



ESSA and CARES Act, ESSER Private School Equitable Services

This page describes TEA plans for compliance with equitable private nonprofit school (PNP) services requirements under the Every Student Succeeds Act (ESSA) and the [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\), Public Law 116-136, 134 Stat. 281](#) (CARES Act), Elementary and Secondary School Emergency Relief Fund (ESSER) Section 18003 of the CARES Act.

COVID-19 and Federal Grant Funds

Visit the [Department of Grant Compliance and Administration](#) for information on the federal grants authorized in response to COVID-19.

CARES Act, ESSER and Private Nonprofit (PNP) Equitable Services

Providing Equitable Services to Students and Teachers in Participating Private Nonprofit Schools Under the CARES Act Programs

The [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\), Public Law 116-136, 134 Stat. 281](#) (CARES Act) authorized the [Education Stabilization Fund \(ESF\)](#) that creates funding streams for several distinct education programs that address the [impact of the Novel Coronavirus Disease 2019 \(COVID-19\) on educational services](#). Provisions and additional information on the CARES Act relevant to the ESF and other Texas Education Agency (TEA) programs are available on the [TEA COVID-19 Support and Guidance](#) website.

Two programs in the ESF require a local education agency (LEA) that receives funds to provide equitable services to students and teachers in private nonprofit (PNP) schools:

- The Governor's Emergency Education Relief Fund (GEER) if grants are awarded to LEAs (Section 18002 of the CARES Act).
- The Elementary and Secondary School Emergency Relief Fund (ESSER) (Section 18003 of the CARES Act).



[CARES Act Equitable Services FAQ](#): Provides information about equitable services for students and teachers in private nonprofit (PNP) schools.

ESSA Equitable Services

Private Nonprofit Equitable Services Reservations

The reports below provide the amount of funds that must be reserved by LEAs for equitable services to eligible students at participating private nonprofit schools.

For Title I, Part A, the private nonprofit (PNP) equitable services reservation amount does not include any reduction for school district administration of private nonprofit services. School districts are required to consult with PNPs prior to deducting administration costs from the equitable services amount.

- [2022-2023 ESSA LEA Private Nonprofit Equitable Services Reservations by LEA](#)
- [2022-2023 ESSA LEA Private Nonprofit Equitable Services Reservations by ESC](#)
- [2021-2022 ESSA LEA Private Nonprofit Equitable Services Reservations by LEA](#)
- [2021-2022 ESSA LEA Private Nonprofit Equitable Services Reservations by ESC](#)
- [2020-2021 ESSA LEA Private Nonprofit Equitable Services Reservations by LEA](#)
- [2020-2021 ESSA LEA Private Nonprofit Equitable Services Reservations by ESC](#)

ESSA and CARES Act, ESSER Equitable Services Documents

TEA has developed the following forms for districts to use in complying with the ESSA and CARES Act, ESSER equitable services requirement.

Affirmation of Consultation with PNP School Officials

In accordance with the requirements of ESSA and the CARES Act ESSER, districts and eligible PNPs must collaborate to complete the following Affirmation of Consultation forms, as applicable, and submit them to TEA. Instructions for completing and submitting the forms are also linked below, in addition to the sections of ESSA and the CARES Act ESSER that specify the PNP consultation requirements.

For 2023-2024:

- [Instructions for Affirmation of Consultation](#)



- [Affirmation of Consultation with PNP Officials: Formula Grants](#)
- [Affirmation of Consultation with PNP Officials: Title IV, Part B--21st Century Community Learning Centers \(CCLC\)](#)

For 2022-2023:

- [Affirmation of Consultation with PNP Officials: Formula Grants](#)
- [Affirmation of Consultation with PNP Officials: Title IV Part B, 21st Century Community Learning Centers \(CCLC\)](#)
- [Affirmation of Consultation with PNP Officials: CARES Act ESSER Grants](#)

TEA Procedure for Offering PNP Equitable Services Upon Request

The purpose of this policy and procedure is to meet the ESSA requirements when a participating private nonprofit school files a complaint against the school district and requests the state to provide its equitable services under ESSA programs, and the ombudsman substantiates the validity of the complaint. [ESSA Sections 1117(b)(6)(A-C) and 8501(c)(6)(A-C)].

