



# Federal Program Compliance Division

**Statewide Private Nonprofit (PNP) Training Session  
November 30, 2023**

**LEA and Private School Equitable Services Overview  
and  
Collaboration for Successful Consultation**

**LaNetra Guess  
Title IV, Part A, Program Director  
Private Nonprofit (PNP) Ombudsman**



**Date:** 11/30/2023

**Training Topic:** PNP

**Enter:** First Name, Last Name, E-mail.

**Select:** Region & N/A when prompted for LEA Name

**Indicate:** Position Title

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.

- Overview: Private School Equitable Services
- Eligibility for PNP Equitable Services
- PNP Ombudsman Role and Support
- Collaborating and Building Partnerships of Support
- Collaboration Strengths and Improvements for Success
- Carryover of Equitable Services
- Frequently Asked Questions (FAQs)
- Resources

# Overview: Private School Equitable Services

The [Code of Federal Regulations \(CFR\), Title 34, Subtitle A, Part 77.1](#) defines *nonprofit* as an agency, organization, or institution, owned and operated by one or more corporations or associations whose net earnings do not benefit, and cannot lawfully benefit, any private shareholder or entity.

## [Code of Federal Regulations \(CFR\), Title 34, Subtitle A, Part 77.1](#)

Defines nonpublic as an agency, organization, or institution that is nonprofit and not under Federal or public supervision or control.

- Title I, Part A Program – ESSA, Section 1117
  
- Title VIII Programs – ESSA, Section 8501
  - Title I, Part C
  - Title II, Part A
  - Title III, Part A
  - Title IV, Part A
  - Title IV, Part B





# Equitable Services

Local Educational Agencies (LEAs) are required:

- To provide services which are designed to meet and supplement educational needs for eligible private school students

# Equitable Services Must Be...

- ✓ Secular, neutral, and non-ideological for all educational services, materials, and equipment
- ✓ Equitable educational services compared to public school
- ✓ Provided in a timely manner
- ✓ Monitored and enforced by PNP Ombudsman



# Eligibility for PNP Equitable Services

# ESSA Eligible Title Programs for Equitable Services

- **Title I, Part A, Program**

[ESSA, Section 1117, Participation of Children Enrolled in Private Schools](#)

- **Title VIII Programs**

[Statute - ESSA, Section 8501, Part F, Subpart 1, Participation by Private School Children and Teachers](#)

- Title I, Part C
- Title II, Part A
- Title III, Part A
- Title IV, Part A
- Title IV, Part B

## Poverty Data

- Low-income students attending eligible private schools generate funding
  - Data from same source
  - Survey with extrapolation
  - Proportionality
  - Equated Measure
- LEA has final authority on poverty data collection method
- PS3099 Private School Services Schedule

# Title I, Part A, Eligibility – Students Served

## Title I, Part A, Students Served

- Must reside in participating Title I, Part A, public school attendance area
- LEA and PNP establishes multiple, multiple educationally related objective criteria for services
- Only targeted students meeting selection criteria
- Poverty is not a criteria for receiving services

# Title I, Part A, Eligibility - Residency

For students residing in Mexico and attending Texas PNPs which receive Title I, Part A, services –

- Title I, Part A, residency requirement not met
- Students are not eligible for Title I, Part A, services

# Title I, Part A: Third Party Contractor

- LEA may contract with an outside company to provide PNP tutoring services
- Contractor must comply with program requirements
- LEA must monitor third party's services and performance
- Contractor must specify detailed services on invoices
- Reasonable administrative costs may be taken from the equitable services amount



# Determining Other Program Student Eligibility

## **Title I, Part C, Migrant**

- Identified Migrant students

## **Title III, Part A, English Learners (EL)**

- Identified EL students

## **Title III, Part A, Immigrant**

- Identified Immigrant students

# Title III, Part A – Students Residing in Mexico and Other States

Eligible for services if:

- Student meets English Learner eligibility criteria

**and**

- Eligible student attends a PNP located in an area served by the LEA which receives a Title III, Part A, subgrant
- Eligible student's residency is not a factor

# **PNP Ombudsman Role and Support**

- Oversee State monitoring process and procedures
- Collaborate with State fiscal and federal program compliance reviews and processes
- Consult with private nonprofit (PNP) organizations
- Participate in Title I, Part A, Committee of Practitioners meetings
- Collaborate and coordinate resources with the Texas Private School Accreditation Commission (TEPSAC)
- Address informal and formal complaints

- Requires formal submission
- Complainant must document efforts used prior to filing complaint
- Must include supporting documentation
- PNP Official complaint reviewed by TEA State Ombudsman
- Final State Ombudsman decision within 45 days

**Goal**



# **Collaborating and Building Partnerships of Support**

# Goal of Consultation

‘Successful consultation begins well before the implementation of services, establishes positive and productive working relationships, makes planning effective, continues throughout implementation, and serves to ensure that the services provided meet the needs of eligible students and teachers.’\*

*\*ED Fiscal Changes & Equitable Services Guidance*



# Collaboration Must be an Ongoing Partnership



- Texas Education Agency (TEA)
- Education Service Center (ESC)
- Local Educational Agency (LEA)
- Private Nonprofit Schools
- Parents/Family



