

ESSA  
PRIVATE NONPROFIT SCHOOL  
(PNP)  
EQUITABLE SERVICES:  
FREQUENTLY ASKED QUESTIONS

*PRELIMINARY GUIDANCE FROM  
THE TEXAS EDUCATION AGENCY*

## Contents

<b>1. ESSA Private School Equitable Services Basics</b> .....	<b>1</b>
1.1 What is the Every Student Succeeds Act (ESSA)? .....	1
1.2 What are private school equitable services? .....	1
1.3 Who is required to provide PNPs with equitable services: school districts, open-enrollment charter schools, or both? .....	1
1.4 What services may the ISD provide? .....	1
1.5 What is “meaningful consultation”? .....	1
1.6 What is the goal of consultation? .....	2
1.7 Why are the private school equitable services requirements included twice in ESSA (Section 1117 and Section 8501)? .....	2
1.8 Is there a requirement for PNP officials to receive notice of the school district’s equitable services amount for education services? .....	2
1.9 Is there an option for PNPs to indicate whether meaningful and timely consultation occurred and whether the program design is equitable for eligible PNP students?.....	2
1.10 Since Title IV, Part B is a discretionary competitive grant program and is not like other title programs with equitable service requirements, who is responsible for ensuring that eligible PNPs receive access to equitable services, the ISD or the grant partners? .....	2
1.11 Can the PNP take any initiative to ensure it receives equitable services from the ISD? .....	2
1.12 How do local school districts begin the consultation process? .....	3
1.13 What records on consultation must a local school district maintain? .....	3
1.14 If a PNP receives services from both a district and through a shared services agreement (SSA), must the PNP sign an Affirmation of Consultation for both entities providing equitable services? .....	3
<b>2. Private Nonprofit Status and Schools</b> .....	<b>3</b>
2.1 What constitutes private nonprofit status? .....	3
2.2 Does a nonprofit school need separate documentation of the nonprofit status of its associated church? .....	3
2.3 Does TEA maintain a list of PNPs?.....	3
2.4 What is TEPSAC and what information can it provide on private schools? .....	4
2.5 Does TEA collaborate with TEPSAC regarding the provision of equitable services to private schools? .....	4
<b>3. Title I, Part A Requirements</b> .....	<b>4</b>
3.1 What if the district disagrees with a PNP official’s views in regards to the way Title I, Part A services will be provided? .....	4
3.2 What methods are available for a district to calculate Title I, Part A poverty data in private nonprofit schools? .....	4
3.3 Who has the final authority on which Title I, Part A calculation method is used for low-income families attending private nonprofit schools? .....	4

3.4	Must the school district use the same Title I, Part A poverty data collection method for all its eligible PNPs? .....	4
3.5	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?.....	4
3.6	How does a school district determine the equitable services share of Title I, Part A funds available for all equitable service activities (i.e., administration, instruction, activities for parents and families of participating private school students, and professional development for teachers of participating private school students) now that this amount must be determined before any allowable expenditures or transfers of funds, including off-the-top reservations? .....	4
3.7	How does a school district reserve Title I, Part A funds for administration of equitable services for private school students? .....	5
3.8	Is there additional TEA guidance regarding reservation of Title I, Part A funds from the PNP's equitable share?.....	5
3.9	What is the Title I, Part A direct administrative cap amount which may be reserved from the PNP equitable share? .....	5
3.10	How does a district determine the amount of Title I, Part A funds to be used for parent and family engagement activities for participating private school students? .....	6
3.11	If a district does not serve the public high school grade span with Title I, Part A funds, must it count eligible high school campuses that were skipped and/or not served in calculating PNP equitable services? .....	6
3.12	May a district hire a private school teacher to provide Title I, Part A services to private school participants? .....	6
3.13	If there are no children from low-income families attending a PNP school, therefore no funds are allocated for Title I, Part A services, may the PNP students who meet the educational criteria obtain Title I, Part A services? .....	6
3.14	What private school students are eligible for Title I, Part A services? .....	7
3.15	How are the Title I, Part A student eligibility criteria determined?.....	7
3.16	May Title I, Part A funds be used to identify eligible PNP students? .....	7
<b>4.</b>	<b>Title II, Part A.....</b>	<b>7</b>
4.1	What types of Title II, Part A activities may a school district provide to private school participants? .....	7
<b>5.</b>	<b>Title III .....</b>	<b>8</b>
5.1	May a district reimburse a private school for providing Title III services or materials to English Learners (EL), their teachers, or other educational personnel? .....	8
5.2	Who is eligible to receive Title III services?.....	8
5.3	What are some examples of the Title III services that a district may provide to private school ELs, their teachers, and other educational personnel?.....	8
<b>6.</b>	<b>Title IV, Part A .....</b>	<b>9</b>
6.1	Are PNPs located outside district boundaries eligible to receive Title IV, Part A services?.....	9
6.2	Are districts required to allocate Title IV, Part A equitable services to PNPs?.....	9

