



**2020-2021 ESSER Random Validation Guidance Document Instructions**  
**Federal Program Compliance Division**

**ESSER Private Nonprofit (PNP) Equitable Services**  
**DO NOT SUBMIT TO TEA**

**Instructions:** Use the Guidance Document to review the *selected* 2020-2021 **ESSER PNP Equitable Services requirements #1.1 and #1.2**. In the left column write the page number where the requirement(s) is addressed. If there are two or more requirements on the same page, please also indicate the specific paragraph or section where each requirement is addressed.

Do not submit other documentation.

**When compiling the pdf file for submission, ensure:**

- that pages are not compressed or reduced in size;
- that landscape pages are oriented with their right-hand edge at the top;
- that the entire packet is numbered consecutively in the lower right corner. These page numbers, which may be hand-written if that is most convenient, should be the ones referenced in the left-hand column of this guidance document; and
- that the item number of each requirement is indicated on the appropriate page to facilitate the review process.



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**Related CARES Act and ESSA Statutes/Guidance**

**For LEA Information Only.**

**Statutory Citation:** Coronavirus Aid, Relief, and Economic Security Act (CARES Act), Elementary and Secondary School Emergency Relief (ESSER)

**CARES Act, ESSER Statute (PNP) Equitable Services Assistance To Non-Public Schools**

**SEC. 18005. (a) IN GENERAL.**—A local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

**(b) PUBLIC CONTROL OF FUNDS.**—The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).



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**Statutory Citation: Every Student Succeeds Act (ESSA)**

**ESSA, Section 1117(b)(1)(A) – Consultation.**

**(b)(1) In General.** To the extent consistent with the number of eligible children identified under section 1115(c) in the school district served by a local educational agency who are enrolled in private elementary schools and secondary schools, a local educational agency shall:

**(A)** After timely and meaningful consultation with appropriate private school officials, provide such children, on an equitable basis and individually or in combination, as requested by the officials to best meet the needs of such children, special educational services, instructional services (including evaluations to determine the progress being made in meeting such students’ academic needs), counseling, mentoring, one-on-one tutoring, or other benefits under this part (such as dual or concurrent enrollment, educational radio and television, computer equipment and materials, other technology, and mobile educational services and equipment) that address their needs...

**Notes:**

1. Validation requirements will receive a designation of “Met Requirement” or “Improvement Needed” during the validation review.
2. LEA is to submit sample documentation to support the below indicators:



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- **Required ESSER PNP Indicator 1.1:** The LEA established initial and ongoing consultation meetings with participating private nonprofit (PNP) school officials on program requirements prior to making decisions. [CARES Act, ESSER 18005(a) and ESSA Section 1117(b)(1)].
- **Required ESSER PNP Indicator 1.2:** LEA has ensured the provision of ESSER equitable services to eligible students and staff attending PNP schools has been carried out. [CARES Act, ESSER Section 18005(a) and ESSA, Section 1117(b)(1)(A)].