



Every Student Succeeds Act (ESSA)
Private Nonprofit (PNP)
Equitable Services
Program Guide

Every Student Succeeds Act (ESSA) Private Nonprofit (PNP) Equitable Services

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This Program Guide is designed to serve as a reference for Local Education Agency (LEA) staff, Private Nonprofit (PNP) school officials, LEA/PNP consultants, and other applicable stakeholders of selected federal and state equitable services TEA guidance and USDE requirements of the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).

The guide contains basic LEA ESSA PNP equitable services program information, as well as direct links to related information and resources available on the Texas Education Agency website. This resource provides general program information and should not be perceived as an all-inclusive listing of all statutory requirements. Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all requirements noted in statute.

All statutory requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

Additionally, please note that any sample language provided in sections of this guide are examples of what LEAs and/or campuses could use as a guide. It is not meant for an LEA to copy and paste verbatim, as LEA policies and procedures may be different than what is provided as sample language.

Unless otherwise noted, the Section numbers cited in this guidance document refer to the Elementary and Secondary Education Act (ESEA), as amended by the Every Student Succeeds Act (ESSA).

Additional TEA PNP documents/resources:

- [TEA ESSA PNP Equitable Services Frequently Asked Questions](#)
- [Every Student Succeeds Act \(ESSA\) Private Nonprofit Equitable Services Companion Guide for LEA Documentation](#)
- [Instructions for Completing Affirmation of Consultation Forms with Private Nonprofit School Officials](#)
- [Methods of Collecting Low-Income Information](#)

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Title I, Part A: Private School Equitable Services

Through ESSA, federal grant funding is made available every year to serve students who meet certain criteria, such as students from low-income families. Those grant funds are awarded to the state education agency (TEA). TEA then allocates funds directly to the LEAs. "Private school equitable services" refers to the process of providing students, teachers, staff, and families at eligible private schools, fair access to federally funded education programs and services, as appropriate. The process depends on a "timely and meaningful consultation" between LEAs and private school officials.

Note: Private schools do not directly receive equitable services funds. Funds for the provision of equitable services are allocated to the LEA. It is the LEA's responsibility to provide equitable services directly or through a separate government agency, consortium, entity, or third-party contractor.

A. General Responsibilities and Requirements

The LEA in which the child resides is responsible for providing eligible children enrolled in private schools the opportunity to receive services or benefits under Title I, Part A. The LEA shall reserve funds to provide any eligible private school student with comparable services, regardless of the location of the private school the student chooses to attend. The LEA may arrange to have services provided by another LEA, reimbursing that LEA for costs.

The LEA in which the child resides is responsible for ensuring the requirements for private school participation are met. For Shared Services Arrangements (SSA), the fiscal agent is responsible unless the written SSA states otherwise.

The following general rules apply:

- Private schools receive services **only**. Funds **do not** flow to private schools or to facilities for the neglected and delinquent.
- As with children attending public schools, Title I, Part A funds may **not** be used to identify those private school children who would be eligible to participate. However, Title I, Part A funds **may** be used to select participants from those who are eligible and to determine specific educational needs of participating children.
- **Services** to private school children may be provided in subject areas or grade levels that are different from those provided to public school students.
- All activities involving private schools **must** be supported by auditable documentation.

B. Funding for Services to Eligible Private School Children

Under Title I, Part A statute, an LEA must allocate funds to a participating public-school attendance area or school based on the total number of children from low-income families, including low-income children attending private schools. Thus, the LEA in consultation with private school officials, must obtain the best available poverty data on private school children who reside in participating attendance areas. Private school officials may have access to some sources of poverty information not easily accessible to public school officials; it is especially important that public and private school officials cooperate in this effort.

An LEA may use the following methods to obtain poverty data on private school children:

1. **Data from the same source**—An LEA may use poverty data from the same source for both public and private school children (e.g., free, and reduced-price lunch (FRPL) data).

Comparable data—If data from the same source are not available an LEA may use a survey to obtain poverty data comparable to those used for public school students. The only information necessary for the LEA to collect from such a survey of private school children is:

- verification of residence in a participating Title I public school attendance area;
- grade level and age of each child;
- income level of parents.

To extrapolate the survey results to the private school's entire enrollment, the LEA will also need the private school's enrollment.

2. **Comparable poverty data from a different source.** An LEA may use poverty data for private school children that are from a different source than the data it uses for public school children if the income level for both sources is the same.