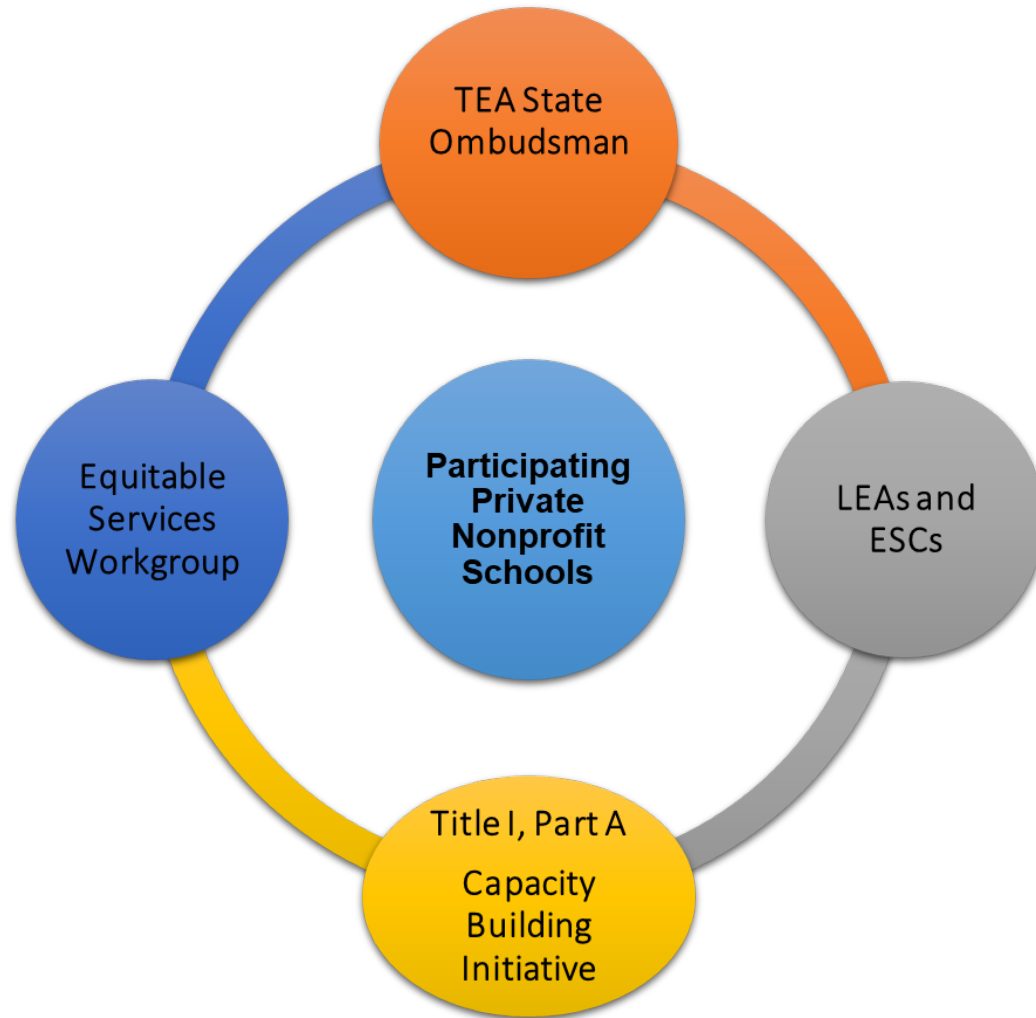
# Collaboration with Equitable Services Workgroup Members

- TEA Ombudsman establishes the workflow and protocols for the group
- Goal is to build collaborative relationships with diverse stakeholders across the state
- Provide TEA Ombudsman an understanding of LEA and PNP school concerns, statewide needs, and support
- Include LEAs, PNP school staff, and ESC staff officials representing both rural and suburban areas
- TEA Ombudsman receives Workgroup suggestions and feedback on statewide initiatives, processes, and procedures

# How do you encourage collaborative relationships?



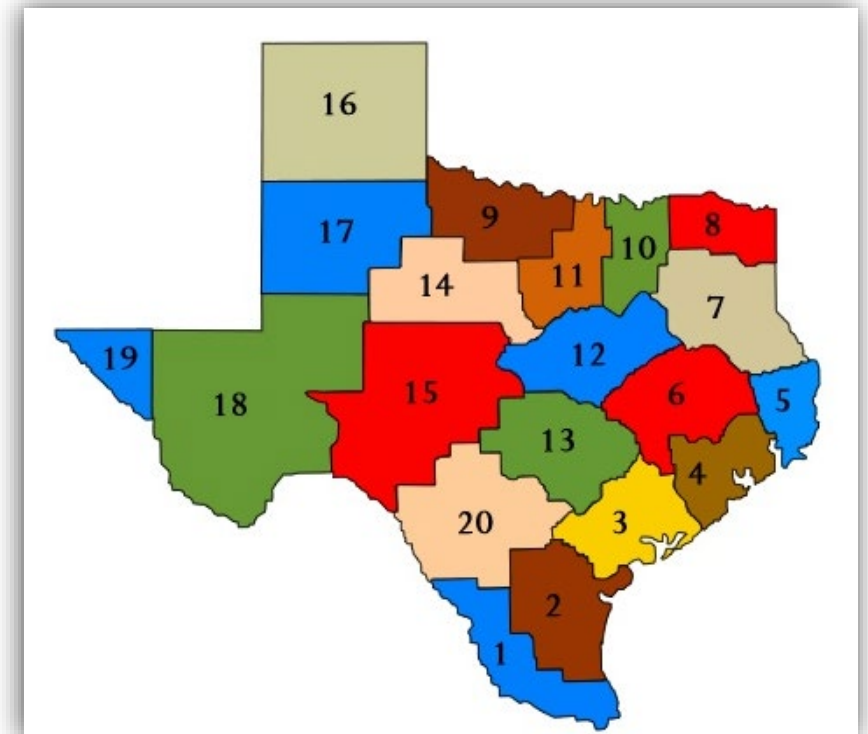
# Integrated System of Statewide Collaboration and Support for Equitable Services



# Education Service Centers ESSA Basic Services Initiatives, 2023-2024

## LEA Private Nonprofit (PNP) Equitable Services Training, Technical Assistance, and Guidance

- LEA PNP Equitable Services Requirements for Title I, Part A and Title VIII Programs
- LEA ESSA Consolidated Grant Application, PS3099 Schedule
- LEA ESSA Consolidated Compliance Report, PR3099 Schedule
- LEA PNP Equitable Services Random Validations



# Collaboration with *Statewide ESSA* *Title I, Part A Capacity Building Initiative (ESC 20)*



[Programs and Services](#) » [Statewide ESSA Title I](#) » Private Non-Profit (PNP)

## Private Non-Profit (PNP)

[TEA's PNP Webpage](#)  
[ESSA PNP FAQ](#)

[CARES PNP FAQ Document Posted \\*Updated 5/17/21](#)

TEA's [COVID-19 Support: District Waivers, Finance & Grants](#) page has the most up-to-date [CARES ACT Equitable Services FAQ](#) document.

