

Private Nonprofit Equitable Services

Association for Compensatory Educators of Texas (ACET) Conference

ESSA and Equitable Services to Eligible Private Nonprofit Schools

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LaNetra Guess, Director
Private School Equitable Services
Texas Education Agency

Toni Garrett, Program Coordinator
Title I Capacity Building Initiative
Region 10 Education Service Center

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Agenda

- Texas LEA – PNP Statistics
- Equitable Services
- Consultation
- Eligibility for Services & Third-Party Contractors
- Funding for Equitable Services
 - Carryover & Transferability
- Program Compliance
- Collaboration & Communication
- Title I Capacity Building Initiative
- Upcoming LEA-PNP Sessions
- FAQs
- Resources



Texas LEA - PNP Statistics*

- 1,208 Local Educational Agencies (LEAs)
- 1,022 Independent School Districts (ISDs)
- 20 Education Service Centers (ESCs)
- 185 ISDs reserved funds for Private Nonprofit (PNP) equitable services for one or more Title grant programs
- 480* Participating PNP schools (*2015-2016 data)

*As of January 2018



Equitable Services

- Local educational agencies (LEAs) are required to provide services for eligible private school students.
- Services provided by the LEA for private school participants are designed to meet their educational needs and supplement the educational services provided by the private school.



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 State Ombudsman




Eligible Programs for Equitable Services

- Title I, Part A Equitable Services, Sec. 1117
- Title VIII Equitable Services, Sec. 8501
- Title I, Part C - Migrant
 - Title II, Part A – Supporting Effective Instruction
 - Title III, Part A - English Learners & Immigrants
 - Title IV, Part A – Student Support & Academic Enrichment
 - Title IV, Part B – 21st Century Community Learning Centers




Timely & Meaningful Consultation



Initial Contact

LEA contacts PNP officials with children who reside in the LEA


- Even if the private school is **not** located in the LEA boundaries (Title I, Part A)



Consultation [Sec. 1117(b) & 8501(c)]

'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.'

**ED Fiscal Changes & Equitable Services Guidance*



PNP Affirmation of Consultation Form

Name of LEA County District #

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 |
|-------------------|-----------------|------------------|----------------------|-----------------------|------------------|
| Not participating | LEA | Third party | Consortium/SSA | LEA | Consortium/SSA |

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="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> No | <input type="checkbox"/> Yes <input type="checkbox"/> 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

DEPARTMENT OF
CONTRACTS, GRANTS & FINANCIAL ADMINISTRATION

Eligibility for Services

DEPARTMENT OF
CONTRACTS, GRANTS & FINANCIAL ADMINISTRATION

Title I, Part A Eligibility

- 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

DEPARTMENT OF
CONTRACTS, GRANTS & FINANCIAL ADMINISTRATION

Title I, Part A Eligibility

- 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



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




Third Party Contractor – Title I, Part A

- 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




Funding for Equitable Services



Public Control of Funds

- LEA is fiscal agent
- PNP receives program *services* - **not funds**
- Federally-funded purchases for *approved* PNP materials, equipment, and property remain in the control and supervision of the LEA



PS3099 Private School Services Schedule

Program Description
PS3099 - Private School Services

Part 1: Private Schools Consultation and Participation

A. Private Schools Consultation

1. Are any private nonprofit schools located within the LEA's boundaries? Yes No

2. Does the LEA have any Title I, Part A eligible students attending private nonprofit schools outside the boundaries? Yes No

B. Are any private nonprofit schools participating?


| Title I, Part A | Title I, Part C Migrant | Title II, Part A | Title III, Part A ELA | Title III, Part A Immigrant | Title IV, Part B, SLEP |
|--|--|--|--|--|--|
| <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 |

C. Assurances

1. The LEA assures that it discussed all consultation requirements as listed in Section 1117(b)(1) and/or Section 8501(c)(1), as applicable, with all eligible private nonprofit schools located within the LEA's boundaries.

2. The LEA assures the appropriate Affirmations of Consultation will be provided to the TEA Private Schools Ombudsman in the manner and timeline requested.

