

Spring 2023 Statewide Training Series

Questions & Answers

Training Title: Private Nonprofit (PNP) School Equitable Services Program Overview

Training Date: 06/01/2023

For additional information, please contact us at ESSASupport@tea.texas.gov or PNPOmbudsman@tea.texas.gov.

PNP Equitable Services

Q1. May a homeschool participate and receive equitable services?

A1. A homeschool may be eligible to participate *only* if it can provide documentation of 501(c)(3) nonprofit status and the students meet program eligibility.

Q2. Where are the *PNP Affirmation of Consultation* forms submitted?

A2. The *PNP Affirmation of Consultation* forms must be submitted through the *Every Student Succeeds Act (ESSA) Reports* application system no later than September 30. More details are in the [PNP Affirmation Instructions Handbook](#).

Q3. What is the SC3099 report?

A3. The SC3099 is the Special Collection schedule for PNP equitable services.

Q4. Must districts upload PNP Participant Support Cost forms through the Department's WorkApp or only when requested by TEA?

A4. Yes, LEAs upload the form through the Department's *EDGAR Forms WorkApp System*.

Under [\(2 CFR\) 200.456](#), participant support costs are allowable with prior approval from TEA. Participant support costs include direct costs for items such as stipends or subsistence allowances, travel allowances, and registration fees paid to or on behalf of participants or trainees (but not employees) in connection with conferences, or training projects.

Equitable services to private nonprofit schools may include registration and travel costs for PNP staff participating in allowable professional development activities. The pre-approved form is in the *Department of Grant Compliance and Administration EDGAR Forms WorkApp System*. Email any questions regarding PNP Participant Support Costs to GrantSupport@tea.texas.gov.

Q5. How is equipment defined by federal statute?

A5. *Equipment* means tangible personal property (including information technology systems) having a useful life of more than one year and a per-unit acquisition cost which equals or exceeds the lesser of the capitalization level established by the non-Federal entity for financial statement purposes, or \$5,000. See additional federal definitions of *capital assets*, *computing devices*, *general purpose equipment*, *information technology systems*, *special purpose equipment*, and *supplies* in the [Code of Federal Regulations, Title 2, Subtitle A, Chapter II, Part 200, Subpart A, Section 200.1](#).

Q6. Is the district required to pick up the supplies, materials, and equipment from participating PNP schools during extended breaks and summer?

A6. Yes. 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.

Q7. What are a few examples of inventory that might be used for PNP equitable services?

A7. A few examples of inventory are property, equipment, materials, supplies, electronic devices (i.e., laptops), 3-D printers, science/lab equipment, etc.

Q8. Who is required to provide PNPs with equitable services: school districts, open-enrollment charter schools, or both?

A8. 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.

Q9. Does an LEA determine if an equitable services administration amount will be allocated to a PNP?

A9. During consultation, the LEA and PNP discuss administrative costs which should be reasonable, necessary, and allocable prior to starting PNP services.

Q10. Which Title programs are included under Title VIII for equitable services?

A10. Among other requirements, ESSA mandates that students and teachers at eligible private nonprofit schools (PNPs) receive equitable services under the following Title VIII programs:

- 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: 21st Century Community Learning Centers

Q11. Is the *PNP Equitable Services Reservation* report posted annually on the TEA webpage?

A11. Yes. The [PNP Equitable Services Reservation](#) report is typically posted in early Spring.

Timelines

Q1. What is an LEA's obligation to consult with appropriate private school officials, and provide services for eligible children and educators in a new private school that opens after the LEA's deadline indicating an intent to participate?

A1. An LEA is generally responsible for contacting a new private school, along with all private schools, to determine its intent to participate. An LEA is not required to provide equitable services in the current year to eligible children and educators who attend or work at a new private school if the school opens after the LEA's deadline for indicating an intent to participate in equitable services, but the LEA may do so.

Q2. May an LEA deny a private school participation in equitable services when that private school does not submit documentation in time for the LEA to submit its application to TEA?

A2. LEAs must be able to demonstrate that they made a good faith effort to contact all the private schools in their district or service area. During timely and meaningful consultation, the goal of which is agreement, an LEA may wish to discuss with private school officials a reasonable date by which private school staff will submit materials and information needed for adequate consultation. Particularly if a date is agreed to, as part of consultation and in the context of the requirement to obligate funds generated for equitable services in the current fiscal year, it would be reasonable for the LEA to inform private school officials that if their staff members do not submit materials by the agreed upon date and the LEA is not notified of this by private school officials in a timely manner, the LEA may need to consider that the private school has declined services in order to meet its requirement to obligate funds allocated for equitable services in the current fiscal year.

If a private school declines to participate in covered ESEA programs or does not respond to an LEA's request to consult in the given timeframe regarding the provision of services in a particular year, the LEA has no further responsibility to provide equitable services to children and educators in that school during that school year. The LEA must contact each private school each year, however, to determine the private school's intent to participate in covered ESEA programs.