Statewide ESSA Title  
- Part A Capacity  
Building Initiative

ESSA

CCNA Resource  
Toolkit

TEA Priorities

<https://www.esc20.net/apps/pages/statewide-essa-title-i-private-non-profit-pnp>

# **PNP Equitable Services: Collaboration Strengths and Improvements for Success**



# Areas of Strength Through Successful Collaboration

- Documentation of ongoing consultation
- Equitable services handbook and/or program descriptions
- Evaluation of program effectiveness
- Supportive relationships
- Review data and PNP needs
- Collaboration and coordination of equitable services



# Areas to Improve for Successful Collaboration

- Communication
- Ongoing and documented consultation meetings
- Specific and clearly defined equitable services programs
- Understanding LEA program and fiscal oversight
- Evaluation of PNP equitable service programs





# Carryover of PNP Equitable Services

## May an LEA carry forward Title I, Part A and Title VIII program unobligated funds despite the statutory requirement regarding obligation of funds?

If an LEA is providing equitable services as required and meeting the obligation of funds requirement in ESEA sections [1117\(a\)\(4\)\(B\)](#) and [8501\(a\)\(4\)\(B\)](#), 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.

## What are examples of circumstances that could result in Title I, Part A and/or Title VIII program carryover of equitable services?

### Reasons for Title I, Part A, and Title VIII Programs Equitable Services Carryover

**Title I, Part A, and/or Title VIII equitable services** for eligible children in one or more private schools are delayed (e.g., based on a natural disaster, delayed consultation, inability to employ qualified personnel, or unexpected procurement challenges).

As a result, the LEA is unable to fully provide required equitable services, and some funds are unobligated at the end of the Federal fiscal year.

### Use of Title I, Part A and Title VIII Programs Equitable Services Carryover

The LEA must use the **Title I, Part A and/or Title VIII** funds to provide equitable services to eligible children in the affected *private schools* the following year.

## Reasons for Title I, Part A, and Title VIII Programs Equitable Services Carryover

An LEA uses a third-party contractor to provide **Title I, Part A, and/or Title VIII** equitable services, and the invoiced amount for services in one of the private schools is \$1,000 less than anticipated.

Because this occurs late in the summer, the LEA is unable to responsibly obligate the funds prior to the end of the Federal fiscal year.

## Use of Title I, Part A and Title VIII Programs Equitable Services Carryover

The LEA, in consultation with private school officials, must use these **Title I, Part A and/or Title VIII equitable services** funds the following year to provide equitable services to students in the affected private school.

If, after consultation, those private school officials decline such services, the LEA must add the **Title I, Part A** funds to the proportional share available for equitable services to other participating private schools.

If there are no other participating private schools, the funds may be used to provide **Title I, Part A** services in public schools.

# Example of Carryover Circumstances

## Reasons for Title VIII Programs Equitable Services Carryover

An LEA provided **Title VIII** equitable services to private school children or educators, but the services cost less than what was budgeted, or the private school decided not to participate in planned activities.

Based on timely and meaningful consultation, the LEA and private school officials agree there are no additional needs.

## Use of Title VIII Program Equitable Services Carryover

Any **Title VIII** program equitable services carryover funds become part of the general pool of funds available for expenditures for ***public schools and participating private schools*** for the next year.

## Example of Carryover Circumstances (continued)

### Reasons for Title I, Part A and Title VIII Programs Equitable Services Carryover

An LEA uses a third-party contractor to provide **Title I, Part A and/or Title VIII** equitable services, and the invoiced amount for services in one of the private schools is \$1,000 less than anticipated.

Because this occurs late in the summer, the LEA is unable to responsibly obligate the funds prior to the end of the Federal fiscal year.



**May an LEA set a deadline for PNP school officials to indicate participation?**

Yes.

An LEA may set a reasonable deadline, taking into consideration private school schedules, for private school officials to indicate their intent to participate. An LEA should provide clear and sufficient notice of the deadline, identify potential consequences for not meeting the deadline, and give adequate time for private school officials to respond.



**May an LEA impose reasonable deadlines on PNP school officials to meet obligation of funds requirements?**

Yes. An LEA is responsible for ensuring that Title funds are obligated in a timely manner.

**How should an LEA handle a request from a PNP school to start receiving equitable services late in the school year when it turned down services earlier?**

- The LEA should politely notify the private school official that the deadline for requesting equitable services has passed and program funds have been allocated to other uses.
- The LEA must also notify the PNP school official of scheduled consultation dates for the following year so it could be included, if desired.

LEA must have:

- documented the amount of unexpended equitable services funds; and
- included the uses of those funds during consultation meetings for equitable services.

## PNP FAQ – Participant Support Costs

- Reimbursement allowed for *only a portion* of travel costs if attending a faith-based sponsored conference or professional development opportunity
- Reimbursement for *actual* costs of lodging and meals based on Texas Comptroller of Public Accounts (unless local policy reimburses at a lesser amount)
- LEA must review program session descriptions to determine approval

### Additional Guidance

- [TEA Participant Support Costs Guidance](#) – Forms located in TEA Grants WorkApp
- [TEA Reimbursement Guidance](#)

## May Pre-K programs located in a PNP school participate and receive equitable services?

- Equitable services may not be used in *stand-alone* PNP Pre-K programs for students or staff.
- However, if a PNP has a Pre-K program and any one or more school-age grade levels (i.e., K-12) in the same building, students and staff may receive equitable services.

