

Department of Grant Compliance and Administration

Statewide Training Series

Questions & Answers

Training Title: Private School Equitable Services Program Overview

Training Date: 05/12/2021

For additional information, please contact us at PNPOmbudsman@tea.texas.gov.

Q1: May a homeschool participate and receive equitable services?

A1: A homeschool may be eligible to participate *only* if it can provide documentation of 501(c)(3) nonprofit status and the students meet program eligibility.

Q2: Is an evaluation of the Title I, Part A program required if private nonprofit (PNP) schools participate in Title I equitable services?

A2: Yes. An LEA must annually evaluate the Title I, Part A equitable services it provides to determine the progress being made in meeting participating students' academic needs. (ESEA section 1117(a)(1)(A), (b)(1)(D)). The [USDE Title I, Part A Equitable Services Non-Regulatory Guidance](#) document provides more details.

Q3: Is an evaluation of the Title IV program required if private nonprofit (PNP) schools participate in any Title IV, Part A equitable services?

A3: Yes. The evaluation of services and how the results will be used must be discussed during ongoing consultation meetings per the [ESEA, Participation by Private Schools and Teachers, Part F, Subpart 1, Section 8501\(c\)\(1\)\(D\)](#) and [ESEA, Title IV, Part A, Section 4106 \(e\)\(1\)\(E\)](#).

Q4: We have a PNP school that is closing at the end of the month. They were participating in ESSA Title II, Part A; Title III, Part A; and Title IV, Part A programs. How does the LEA distribute the closing PNP school's remaining funds for equitable services?

A4: For programs covered under the Title VIII Uniform Provision, if an LEA provided equitable services for private school students in any given year, any carryover funds for services to private school students would be considered additional funds for that program for public and private school students in the subsequent year. Those funds then would be used, along with any other carryover funds, for both public and private

school students on an equitable basis. This situation might occur, for example, if private school students and teachers did not fully participate in the *ESEA* program (e.g., private school teachers opted out of a proposed professional development activity), even though an equitable program was planned and offered for those students and teachers.

Q5: May an LEA carry over unobligated Title I, Part A funds despite the statutory requirement regarding obligation of funds?

A5: If an LEA is providing Title I, Part A equitable services as required and meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B), it generally should not have any, and certainly not significant, carryover. The ESEA, however, does not prohibit carryover of funds for equitable services and, in most cases, requires it. The [USDE Title I, Part A Equitable Services Non-Regulatory Guidance](#) document provides more details.

Q6: If an LEA hires and supervises *PNP staff* to provide equitable services, would the PNP staff pay be considered extra-duty or contracted?

A6: It will depend upon the type of employment arrangement. The main difference between an employee and a contractor is that the employer has control over the activities of the employee, but the contractor does his or her work independently. The employee has a specified salary or wage and is bound by an employment contract. If the new employee is hired full- or part-time to provide PNP services, the salary or wage will be regular pay not extra-duty pay.

Q7: If an LEA hires *public school staff* to provide PNP equitable services, would the LEA staff be considered extra-duty or contracted?

A7: If the individual is already employed by the LEA and is providing services outside of normal working hours it is an extra-duty pay. In that case, LEA must maintain time sheets and records of extra duties performed to support time and effort requirements.

Q8: When determining equitable shares, the ESSA Consolidated Application rounds up and does not include cents. Our LEA has historically calculated equitable shares which includes the equitable shares amount with cents. Which amount is correct?

A8: The LEA must use the rounded equitable services share that is calculated on the ESSA Consolidated Application.

Q9: May an LEA or a third-party contractor employ a private school teacher to provide Title I, Part A services to private school participants?

A9: Yes, provided certain conditions are met. An LEA may hire a private school teacher to provide Title I, Part A services only if the teacher is independent of the private school in the provision of Title I services. The private school teacher must be employed by the LEA for Title I purposes outside of the time he or she is employed by the private school, and the private school teacher must be under the direct supervision of the LEA with respect to all Title I activities. (ESEA section 1117(d)(2)). -[USDE Title I, Part A Equitable Services Non-Regulatory Guidance](#)