6.3	May a district with eligible PNPs transfer all funds from Title IV, Part A to another funding source under the Title IV Funding Transferability program?.....	9
<b>7.</b>	<b>Title VIII.....</b>	<b>9</b>
7.1	What if the school district disagrees with the PNP officials on the provision of Title VIII program equitable services? .....	9
<b>8.</b>	<b>General Fiscal Requirements.....</b>	<b>9</b>
8.1	May a school district carry over unobligated funds despite the ESSA requirement to spend funds for PNP equitable services in the current school year? .....	9
8.2	What is direct administration?.....	10
8.3	Must a school district maintain internal controls when providing equitable services, materials, and equipment to eligible PNPs? .....	10
8.4	Who reviews and monitors to see if the school district is maintaining internal controls when providing equitable PNP services? .....	10
8.5	How does a district calculate how much to set aside for equitable services in eligible PNPs? .....	11
8.6	If a district does not collect the names of low-income families, how do district officials or auditors determine that the poverty numbers provided by the PNP officials are accurate? 11	
8.7	Is registration and travel costs for participating PNPs allowed? .....	11
<b>9.</b>	<b>TEA’s PNP Ombudsman .....</b>	<b>11</b>
9.1	What is the role of the ombudsman, as required by ESSA?.....	11
9.2	What are additional roles and responsibilities in which the ombudsman participates? .....	11
9.3	What specific responsibilities does the ombudsman have with respect to monitoring and enforcement? .....	12
9.4	Who is TEA’s designated ombudsman? .....	12
9.5	What is the TEA Private School Services Equitable Services Workgroup? .....	12
<b>10.</b>	<b>Complaints Alleging Violation of ESSA Equitable Services Requirements.....</b>	<b>12</b>
10.1	What are the ESSA options for filing a complaint against an ISD?.....	12
10.2	What are the procedures for filing a complaint against an ISD for not providing equitable services? .....	12
	In general, a complainant must have first attempted to resolve any issues with the local school district prior to filing an official complaint with TEA. The complaint must provide specific details, such as dates of meetings or correspondence with the local school, facts which support equitable service requirements were not met, and complainant’s efforts to resolve the complaints. ....	12
<b>11.</b>	<b>PNP Statute, Guidance, and Resources.....</b>	<b>13</b>
11.1	Where are the US Department of Education’s (USDE’s) Every Student Succeeds Act (ESSA) requirements and guidance documents for private nonprofit (PNP) equitable services located? .....	13
11.2	What requirements and guidance documents related to PNP are located on USDE’s webpage? .....	13

11.3 Does TEA have a webpage with PNP requirements and documents? .....13

**Common Education Acronyms and Vocabulary Related to Private Schools.....14**

Acronyms.....14

Vocabulary.....14

## 1. ESSA Private School Equitable Services Basics

### 1.1 What is the Every Student Succeeds Act (ESSA)?

**Response:** Signed into law in December 2015, ESSA is the current reauthorization of the Elementary and Secondary Education Act of 1965 (ESEA). The titles of ESSA provide the statutory authorization for various education grant programs that states are required to make available with federal grant dollars.

Among other requirements, ESSA mandates that students and teachers at eligible private nonprofit schools (PNPs) receive equitable services under the following title programs:

- Title I, Part A: Improving Basic Programs Operated by Local Educational Agencies (LEAs)
- Title I, Part C: Education of Migratory Children
- Title II, Part A: Supporting Effective Instruction
- Title III, Part A: English Language Acquisition, Language Enhancement, and Academic Achievement: English Learners (EL) and Immigrants (IMM)
- Title IV, Part A: Student Support and Academic Enrichment Grants
- Title IV, Part B: 21<sup>st</sup> Century Community Learning Centers

### 1.2 What are private school equitable services?

**Response:** 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 PNPs 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 PNPs fair access to federally funded education programs and services, as appropriate. The process depends on a “timely and meaningful consultation” between ISD officials and those of eligible PNPs. However, federal funds may not be awarded or paid to the PNP.

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

**Response:** 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.

### 1.4 What services may the ISD provide?

**Response:** The ISD and PNP collaborate via meaningful consultation to determine what education services will be provided and how.

### 1.5 What is “meaningful consultation”?

**Response:** Meaningful consultation provides sufficient time and a genuine opportunity for all parties to express their views, to have their views seriously considered, and to discuss viable options for ensuring equitable participation of eligible PNP students,

teachers, other education personnel, and families. This requires that the school district has not made any decisions that will impact the participation of PNP students and teachers in applicable programs prior to consultation, or established a blanket rule that precludes PNP students and teachers from receiving certain services authorized under applicable programs.

