entities.



Thirty-one Colorado private schools participate in at least one federal nutrition program. Of these, seven participate in the School Breakfast Program, 16 participate in the National School Lunch Program, 15

participate in the Special Milk Program, and four participate in Summer Food Service Program.⁷²

Conclusion

Despite common arguments implying that private schools are not—and should not be—eligible to receive public support, a wide variety of longstanding federal programs and funding sources provide support in numerous areas. These areas include academic services, teachers and staff training services, supplemental services and materials, relief for displaced students, and even security enhancements and training.

While navigating these services can be complex, they provide critical support for all Colorado students—not just those whose parents have chosen public schools. Through these programs, the federal government has signaled that it intends to help all students succeed in safe and effective learning environments, irrespective of where those environments might be.

Through these programs, the federal government has signaled that it intends to help all students succeed in safe and effective learning environments, irrespective of where those environments might be.



Endnotes

- ¹ Lyndon B. Johnson, “Educational Message to Congress, January 12, 1965, full text available at The Association of Centers for the Study of Congress, <http://acsc.lib.udel.edu/items/show/43>.
- ² United States Department of Education, “Private School Participants in Programs under the No Child Left Behind Act and the Individuals with Disabilities Education Act: Private School and Public School District Perspectives,” August 2007, <https://www2.ed.gov/rschstat/eval/choice/private/report.pdf>.
- ³ For full text of the ESEA as amended and other resources, see U.S. Department of Education, “Every Student Succeeds Act (ESSA),” <https://www.ed.gov/essa?src=policy>.
- ⁴ For a full comparison of statutory changes between NCLB and ESSA, see U.S. Department of Education, “Elementary and Secondary Education Act: No Child Left Behind Act of 2001 (NCLB) – Every Student Succeeds Act of 2015,” <https://innovation.ed.gov/files/2016/07/NCLB-ESSA-Equitable-Services-Comparison-Chart-FINAL.pdf>.
- ⁵ United States Department of Education, “Ombudsmen and ESEA Equitable Services: Building Partnerships between SEAs, LEAs, and Private School Officials,” presentation at the National Title I Conference, Philadelphia, PA, February 2018, 20, <https://www2.ed.gov/about/offices/list/oese/oss/technicalassistance/ombudsmenequitableservicesppt22018.pdf>.
- ⁶ For instance, see United States Conference of Catholic Bishops, “Ombudsman Toolkit,” <http://www.usccb.org/beliefs-and-teachings/how-we-teach/catholic-education/public-policy/upload/Ombudsman-Toolkit.pdf>.
- ⁷ Colorado Department of Education, “Consolidated State Plan Under the Every Student Succeeds Act (ESSA),” April 2018, 38, <https://www.cde.state.co.us/fedprograms/co-consolidatedstateplan-final-websitepdf>.
- ⁸ For the purposes of support, the act defines private schools as “nonprofit institutional day or residential school[s].” See 20 U.S.C. 7801, Sec. 8101 (19) and (45), <https://legcounsel.house.gov/Comps/Elementary%20And%20Secondary%20Education%20Act%20Of%201965.pdf>.
- ⁹ The voucher program is called the Opportunity Scholarship Program. For more information on that specific program, please see <https://servingourchildrenc.org/>.
- ¹⁰ Colorado Department of Education, “Equitable Services in Non-Public Schools,” 2018-19 Consultation Form, <https://www.cde.state.co.us/fedprograms/2018consultationform>.
- ¹¹ Colorado Department of Education, “Equitable Services in Non-Public Schools,” Equitable Services to Non-public Schools Complaint Procedure Form, <https://www.cde.state.co.us/fedprograms/equitableservicescomplaintprocedure>.
- ¹² Information provided by the Colorado Department of Education via email on February 3, 2019.
- ¹³ Information gathered via phone call with St. Rose of Lima Catholic Academy administrators on January 25, 2019.
- ¹⁴ Information gathered via phone call with Annunciation Principal Deb Roberts on February 8, 2019.
- ¹⁵ For information on how Colorado designates Title I schools and programs, see Colorado Department of Education, “Title I, Part A: Improving the Academic Achievement of the Disadvantaged,” <https://www.cde.state.co.us/fedprograms/ti/a>.
- ¹⁶ Colorado Department of Education, “Title I-A School Lists,” <https://www.cde.state.co.us/fedprograms/dper/tiaschlst>.
- ¹⁷ Colorado Department of Education, “Equitable Services to Nonpublic Schools: Calculating the Proportionate Share under Title I, Part A,” 2018-19 school year, https://www.cde.state.co.us/fedprograms/proportionateshareguidance_2018_2019.
- ¹⁸ Colorado Department of Education, “Equitable Services to Nonpublic Schools under the ESSA: Frequently Asked Questions,” 4-5, <https://www.cde.state.co.us/fedprograms/equitableservicesfaq-1>.
- ¹⁹ For more information on this program, see Colorado Department of Education, “Migrant Education Program,” <https://www.cde.state.co.us/migrant>.
- ²⁰ 20 U.S.C 6302, Sec. 1002.
- ²¹ 20 U.S.C. 6391, Sec. 1301.
- ²² 20 U.S.C. 6603, Sec 2003.
- ²³ Supra, note 12.
- ²⁴ 20 U.S.C. 6601, Sec. 2001.
- ²⁵ Supra, note 17, 6.
- ²⁶ Information provided by Crossroads School Executive Director Barb Bulthuis via email on February 8, 2019.
- ²⁷ Supra, note 12.
- ²⁸ Colorado Department of Education, “Equitable Services to Nonpublic Schools Under the Every Student succeeds Act,” May 23, 2017, 43, <https://www.cde.state.co.us/fedprograms/equitableservicesppt>.
- ²⁹ United States Department of Education, “Non-Regulatory Guidance for Title II, Part A: Building Systems of Support for Excellent Teaching and Leading,” Sept. 2016, 27, <https://www2.ed.gov/policy/elsec/leg/essa/essatitleiipartaguidance.pdf>.
- ³⁰ 20 U.S.C. 6801, Sec. 3001
- ³¹ Supra, note 12.
- ³² See Colorado Department of Education, “2017-18 Instructional Program by District,” <https://www.cde.state.co.us/cdereval/2017-18-pm-instructionalprogram-bydistrict>.
- ³³ Colorado Department of Education, “Helping Educators Teach English Language Learners,” <https://www.cde.state.co.us/communications/teacherprepells>.
- ³⁴ Supra, note 18, 6.
- ³⁵ Supra, note 14.
- ³⁶ Supra, note 13.
- ³⁷ Information provided via email communication with Dayspring Christian Academy Principal Lori Johnstone on February 16, 2019.
- ³⁸ Supra, note 28, 47.
- ³⁹ 20 U.S.C. 7122, Sec. 4121.
- ⁴⁰ 20 U.S.C. 7116, Sec. 4106(a).
- ⁴¹ 20 U.S.C. 7116, Sec. 4106(d).
- ⁴² Supra, note 18, 7.
- ⁴³ Supra, note 12.
- ⁴⁴ For a complete list of activities explicitly authorized by ESSA, see 20 U.S.C. 7117, Sec. 4107(a).
- ⁴⁵ Supra, note 26.
- ⁴⁶ Supra, note 13.
- ⁴⁷ Supra, note 14.
- ⁴⁸ Supra, note 37.
- ⁴⁹ 20 U.S.C. 7171, Sec. 4201.
- ⁵⁰ Ibid.

