

ESC Random Validation Training Phase 2

**LEAs Providing Private Nonprofit (PNP) Equitable Services:
LEA Documented PNP Equitable Services Administration Amounts**

November 2023

**Texas Education Agency
Federal Program Compliance Division**

This presentation is intended solely to provide general information and guidance to Texas ESCs, LEAs, and participating Private Schools and reflects the Texas Education Agency's current understanding of statute and applicable federal guidance. The content of this presentation is subject to change as a result of further potential information and guidance provided by federal agencies with regulatory oversight of these programs. This presentation does not constitute legal advice, and entities are, therefore, advised to seek legal counsel regarding the information and guidance provided in this presentation before acting on such information and guidance.

Program Requirements Selected



Documenting overall compliance for a program requirement may require several forms of documentation to be maintained locally and available upon request by TEA and/or an auditor.



To ensure overall compliance with program requirements, LEAs should refer to the Program Guide and/or other program-related resources that reference the multiple forms of documentation required to be maintained locally.



The documentation requested for submission during the random validation process may not include all forms of documentation that are required to be maintained locally.

Documentation for virtual meetings is acceptable.



Given the increased use of virtual meeting environments, participant rosters that include the meeting title, meeting date, and stakeholder names and roles would be acceptable substitutes for the more traditional sign-in sheets. This eliminates the need of a participant signature.



**2023-2024 Random Validation Handbook
for LEAs Providing Private Nonprofit (PNP)
Equitable Services**

**LEA Documented Private Nonprofit
Equitable Services Administration Amounts**

Federal Program Compliance Division

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Title I, Part A Programs Section 1117(a)(4)(A)

4. Expenditures..—

(A) Determination..—

- i. In General.—Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.

- ii. Proportional Share.—The proportional share of funds shall be determined based on the total amount of funds received by the local educational agency under this part prior to any allowable expenditures or transfers by the local educational agency.



ESSA Statutory Requirement – LEA PNP Title VIII *Administration* Amounts

Title VIII Programs

Section 8501(a)(4)(A-B)

4. Expenditures.

In General.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

Obligation of Funds.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

Code of Federal Regulations (C.F.R.), Title 34, Subtitle B, Chapter II, Subpart E, Section 299.6(a)(2)

Before determining equal expenditures under [paragraph \(a\)\(1\)](#) of this section, an agency, consortium, or entity shall pay for the reasonable and necessary administrative costs of providing services to public and private school children and their teachers and other educational personnel from the agency's, consortium's, or entity's total allocation of funds under the applicable ESEA program.

Assurances Relating to Title I, Part A Programs

- The size and scope of the equitable services to be provided to the eligible private school children, the proportion of funds that is allocated for such services, and how that proportion of funds is determined.
- The LEA assures it will keep documentation of program descriptions, allowable activities, and expenditures locally and make available upon TEA request for all applicable private non-profit requirements in Sections 1117 and 8501. TEA may request a description of services and use-of-funds documentation later through compliance reports or other TEA reports.

Assurances Relating to Title VIII Programs

The LEA will comply with the uniform provisions for providing services to private schools as specified in Title VIII, Part F, Subpart 1, Private Schools, Sections 8501-8504.



LEA Compliance Report: PNP Compliance Self-Check – LEA PNP *Administration* Amounts

The LEA documented the equitable services *administration* amount used and provided a written explanation to all applicable participating programs.

Documentation Required— LEA PNP *Administration* Amounts

Documentation Required

1.1

LEA Documented
Equitable Services
Administration
Amounts

Acceptable Documentation

- Documentation LEA informed PNP officials during consultation(s) of equitable services *administration* amount *and* how it was used; *or*
- Documentation LEA shared calculated equitable services *administration* amounts by program for *one* participating PNP school campus; *or*
- Written procedures and documentation that provided verification/tracked LEA PNP purchases that include equitable services *administration* amounts for *one* participating private school campus.

Documentation Required –

Written documentation supporting equitable services
administration Amounts



Issues that may result in an “Improvement Needed” status

- Auditable documentation requested was not submitted
- Documentation submitted does not indicate PNP was consulted on reserved administration amounts
- Documentation does not provide *how* administration amounts were used



Federal Program Compliance Division Contact Information



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