For example, the LEA uses FRPL data, but private school children do not participate in the free lunch program; however, private school officials are able to provide the LEA a count of children who are from low-income families using other comparable sources of poverty data such as eligibility for means-tested tuition scholarship programs or E-Rate program.

3. **Proportionality** - An LEA may apply the low-income percentage of each participating Title I, Part A public school attendance area to the number of private school children who reside in that school attendance area to derive the number of private school children from low-income families. An LEA will need student home addresses, grade levels and ages of those students attending private schools.
4. **An Equated Measure**—An LEA may obtain the number of low-income school children by correlating sources of data; determining the proportional relationship between two

sources of data on public school children and applying that ratio to a known source of data on private school children. For example, Temporary Assistance to Needy Families (TANF) in public schools is to free and reduced-price lunch in public schools as TANF in private schools is to X (correlated free and reduced-price lunch in private schools).

To provide equitable services to eligible private school children, the LEA should refer to the PS3099 in the current year ESSA Consolidated Federal Grant Application to identify the per pupil amount for private school students. Funds are generated by private school children who meet the low-income level used for determining low-income status of private school students and who reside in a participating Title I, Part A public school attendance area.

In consultation, the LEA and private school officials choose one or a combination of the following options for using the funds reserved for providing services to eligible private school children:

- Provide equitable services to eligible children in each private school with the funds generated by children from low-income families who reside in participating public school attendance areas and who attend that private school.
- Combine the funds generated by low-income private school children in all participating areas to create a pool of funds from which the LEA provides equitable services to eligible private school children, residing in participating public school attendance areas, who are in the greatest educational need of those services.
 - Under this option, the services provided to eligible children in a particular private school are not dependent upon the amount of funds generated by low-income children in that school.

From the proportional share for equitable services, the LEA must reserve at least one percent (if the LEA's total Title I allocation exceeds \$500,000) to provide engagement activities for parents and families of participating private school children. (ESEA sections 1116(a)(3), 1117(a)(1)(B)).

C. Eligible Private School Children

To be eligible to receive Title I, Part A services, a private school child must—

- Reside within the attendance area of a public-school campus that is participating in Title I, Part A; and
- Meet the eligibility criteria in Section 1115(c) of the Title I, Part A statute.

Certain children would be eligible by virtue of their status: for example, homeless children and children who in the preceding two years participated in Head Start or Even Start. However, the criterion that a student is failing, or most at risk of failing, to meet the state's content and student performance standards is, for most private school children, likely to be the criterion by which eligibility for Title I, Part A services will be determined.

In consultation with private school officials, an LEA must establish criteria to determine which private school children are eligible and, within the eligible group, which children will be served. To the extent appropriate, the LEA must select private school children who are failing, or most at risk of failing, to meet the state’s content and student performance standards. If the LEA, in consultation with private school officials, determines that it is inappropriate to select private school children based on the state’s content and student performance standards, the LEA must select private school children who are failing, or most at risk of failing, to meet high levels of achievement comparable to those required by the state’s content and student performance standards.

After students are selected, the LEA, in consultation with private school officials, determines what Title I, Part A services are to be provided. The private school students’ needs will determine what Title I, Part A services are appropriate, and services may be provided in subject areas or grade levels that are different from those provided to public school students. The type of services provided must give reasonable promise that the children will make adequate progress toward achieving the state’s student performance standards.

Eligibility for services is also determined by residence in a participating public school attendance area; therefore, private school students being served must reside in an eligible, participating public school attendance area.

However, if an LEA elects to “skip” a public-school campus, the LEA is still required to provide the eligible private school children who reside within the boundaries of the “skipped” campus’s attendance area the opportunity to receive Title I, Part A services.

D. Meaningful Consultation Requirements

The LEA is required to provide for ongoing and meaningful consultation with appropriate private school officials before any decisions are made concerning the Title I, Part A services for private school children. This includes decisions about reserving funds “off the top” of the LEA’s allocation for LEA-wide activities before funds are allocated to participating (LEA) campuses. In addition, because generation of funds and eligibility of private school children for services are dependent upon residence in a participating public school attendance area, the LEA must share the results of its campus selection and allocation process with private school officials early in the consultation process.