[Non-Regulatory Guidance, Early Learning in the ESSA, Expanding Opportunities to Support our Youngest Learners \(2016\)](#)

### **May a local school district reserve funds off the top of its Title I, Part A, allocation before it allocates funds for PNP equitable services?**

- No.
- A district must determine the amount of funds available for providing equitable services prior to any expenditures or transfers of funds. This includes all reservations previously taken “off the top” of a district’s Title I, Part A, allocation, including reservations for administration, parental involvement, and district-wide initiatives.

## What is direct administration costs?\*

Direct costs are those costs that can be identified specifically with a particular final cost objective, such as a Federal award, or other internally or externally funded activity, or that can be directly assigned to such activities relatively easily with a high degree of accuracy.

\*More information for “direct cost,” including application of direct administration cost may be found in 2 Code of Federal Regulations (CFR) 200.413.

**What is the Title I, Part A, direct administrative cap amount which may be reserved from the PNP equitable share?**

Generally, a district reserves up to 5-7% of Title I, Part A, for administrative costs. If greater than 10% is reserved from the total PNP equitable share, the district is at higher risk for TEA audit.



### How does a school district reserve Title I, Part A, funds for administration of equitable services for private school students?

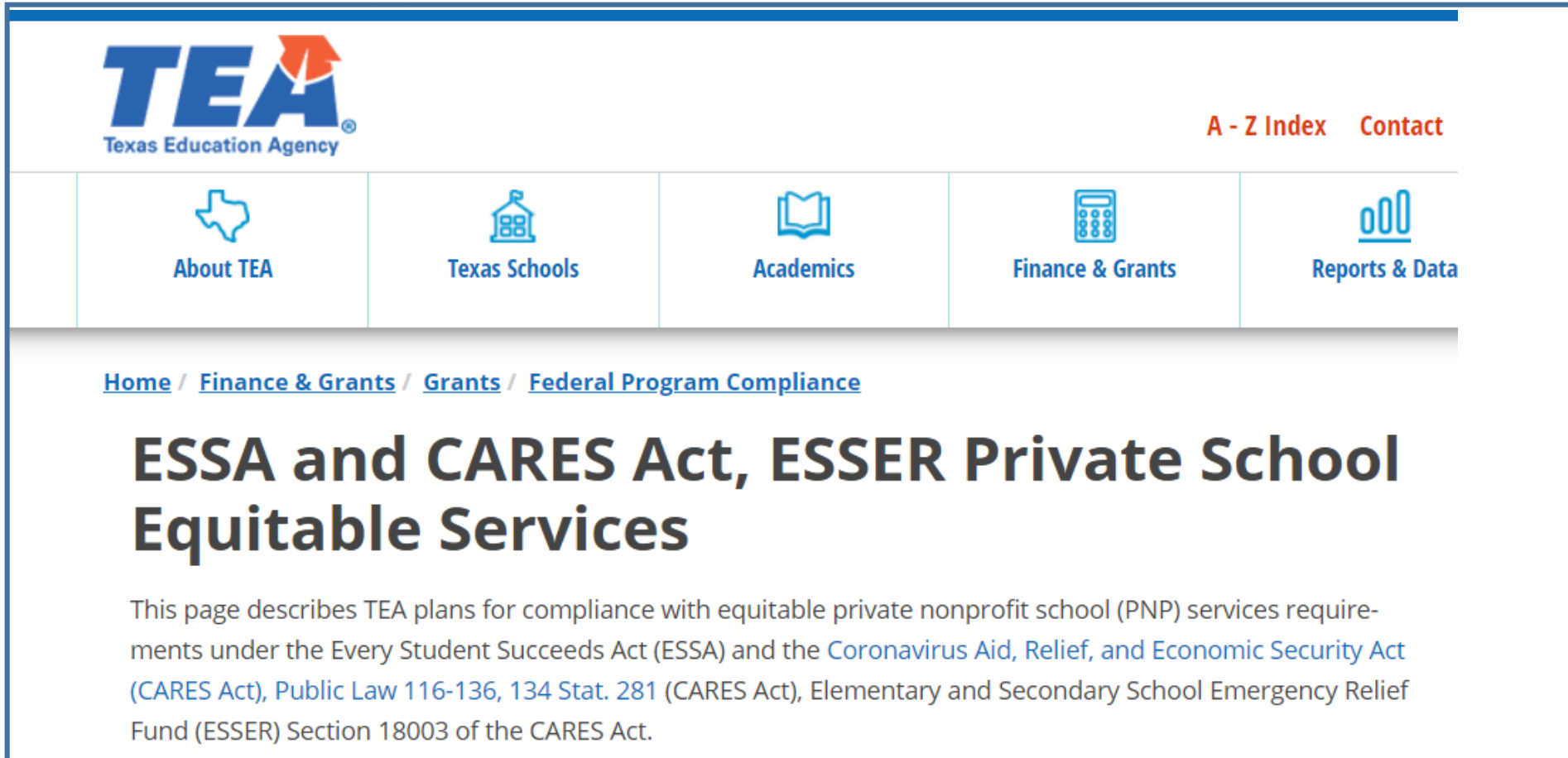
- The district may reserve an amount that is *reasonable and necessary* to administer the equitable services from the equitable services reservation of Title I, Part A, funds.
- The district determines this amount separately from the funds needed to administer the Title I program for students in public schools.

### **May a district hire a private school teacher to provide Title I, Part A services to private school participants?**

- Yes, if the private school teacher has met state licensing and certification and is independent of the private school when providing Title I, Part A, equitable services.
- The private school teacher must be under the *direct supervision* of the district or 3<sup>rd</sup> party provider.



