

General Description:

The Elementary and Secondary Education Act of 1965, as authorized by the Every Student Succeeds Act (ESSA) of 2015, established equitable services for eligible private nonprofit schools. The ED Office of Nonpublic Education is within the ED Office of the Deputy Secretary.

An LEA shall (a) after timely and meaningful consultation with appropriate PNP school officials, provide eligible children and/or staff, on an equitable basis, applicable services such as: instructional services, counseling, mentoring, one-on-one tutoring; professional development opportunities, etc., that address their needs; and for Title I, Part A targeted-assistance programs; Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; Title IV, Part B (b) ensure that teachers and families of the children participate on an equitable basis (according to ESSA, Sections 1117 and 8501).



Authority:

The *Elementary and Secondary Education Act* (ESEA) of 1965, as amended by the *Every Student Succeeds Act* (ESSA) of 2015, Sections 1117 (Title I, Part A) and 8501 (Titles I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B)

Eligibility for Equitable Services:

- For Title I, Part A, equitable services, private school students must reside in an eligible Title I, Part A attendance center, meet eligibility, and have an educational need.
- For Titles I, Part C; II, Part A; III, Part A, English Learners and Immigrants; IV, Part A; and IV, Part B, the private school campus must be located within district boundaries and meet program eligibility for students and staff served.

Special Rules, Selected Equitable Services Requirements, and Provisions:

- LEA must keep annual documentation on file that meets all requirements of the ESSA, Sections 1117 and 8501
- LEAs are required to provide equitable services for eligible PNP school students and staff
- Equitable services must be secular, neutral, and non-ideological for all educational services, materials, professional development opportunities, and equipment
- Equitable services must be provided in a timely manner
- LEA must document timely and meaningful ongoing consultation meetings
- LEA and PNP school officials shall both have the goal of reaching an agreement on how to provide equitable and effective programs for eligible PNP students meeting the consultation requirements of Sections 1117 and 8501
- LEA must submit signed Affirmation of Consultation forms for each participating PNP school
- LEA is the fiscal agent and must maintain control of all federally funded purchases for materials, property, and equipment
- LEA must hire and oversee all staff providing instructional services to PNP students
- LEA must complete the PS3099 Private School Schedule to determine equitable services for participating programs
- LEA funds for PNP educational services shall be obligated within the same fiscal year received, unless there are unexpected circumstances
- LEA shall provide PNP school officials with a written explanation for disagreements

- LEA must ensure all PNP program services meet the needs of the PNP students/staff and are reasonable, necessary, allowable, allocable, and meet all Education Department General Administrative Regulation (EDGAR) requirements
- PNP school officials shall have the right to file a formal complaint with the TEA Ombudsman if the LEA did not provide due consideration to PNP school officials' views or did not make decisions that treat private schools/students equitably
- Equitable services are monitored and enforced by the TEA Ombudsman
- LEA must submit signed *Affirmation of Consultation* form(s) via Federal Program Compliance (FPC) *PNP Affirmation Smartsheet WorkApp* for all participating private nonprofit schools

Requirements to Receive Equitable Services:

- Eligible private nonpublic school staff must meet with LEA staff for ongoing consultation meetings, provide requested data for LEA to determine student and/or staff eligibility, sign the *Affirmation of Consultation* form, submit and collaborate in the plans for requested programs/activities to participate with equitable services.

PNP Program Participation Data: 2023-2024

Program	#LEAs Serving PNP Schools with Equitable Services	#Schools Served with LEA Equitable Services
Title I, Part A	122	417
Title I, Part C		
Title II, Part A	143	502
Title III, Part A – English Learners	28	61
Title III, Part A - Immigrants	1	2
Title IV, Part A	112	421

Resources:

[TEA ESSA Private School Equitable Services](#)

[TEA Private Nonprofit Equitable Services Reservations](#)

[TEA Affirmation of Consultation with Private School Officials - Formula Grants](#)

[ED Office of Nonpublic Education \(ONPE\)](#)

[ED Title I, Part A, Equitable Services Non-Regulatory Guidance](#) (May 2023)

[ED Title VIII, Part F, of ESEA, as Amended by ESSA: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel Non-Regulatory Guidance](#) (July 2023)

[ED ESSA Fiscal Changes and Equitable Services Guidance](#) (November 2016)