Other issues that must be addressed during consultation are:

- how the children’s needs will be identified;
- what services will be offered;
- how, where, and by whom the services will be provided;

- how the services will be academically assessed and how the results of that assessment will be used to improve those services;
- 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 method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
- how and when the LEA will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- how, if the agency disagrees with the views of the private school officials on the provision of services through a contract, the local educational agency will provide in writing to such private school officials an analysis of the reasons why the local educational agency has chosen not to use a contractor;
- whether the agency shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- whether to provide equitable services to eligible private school children—
 - by creating a pool or pools of funds with all the funds allocated based on all the children from low-income families in a participating school attendance area who attend private schools; or
 - in the agency's participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools;
- when, including the approximate time of day, services will be provided; and
- whether to consolidate and use funds provided under Section 1117(a)(4) in coordination with eligible funds available for services to private school children under applicable programs, as defined in Section 8501(b)(1) to provide services to eligible private school children participating in programs.

Consultation should include a representative of private schools and LEAs. Consultation participants and their roles should be identified by the private school officials and included during the consultation process. It may also be useful to include in the consultation process any third-party contractors providing Title I, Part A services for private school children.

A unilateral offer of services by an LEA with no opportunity for a discussion is not adequate consultation. Only after discussing all the facets of the provision of services does the LEA make the final decisions with respect to the Title I, Part A services to be provided to eligible private school children.

Ongoing coordination of services is essential to provide private school participants an optimal opportunity to reach challenging academic standards. Thus, it is especially important that Title I, Part A teachers of private school participants and LEA officials consult with private school officials and private school instructional staff to coordinate Title I, Part A services with regular classroom instruction. These coordination activities should not take place during instructional time and may occur at a public or private school site, a neutral site, by email, or by telephone.

Frequently Asked Questions

Q1. May an LEA impose reasonable deadlines on private school officials to facilitate meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B)?

A1. Yes. An LEA—not private school officials—is responsible for ensuring that Title I funds are obligated in a timely manner. In some cases, however, action by private school officials is necessary for the LEA to meet this obligation.

Generally, however, the ongoing consultation required by the ESEA (ESEA section 1117(b) (3)) will help prevent this situation from occurring because consultation throughout the year provides an established forum for private school officials to alert the LEA if there are obstacles to meeting a deadline (e.g., a private school participant was unable to attend professional development due to an illness).

E. Expenditures and Services

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.

When the number of eligible children at one location is exceedingly small, the cost of establishing certain types of programs to serve them may be prohibitive, especially when these children may be from different grades or have different educational needs. In this case, an LEA, in consultation with private school officials, may consider other options.

Services are considered equitable if the program:

- addresses and assesses the specific needs and educational progress of private school children on a comparable basis as public school children;
- meets the equal expenditures identified in the PS3099;

- provides opportunities to participate in activities that are also provided to children attending public school; and
- provides promise of children achieving high performance standards.

All Title I, Part A services and benefits must be:

- secular,
- neutral, and
- nonideological.

Provision of Services and Control of Funds

The LEA remains responsible for the program and fiscal oversight of the Title I program.

Services must be provided:

- by the LEA; or
- by employees of a public agency; or
- through contract by such public agency with individuals and public and private agencies, organizations, and institutions so long as those entities are independent of the private school in the provision of those services.

Frequently Asked Questions

Q1. May an LEA carry over unobligated funds despite the statutory requirement regarding obligation of funds?

A1. If an LEA is providing equitable services as required and meeting the obligation of funds requirement in ESEA section 1117(a)(4)(B), it 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.

Q2. How does the 15 percent carryover limitation in ESEA section 1127(a) apply to Title I, Part A equitable services carryover?

A2. The 15 percent carryover limitation in ESEA section 1127(a) is calculated based on an LEA's total Title I, Part allocation, including the portion allocated for equitable services. However, because an LEA must carry over any equitable services funds not obligated in accordance with ESEA section 1117(a)(4)(B), if an LEA exceeds the carryover limitation, and an SEA reduces the LEA's allocation as a result, such reduction may not come from the portion of carryover funds used to provide equitable services.

An exception would be if one or more private schools declines all or a portion of services, and there are no other participating private schools. In this case, the SEA would consider the funds generated for the declined services when making a reduction to an LEA's allocation.

