



Title IA, IIA, & IVA Office Hours

Equitable Services:

Secular, Neutral, and Non-Ideological

November 15, 2022

Equitable Services Trivia!

Question: How would you rank the Title programs from **most accessed** to **least accessed** (SY 21-22)?

Title IA

Title IC

Title IIA

Title IIIA

Title IVA

• Answer:

1. Title IVA: 119 private schools
2. Title IIA: 102 private schools
3. Title IA: 78 private schools
4. Title IIIA: 42 private schools
5. Title IC: 7 private schools

All services must be...

- Secular
 - Non-religious in nature
 - Neutral
 - Does not regard any particular message or substance over another
 - Impartial
 - Non-Ideological
 - Does not belong to a specific group or political party
- Would this be secular?
 - Unit lesson plans that explore how different cultures celebrate Christmas across the world
 - Would this be neutral?
 - Celebrating Labor Day by studying the history of labor unions in the US
 - Would this be non-ideological?
 - PD for Government teachers during which a candidate from the Libertarian Party is the keynote speaker.

Let's Dig In...Question 1

- **May a district contract with a religious organization to provide equitable services?**
 - Yes!
 - *Trinity Lutheran Church of Columbia, Inc v. Comer* (2017)
 - The exclusion of churches from an otherwise neutral and secular aid program violates the First Amendment's guarantee of free exercise of religion.
 - The services provided must be secular, neutral and non-ideological
 - The contractor must be independent of the private school

Source: [Title IA Equitable Services NRG \(2019\)](#) C-28

Let's Dig In...Question 2

- **May equitable services be provided in religiously affiliated private schools?**
 - Yes!
 - *Agostini v. Felton* (1997)
 - Title I instructional services may be provided by public school employees in religiously affiliated private schools without violating the Establishment Clause of the United States Constitution
 - However, a district must
 - Implement sufficient safeguards to ensure that its employees or contractors do not promote religion in the course of providing services.
 - For example, a district might provide employees or contractors with detailed instructions that:
 - They are public employees and accountable only to their public school supervisors
 - They may teach only students determined to be eligible by public school officials
 - They may not introduce any religious matter into their teaching
 - They may not become involved in the religious activities of the private school
 - For Title IA: materials/equipment are used for the Title I program only

Source: [Title IA Equitable Services NRG \(2019\)](#) C-22

Let's Dig In...Question 3

- **Must a district require the removal of religious symbols in private school classrooms in which equitable services are provided?**
 - No!
 - *Agostini v. Felton* (1997)
 - The district can use any space in a private school to provide equitable services without altering the space to make it secular, neutral or non-ideological

Source: [Title IA Equitable Services NRG \(2019\)](#) C-23

Let's Dig In...Question 4

- **May a Title I teacher use the same textbooks as those used by the private school students in their regular classroom?**
 - Yes! If...
 - The textbooks and materials are secular, neutral and nonideological
 - The instructional services supplement and do not replace the instructional program in the participants' regular classrooms

Source: [Title IA Equitable Services NRG \(2019\)](#) C-25

Let's Dig In...Question 5

- **May Title II-A funds be used to pay for an online subscription to a professional development video database if the content is not fully secular, neutral and non-ideological?**
 - No!
 - There is no way to guarantee that the user is only accessing secular, neutral and non-ideological content.
 - Funds may not be used to pay a pro rata portion of an online subscription to reflect the amount of material that is secular, neutral and non-ideological because there is no way to guarantee that the user is only accessing this material
 - However,
 - If the online subscription database has a separate subscription that only permits access to content that is secular, neutral and non-ideological, this would be allowable

Source: [Draft Title VIII Equitable Services NRG](#) (2022) H-12

Let's Dig In...Question 6

- **Can a private school use a Title IIA program to attend a conference that conducted by a religious, partisan or ideological organization?**
 - Yes! But...
 - Only for the percentage of the conference that is secular, neutral and non-ideological
 - The district must:
 - Have the teacher indicate which sessions they will attend
 - Read the session descriptions to determine if they are secular, neutral and non-ideological
 - Have the teacher document their participation in qualifying sessions when they return

Source: [Draft Title VIII Equitable Services NRG](#) (2022) H-12

Let's Dig In...Question 6, Example Problem

- A private school teacher spends \$300 on transportation, \$200 on conference fees, \$400 on a hotel and \$100 for food to attend a PD conference conducted by the Seinfeldians.
- The conference runs from 8am – 5pm (with an hour free for lunch) and they attend 8 sessions:
 1. Pray Your Way to Better Classroom Management
 2. Improving Literacy with Subtitles While Watching Season 3 of *Seinfeld*
 3. Equitable Services for the Newly “Principaled”
 4. Free and Reduced Lunch for All: A New Reality
 5. Why to Vote Elaine as Veep
 6. Pirates: The Religious History of Puffy Shirts in Menswear
 7. A Whole School Approach to Celebrating Festivus
 8. Networking for Educators

How much of the total cost can the district pay/reimburse?

Let's Dig In...Question 6, Example Solution

- First, determine the total cost of the PD
 - \$1,000
- Second, determine which sessions are secular, neutral and non-ideological:
 - 3. Equitable Services for the Newly “Principaled”
 - 4. Free and Reduced Lunch for All: A New Reality
 - 8. Networking for Educators
- Third, calculate the percentage of allocable sessions
 - 3/8 or 38%
- Fourth, reimburse 38% of \$1,000
 - The district can pay/reimburse \$380 to the private school teacher

Remember:

- All equitable service programs are district run programs
 - The district must provide services that meet the specific needs of private school participants
 - The district has financial responsibility for the program
 - The district makes all final decisions
- However, a robust and successful equitable service program also must
 - Give due consideration to the private school's point of view
 - Work with the private school to facilitate the equitable service program

Here to help

Janette Newton

phone: 503-551-9405 | email: Janette.Newton@ODE.Oregon.Gov