A school district should consult with PNP officials about the timeline for consultation and provide adequate notice of such consultation to ensure meaningful consultation and the likelihood that those involved will be well prepared with the necessary information and data for decision-making. (Fiscal Changes & Equitable Services Guidance, N-19)

**1.6 What is the goal of consultation?**

**Response:** The goal of consultation is agreement between the ISD and appropriate PNP officials on how to provide equitable and effective programs for eligible PNP students, teachers, and staff. (ESSA sections 1117(b)(1) and 8501(c)(1), (5))

**1.7 Why are the private school equitable services requirements included twice in ESSA (Section 1117 and Section 8501)?**

**Response:** ESSA Section 1117 defines equitable services requirements for Title I, Part A. ESSA Section 8501 defines requirements for the remainder of the title programs listed in the response to Question 1.1.

**1.8 Is there a requirement for PNP officials to receive notice of the school district's equitable services amount for education services?**

**Response:** Yes, at the state level. TEA must provide PNP school officials notice of the equitable services amount that may be used for educational services in a timely manner. The [ESSA Private School Equitable Services](#) page of the TEA website will provide LEA equitable services amounts generated for educational services and other benefits for applicable PNPs. The posted equitable services amount for PNP services will include any Title I, Part A administration costs an LEA sets aside as part of the equitable services amount. (ESSA, Sections 1117(a)(4)(C) and 8501(a)(3)(C))

**1.9 Is there an option for PNPs to indicate whether meaningful and timely consultation occurred and whether the program design is equitable for eligible PNP students?**

**Response:** Yes. In the Affirmation of Consultation with Private Nonprofit School Officials, the PNP official either agrees or disagrees that meaningful and timely consultation occurred and the program design is equitable for each applicable program. (ESSA, Sec. 1117(b)(5))

**1.10 Since Title IV, Part B is a discretionary competitive grant program and is not like other title programs with equitable service requirements, who is responsible for ensuring that eligible PNPs receive access to equitable services, the ISD or the grant partners?**

**Response:** The responsibility belongs to the ISD.

**1.11 Can the PNP take any initiative to ensure it receives equitable services from the ISD?**

**Response:** Yes. The PNP may initiate the equitable services process by sharing with the school district in which it is located, and surrounding ISDs for Title I, Part A

purposes, and checking to see if it has eligible students and staff who might qualify for title services.

**1.12 How do local school districts begin the consultation process?**

**Response:** Annually, the school district must contact officials of private schools located within its boundaries for Section 8501 services. The district must also contact private school officials with children who reside in the district regardless of whether the private school attended is in the district or not to determine eligibility for Title I, Part A services. One way to accomplish this is for the district to extend an invitation to officials of the private schools and convene a meeting with them at which district officials explain the intent of Title I, Part A and all Title VIII programs and the roles of public and private school officials and provide opportunities for the private school officials to ask questions. It is not adequate consultation merely to send a letter to officials of the private schools explaining the intent of Title programs.

**1.13 What records on consultation must a local school district maintain?**

**Response:** Each school district must maintain and provide to the TEA a written affirmation, signed by officials of each private school with participating children or appropriate representatives of the private school officials, that the required consultation has occurred. The district must also maintain documentation of the ongoing consultation process, and submit it to TEA upon request. Examples of TEA requested documentation may include: list of private schools contacted, list of participating private schools, funds allocated for Title I, Part A PNP administration, detailed general ledgers, payroll journal, inventory list, etc. [ESSA, Sections 1117(b)(5) and 8501(c)].

**1.14 If a PNP receives services from both a district and through a shared services agreement (SSA), must the PNP sign an Affirmation of Consultation for both entities providing equitable services?**

**Response:** Yes.

**2. Private Nonprofit Status and Schools**

**2.1 What constitutes private nonprofit status?**

**Response:** Under 34 CFR 77.1, the term “nonprofit” as applied to an agency, organization, or institution means it is 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.

**2.2 Does a nonprofit school need separate documentation of the nonprofit status of its associated church?**

**Response:** No. If a church that operates a school meets the definition of nonprofit, the school does not need separate nonprofit status. (USDE Office of General Counsel)

**2.3 Does TEA maintain a list of PNPs?**

**Response:** No. The [Texas Private School Accreditation Commission \(TEPSAC\)](#) maintains comprehensive data on accredited non-public schools throughout Texas. There are also non-accredited private schools whom are eligible for equitable services.



**2.4 What is [TEPSAC](https://www.tepsac.org) and what information can it provide on private schools?**

**Response:** [TEPSAC](https://www.tepsac.org) is a confederation of associations whose primary purpose is to maintain private school accreditation standards. These standards of accreditation are comparable to TEA standards and preserve the integrity of the member organizations and the schools they accredited. More information may be found at: <https://www.tepsac.org>.

**2.5 Does TEA collaborate with [TEPSAC](https://www.tepsac.org) regarding the provision of equitable services to private schools?**

**Response:** Yes. TEA collaborates with a [TEPSAC](https://www.tepsac.org) and [Texas Private School Association](https://www.tpsa.org) (TPSA) representative and attends TEPSAC meetings. TEPSAC representatives also participate in the TEA Private School Equitable Services Workgroup.

