



**Title I, Part A Use of Funds  
Every Student Succeeds Act (ESSA)  
Enacted December 10, 2015**

## **Title I, Part A Use of Funds Guidance**

### **Private Nonprofit (PNP) Equitable Services**

#### Statutory Reference

#### **Sec. 1118(b)(1)**

*An LEA shall use Federal funds received under this part only to supplement the funds that would, in the absence of such Federal funds, be made available from State and local sources for the education of students participating in programs assisted under this part, and not to supplant such funds.*

#### **These are the steps and requirements that LEAs must meet for using Title I, Part A funds for PNP equitable services.**

1. Conduct timely and meaningful ongoing consultation between the LEA and PNP school representatives, which must include:
  - How the children's needs will be identified;
  - What services will be offered;
  - How, where, and by whom the services will be provided;
  - How the services will be academically assessed and how results will be used to improve services;
  - The size and scope of equitable services to be provided, the proportion of funds that is allocated for services, and how that proportion of funds is determined;
  - The method or sources of data that are used to determine the number of children from low-income families in participating school attendance areas who attend private schools;
  - How and when the agency will make decisions about the delivery of services to eligible private school children, including a thorough consideration and analysis of the views of the private school officials on the provision of services through a contract with potential third-party providers;
  - How, if the LEA disagrees with the PNP on the provision of services through a contract, the LEA will provide written response;
  - Whether the LEA shall provide services directly or through third-party contractor;
  - Whether to provide equitable services to eligible PNP students through a pool/pools of funds or in the school attendance area;
  - When services will be provided (including time of day); and
  - Whether to consolidate and use funds in coordination with eligible funds available for services in Title VIII programs [Section 1117(b)(1)]
2. Ensure that teachers and families of the children participate, on an equitable basis, in services and activities developed pursuant to Section 1116.
3. Provide the Affirmation of Consultation form, signed by the LEA and PNP school representative for each participating PNP school to the TEA Ombudsman.
4. Serve eligible PNP students that have been identified using eligibility criteria in accordance with Title I, Part A. [Sections 1115(c)(1)(B) and 1117(a)(1)].
5. Ensure that activities and/or resources:

- Are designed to provide equitable and effective programs for eligible private school children;
  - Are supported with a Comprehensive Needs Assessment, Campus Improvement Plan, or other applicable PNP data;
  - Address how the activity/resource identified will be evaluated;
  - Are necessary to carry out the intent and purpose of the Title I, Part A program;
  - Are reasonable and follow the LEA's procurement process;
  - Are used in an allocable manner; and
  - Are allowable under Title I, Part A
6. The LEA assures that the expenditure(s) meet all EDGAR requirements.
  7. The LEA assures that all district policies and procedures are followed.

### Additional Allowability Rules

- The LEA must use funds to meet the specific needs to eligible students enrolled in private schools, rather than the needs of a private school or the general needs of the students enrolled in the private school. [34 CFR 76.658].
- The LEA to maintain control of Title I funds, materials, equipment, and property. [Section 1117(d)(1)].
- The LEA must ensure that equipment and supplies placed in a private school are used only for proper purposes of the program. [34 CFR 299.9(c)(1)].
- The LEA must remove equipment or supplies from a private school if the equipment or supplies are no longer needs for the purposes of the project or removal is necessary to avoid use of the equipment or supplies for other than project purposes. [34 CFR 76.661].

### U.S. Department of Education (ED) Guidance

- New Draft for Public Comment Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Updated Non-Regulatory Guidance Providing Equitable Services to Eligible Private School Children, Teachers, and Families, dated 2019.
  - <https://www2.ed.gov/policy/elsec/leg/essa/drafteseatitleiequitableservices.pdf>
- Non-Regulatory Guidance: Fiscal Changes and Equitable Services Requirements Under the Elementary and Secondary Education Act of 1965 (ESEA), as Amended by the Every Student Succeeds Act (ESSA), dated November 21, 2016.
  - <https://www2.ed.gov/policy/elsec/leg/essa/essaguidance160477.pdf>
- Title I Services to Eligible Private School Children Non-Regulatory Guidance, dated October 17, 2003.
  - <http://www2.ed.gov/programs/titleiparta/psguidance.doc>

### Technology Purchases

- USDE has advised TEA that they do not recommend that federal funds are used to purchase electronic devices. However, USDE is re-evaluating their original guidance that they previously provided to TEA after receiving concerns from private schools.
- TEA will issue guidance once USDE notifies us of their position.
- If an LEA provides technology as part of equitable services, it must document strong internal controls are in place in the district and private school to ensure the use of any technology is secular, neutral, and nonideological. Federal auditors and monitors will look for these internal controls.

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For more information, please contact your Regional ESC Title I, Part A contact or the Federal Program Compliance Division at [PNPOmbudsman@tea.texas.gov](mailto:PNPOmbudsman@tea.texas.gov).