F. Basic Rules for Equitable Services

1. The LEA must maintain control of, and administer, Title I, Part A funds and must retain title to materials, equipment, and property purchased with Title I, Part A funds.
2. Title I, Part A equipment and supplies may be placed in a private school if they are only used for Title I, Part A purposes and if they are able to be removed without remodeling the private school facility.
3. The LEA shall remove equipment and supplies if they are no longer needed for Title I, Part A purposes; or if removal is necessary to avoid unauthorized use of the equipment or supplies for other than Title I, Part A purposes.
4. Title I, Part A funds that are used to provide services to private school children must supplement, not supplant the level of services that would, in the absence of Title I, Part A funds, be available.
5. Funds must be used to meet the special educational needs of identified Title I-participating private school children. Funds are not for the needs of the private school or the general needs of children in the private school.
6. No funds may be used for repairs, minor remodeling, or construction of private school facilities.
7. Funds may not be used to pay substitutes for private school teachers.
8. Private schools are **not** to be operated as Schoolwide programs and may only service students who have been identified as TIA eligible.

Frequently Asked Questions

Q1. May private school officials order, or purchase materials and supplies needed for the Title I, Part A program and be reimbursed by an LEA?

A1. No. Private school officials have no authority to obligate or receive Title I, Part A funds. The ESEA requires an LEA to maintain control of Title I, Part A funds, materials, equipment, and property. (ESEA section 1117(d)(1)). Thus, no Title I funds may be paid to a private school, even as reimbursement.

Q2. To meet the equitable services requirements under Title I, Part A, may an LEA just provide a private school with instructional materials and supplies paid for with Title I funds?

A2. No. Simply providing a private school with instructional materials and supplies does not meet the LEA's obligation to provide equitable services because it is neither a proper Title I,

Part A program implemented by the LEA nor does it meet the requirement that services be equitable. (ESEA section 1117(a)(1)(A), (a)(3)(A)).

G. Parental Involvement for Parents of Participating PNP Students

How the LEA provides parental involvement services for parents of participating private school children depends on how the LEA administers the parental involvement program for the participating public schools.

Activities for the parents of private school participants must be designed in consultation with private school officials and parents. A school-parent compact between the private school and participating private school children is not required.

** Note: LEA's ESSA Consolidated Federal Grant Application, PS3099 Private Nonprofit School Equitable Services Schedule, Part 2A, Line 12, parent and family involvement set aside at the private school.*

H. Professional Development to Meet the Needs of Title I, Part A Students

The private school allocation may be used to provide professional development to meet the needs of:

- Private school officials and staff who work directly with Title I, Part A eligible students;
- Parents of eligible private school children; and
- Public school teachers who provide Title I, Part A services to eligible private school students

I. Assessment and Program Improvement for PNP

An LEA must assess annually the progress of the Title I program toward enabling private school Title I, Part A participants to meet the state's student performance standards (or the LEA's alternative standards). An LEA must assess the progress of the Title I, Part A program using the state assessment system. However, the LEA may need to use other assessment measures, in consultation with private school officials, to better measure the progress of participating private school children.

For example:

- If those standards are not aligned with the curriculum of the private school.
- If the LEA, in consultation with private school officials, determines that it would be

inappropriate to measure the achievement of participating private school children in relation to the state's content and student performance standards. (In this situation, the LEA must identify alternative standards that provide reasonable promise of those children achieving the elevated levels called for by the state's student performance standards).

The LEA also has the flexibility to group children in a manner that will provide the most accurate information of this progress.

For example, the LEA may decide to group children by:

- the type of instructional method; or
- grade level; or
- school; or
- other appropriate basis.

Regardless of whether direct instruction is provided, all applicable requirements of the Title I, Part A program for private school children still must be met, including the assessment of identified eligible students.

Title VIII: Private School Equitable Services

Under the ESSA Title VIII programs, an LEA is required to abide by all requirements for providing equitable services in: Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B. [ESSA, Title VIII, Part F, Subpart 1. Section 8501]

To the extent consistent with the number of eligible children identified in the school district served by the LEA who are enrolled in private nonprofit (PNP) elementary and secondary schools, the LEA shall—

For Title II, Part A:

- provide teacher mentoring

For Title III, Part A; Title IV, Part A; and Title IV, Part B:

- provide timely and meaningful consultation with appropriate private school officials, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children through -
 - instructional services (including evaluations to determine the progress being made in meeting such students' academic needs),

- counseling,
- mentoring,
- one-on-one tutoring,
- special educational services,
- or other benefits (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs; and
- Ensure that teachers and families of these children participate, on an equitable basis, in services and parent and family engagement activities.

