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EVERY STUDENT SUCCEEDS ACT

This Program Guide is designed to serve as a reference for LEA staff, Private Nonprofit (PNP)

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Title I, Part A: Private School Equitable Services

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

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

A. General Responsibilities and Requirements

The LEA in which the child resides is responsible for providing eligible children enrolled in private schools the opportunity to receive services or benefits under Title I, Part A. The LEA shall reserve funds to provide any eligible private school student with comparable services, regardless of the location of the private school the student chooses to attend. The LEA may arrange to have services provided by another LEA, reimbursing that LEA for costs. The LEA is responsible for ensuring the requirements for private school participation are met. For Shared Services Arrangements (SSA), the fiscal agent is responsible unless the written SSA states otherwise.

The following general rules apply:

Private schools receive services only. Funds do not flow to private schools or to facilities for the neglected and delinquent.

As with children attending public schools, Title I, Part A funds may not be used to identify those private school children who would be eligible to participate. However, Title I, Part A funds may be used to select participants from those who are eligible and to determine specific educational needs of participating children.

Services to private school children may be provided in subject areas or grade levels that are different from those provided to public school students.

All activities involving private schools must be supported by auditable documentation.

B. Funding for Services to Eligible Private School Children

Under Title I, Part A statute, an LEA must allocate funds to a participating public-school attendance area or school based on the total number of children from low-income families, including low-income children attending private schools. Thus, the LEA in consultation with

private school officials, must obtain the best available poverty data on private school children who reside in participating attendance areas. Private school officials may have access to some sources of poverty information not easily accessible to public school officials; it is especially important that public and private school officials cooperate in this effort.

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

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

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

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

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

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

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

3. **Proportionality** - An LEA may apply the low-income percentage of each participating Title I, Part A public school attendance area to the number of private school children who reside in that school attendance area to derive the number of private school children from low-income families. An LEA will need student home addresses, grade

of private school students and who reside in a participating Title I, Part A public school attendance area.

In consultation, the LEA and private school officials choose one or a combination of the following options for using the funds

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

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

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

D. Meaningful Consultation Requirements

The LEA is required to provide for ongoing and meaningful consultation with appropriate private school officials before any decisions are made concerning the Title I, Part A services for private school children. This includes decisions about reserving funds "off the top" of the LEA's allocation for LEA-wide activities before funds are allocated to participating campuses. In addition, because generation of funds and eligibility of private school children for services are dependent upon residence in a participating public school attendance area, the LEA must share the results of its campus selection and allocation process n (L) 4 . 9 (E) 3 . 1 0 . 1

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

E. Expenditures and Services

Expenditures must be equal to the per student allocation of children from low-income families of the LEA participating school attendance area in which the student from the private school resides. Before determining a per student amount, funds for administering the private school

6. No funds may be used for repairs, minor remodeling, or construction of private school facilities.
7. Funds may not be used to pay substitutes for private school teachers.
8. Private schools are **not** to be operated as Schoolwide programs and may only service students who have identified as TIA eligible.

Frequently Asked Questions

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

A1. No. Private school officials have no authority to obligate or receive Title I, Part A funds. The ESEA requires an LEA to maintain control of Title I, Part A funds, materials, equipment, and property. (ESEA section 1117(d)(1)). Thus, n Tw 1.46 0 Qna Telu maybde pa())TJ0.001 T

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

Professional development may be provided to meet the needs of Title I, Part A Students to -
 Private school officials and staff who work directly with Title I, Part A eligible students;
 Parents of eligible private school children; and
 Public school teachers who provide Title I, Part A services to eligible private school students

I. Assessment and Program Improvement for PNP

In consultation with private school officials, the LEA must provide participating private school children an equitable opportunity to meet the state's content and student performance standards. In some instances, however, it may not be appropriate to expect private school children to meet the state's standard.

For example:

If those standards are not aligned with the curriculum of the private school.
 If the LEA, in consultation with private school officials, determines that it would be inappropriate to measure the achievement of participating private school children in relation to the state's content and student performance standards. (In this situation, the LEA must develop alternative standards that provide reasonable promise of those children achieving the elevated levels called for by the state's student performance standards.)

An LEA must assess annually the progress of the Title I program toward enabling private school Title I, Part A participants to meet the state's student performance standards (or the LEA's alternative standards). An LEA must assess the progress of the Title I, Part A program using the state assessment system. However, the LEA may need to use other assessment measures, in consultation with private school officials, to better measure the progress of participating private school children. The LEA has the flexibility to group children in a manner that will provide the most accurate information of this progress.

For example,

The LEA may decide to group children by the type of instructional method, grade level, school, or another

A. Funding Requirements

Expenditures for educational services and other benefits to eligible PNP school children shall be equal to the proportion of funds allocated to participating school attendance areas based on

- In the LEA's participating school attendance area who attend private

and the private school officials have not notified the LEA of obstacles to meeting the deadline in a timely manner, the LEA may consider the private school to have declined services. However, the ongoing consultation required by the ESEA will help prevent this situation from occurring because consultation throughout the year provides an established forum for private school officials to alert the LEA if there are obstacles to meeting a deadline (e.g., a private school participant was unable to attend professional development due to an illness).

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

A2. No. Students who are enrolled in private nonprofit elementary and secondary schools that are in areas served by an LEA are eligible to receive services. A student's residency

Reporting Requirements

PS3099 Private School Equitable Services Schedules

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

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

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

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Title I, Part A Schedule PS3099 Private School Equitable Services

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

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

income children, **ages 5-17**, attending private schools who reside in a participating (or skipped) Title I attendance area to calculate equitable services on the PS3099 schedule.

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

Title I, Part C Schedule PS3099 Private School Equitable Services

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

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

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

Title II, Part A Schedule PS3099 Private School Equitable Services

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

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

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

The PS3099, Private School Equitable Services schedule, is in the eGrants ESSA Consolidated Federal Grant Application. PS3099 incorporates the formula for determining private school equitable services in the ESSA Application. For **Title III, Part A-ELA**, the LEA must use identified English. t4 (le)-rd

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[ESSA, Section 1117, Title I, Part A, Subpart 1, Participation of Children Enrolled in Private Schools](#), U.S. Department of Education Statute for Title I, Part A Programs.

[*Title I, Part A of the Elementary and Secondary Education Act of 1965, As Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers, and Families - Updated Non-Regulatory Guidance*](#), U.S. Department of Education, October 2019.

[*Title VIII, Part F of ESEA, as Amended by ESSA: Equitable Services for Eligible Private School Children, Teachers, and Other Educational Personnel Non-Regulatory Guidance*](#), U.S. Department of Education draft, March 30, 2022.

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