**3. Title I, Part A Requirements**

**3.1 What if the district disagrees with a PNP official's views in regards to the way Title I, Part A services will be provided?**

**Response:** The district must explain in writing and provide a justification for why it disagrees with the PNP official's views. However, the district has final authority on how Title I, Part A services are provided. (ESSA, Section 1117(2)(b))

**3.2 What methods are available for a district to calculate Title I, Part A poverty data in private nonprofit schools?**

**Response:** There are four methods: same measure of poverty as school district, comparable poverty data from a survey, comparable data from another source, and proportionality. The school district must select on the PS3099 which method is being used to calculate poverty data in the PNP schools. (ESSA section 1117(c)(1))

**3.3 Who has the final authority on which Title I, Part A calculation method is used for low-income families attending private nonprofit schools?**

**Response:** The school district has the final authority. (ESSA section 1117(c)(1))

**3.4 Must the school district use the same Title I, Part A poverty data collection method for all its eligible PNPs?**

**Response:** Yes.

**3.5 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?**

**Response:** 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. (ESSA Fiscal Changes & Equitable Services Requirements Guidance, #O-1)

**3.6 How does a school district determine the equitable services share of Title I, Part A funds available for all equitable service activities (i.e., administration, instruction, activities for parents and families of participating private school students, and professional development for teachers of participating private school students)**

**now that this amount must be determined before any allowable expenditures or transfers of funds, including off-the-top reservations?**

**Response:** Once a district has established the participating public school attendance areas, it would first determine the number of children from low-income families residing in each participating public school attendance area who attend public schools and private schools. The district would then determine the overall proportion of children from low-income families who reside in participating public school attendance areas and who attend public schools and private schools. Using the proportion of children from low-income families who attend private schools, the district would determine the amount of funds available for equitable services based on that proportionate share of the district's total Title I, Part A allocation. (ESSA Fiscal Changes & Equitable Services Requirements Guidance, #O-2)

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

**Response:** 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. The district must discuss administrative costs for implementing equitable services during consultation with appropriate private school officials, even if that causes an additional consultation meeting to be held. This response applies to Title I, Part A only.

**3.8 Is there additional TEA guidance regarding reservation of Title I, Part A funds from the PNP's equitable share?**

**Response:** Yes. The USDE Non-Regulatory Guidance: Fiscal Changes & Equitable Services Requirements Under the ESEA, as Amended by the ESSA, O-3, has clarified that O-3 is referring to direct administrative costs reserved from the PNP equitable share amount. The PS3099 (*Private School Services Schedule*) and PS3001 (*ESSA Consolidated Application, Part 1, Planned Reservation of Title I, Part A funds*) will not be revised for 2017–2018 to reflect USDE's guidance. Changes will be reflected in the PS3099 schedule in 2018–2019 to provide the Title I, Part A reservation from the PNP equitable share.

The district must -

- Consult with the PNP on any Title I, Part A direct administrative costs it plans to reserve from the equitable services share,
- Justify that Title I, Part A direct administrative costs is reasonable and necessary,
- Keep detailed accounting ledger in district files of Title I, Part A direct administration costs and share breakdown with PNPs during consultation, and
- Not reserve a higher percentage in Title I, Part A direct administrative costs for the PNP than it does for public school campuses.

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

**Response:** 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.

**3.10 How does a district determine the amount of Title I, Part A funds to be used for parent and family engagement activities for participating private school students?**

**Response:** ESSA requires a district to reserve and spend at least 1 percent of its Title I, Part A allocation to carry out required Title I, Part A parent and family engagement activities if the district's Title I allocation exceeds \$500,000. To determine the minimum it must spend on parent and family engagement activities, a district must calculate 1 percent of its total Title I, Part A allocation. The district then applies the proportionate share percentage for services to private school students to determine how much it must spend for parent and family engagement activities for the families and parents of eligible private school students. The district must then spend that amount from the proportion of its Title I, Part A allocation available for equitable services for private school students. In other words, the district does not reserve a portion of its 1 percent reservation for parent and family engagement activities for participating private school students; rather, this amount comes from the proportionate share that the district already determined. (USDE Non-Regulatory Guidance: Fiscal Changes & Equitable Services Requirements Under the ESEA, as Amended by the ESSA, O-4)

**3.11 If a district does not serve the public high school grade span with Title I, Part A funds, must it count eligible high school campuses that were skipped and/or not served in calculating PNP equitable services?**

**Response:** Eligible PNP children who reside in a skipped and/or not served attendance area, must be provided Title I, Part A services even if the public school attendance area is skipped and/or not served. A district must determine which school attendance areas would have received Title I, Part A funds absent any skipping and/or not serving and the per-pupil allocations. The district must then determine the amount of funds that would have been allocated for PNP children residing in eligible school attendance areas. (ESSA, section 1113(b)(D)(2))

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

**Response:** Yes, if the private school teacher has met state licensing and certification and is independent of the private school at the time of the provision of Title I, Part A services. The private school teacher can only be employed for Title I, Part A purposes outside of the time he or she is employed by the private school. The private school teacher must be under the direct supervision of the district or 3<sup>rd</sup> party provider with respect to all Title I, Part A activities. USDE has clarified that 'independent of the private school' means employed for Title I services by another entity to provide services outside any contract or work time with the private school.