# PNP Resources



The screenshot shows the TEA website header with the logo and navigation links: "A - Z Index" and "Contact". Below the header is a horizontal menu with five items: "About TEA" (with a Texas map icon), "Texas Schools" (with a schoolhouse icon), "Academics" (with an open book icon), "Finance & Grants" (with a calculator icon), and "Reports & Data" (with a bar chart icon). The main content area features a breadcrumb trail: "Home / Finance & Grants / Grants / Federal Program Compliance". The main heading is "ESSA and CARES Act, ESSER Private School Equitable Services". The introductory text states: "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."

<https://tea.texas.gov/finance-and-grants/grants/essa-program/essa-and-cares-act-esser-private-school-equitable-services>

# PNP Equitable Services Webpage (continued)

## Federal Statute, Guidance, and Resources

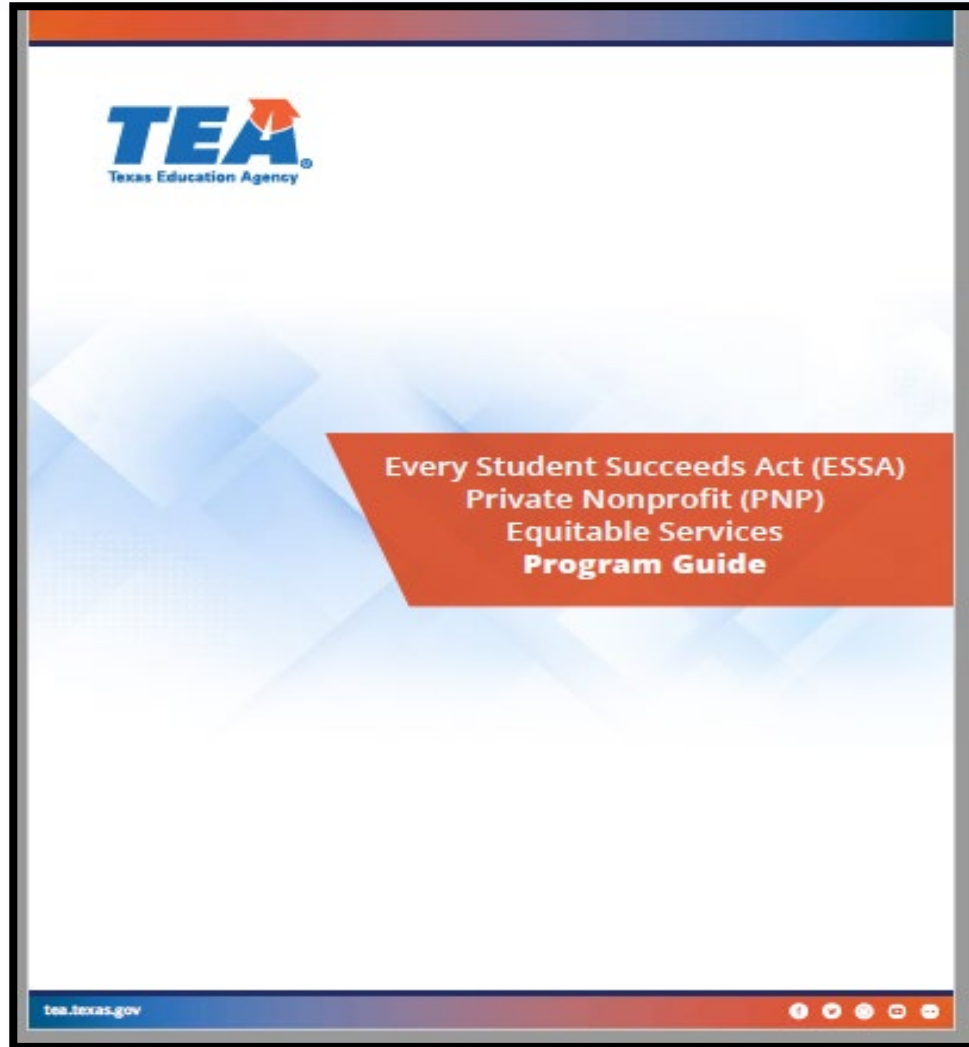
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The following links lead to federal statute and guidance describing the ESSA and CARES Act requirements for the provision of equitable services to private nonprofit schools (PNPs).

- [ESSA, Title I, Part A, Subpart 1, Section 1117 Participation of Children Enrolled in Private Schools.](#)
- [ESSA, Title VIII General Provisions, Part F, Subpart 1 Private Schools, Section 8501 Participation by Private School Children and Teachers.](#)
- [ESSA Title I, Part A: Providing Equitable Services to Eligible Private School Children, Teachers, and Families Updated Non-Regulatory Guidance \(October 2019\)](#)
- [Title VIII, Part F of the ESEA of 1965, as Amended by the ESSA: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel, Non-Regulatory Guidance \(Draft, March 2022\)](#)
- [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 \(August 2019\)](#)

<https://tea.texas.gov/finance-and-grants/grants/essa-program/essa-and-cares-act-esser-private-school-equitable-services>

# ESSA Private Nonprofit (PNP) Program Guide



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<https://tea.texas.gov/sites/default/files/pnpprogramguide.pdf>



## Federal Program Compliance Division

[PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov)

### ESSA Private Nonprofit (PNP) Frequently Asked Questions

This document provides the answers to program-related questions received by the Division. You can also navigate through the document using the Bookmarks in your PDF viewer. The newest questions that have been added will be noted by “\*” and in red font.

For questions or additional information, please contact us at [PNPOmbudsman@TEA.Texas.gov](mailto:PNPOmbudsman@TEA.Texas.gov) or [ESSASupport@TEA.Texas.gov](mailto:ESSASupport@TEA.Texas.gov).