Part 2: Equitable Services Calculations



Obligation of Funds
[Sec. 1117(a)(4)(B) & 8501(a)(4)(B)]

LEA funds for educational services and other benefits to eligible PNP children **shall be obligated within the same fiscal year** in which they are received



Carryover of Unobligated Funds



Carryover of Unobligated Funds

Extenuating circumstances only

- Funds may remain available for the provision of equitable services under the program (i.e., Title I Part C, Title I Part IV-B) during the subsequent school year
- LEA must consult with PNP officials to determine how funds will be spent in subsequent school year

*Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements, N-6 & N-7



Transferability FAQs (continued)

May LEAs leave only the PNP equitable share in its original program while transferring out all other LEA funds?

No. LEAs must calculate equitable service shares based on the total amount of funds available under a program after a transfer.

An LEA may not transfer funds to a specific program solely to provide equitable services, it may not retain funds solely for this purpose.



Transferability FAQs (continued)

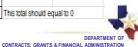
What are the requirements of transferred funds?

Funds transferred are subject to each of the rules and requirements applicable to the funds under the provision to which the funds are transferred.



Funding Transferability: Programs Overview Calculation Sample

| Funding Transferability | | | | | | | | | |
|--|-----------------|-----------------|------------------|----------------------------|-----------------------------|--------------------------|------------------|------------------------------|-------------------------------------|
| Enter the funding transferability amounts for the applicable program(s). | | | | | | | | | |
| | Title I, Part A | Title I, Part C | Title I, Part D | Title II, Part A | Title III, Part A ELA | Title III, Part A IMW | Title IV, Part A | Title V, Part B | Total % (should not exceed 100%) |
| Title II, Part A | 0% | 0% | 0% | | 0% | 0% | 0% | 0% | 0% |
| Title IV, Part A | 0% | 0% | 0% | 0% | 0% | 0% | | 0% | 0% |
| Enter the allocation amounts for the applicable program(s). | | | | | | | | | |
| | Title I, Part A | Title I, Part C | Title II, Part A | Title III, Part A - ELA | Title III, Part A - Item | Title IV, Part A | Total | | |
| Total Allocation | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | | |
| Adjusted Allocation | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | \$ - | This total should equal to 0 | |



PNP Compliance
[Sec. 1117(b)(6)(A) & 8501(c)(6)(A)]

PNP officials have the right to file a complaint with TEA asserting:

- LEA consultation was not timely and meaningful
- LEA did not give consideration to PNP views
- LEA did not make decisions treating PNP children equitably



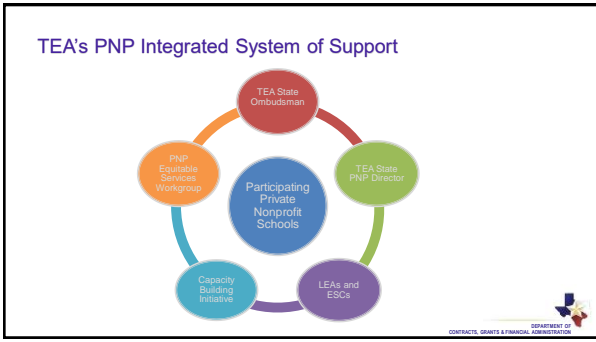
Compliance Documents 2017-2018

- Federal Fiscal Monitoring Reviews
- PNP Compliance Report
- LEA Random Validations



Collaboration and Communication





- State Ombudsman Support
- Oversees State monitoring process and procedures
 - Monitors State fiscal compliance process
 - Addresses formal complaints
 - Consults with PNP organizations
 - Oversees Project SERV (Hurricane Harvey) Grant
- DEPARTMENT OF CONTRACTS, GRANTS & FINANCIAL ADMINISTRATION

- State Ombudsman Support
- Texas Hurricane Harvey Impacts
- PNP schools impacted
 - Over 300 PNP schools in disaster counties
 - Over 200 PNP schools damaged
 - Approximately 20 damaged PNP schools served 5,000 or more students
 - Services available for PNP Schools thru Project SERV
 - Counseling and mental health services
 - Support to provide student extended learning opportunities
- DEPARTMENT OF CONTRACTS, GRANTS & FINANCIAL ADMINISTRATION

TEA Private School Equitable Services Support

- Facilitates statewide training and support
- Provides resources and tools for ESCs, LEAs, and PNP school officials
- Responds to stakeholder requests and unofficial complaints
- Facilitates PNP Equitable Services Workgroup