**3.13 If there are no children from low-income families attending a PNP school, therefore no funds are allocated for Title I, Part A services, may the PNP students who meet the educational criteria obtain Title I, Part A services?**

**Response:** No, unless the district is pooling funds for equitable services. If the district is utilizing the pooling option, then eligible low-achieving students who meet the educational criteria may receive Title I, Part A services. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, #B-18)

3.14 **What private school students are eligible for Title I, Part A services?**

**Response:** Private school children residing in a participating Title I, Part A public school attendance area. Students must meet the requirements of multiple, educationally related, objective criteria to be served in the Title I, Part A program. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, B-21)

Student eligibility for Title I, Part A services for PNP students is determined by residence in a participating public school attendance area and educational need. Poverty is not a criterion. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, #B-23)

3.15 **How are the Title I, Part A student eligibility criteria determined?**

**Response:** In consultation with PNP officials, the district must establish multiple, educationally related, objective criteria to determine which PNP students are eligible for Title I, Part A services and will be served. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, #B-24)

3.16 **May Title I, Part A funds be used to identify eligible PNP students?**

**Response:** No. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, #B-26)

**4. Title II, Part A**

**4.1 What types of Title II, Part A activities may a school district provide to private school participants?**

**Response:** A district may continue to use Title II, Part A funds to provide professional development activities for private school teachers, principals, and other school leaders to address the specific needs of their students. Additionally, there may be other permissible uses of Title II, Part A funds for the benefit of private school participants. Any use of Title II, Part A funds for the benefit of private school participants must:

- Be an allowable local use of Title II, Part A funds under the authorizing statute. (ESSA section 2103(b)(3).)
- Meet the specific needs of students enrolled in a private school, and not the private school itself. Title II, Part A funds may not be used to meet the needs of a private school or the general needs of the students enrolled in the private school. In some limited instances, however, a program or activity that primarily benefits a private school's students (because it addresses specific, rather than general, needs of the students) will also incidentally benefit the school. (34 CFR 76.658.)
- Ensure that the public agency (e.g., the school district) responsible for providing equitable services retains control of the funds used to provide such services. In addition, equitable services must be provided by either an employee of the public agency or through a contract by the public agency with an individual, association, agency, or organization. These employees, individuals, associations, agencies, or organizations providing the services must be independent (defined by USDE as not be during a time of employment of the private school) of the private school and any religious organization and the employment or contract must be under the control and supervision of the public agency. (ESSA section 8501(d).)

Equitable services under Title II, Part A may not be used for class-size reduction (ESSA section 2103(b)(3)(D)) in a private school because contracts for private school teachers and staff would be inconsistent with the requirements in ESEA section 8501(d) regarding public control of funds and the supervision and control of employees or contractors. (USDE Non-Regulatory Guidance: Fiscal Changes & Equitable Services Requirements Under the ESEA, as Amended by the ESSA, P-3)

## 5. Title III

### 5.1 May a district reimburse a private school for providing Title III services or materials to English Learners (EL), their teachers, or other educational personnel?

**Response:** No. The district may not reimburse a private school for services or materials purchased by the private school. However, a district may reimburse private school teachers and other educational personnel for pre-approved Title III professional development that is otherwise an allowable use of Federal funds. (USDE Guidance, Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel, July 2015, G-3)

### 5.2 Who is eligible to receive Title III services?

**Response:** To be eligible for Title III services for ELs, a private school student must be enrolled in a nonprofit private elementary or secondary school located in the geographic boundaries of a school district that receives a Title III subgrant for ELs and must meet the definition of LEP under Section 9101(25) of ESEA.

To be eligible for Title III services for immigrant children and youth, a private school student must be enrolled in a nonprofit private elementary or secondary school in the geographic area served by a district that receives a Title III subgrant for immigrant children and youth and must meet the definition of immigrant children and youth under Section 3301(6) of ESEA.

Private school teachers and other educational personnel who instruct private school ELs may receive professional development under Title III. The extent to which private school teachers and other educational personnel would receive professional development under Title III would be determined during the consultation process. (USDE Guidance, Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel, July 2015, E-1)

### 5.3 What are some examples of the Title III services that a district may provide to private school ELs, their teachers, and other educational personnel?