- ⁵¹ Ibid.
- ⁵² Public Law No. 115-123, Sec. 2083.
- ⁵³ U.S. Department of Education, “Temporary Emergency Impact Aid for Displaced Students,” <https://www2.ed.gov/programs/eia/index.html>.
- ⁵⁴ United States Department of Education, “U.S. Department of Education – Impact Aid Program: Emergency Impact Aid for Displaced Students, Final Payments,” Sept. 21, 2006, <https://www2.ed.gov/katrina/proginfo/eiap-final.pdf>.
- ⁵⁵ U.S. Department of Education, “Temporary Emergency Impact Aid for Displaced Students: Awards – FY 2018,” <https://www2.ed.gov/programs/eia/awards.html>.
- ⁵⁶ *Supra*, note 54.
- ⁵⁷ *Supra*, note 55.
- ⁵⁸ U.S. Department of Education, “Frequently Asked Questions (FAQs) for the Temporary Emergency Impact Aid for Displaced Students (Emergency Impact Aid) Program, CFDA Number: 84.938C,” 21, <https://www2.ed.gov/programs/eia/faq.html>.
- ⁵⁹ *Ibid*, 6-7.
- ⁶⁰ *Ibid*, 22.
- ⁶¹ *Ibid*.
- ⁶² Federal Emergency Management Agency, “Nonprofit Security Grant Program,” <https://www.fema.gov/nonprofit-security-grant-program>.
- ⁶³ Department of Homeland Security, “The U.S. Department of Homeland Security (DHS) Notice of Funding Opportunity (NOFO) Fiscal Year (FY) 2018 Nonprofit Security Grant Program (NSGP),” 33, https://www.fema.gov/media-library-data/1526585999645-b157aa32e8dda49c604e82c6202b6d7e/FY_2018_NSGP_NOFO_051718_508.pdf.
- ⁶⁴ Department of Homeland Security, “Fiscal Year 2018 Nonprofit Security Grant Program Fact Sheet,” https://www.fema.gov/media-library-data/1526583004662-d91cb0782b664ecc435111763ba10e41/FY_2018_NSGP_Fact_Sheet_FINAL_508.pdf.
- ⁶⁵ *Ibid*, 2.
- ⁶⁶ Information provided via email from a program participant on January 10, 2019. The names of most organizations have been deliberately excluded.
- ⁶⁷ Information obtained during an in-person conversation and school tour with Hillel Executive Director Mordechai Hoffman on January 10, 2019.
- ⁶⁸ United States Department of Agriculture, “School Breakfast Program,” August 11, 2017, <https://www.fns.usda.gov/sbp/fact-sheet>.
- ⁶⁹ United States Department of Agriculture, “National School Lunch Program (NSLP), December 19, 2018, <https://www.fns.usda.gov/nslp/national-school-lunch-program-nslp>.
- ⁷⁰ United States Department of Agriculture, “Special Milk Program (SMP), March 12, 2018, <https://www.fns.usda.gov/smp/special-milk-program>.
- ⁷¹ United States Department of Agriculture, “Summer Food Service Program,” June 21, 2018, <https://www.fns.usda.gov/sfsp/summer-food-service-program>.
- ⁷² Information provided by Colorado Department of Education Nutrition Programs Supervisor Amanda Mercer via email on March 6, 2019.

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