- [TEA Procedure for Offering PNP Equitable Services](#)

PNP Complaint Forms

The following resources are available in English and Spanish to private school officials and other stakeholders who believe that the ESSA and CARES Act ESSER equitable services requirement has been violated:

- [ESSA PNP Complaints and Procedures](#) (English)
- [ESSA PNP Complaint Form](#) (English)
- [Procedimientos de cómo presentar quejas](#) (Español)
- [Formulario para Quejas: Servicios Equitativos](#) (Español)

Approval of Participant Support Costs

Under ESSA and the CARES Act, ESSER, equitable services to PNPs that are required, and therefore allowable, under federal program statute include registration and travel costs for PNP staff participating in allowable professional development activities. The direct cost of providing training, including travel to professional conferences and any registration fees, meets the [EDGAR definition of a "participant support cost."](#)

School districts that expend federal grant funds on the provision of equitable services must complete the [Request for Approval of Participant Support Costs: Private School Equitable Services](#) form. The district must print the completed form and maintain the printed copy as



documentation of the required approval for expenditure of federal grant funds on participant support costs. This documentation must be provided to auditors and monitors upon request.

PNP Ombudsman

Texas has designated an ombudsman to monitor and enforce equitable services requirements under Title I, Part A and Title VIII of ESSA and the CARES Act, ESSER. The ombudsman serves as the state's primary point of contact for addressing questions and concerns from private school officials and local school districts.

PNP Complaints and Procedures

TEA's PNP ombudsman addresses alleged violations of the ESSA equitable services requirement. Refer to the PNP Complaint Forms section above for links to the complaint procedures and forms in both English and Spanish.

Refer to [ESSA, Section 8503](#) for the statutory description of the complaint process.

Private School Equitable Services Workgroup

TEA has established the Private School Equitable Services Workgroup to fulfill part of the PNP ombudsman responsibilities. This group is made up of school district representatives, education service center (ESC) representatives, and PNP school representatives.

Workgroup Roles and Duties

[As described in this overview of its role and duties](#), the Private School Equitable Services Workgroup reviews equitable services requirements such as monitoring protocols, complaint procedures, and the process for requesting the state provide equitable services. The group also provides input on the types of support needed for equitable services.

Federal Statute, Guidance, and Resources

The following links lead to federal statute and guidance describing the ESSA and CARES Act requirements for the provision of equitable services to private nonprofit schools (PNPs).

- [ESSA, Title I, Part A, Subpart 1, Section 1117 Participation of Children Enrolled in Private Schools](#). (ESSA Statute)
- [ESSA, Title VIII General Provisions, Part F, Subpart 1 Private Schools, Section 8501 Participation by Private School Children and Teachers](#). (ESSA Statute)



- [ESEA Title I, Part A Equitable Services Updated Non-Regulatory Guidance](#) (Updated, May 17, 2023)
 - [ED Summary Response to ESEA Title I, Part A Equitable Services Guidance Public Comments](#) (May 2023)
- [Title VIII, Part F of the Elementary and Secondary Education Act of 1965: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance](#) (Updated, July 17, 2023)
 - [ED Summary Response to Title VIII, Part F Non-Regulatory Draft Guidance Public Comments](#) (July 2023)
- [Education of Migratory Children under Title I, Part C of the ESEA of 1965](#) (Selected Chapters Revised Guidance, March 2017)
 - Equitable Services requirements in Section V, "Serving migrant children who attend private schools"
- [Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel Non-Regulatory Guidance](#) (July 2015)
- [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the ESEA of 1965, as Amended by the ESSA](#) (Nov 2016)
- [ONPE FAQ General Issues Related to Nonpublic Schools](#) (August 2019)
- [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#)
 - ESSER, Section 18003
 - Equitable Services, Section 18005
- [CARES Act Programs: Equitable Services to Students and Teachers in Nonpublic Schools, Interim Final Rule](#) (July 2020)

For more information on ESSA and the CARES Act refer to the [ESSA page of the Office of Nonpublic Education website](#) and the [CARES Act, ESSER pager of the Office of Elementary and Secondary Education website](#).

Capacity Building Initiative

TEA collaborates with ESC 20 for the [Capacity Building Initiative \(CBI\)](#) grant. Part of the work for the CBI is to assist with the PNP implementation requirements. In this capacity, CBI provides information and resources on our behalf. CBI is also a participant in Private School Equitable Services Workgroup meetings.