Questions and responses are organized by the following topic areas:

- [Eligibility For Equitable Services](#)
- [Calculating Allocations for ESSA Equitable Services](#)
- [Timely and Meaningful Consultation](#)
- [Supplement, Not Supplant](#)
- [Carryover of Equitable Services](#)
- [LEA Pooling of Title VIII Funds for Equitable Services](#)
- [Technology](#)
- [REAP and Transferability](#)
- [Title I, Part A Equitable Services](#)
- [Title I, Part C Migrant Equitable Services](#)
- [Title II, Part A Equitable Services](#)
- [Title III, Part A Equitable Services](#)
- [Title IV, Part A Equitable Services](#)
- [Title IV, Part B Equitable Services](#)

<https://tea.texas.gov/sites/default/files/PNPFAQ.pdf>

#### Q2: What are private school equitable services?

A2: Through ESSA, federal grant funding is made available every year to serve students who meet certain criteria, such as economically disadvantaged. Those grant funds are awarded to TEA, which administer the funds directly to LEAs, including school districts. However, the law requires that eligible students and teachers at eligible private schools also receive access to equitable services of those programs and services provided by the district.

The term “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 those of eligible private schools. However, federal funds may not be awarded or paid to the private school.

#### Q3: How are private school equitable services requirements defined in ESSA Sections 1117 and 8501?


A3: [ESSA Section 1117](#) defines equitable services requirements for Title I, Part A. [ESSA Section 8501](#) defines requirements for Title VIII equitable services, which apply to the following Title programs: Title I, Part C; Title II, Part A; Title III, Part A; Title IV, Part A; and Title IV, Part B.

#### Q4: Who is required to provide PNPs with equitable services: school districts, open-enrollment charter schools, or both?

A4: The equitable services requirement applies to local independent school districts (ISDs) only. Open-enrollment charter schools are not required to provide PNPs with equitable services because they do not have defined geographic boundaries like school districts.



# Affirmation of Consultation Form (2023-2024)



**Federal Program Compliance Division**

**Affirmation of Consultation with Private Nonprofit School (PNP) Officials:**

**Formula Grants**

**School Year 2023-2024**

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The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, requires that consultation occur between the local educational agency (LEA) and private nonprofit school (PNP) officials.

Name of LEA  CDN  Name of PNP

**Private Nonprofit School Participation**

Select from the dropdown menu to indicate the method by which the PNP will receive program services. If the PNP is not participating in the grant program, select "Not participating."

Title I, Part A	Title I, Part C	Title II, Part A	Title III, Part A--EL	Title III, Part A--IMM	Title IV, Part A
<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>	<input type="text"/>

**Timely and Meaningful Consultation/Equitable Program Design**

For each grant program for which the PNP will receive services, the PNP official selects "Yes" or "No" to indicate both of the following:\*

a. Timely and meaningful consultation with the LEA has occurred and is ongoing, **and**

b. Program design is equitable with respect to eligible private school children.

Title I, Part A	Title I, Part C	Title II, Part A	Title III, Part A--EL	Title III, Part A--IMM	Title IV, Part A
<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No	<input type="radio"/> Yes <input type="radio"/> No

\*Per ESSA Section 1117(b), Title I, Part A; Section 8501(c) for Title I, Part C; Title II, Part A; Title III, Part A--EL; Title III, Part A--IMM; and Title IV, Part A

**Elements of Consultation**


The table below lists the elements that the consultation should include for each grant program.

Section 1117(b)(1)	Section 8501(c)(1)	
X	X	How the children's needs will be identified
X	X	What services will be offered
X	X	How, where, and by whom the services will be provided
X	X	How the services will be academically assessed and how the results of that assessment will be used to improve those services

- Affirmations posted on PNP webpage and in TEAL/ESSA Reports
- Download and submit through ESSA Reports
  - Select title: PNP Affirmation *or* PNP Title IV, Part B, Affirmation
  - Select current school year
- Continuously update Affirmation changes, as needed
- Participating PNPs must match # Affirmations
- Remember to update with any changes



# Instructions for Completing Affirmation of Consultation



**INSTRUCTIONS FOR  
COMPLETING  
AFFIRMATION OF CONSULTATION  
FORMS WITH  
PRIVATE NONPROFIT SCHOOL  
OFFICIALS**

Federal Program Compliance Division  
Department of Grant Compliance and Administration  
(512) 463-9499  
[PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov)

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(February 2023)

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# PNP Equitable Services Companion Guide

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## EVERY STUDENT SUCCEEDS ACT (ESSA) PRIVATE NONPROFIT (PNP) EQUITABLE SERVICES COMPANION GUIDE FOR LEA DOCUMENTATION

LEA Name: \_\_\_\_\_ School Year: \_\_\_\_\_

Federal Program Compliance Division  
Department of Grant Compliance and Administration  
(512) 463-9499  
[PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov)

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Methods of data used to determine low-income students at participating PNPs:

*(Note: The LEA and PNP snapshot dates for data should be aligned.)*

1. The same measure of poverty used to count public school children

i.e.,

Private school XYZ and the LEA both use free and reduced-price lunch data

235 students enrolled in the PNP	125 students identified as low-income and residing in a Title I, Part A attendance area
_____ students enrolled in the PNP	_____ students identified as low-income and residing in a Title I, Part A attendance area



Comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.

The LEA would need to collect the following information on the survey: home address, grade level and age of each child, income level of parents, and enrollment for the entire school.

i.e.,

Private School XYZ



A	School enrollment number	168
B	Survey data received	114
C	Verified low-income students living in a Title I, Part A attendance area	12
D	% age of low-income students (C/B)	.105
E	Low-income private school count if extrapolated (D*A)	17.68

## METHODS OF COLLECTING LOW-INCOME INFORMATION FOR TITLE I, PART A PROPORTIONAL SHARE

Federal Program Compliance Division  
 Department of Grant Compliance and Administration  
 (512) 463-9499  
[PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov)

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### Methods of Collecting Low-Income Information for Title I, Part A Proportional Share

The ESEA requires an LEA to determine an accurate count of children from low-income families who attend public and private schools and reside in participating Title I public school attendance areas to allocate the proportional share. With respect to private school students, the ESEA permits an LEA, based on timely and meaningful consultation, to use any of the options listed below.

