

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

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*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

### Nonpublic Education in the United States

Parents have a fundamental right to guide the upbringing of their children, and government has an obligation to respect that right. The nonpublic school community in the United States provides parents with important options for the education of their children. Faith-based and nonsectarian private schools, along with a growing number of children who are homeschooled, account for approximately 13 percent of the school-age population in grades K-12.

#### *Private Schools*

The first schools in the U.S. were private schools and currently account for about 24 percent of all elementary and secondary schools, 11 percent of all students and 12 percent of all full-time teachers. Seventy-six percent of private schools have a religious affiliation, while the remaining 24 percent are nonsectarian.<sup>1</sup> A defining characteristic of private schools is choice as families may freely choose private education and private schools generally have the freedom to choose which students to enroll. Private schools vary widely, though their governance structures and enrollment choices are similar features that all private schools share.

#### *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 School Students and Teachers

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

Under the *No Child Left Behind Act (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. These equitable services must 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 assessment of activities. Programs requiring equitable participation include: Improving Basic Programs Operated by

<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 2005-2006 Private School Universe Survey* (Washington, DC: NCES, 2008).

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

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, 21st 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 an explicit focus and address specific needs and concerns.

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

Title I of *NCLB* also allows community and other public and private institutions, including faith-based organizations and private schools, to be providers of supplemental educational services (SES) (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. Private schools are eligible to become approved providers and to receive payment for providing SES. Private schools interested in becoming SES providers should apply to their SEA.

### ***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 Act and Students With Disabilities Enrolled by their Parents in 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. Opportunity Scholarship Program (OSP)**

Authorized under the *DC School Choice Incentive Act*, the DC OSP is the first federally funded scholarship program in the U.S. Created in 2004, the program receives approximately \$14 million a year and provides scholarships to cover tuition, fees and transportation expenses for students from low-income families in the District of Columbia to attend participating private schools of their choice. Students enrolled in the program can receive up to \$7,500 in financial assistance to pay for their education at a private school. For 2007–08 DC OSP provided about 1,900 students with scholarships to attend private schools.