Please note that the educational services or other benefits, including materials and equipment, shall be secular, neutral, and non-ideological. Educational services and other benefits for eligible private school children shall be equitable in comparison to service and other benefits for public school children participating under Title VIII programs shall be provided in a timely manner. The LEA may provide services directly or through third-party contracts with public and private agencies, organizations, and institutions.

The provision of services shall be provided:

- By employees of a public agency; or
- Through third-party contract by such public agency with an individual, association, agency, or organization.

In the provision of such services, such employee, individual, association, agency, or organization shall be independent of the private school and of any religious organization, and such employment or contract shall be under the control and supervision of such public agency.

A. Funding Requirements

Expenditures for educational services and other benefits to eligible PNP school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the total number of eligible children who attend private schools in participating school attendance areas. The proportional share of funds shall be determined based on the total amount of funds received by the LEA, prior to any allowable expenditures or transfers by the LEA. Funds allocated to the LEA for educational services and other benefits to eligible PNP school children shall be obligated in the fiscal year for which the funds are received by the LEA. The LEA may determine the equitable share each year or every two years.

The control of funds, title to materials, equipment, and property, belong to the LEA. LEAs should refer to their own policies and procedures for such process.

B. Consultation Requirements

To ensure timely and meaningful consultation, The LEA is required to provide for ongoing and meaningful consultation with appropriate private school officials during the design and development of the LEA's Title VIII programs. The LEA and PNP school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible PNP school children.

This consultation shall include such issues as:

- How the children's needs will be identified;
- What services will be offered;
- How, where, and by whom the services will be provided;
- How the services will be academically assessed and how the results of that assessment will be used to improve those services;
- 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
- How and when the LEA will make decisions about the delivery of services to such children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
- Whether the LEA shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor;
- Whether to provide equitable services to eligible private school children—
 - by creating a pool or pools of funds with all of the funds allocated under a program; or
 - on a school-by-school basis based on the proportionate share of funds available to provide services in each school;

If the LEA disagrees with the views of PNP school officials with respect to an issue regarding the meaningful consultation requirements, above, the LEA shall provide in writing to the PNP school officials the reasons why the LEA disagrees. The LEA assures such consultation shall include meetings of the LEA and PNP school officials and shall occur before the LEA makes any decision that affects the opportunities of eligible PNP school children to participate in this program. Such

meetings shall continue throughout implementation and assessment of services. The LEA assures that such consultation shall include a discussion of service delivery mechanisms to eligible PNP school children.

The LEA shall maintain in the district's records and provide to TEA a written *affirmation* (see *affirmation instructions document*) signed by officials of each participating private school that the meaningful consultation required has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. The written affirmation is due annually by September 30, of each year.

In addition, LEA and PNP school officials shall sign a written affirmation indicating that **during** consultation of applicable programs, equitable services carryover requirements were discussed.

If such private school officials do not sign such affirmation within a reasonable period, the LEA shall keep documentation on file. If requested, the LEA shall forward to TEA the documentation that such private school meaningful consultation has or attempts at such have taken place.

If a private school official files a complaint to TEA stating that the LEA did not comply with the meaningful consultation requirements, the LEA shall forward to TEA any appropriate documentation.

Frequently Asked Questions

Q1. May an LEA impose reasonable deadlines on private school officials to facilitate meeting the obligation of funds?

A1. Yes. An LEA—not private school officials—is responsible for ensuring that Title VIII funds are obligated in a timely manner. In some cases, however, action by private school officials is necessary for the LEA to meet this obligation. For example, if an LEA plans to reimburse private school teachers for the cost of Title II, Part A professional development selected by private school teachers from a menu of approved courses, during consultation it could establish a reasonable deadline by which private school staff must participate in applicable courses.

If a deadline is established in consultation and in the context of the requirement to obligate funds generated for equitable services in the current fiscal year, it would be reasonable for the LEA to inform private school officials that, if the deadline is not met and the private school officials have not notified the LEA of obstacles to meeting the deadline in a timely manner, the LEA may consider the private school to have declined services. However, the ongoing consultation required by the ESEA will help prevent this situation from occurring because consultation throughout the year provides an established forum for private school officials to alert the LEA if there are obstacles to meeting a deadline (e.g., a private school participant was unable to attend professional development due to an illness).

Q2. Is the residency of a private school student a factor that must be considered when determining whether a student is eligible to receive benefits or not?