*After consultation with private school officials occurs, an LEA has the final authority to decide which method it will use to calculate the number of children who are from low-income families and attend private schools. (ESEA section 1117(c)(1)).*

*The LEA shared the following methods of determining the number of low-income students who attend private schools and has indicated the option preferred by the PNPs on date (location).*

Methods of data used to determine low-income students at participating PNPs:  
(Note: The LEA and PNP snapshot dates for data should be aligned.)

- The same measure of poverty used to count public school children.  
i.e.,  
Private school XYZ and the LEA both use free and reduced-price lunch data

235 students enrolled in the PNP	125 students identified as low-income and residing in a Title I, Part A attendance area
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Comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable.  
The LEA would need to collect the following information on the survey: home address, grade level and age of each child, income level of parents, and enrollment for the entire school.

i.e.,

Private School XYZ		
A	School enrollment number	168
B	Survey data received	114
C	Verified low-income students living in a Title I, Part A attendance area	12
D	% age of low-income students (C/B)	.105
E	Low-income private school count if extrapolated (D*A)	17.68

# TEA—Title I, Part A, Capacity Building Initiative Newsletter Fall 2022: Supplement, Not Supplant

## TEA-Private Nonprofit Ombudsman Title I Part A Capacity Building Initiative



Newsletter – Fall 2022

### Did you know?

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. 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. To learn more about the Workgroup, check out the [overview of its role and duties](#) on TEA's site.

### In the Works!

The Federal Program Compliance (FPC) Division is excited to announce the development of an LEA Federal Program Director Activities Calendar that will include planning, implementation, monitoring, and evaluation activities for all programs administered in the FPC Division. Our intent is to publish a document (pdf format) and an online calendar version of the document. We are in the first phase of development, which includes identifying the activities by program to be included in the resource. Please note that the document format is still in the development phase and once a draft is available, it will be shared with ESCs for feedback prior to final web publication. Stay tuned!

### Hot Topic – Supplement, Not Supplant as it Relates to PNP

If an activity is a requirement of the district, then that that requirement also falls to the PNP and federal fund could not be used for that activity.

### Questions - Supplement Not Supplant Related to PNP

#### Q: Could CPR, blood pathogen training or AED be allowable for PNP?

A: If an activity is not allowed by an LEA due to being state required, federal funds could not support it for a PNP either. See below for written guidance about SNS and PNP equitable services.

[299.8 What are the requirements to ensure that funds do not benefit a private school?](#)

### Q: How does the principle of supplement not supplant apply to equitable services under Title I, Part A?

A: With respect to equitable services, 34 C.F.R. § 200.66 requires that an LEA use Title I funds to provide equitable services that supplement, and in no case supplant, the services that would, in the absence of Title I services, be available to participating private school children. The regulations make clear that an LEA must use Title I funds to meet the identified educational needs of participating private school children and not to meet the needs of the private school or the general needs of children in the private school. An LEA must also ensure that the equitable services it provides under Title I supplement services a private school would otherwise provide and may not replace the education for participating students that the private school provides all students.

*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 (October 2019).*

### Q: How might a Title I teacher coordinate Title I services with private school teachers for the benefit of participating private school students?

A: To facilitate the delivery of well-coordinated and high-quality services, a Title I teacher would likely meet and discuss the design of the Title I program with private school teachers of participating students to ensure that the Title I program supplements and is coordinated with the regular classroom instruction received by the private school participants. Such coordination should continue regularly throughout the provision of Title I services. For example, a private school classroom teacher could provide the Title I teacher with a copy of the weekly lesson plan in relevant subjects so that Title I instruction supports regular classroom instruction. On a weekly basis, for example, a regular classroom teacher could also provide the Title I teacher with a simple form indicating a child's individual needs and the content and skills being taught in the regular classroom, so that Title I services better meet the participating child's individual needs.

*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 (October 2019).*



# TEA–Title I, Part A, Capacity Building Initiative Newsletter Spring 2023: Carryover of Equitable Services

TEA-Private Nonprofit Ombudsman  
Title I, Part A Capacity Building Initiative



Newsletter – Spring 2023

#### Did you know?

The [National Center for Education Statistics \(NCES\)](#), part of the Department’s [Institute of Education Sciences](#), maintains the [Private School Search](#) tool, which is an online database that allows searches for private schools according to many criteria, including the type of school, location, and affiliations. Information posted on the Private School Search site is obtained from only those private schools that respond to the Private School Universe Survey (PSS) conducted by NCES (about 75 percent of all private K-12 schools).

Also, LEAs are able to verify if a Texas private school has been provided federal nonprofit 501(c)(3) status by searching the [Texas Comptroller of Public Accounts](#) and [Internal Revenue Service \(IRS\) Tax Exempt Organization Database](#) to verify if the private school has received state and/or federal nonprofit status.

#### New/Updated Resources!

[TEA ESSA and CARES Act ESSER Private Nonprofit \(PNP\) Equitable Services](#) and [Statewide ESSA Title Capacity Initiative](#) Webpages

- [Federal Program Compliance Division \(FPC\) Federal Programs Planner](#)  
\*The New Federal Program Planner is intended to be a supportive toolkit for Directors working with Federal Programs in LEAs (ISDs and Charters). Each month will show activities to be considered across programs, along with district planning pages for reminders and reflections. This resource is available as a digital and fillable document or can be downloaded.
- [PNP Affirmation of Consultation Instructions](#)
- [PNP Companion Guide](#)
- [Methods of Collecting Low-Income Information for Title I, Part A Proportional Share](#)
- [Participant Support Costs](#)

#### Hot Topic – Carryover of Equitable Services

The following questions have been taken directly from the [TEA PNP FAQ](#) (December 2022)

**Q1: We have a PNP school that is closing at the end of the month. They were participating in one or more of the ESSA Title VIII programs (i.e., Title II, Part A; Title III, Part A; and Title IV, Part A). How does the LEA distribute the closing PNP school’s remaining funds for equitable services?**

**Q4: The LEA anticipates expending all funds by the ESSA grant expiration date. However, the PNP schools have not used all equitable services. Must the LEA continue the ESSA grant through the carry forward year and allow PNP schools to use the remaining equitable services through September 30?**

A4: Yes. The ESSA grant period of availability is through September 30. The LEA must keep the ESSA grant open, continue ongoing consultation, and provide equitable services to participating private schools through September 30.