**Response:** USDE guidance provides some general examples of the Title III services that a school district may provide to private school ELs, their teachers, and other educational personnel include:

- Tutoring for ELs before, during, or after school hours;
- Professional development for private school teachers of ELs;
- Summer school programs to provide English language instruction for ELs;
- Provision of supplemental instructional materials and supplies. These materials and supplies must be supplemental to what the private school would be required

to provide in the absence of the Title III services. These materials and supplies must also be clearly labeled and identified as the school district's property, and must be secular, neutral, and non-ideological. The district is required to maintain oversight of all materials and supplies purchased with Title III funds. (USDE Guidance, Title III, Part A English Language Acquisition, Language Enhancement, and Academic Achievement Equitable Services to Private School Students, Teachers, and Other Educational Personnel, July 2015, F-2)

## **6. Title IV, Part A**

### **6.1 Are PNPs located outside district boundaries eligible to receive Title IV, Part A services?**

**Response:** No. PNP services are only provided to students who are enrolled in private elementary and secondary schools located in the geographic boundaries of the school district. PNPs outside of the district boundaries are not eligible to receive Title IV, Part A services. All private school equitable services for programs governed under Section 8501 may only serve students enrolled in private schools located within the district's boundaries.

### **6.2 Are districts required to allocate Title IV, Part A equitable services to PNPs?**

**Response:** Yes, PNPs are eligible to receive Title IV, Part A equitable services. The PS3099 schedule calculates the required equitable services amount.

### **6.3 May a district with eligible PNPs transfer all funds from Title IV, Part A to another funding source under the Title IV Funding Transferability program?**

**Response:** No. If the PNP requests Title IV, Part A equitable services, the district may not transfer 100% of funding. The same is true for the scenario using Title II, Part A equitable services.

## **7. Title VIII**

### **7.1 What if the school district disagrees with the PNP officials on the provision of Title VIII program equitable services?**

**Response:** The district must provide a written explanation of the reasons and justifications for why the district has chosen not to use a contractor to PNP officials. The school district has final authority. (ESSA, Section 8501(a)(5)(c2))

## **8. General Fiscal Requirements**

### **8.1 May a school district carry over unobligated funds despite the ESSA requirement to spend funds for PNP equitable services in the current school year?**

**Response:** There may be extenuating circumstances when the district is unable to obligate all funds within the current school year. Under these circumstances, the funds may remain available for the provision of equitable services under the respective program during the subsequent school year if approved by the TEA. In determining how carryover funds will be used, the district must consult with appropriate private school officials. [ESSA sections 1117(b) and 8501(c)].

However, for districts that do not fully obligate all equitable services funds, and do not have TEA-approved extenuating services, will be at higher risk for audit of their school district program.

## 8.2 What is direct administration?

**Response:** The definition for “direct cost,” including application of direct administration cost may be found in 2 CFR 200.412 and 200.413.

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.

Salaries of administrative and clerical staff are generally paid out indirect cost. However, the cost can be applied as direct administration cost when following conditions are met:

- Administrative or clerical services are integral to a project or activity;
- Individuals involved can be specifically identified with the project or activity;
- Such costs are explicitly included in the budget or have the prior written approval of the Federal awarding agency; and
- The costs are not also recovered as indirect costs

## 8.3 Must a school district maintain internal controls when providing equitable services, materials, and equipment to eligible PNPs?

**Response:** Yes. 2 CFR 200.303 requires grantees to implement internal controls for the administration of federal grants. Grantees must establish and maintain effective internal control over federal grants and provide reasonable assurance that they comply with all laws, regulations and requirements related to the grants they receive. Additionally, grantees must:

- Evaluate and monitor their own compliance with grant requirements.
- Quickly address any noncompliance identified, including any found in audit or monitoring findings.
- Take reasonable measures to protect sensitive or personally identifiable information (in accordance with laws regarding privacy and confidentiality).

(*TEA Internal Controls Guidance Handbook, For Fiscal Year 2015 and Beyond*, August 2015; linked to [The New EDGAR](#) page of the TEA website.)

## 8.4 Who reviews and monitors to see if the school district is maintaining internal controls when providing equitable PNP services?

**Response:** TEA’s Division of Federal Fiscal Monitoring monitors the expenditures of federal grant subrecipients (school districts) for compliance with various fiscal requirements. It also conducts reviews of districts to ensure that federal awards are used for authorized purposes in compliance with laws, regulations, and the provisions of contracts or grant agreements. (*TEA Internal Controls Guidance Handbook, For Fiscal Year 2015 and Beyond*, August 2015; linked to [The New EDGAR](#) page of the TEA website.)

