



# NO CHILD LEFT BEHIND



## Non-Public Education: A Vital Part of U.S. K-12 Education

"As Secretary of Education, I recognize the contribution that nonpublic schools -- private schools and home schools -- are making to educational excellence and to the strength of our society. The President and I support providing families with increased educational choices, and the Department is committed to ensuring that private school students and teachers participate equitably in Federal education programs."

-Secretary of Education Margaret Spellings

### Non-Public Education in the United States

The non-public education community in the U.S. provides parents with important options for the education of their children. At the elementary and secondary levels, faith-based and nonsectarian private schools, along with a growing number of children who are home schooled, account for approximately 12 percent of the school-age population.

#### *Private Schools*

Private schools were the original schools in the U.S. and currently account for about 24 percent of all elementary and secondary schools, 10 percent of all students and 12 percent of all full-time teachers. Seventy-seven percent of private schools have a religious affiliation, while the remaining 23 percent are nonsectarian.<sup>1</sup> Choice is a defining characteristic of private schools as families may freely choose private education, and private schools generally choose which students to accept. Although nonpublic governance and enrollment choices are features that all private schools share, private schools vary widely.

#### *Home Schooling*

A growing number of U.S. students receive their education through home schooling. About 1.1 million students were home schooled in the U. S. in the spring of 2003, an increase from an estimated 850,000 in the spring of 1999. In addition, the estimated home schooling rate -- the percentage of the school-age population that was being home schooled -- increased from 1.7 percent in 1999 to 2.2 percent in 2003.<sup>2</sup>

### No Child Left Behind and Private Schools

#### *Equitable Participation of Private School Students and Teachers*

Under *No Child Left Behind (NCLB)*, there are 12 major programs that require the equitable participation of students and teachers in private schools. Under these programs, local educational agencies (LEAs) are required to provide equitable services to eligible private school students and teachers that are comparable to services provided to public school students and teachers. These services are considered benefits to the *students* and *teachers*, not the *schools*. LEAs are responsible for implementing these programs and must engage in timely and meaningful consultation with private school officials to ensure that equitable services are provided that address the needs of eligible private school students and teachers. Consultation between the LEA and private school officials must occur before any decision is made that could affect the ability of private school students and teachers to receive benefits under these *NCLB* programs and must continue throughout the implementation and

<sup>1</sup> U.S. Department of Education, National Center for Education Statistics (NCES), *Characteristics of Private Schools in the United States: Results from the 2001-2002 Private School Universe Survey* (Washington, DC: NCES, 2004).

<sup>2</sup> U.S. Department of Education, NCES, *1.1 Million Homeschooled Students in the United States in 2003* (Washington, DC: NCES, 2004).

assessment of activities. Programs requiring equitable participation include: Improving Basic Programs Operated by LEAs, Reading First, Even Start Family Literacy, Migrant Education, Teacher and Principal Training and Recruiting, Mathematics and Science Partnerships, Enhancing Education Through Technology, English Language Acquisition, Language Enhancement and Academic Achievement, Safe and Drug-Free Schools and Communities, 21<sup>st</sup> Century Community Learning Centers, Innovative Programs Gifted and Talented Students.

### ***Eligibility to Apply for Grants***

Consistent with the goals of President Bush's Faith-based and Community Initiative, faith-based and community organizations are eligible to apply directly for grants under certain programs funded by the U.S. Department of Education. In such cases, private schools (including religious schools) are eligible to apply, provided they meet the program, statutory, and regulatory requirements. These programs generally have a specific focus and address specific needs and concerns.

### ***Supplemental Educational Services***

Title I also allows community and other public and private institutions, including faith-based organizations and private schools, to be providers of supplemental educational services (such as after-school tutoring) for eligible students attending public schools that are in need of improvement, as long as the provider is able to meet certain qualifications set by each state educational agency (SEA) in accordance with the law.

### **Protections for Private and Home Schools**

*NCLB* has provisions that contain important protections for private and home schools, including that nothing in the law shall be construed to: (a) affect any private school that does not receive funds or services under *NCLB*; (b) affect a home school; (c) permit, allow, encourage, or authorize any Federal control over any aspect of a private, religious, or home school; or (d) require any SEA or LEA to mandate, direct, or control the curriculum of a private or home school.

### ***Individuals with Disabilities Education Improvement Act of 2004 and Private Schools***

The *Individuals with Disabilities Education Improvement Act of 2004 (IDEA)* amended the IDEA provisions that address benefits and services to students with disabilities who are placed by their parents in private schools. Under the reauthorized *IDEA*, an LEA that serves areas in which private schools are located is required to conduct a thorough and complete child find process to determine the number of parentally placed private school students with disabilities attending those private schools; engage in timely and meaningful consultation with private school representatives and parent representatives of private school students with disabilities to determine the special education and related services that the LEA will provide; expend a proportionate share of federal funding on serving this population of students; provide on an equitable basis special education and related services to parentally placed private school students with disabilities attending private schools located in the areas served by the LEA; and maintain and provide to the SEA data on the number of parentally placed private school students evaluated, determined eligible, and served.

### ***Increasing Parents' Choices: The D.C. School Choice Incentive Act***

Enacted in 2004, the *D.C. School Choice Incentive Act (DC Choice)* provides low-income parents in our nation's capital, especially parents of children attending public schools in need of improvement, with the opportunity to obtain scholarships for their children to attend private schools. The first program of its kind at the Federal level, *DC Choice* enabled over 1,000 students to attend private schools during the 2004-2005 school year, its inaugural year. For 2005-2006, *DC Choice* has reached its capacity, providing about 1,700 students with private school scholarships.