**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. For more details, refer to the [ESSA Title I, Part A: Providing Equitable Services to Eligible Private School Children, Teachers and Families Updated Non-Regulatory Guidance](#).

#### \*IMPORTANT NOTES TO CONSIDER:

- The LEA must maintain local documentation of ongoing consultation.
- If, at any time after the initial consultation, the PNP decides to decline equitable services, the LEA must update the initial affirmation by indicating “non-participation as of (date)” and submitting it through the TEAL/ESSA Reports application. The LEA and the PNP must maintain a copy of the updated affirmation locally.
- **If there is an extended break or summertime when the materials and equipment are not being used, the district should pick them up, inventory them, and check for any needed repairs before re-issuing them to the participating PNP at the start of the next instructional setting. Supplies and materials that are considered consumables are not required to be picked up.**

#### Resources:

- [TEA Private Nonprofit](#) webpage
- [TEA Private Nonprofit Program Guide](#)
- [TEA ESSA Private School Equitable Services Frequently Asked Questions](#)
- [TEA Back to the Basics: LEAs Providing Private Nonprofit Equitable Services](#) presentation
- [Title I, Part A Capacity Building Initiative](#) webpage

# Participant Support Costs (2023-2024) – Located in the Dept of GCA's EDGAR Forms WorkApp System

## Request for Approval of Participant Support Costs: Private School Equitable Services

### Department of Grant Compliance and Administration

The purpose of this form is to provide required approval to all TEA grantees that expend any federal grant funds on the provision of equitable services to private nonprofit schools (PNPs), in accordance with the requirements of the Every Student Succeeds Act (ESSA). 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.

Title 2 of the Code of Federal Regulations (2 CFR) 200.456 makes allowable the expenditure of federal grant funds on participant support costs. According to the definition provided in 2 CFR 200.1, "participant support costs" means the direct cost of providing training, including attendance of professional conferences, to grant program participants. Direct costs may include the cost of travel to the training and any registration fees.

A private nonpublic staff member who travels for an approved professional development opportunity, may be reimbursed for the actual cost of lodging and meals. However, the reimbursements out of grant funds may not exceed the maximum meals and lodging rates based on federal travel regulations that are issued by the Texas Comptroller of Public Accounts. If local policy reimburses at a lesser amount, you must comply with local policy. If local policy reimburses at a greater amount, you must pay the difference from local or state funds and not from grant funds. A summary of current Texas travel guidelines is available on the TEA website at [https://tea.texas.gov/Finance\\_and\\_Grants/Grants/Travel\\_Information\\_and\\_Guidance](https://tea.texas.gov/Finance_and_Grants/Grants/Travel_Information_and_Guidance).

- [TEA PNP Equitable Services](#)
- [TEA FPC Random Validation Monitoring](#)
- [TEA Federal Fiscal Monitoring Website](#)
- [Statewide ESSA Title I, Part A Capacity Building Initiative \(Region 20\)](#)

## Web Resources – U.S. Department of Education (ED)

- [Title I, Part A of the ESEA, as Amended by ESSA: Providing Equitable Services to Eligible Private School Children, Teachers, and Families Updated Non-Regulatory Guidance](#) (Updated, May 17, 2023)
- [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](#) (Updated, July 17, 2023)
- [ED Office of Non-Public Education \(ONPE\)](#)
- [ED Statute - ESSA Title I, Part A, Subpart 1, Section 1117 – Participation of Children Enrolled in Private Schools](#)
- [ED Statute - ESSA, Section 8501, Part F, Subpart 1, Participation by Private School Children and Teachers](#)





# Are there websites an LEA may search to locate Texas private schools?

Yes. One outreach method an LEA may perform is to search private school and private accrediting agency websites. However, not all private schools may be listed on a website or eligible for Title program equitable services if listed. Therefore, an LEA should use multiple private school outreach methods (i.e., local area newspaper ads, searching local directories, emails, postal mail., etc.,) and keep documentation on file.

An LEA must ensure a private school has documentation of nonprofit status and that it meets requirements for eligibility to receive equitable services.

Below are just a few, of many websites, an LEA may search for private nonprofit schools within Texas:

[Texas Comptroller of Public Accounts](#)

[Texas Private School Accreditation Commission \(TEPSAC\)](#)

[Texas Private Schools Association \(TPSA\)](#)

[Texas Alliance of Accredited Private Schools \(TAAPS\)](#)

[National Council for Private School Accreditation \(NCPSA\)](#)

[USA Texas Schools](#)

[Great Schools - Texas Private Schools](#)

[National Center for Education Statistics \(NCES\)](#)

[Council for American Private Education \(CAPE\)](#)

[Cognia Accredited Schools](#)



**Date:** 11/30/2023

**Training Topic:** PNP

**Provide:** Session Feedback

# TEA Contact Information

# Federal Program Compliance Division Contact Information



## LaNetra Guess

Title IV, Part A, Program Director  
PNP Ombudsman

[LaNetra.Guess@tea.texas.gov](mailto:LaNetra.Guess@tea.texas.gov)

(512) 463-6939



## Division Phone Number

(512) 463-9499



## Division Email Address

[PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov)



**Thank You**