A2. No. Students who are enrolled in private nonprofit elementary and secondary schools that are in areas served by an LEA are eligible to receive services. A student's residency is not a factor, even if a student resides in a state that is different from the state in which the private school is located.

Q3. What services are offered if the needs of private school students and teachers are different from those of public-school students and teachers?

A3. The LEA offers services that meet the specific educational needs of the participating private school students and teachers and that show reasonable promise of effectiveness. The services can be different from those provided to public school students and teachers but must be allowable services under the specific ESSA program. In addition, all services and benefits provided must be secular, neutral, and non-ideological.

Q4. When should LEAs calculate equitable shares if they plan to transfer Title II, Part A and/or Title IV, Part A funds?

A4. Before an LEA may transfer funds from a program subject to equitable services requirements, it must engage in timely and meaningful consultation with appropriate private school officials ([ESEA Section 5103\(e\)\(2\)](#)). With respect to the transferred funds, the LEA must provide private school students and teachers equitable services under the program(s) to which, and from which, the funds are transferred, based on the total amount of funds available to each program after the transfer. -*USDE Office of General Counsel*

Reporting Requirements

PS3099 Private School Equitable Services Schedules

Ages Used to Calculate Schedule PS3099 Private School Equitable Services by Program

Program	Identified Student Groups	Ages used for determination
Title I, Part A	Eligible Low-Income Children	Ages 5-17
Title II, Pat A	Total Student Enrollment	Ages 5-17
Title IV, Part A	Total Student Enrollment	Ages 5-17
Title I, Part C	Identified Migrant Children	Ages 3-21
Title III, Part A-ELA	Identified English Learner	Ages 3-21
Title III, Part A-IMM	Identified Immigrant Children	Ages 3-21

Federal funds may not serve stand-alone PK, preschool, or Early Childhood programs without a Kindergarten grade level in the school. For all Title programs, private nonprofit prekindergarten students may only be counted in student enrollment **if** the school serves at least the kindergarten grade level at the PNP school.

Title I, Part A Schedule PS3099 Private School Equitable Services

The PS3099 form is the *Private School Equitable Services* schedule located in *the ESSA Consolidated Application* in eGrants in the application of the current school year after consultations – due annually in September. PS3099 incorporates the formula for determining private school equitable services in the ESSA. All LEAs that complete the ESSA Consolidated Grant Application must complete and submit the PS3099 as part of the application. This schedule calculates participating PNP equitable allocations for services by program. The PS3099 must be revised after the LEA receives final amounts from TEA to reflect the revised calculation of equitable services for PNP schools. Final amounts are typically available once the LEA has submitted final expenditure reports and TEA has calculated carryover. PNP schools must be notified of the revised equitable services amount within a reasonable period. The LEA must keep record of ongoing consultation meetings to discuss the revised equitable services allocation.

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title I, Part A**, the LEA must use eligible low-income children, **ages 5-17**, attending private schools who reside in a participating (or skipped) Title I attendance area to calculate equitable services on the PS3099 schedule.

For additional Title I, Part A, program information and support, contact the TEA's Federal Program Compliance division at ESSASupport@tea.texas.gov.

Title I, Part C Schedule PS3099 Private School Equitable Services

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title I, Part C**, the LEA must use identified Migrant children, **ages 3-21**, in participating private schools to calculate equitable services on the PS3099 schedule.

The citation for Migrant funding eligibility may be found in ESEA, section 1303(a). The definition of migratory child may be found in ESEA, section 1309(3).

For additional Title I, Part C program information and support, contact the TEA's Federal Program Compliance Division at Migrant.Ed@tea.texas.gov.

Title II, Part A Schedule PS3099 Private School Equitable Services

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title II, Part A**, the LEA must use total student enrollment of children, **ages 5-17**, in participating private schools to calculate equitable services on the PS3099 schedule.

For additional Title II, Part A, program information and support, contact the TEA's Federal Program Compliance division at ESSASupport@tea.texas.gov.

Title III, Part A English Language Acquisition (ELA) Schedule PS3099 Private School Equitable Services

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title III, Part A-ELA**, the LEA must use identified English Learner private school children, **ages 3-21**, in participating private schools to calculate equitable services on the PS3099 schedule.

For additional Title III, Part A program information and support, contact the TEA's Division of English Learner Support at EnglishLearnerSupport@tea.texas.gov.

Title III, Part A Immigrant (IMM) Schedule PS3099 Private School Equitable Services

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title III, Part A-IMM**, the LEA must use identified

Immigrant private school children, **ages 3-21**, in participating private schools to calculate equitable services on the PS3099 schedule.