Q3. How should an LEA manage a request from a PNP school to start receiving equitable services *late* in the school year when it turned down services earlier?

A3. The LEA should politely notify the private school official that the deadline for requesting equitable services for the current school year 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.

Q4. May an LEA set a deadline for private school officials to indicate their intent to participate?

A4. 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.

Title I, Part A Program Services

- Q1. Are there any templates that an LEA may use for documenting Title I, Part A proportionate shares for campus equitable services?**
- A1. There are new LEA-PNP resource tools that have been published to assist with documentation regarding Title I, Part A equitable services and proportional share: [ESSA PNP Equitable Services Companion Guide for LEA Documentation](#) and the [Methods of Collecting Low-Income Information for Title I, Part A Proportional Share](#) tools.
- Q2. Where may LEAs find information on pooling of Title I, Part A PNP equitable services?**
- A2. LEAs may find requirements regarding pooling of Title I, Part A PNP equitable services in the [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](#) (May 2023).

Title IV, Part A Program Services

- Q1. Must a participating PNP school meet the 20% well-rounded education, 20% safe and healthy students, and effective use of technology portion requirements for Title IV, Part A equitable services?**
- A1. No. Participating PNP school equitable services amounts do not need to comply with required LEA content area spending requirements.

Carryover of Equitable Services

- Q1. May an LEA carry over Title I, Part A and Title VIII program unobligated funds despite the statutory requirement regarding obligation of funds?**
- A1. Yes. 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.

More specifics requirements regarding carryover of PNP equitable services may be found in the [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](#) (May 2023) and [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](#) (March 2022).

- Q2. We have a PNP school that is closing at the end of the month. They were participating in ESSA Title II, Part A; Title III, Part A; and Title IV, Part A programs. How does the LEA distribute the closing PNP school's remaining funds for equitable services?**
- A2. For programs covered under the Title VIII Uniform Provision, if an LEA provided equitable services for private school students in any given year, any carryover funds for services to private school students would be considered additional funds for that program for public and private school students in the subsequent

year. Those funds would then be used, along with any other carryover funds, for both public and private school students on an equitable basis.

Q3. If a PNP uses all its Title funding for equitable services in year 1, does it qualify to receive a portion of any of the carryover based on the per pupil count from year 1 in year 2?

A3. No. A PNP that has used all its equitable services in year 1, would not receive a portion of the carryover for services in year 2.

Q4. If a PNP uses all available funds for equitable services allocated before the year ends, can an LEA provide additional funding for equitable services?

A4. No.

Q5. When there are equitable services under Title VIII programs that are carried over for participating private and public schools, how is it allocated the following year?

A5. The carryover would be allocated per pupil for both participating private and public-school students.

LEA and PNP Collaboration

Q1. How does the district encourage collaborative relationships among Education Service Centers (ESCs), Local Educational Agencies (LEAs), and Private Nonprofit (PNP) school officials?

A1. During the statewide training, districts shared ways they encourage collaborative relationships. Some of the collaborative opportunities shared included: onsite visits to PNP schools, ongoing reminders of activities and deadlines, providing support and resources, frequent check-in through phone calls and emails, invitations to participate in district educational improvement committees, consistent and continuous communication, onsite visits to see equitable services and programs firsthand, ESCs providing forums and collaboration between LEA and PNP staff; and invitations to attend district professional learning opportunities and other events.

Q2. What educational outcomes would you expect if meaningful LEA-PNP consultations and strong collaboration were priority?

A2. During the statewide training, LEAs shared educational outcomes. Some outcomes when prioritizing LEA-PNP collaboration that were shared included: improved student achievement and teacher quality for PNP schools, smoother transition of students between PNP and LEA campuses, better program implementation that help PNP students succeed, PNP students and families feeling more comfortable during transition to public schools, more frequent communication with the PNP schools, increased student achievement on assessments, increased teacher performance in the classroom by attending quality professional development, PNP school officials collaborating and adopting some LEA initiatives that fit their school needs, overall academic growth through effective supplemental instructions, and improvement in the quality of instructional delivery through building the capacity of PNP teachers.

Gun-Free Schools Report

Q1. Who would an LEA contact regarding the Gun-Free Schools Report?

A1. LEAs should email ESSASupport@TEA.Texas.gov with questions.

Resources and Tools

Q1. What is the latest *ESSA PNP Program Guide* that has been published?

A1. The latest ESSA PNP Program Guide was posted and published in July 2022. A revised version will be posted on the [TEA ESSA PNP Equitable Services](#) webpage in July 2023.

Q2. Is there a TEA webpage for ESSA PNP Equitable Services?

A2. Yes. Additional PNP documents, resources, and tools may be found on the [TEA ESSA PNP Equitable Services](#) webpage.