**8.5 How does a district calculate how much to set aside for equitable services in eligible PNPs?**

**Response:** The PS3099 schedule calculates equitable services by program after the district enters applicable data.

**8.6 If a district does not collect the names of low-income families, how do district officials or auditors determine that the poverty numbers provided by the PNP officials are accurate?**

**Response:** Private school officials should maintain the poverty data in their files. If district officials or auditors wish to review the poverty data, they may review the data at the private schools. (Title I Services to Eligible Private School Children Non-Regulatory Guidance, October 2003, #B-6)

**8.7 Is registration and travel costs for participating PNPs allowed?**

**Response:** Yes. Equitable services to PNP schools that are required, and therefore allowable, under federal program statute may include registration and travel costs for participation in allowable professional development activities. On the [Prior Approval, Disclosure, and Justification Forms Under the New EDGAR](#) page of the TEA website, LEAs can download the Participant Support Costs and Out-of-State Travel forms to use in requesting approval or providing justification. There is no need to submit individual requests for approval of participant support costs activities. Please email [grants@tea.texas.gov](mailto:grants@tea.texas.gov) with any questions regarding this approval. (2 CFR 200.456)

**9. TEA's PNP Ombudsman**

**9.1 What is the role of the ombudsman, as required by ESSA?**

**Response:** The ombudsman serves as TEA's primary point of contact for addressing questions and concerns from private school officials and school districts regarding the provision of equitable services under Titles I and VIII. In addition, the ombudsman is required to monitor and enforce the equitable services requirements under Titles I and VIII and, thus, should have a significant role in the State's monitoring process. An Ombudsman's role is to help ensure equitable services and other benefits for eligible private school children, teachers and other educational personnel, and families. (ESSA sections 1117(a)(3)(B) and 8501(a)(3)(B))

**9.2 What are additional roles and responsibilities in which the ombudsman participates?**

**Response:** The ombudsman provides several roles as defined by ESSA statute and USDE guidance:

- Providing technical expertise in interpreting, understanding, and implementing accountability requirements for equitable services;
- Providing guidance to local school districts and private schools, as needed;
- Addressing complaints regarding consultation and/or equitable services provisions;
- Ensuring all equitable services reporting requirements are met;
- Overseeing the TEA Private School Equitable Services Workgroup;
- Developing monitoring protocols;
- Participating in the TEA's *Title I Committee of Practitioners* meetings



- Participating in the Texas Private School Accreditation Commission (TEPSAC) and Texas Private Schools Association (TPSA) meetings

**9.3 What specific responsibilities does the ombudsman have with respect to monitoring and enforcement?**

**Response:** The primary responsibilities of an Ombudsman are to monitor and enforce the ESSA equitable services requirements in Titles I, Part A and Title VIII. (ESSA Fiscal Changes & Equitable Services Requirements Guidance, #N-2)

**9.4 Who is TEA’s designated ombudsman?**

**Response:** The designated ombudsman for TEA is Cory Green, Associate Commissioner of the Department of Grants Compliance and Oversight. To contact the ombudsman’s office, see the contact information below.

Cory Green	Associate Commissioner for Grants Compliance and Oversight  State Ombudsman	<a href="mailto:PNPombudsman@tea.texas.gov">PNPombudsman@tea.texas.gov</a> Mailing address: Texas State Ombudsman for PNP Services 1701 N Congress Ave. Austin TX 78701 (512) 463-8992 FAX: (512) 463-9176
Gean Wilkerson	Administrative Assistant to Cory Green	
LaNetra Guess	Director, Private School Services	

**9.5 What is the TEA Private School Services Equitable Services Workgroup?**

**Response:** TEA has established the Private School Equitable Services Workgroup to fulfill part of the PNP ombudsman responsibilities. This group consists of school district representatives, education service center (ESC) representatives, and PNP school representatives. The 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.

**10. Complaints Alleging Violation of ESSA Equitable Services Requirements**

**10.1 What are the ESSA options for filing a complaint against an ISD?**

**Response:** An individual or organization may submit a complaint to TEA and expect a written response within 45 days. (ESSA Sections 1117(b)(6), 1117((c)(2), and 8503(a)(b))

**10.2 What are the procedures for filing a complaint against an ISD for not providing equitable services?**

Response: Complaint procedures may be found on the [ESSA Private School Equitable Services](#) page of the TEA website.

In general, a complainant must have first attempted to resolve any issues with the local school district prior to filing an official complaint with TEA. The complaint must provide

specific details, such as dates of meetings or correspondence with the local school, facts which support equitable service requirements were not met, and complainant's efforts to resolve the complaints.

## 11. PNP Statute, Guidance, and Resources

### 11.1 Where are the US Department of Education's (USDE's) Every Student Succeeds Act (ESSA) requirements and guidance documents for private nonprofit (PNP) equitable services located?

**Response:** The USDE ESSA regulations and guidance documents are located at <https://www.ed.gov/eSEA>.

### 11.2 What requirements and guidance documents related to PNP are located on USDE's webpage?

**Response:** To ensure you have the full private school guidance, you must review three USDE guidance documents and their regulations.