For additional Title III, Part A, Immigrant program information and support, contact the TEA's Division of English Learner Support at EnglishLearnerSupport@tea.texas.gov.

Title IV, Part A Schedule PS3099 Private School Equitable Services

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title IV, Part A**, the LEA must use total student enrollment of children, **ages 5-17**, in participating private schools to calculate equitable services on the PS3099 schedule.

For additional Title IV, Part A, program information and support, contact the TEA's Federal Program Compliance division at ESSASupport@tea.texas.gov.

Compliance Monitoring

Upon certification and submission of the ESSA Consolidated Federal Grant Application, LEAs certify that they will comply with all Title I, Part A and Title VIII PNP equitable services requirements noted in statute. All requirements can be found in the Program-Specific Provisions and Assurances posted on the [TEA Grant Opportunities Page](#). For a link to the Program-Specific Provisions and Assurances, search by the grant application name and review the information located in the Application and Support Information section.

The Federal Program Compliance Division monitors the program requirements through random validations and compliance reporting. The Federal Fiscal Monitoring Division monitors the fiscal requirements as noted.

A. Program Compliance Random Validations

To monitor the compliance of each eligible entity receiving ESSA funds, the State conducts an annual validation process for LEAs. The annual validation process for LEAs addresses the statutory requirements based on program implementation and effectiveness for the current grant year. During the annual validation process, the State randomly selects LEAs to submit documentation for the program compliance requirements.

The State reviews the documentation to determine if the subgrantee met the statutory requirements as noted in the validation guidance documents. LEAs that submit insufficient documentation will be offered technical assistance by their regional Education Service Centers (ESCs). These LEAs will be required to submit compliance documentation for the subsequent application year to ensure full compliance of program requirements.

For validation specific information, see the TEA webpage on [Federal Program Compliance Random Validations](#).

B. Program Compliance Reporting

The ESSA Consolidated Compliance Report is completed by LEAs annually to document that LEAs complied with the program-specific provisions and assurances in the preceding application year. LEAs are responsible for indicating the sources of documentation used to establish compliance. The documentation is to remain on file at the LEA. However, it must be readily available upon request from the Texas Education Agency for audit and/or validation monitoring purposes. The ESSA Consolidation Compliance Report will assess specific statutory requirements. General Samples of Compliance Reports, instructions for completing the Compliance Reports and the Guide to the Program Implementation Questions are available at the [TEA Grant Opportunities web page](#). For the detailed information search by the grant application name and review the information located in the Application and Support Information section.

Reminder: Private schools do not directly receive equitable services funds. Funds for the provision of equitable services are allocated to the LEA. It is the LEA's responsibility to provide equitable services directly or through a separate government agency, consortium, entity, or contractor and report expended funds on the ESSA Consolidated Compliance Report on behalf of participating PNPs.

C. Federal Fiscal Compliance Monitoring

The Federal Fiscal Monitoring Division is responsible for monitoring the expenditures of federal grant subrecipients to ensure federal funds are used for authorized purposes in compliance with federal statutes, regulations, and the terms and conditions of federal awards.

For additional information on the federal fiscal monitoring processes and procedures, see the TEA webpage on [Federal Fiscal Monitoring](#).

Web Resources

- [TEA ESSA Private School Equitable Services Website](#)
- [TEA Federal Program Compliance Random Validation Monitoring Website](#)
- [TEA ESSA PNP Equitable Services Frequently Asked Questions](#)
- [TEA General and Fiscal Guidelines](#)
- [TEA Grant Opportunities Webpage](#)
- [TEA Federal Fiscal Monitoring Website](#)

- [ESSA, Section 1117, Title I, Part A, Subpart 1, Participation of Children Enrolled in Private Schools](#), U.S. Department of Education Statute for Title I, Part A Programs.
- [Title I, Part A of the Elementary and Secondary Education Act of 1965, As Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families - Updated Non-Regulatory Guidance](#), U.S. Department of Education, October 2019.
- [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](#), U.S. Department of Education draft, March 30, 2022.
- [ESSA Title VIII, Section 8501, Part F, Subpart 1, Participation by Private School Children and Teachers](#), U.S. Department of Education Statute for Title VIII Programs.
- [Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the ESEA of 1965, as Amended by the ESSA U.S. Department of Education](#), November 2016.