ESSA Private School Equitable Services Workgroup


- Purpose
 - To enhance communication and collaboration among PNP schools, TEA, ESCs, and LEAs
 - To review and provide feedback on ESSA equitable services requirements
- Membership
 - Representatives from PNP schools, TEA, ESCs, and LEAs
 - 24 members
- Meetings
 - 6 times per year (virtually and face-to-face)



PNP Workgroup Video






Title I Capacity Building Initiative Support



Texas Title I Capacity Building Initiative


Resources for Best Practice and Compliance

Title I Capacity Building Initiative

Overview

- Funded by Texas Education Agency
- Implemented by Region 10 Education Service Center
- Resources to support ESCs and LEAs



Title I Capacity Building Initiative

Supporting Equitable Services for PNPs

- Resources on Compliance
- Resources on Best Practices



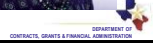
Video - Best Practices: Networking for PNP Schools



Website and Contact Information:

<http://www.region10.org/capacitybuilding>

Toni Garrett
 972-348-1488
toni.garrett@region10.org



Upcoming TEA LEA - PNP Sessions

| Date | Time | ESC Region |
|------------------|-------------------------|-------------------------|
| Monday, April 30 | 2:00 p.m. – 3:30 p.m. | Region 10 - Dallas |
| Thursday, May 3 | 2:00 p.m. – 3:30 p.m. | Region 13 – Austin |
| Friday, May 4 | 10:00 a.m. – 11:30 a.m. | Region 20 – San Antonio |
| Thursday, May 31 | 9:00 a.m. – 11:00 a.m. | Region 4 – Houston |



Frequently Asked Questions



What constitutes private nonprofit (PNP) status?

Nonprofit 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.



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

No.



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What is direct administration?

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.

ESSA PNP FAQ Preliminary Guidance from the TEA, Question 8.2



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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.

ESSA PNP FAQ Preliminary Guidance from the TEA, Question 3.9



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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 at the time of the provision of Title I, Part A services.

The private school teacher must be under the direct supervision of the district or 3rd party provider.

*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.

ESSA PNP FAQ Preliminary Guidance from the TEA, Question 3.12



Can a PNP travel out of state for professional development opportunities?

It depends...

- Are there comparable in-state options available?
- Is the PD opportunity allowable, reasonable, and necessary?
- Does student and/or staff data support the need for a specific PD opportunity?
- Are there least expensive professional development opportunities?
- Is the LEA able to verify the PD is secular and non-religious?



Is registration and travel costs for participating PNPs allowed?

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 with any questions regarding this approval. (2 CFR 200.456)



If the LEA estimates student counts for the Title III, Part A English Learner students on the PS3099 prior to the school year, can those counts be amended?

Yes, LEAs should amend the PS3099 Title III, Part A student counts once the current year's low-income numbers are available.



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

An individual or organization may submit a complaint to the TEA Ombudsman and expect a written response within 45 days.

ESSA PNP FAQ Preliminary Guidance from the TEA, Question 10.1



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Resources



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Resource Documents*

- ESSA Private Nonprofit School Equitable Services: Frequently Asked Questions Preliminary Guidance from the Texas Education Agency (Aug 2017)
- ESSA Non-Regulatory Guidance Fiscal Changes and Equitable Services Requirements (Nov 2016)
- NCLB Title I Services to Eligible Private School Children (Oct 2003)
- NCLB Title IX, Part E Uniform Provisions Subpart 1 – Private Schools (Mar 2009)

*All statute references are from the ESSA law version dated 2.5.2016



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PNP Websites

- TEA – ESSA Private School Equitable Services Webpage: http://tea.texas.gov/Finance_and_Grants/Grants/Administering_a_Grant/ESSA_Private_School_Equitable_Services
- Capacity Building: <http://www.region10.org/capacitybuilding>
- U.S. Department of Education: <https://www2.ed.gov/about/offices/list/oii/nonpublic/index.html>



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TEA Contact Information

LaNetra Guess, Director
 Private School Equitable Services
 Texas Education Agency
 Department of Contracts, Grants and Financial Administration
 Phone: 512.463.8992
 Email: PNPombudsman@tea.texas.gov



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