- The Elementary and Secondary Education Act (ESEA) as amended by the ESSA regulations; Fiscal Changes and Equitable Services Guidance (November 2016);
- Title I, [Part A], Services to Eligible Private School Children (October 2003);
- Title IX, Part E, Uniform Provisions, Equitable Services to Eligible Private School Students, Teachers, and Other Education Personnel Non-Regulatory Guidance (March 2009);
- Education Department General Administration Regulations (EDGAR) Sections 76.651 - 76.662.

### 11.3 Does TEA have a webpage with PNP requirements and documents?

**Response:** Yes. TEA's ESSA PNP webpage is located at [http://tea.texas.gov/Finance\\_and\\_Grants/Grants/Administering\\_a\\_Grant/ESSA\\_Private\\_School\\_Equitable\\_Services](http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/ESSA_Private_School_Equitable_Services).

TEA works closely with ESC 10 personnel funded by the Capacity Building Initiative (CBI) grant. Part of the work for the CBI is to assist with the PNP implementation requirements. In this capacity, CBI provides information and resources on TEA's behalf. CBI resources may be found at:

<https://sites.google.com/region10.org/essaprogramcomponents/private-non-profit-schools>.

## Common Education Acronyms and Vocabulary Related to Private Schools

### Acronyms

EDGAR	<a href="#">Education Department General Administrative Regulations (governing federal grants)</a>
ESEA	Elementary Secondary Education Act
EL	English Learner (sometimes called ELL or LEP)
ESL	English as a Second Language
ESSA	<a href="#">Every Student Succeeds Act</a> (the new federal education law)
ESC	Education Service Center
IDEA	<a href="#">Individual with Disabilities Education Act (special education)</a>
IEP	Individual Education Plan (for students served by special education)
LEA	Local Educational Agency (includes the local school district, regional education service centers, and open-enrollment charter schools)
NCLB	No Child Left Behind (the federal education law before ESSA)
ONPE	Office of Nonpublic Education at <a href="#">USDE</a>
Pre-K	Pre-Kindergarten (PK)
PNP	Private Nonprofit School
SEA	State Education Agency (TEA)
TEA	<a href="#">Texas Education Agency</a>
TEKS	<a href="#">Texas Essential Knowledge and Skills (state education standards)</a>
TEPSAC	<a href="#">Texas Private School Accreditation Commission</a>
TPSA	<a href="#">Texas Private Schools Association</a>
USDE	<a href="#">United State Department of Education</a>

### Vocabulary

[Affirmation of Consultation](#) - document signed by PNP and school district confirming that timely and meaningful discussion occurred and that initial plans for PNP equitable services have been made

[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 PNP students and teachers

[Equitable Services](#) – services provided for PNP students, teachers, or families; these services do not have to be the same as those provided for public schools, but they must meet the needs

of the PNP, be proportionately equitable in value to services provided for public schools, and follow program guidelines

[Non-Regulatory Guidance: Fiscal Changes and Equitable Services under ESSA](#) – November 2016 – guidance document from USDE to assist TEA and LEAs in providing equitable services for PNPs under ESSA (begins at Section V - Equitable Services on p. 23)

[Ombudsman](#) – the person at TEA who helps to ensure that PNP children, teachers and other educational personnel receive services equitable to those in public schools and responds to and resolves complaints from PNPs (Cory Green, TEA Ombudsman [PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov))

[PS3099](#) - the ESSA grant application schedule for planning PNP equitable services

[Secular, neutral, and nonideological](#) - equitable services provided for PNPs must not be religious in any way

[Statute](#) - the federal law that must be followed (ESSA) by TEA and LEAs

[Third party contract](#) - when a school districts contracts with an outside company to provide PNP services, the services are provided by employees of the external company, not by employees of the school district

[Title I, Part A](#) – a program that provides academic assistance for PNP students who have educational need as evidenced by multiple, educationally-related, objective criteria; they must be failing, or most at risk of failing, to meet high student academic achievement standards. Other services could include counseling, family literacy program, computer-assisted instruction, and professional development for teachers of identified Title I students

[Title I, Part C](#) – a program that provides services to benefit PNP migrant students; included are services to meet academic, social, and emotion needs, family literacy program, and professional development for teachers of migrant students

[Title II, Part A](#) – a program that provides professional development activities for PNP teachers, instructional leadership teams, principals, and other school leaders to address the specific needs of their students in accordance with the purposes of Title II

[Title III, Part A](#) – a program that provides supplemental instructional services for PNP students who are English learners; also included are family literacy programs and professional development for teachers of PNP English learners

[Title III, Immigrant](#) – a program that provides supplemental instructional services for PNP students who are immigrants; also included are family literacy programs and professional development for teachers of PNP Immigrant students; these funds are only available from a limited number of school districts

[Title IV, Part A](#) – a program that provides services to support well-rounded educational opportunities, safe and healthy students, and effective use of technology

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