



INSTRUCTIONS FOR COMPLETING AFFIRMATION OF CONSULTATION FORMS WITH PRIVATE NONPROFIT SCHOOL OFFICIALS

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This document is designed to serve as an instructional guide for LEAs when completing the Affirmation of Consultation Forms with Private Non-Profit School Officials.

Other TEA documents/resources to accompany this document:

- [ESSA Private Nonprofit \(PNP\) Equitable Services Program Guide](#)
- Every Student Succeeds Act (ESSA) Private Nonprofit Equitable Services Companion Guide for LEA Documentation
- Methods of Collecting Low-Income Information

Contents

Equitable Services Requirement	2
Preparing for the PNP Consultation	2
Documenting the PNP Consultation	3
Deadline for Submitting the Affirmation of Consultation	3
Shared Services Arrangement (SSA) Members and Fiscal Agents.....	3
Pooling Across LEAs	3
Affirmation of Consultation Forms.....	4
• Affirmation for Title IV, Part B: 21 st Century Community Learning Centers (CCLC).....	4
Affirmation(s) for Each Participating PNP	4
Directions for the Retrieving the Affirmations	4
In accordance with the requirements of ESSA and the CARES Act ESSER, districts and eligible PNPs must collaborate to complete the following Affirmation of Consultation forms, as applicable, and submit them to TEA.	4
Affirmation for ESSA Formula Grants	4
Affirmation for Title IV, Part B	4
ESSA Affirmation for Formula Grants.....	5
ESSA Affirmation for Formula Grants.....	6
Private Nonprofit School Participation.....	6
Timely and Meaningful Consultation and Equitable Program Design	6
School Official Signatures.....	6
Title IV, Part B: 21 st CCLC Affirmation.....	7
Title IV, Part B: 21 st CCLC Affirmation.....	8
Timely and Meaningful Consultation and Equitable Program Design	8
School Official Signatures.....	8
Program Affirmation Signatures and Submission	9
Affirmation for ESSA Formula Grants	9
Affirmation for Title IV, Part B	9
PNP Schools Not Participating in Federal Programs	10
TEA Resources and Program Contact Information.....	10

Glossary

Consultation: Meeting held to discuss information or make a decision regarding PNP equitable services.

ELA: English learner acquisition

ESC: Education Service Center. Texas has 20 regional ESCs.

ESEA: The Elementary and Secondary Education Act – signed in to law in 1965

ESSA: The Every Student Succeeds Act – signed in to law in 2015

ESSA Reports: *Every Student Succeeds Act Reports* is the application in TEAL where the ESSA Affirmations are uploaded by the LEA for each participating PNP

FAQ: Frequently asked question

ISD: Independent School District

LEA: Local Educational Agency

NCLB: The No Child Left Behind Act of 2001

PNP: Private nonprofit school

School Official: Person legally authorized to represent the school in the consultation

SEA: State Education Agency

SSA: Shared Services Arrangement. An SSA is a written agreement between two or more LEAs and/or ESCs that provides services for entities involved when such arrangement will strengthen the operation of the program. Each SSA must have a fiscal agent responsible for conducting various administrative activities. (*Financial Accountability System Resource Guide, Financial Accounting and Reporting, Section 1.3.1.1*)

TEA: The Texas Education Agency (TEA) is the state educational agency in Texas, which is primarily responsible for the supervision of public elementary and secondary schools in the state.

TEAL: TEA Login

Title IV, Part B—21st Century Community Learning Centers (21st CCLC): This program supports the creation of community learning centers that provide academic enrichment opportunities during non-school hours for children, particularly students who attend high-poverty and low-performing schools.

Equitable Services Requirement

In accordance with the Every Student Succeeds Act (ESSA, Sections 1117 and 8501), local educational agencies (LEAs) are required to consult with participating private nonprofit schools (PNPs) to determine equitable services for private school students and/or teachers.

The LEA must annually conduct outreach to all private schools within their boundaries to elicit interest in:

- Title I, Part C;
- Title II, Part A;
- Title III, Part A; and
- Title IV, Part A

For Title I, Part A participation, the LEA should annually conduct outreach to all private schools within their boundaries AND private schools outside their boundaries. Title I, Part A private school services are the only PNP services that follow the student across district lines.

Preparing for the PNP Consultation

The consultation involves a series of ongoing, continuous conversations. In preparation for the initial meeting to discuss equitable services under the ESSA grant, the LEA officials should develop a detailed agenda to include the following:

- ISD procedures related to procurement (contracting, purchasing, vendor acquisition)
- ISD timelines related to encumbering services and materials
- PNP estimated allocations for each of the ESSA programs
 - Title I, Part A – Improving Basic 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 Act
 - Title III, Part A - Immigrant
 - Title IV, Part A – Student Support and Academic Enrichment
 - Title IV, Part B – 21st Century Community Learning Centers (CCLC), if applicable
- ISD considerations related to transferring of funds from Title II, Part A and Title IV, Part A as applicable

Documenting the PNP Consultation

- The Affirmation forms are designed to be completed electronically, using Adobe Reader or Acrobat software.
- Information provided in the affirmation must be decided during the consultation between the LEA and PNP officials.
- To document the PNP consultation that is required under ESSA, LEAs must submit an Affirmation of Consultation with PNP School Officials for any participating PNP.
- Signing the official Affirmation of Consultation is not usually the beginning of the consultation process, but rather occurs at the end of the consultation process.
- The LEA must maintain auditable documentation to support the information provided in this affirmation.
- The LEA is responsible for the administrative oversight of the ESSA program(s) in the PNP.

Deadline for Submitting the Affirmation of Consultation

LEAs must annually submit *ESSA PNP Affirmation of Consultation* forms by 5:00 p.m. on September 30 through TEAL/ESSA Reports.

Shared Services Arrangement (SSA) Members and Fiscal Agents

Some PNPs receive services through an SSA. The SSA written agreement specifies who is responsible for providing consultation and for submitting the affirmation of consultation.

Pooling Across LEAs

Because eligibility for Title I, Part A services is based on a child's residence and not where the child attends school, it is common that multiple LEAs have a responsibility to provide services for eligible children who attend the same private school. Per the USDE, Non-Regulatory Guidance for Title I, Part A services, an SSA can operate by pooling funds across LEAs. Multiple LEAs may pool the Title I, Part A funds generated by its private school students from low-income families who reside in a participating Title I, Part A public school attendance area to serve eligible low-achieving private school children who reside in those LEAs. Pooling may allow for a more effective and efficient educational program than by each individual LEA providing services to eligible students in the same private school.

In other words, low-performing students attending private schools and residing in a participating Title I public school attendance area in any of the applicable LEAs may be served with the Title I, Part A pooled funds. The LEAs, in consultation with appropriate private school officials, establish criteria to determine the eligible private school students in greatest educational need to receive services.

While the LEA may offer services through an SSA, the decision to join the SSA, falls to the private schools. In order to operate as an SSA, the private school would need to agree to pool their Title I, Part A allocation with the allocations of other eligible private schools.

Affirmation of Consultation Forms

There are two affirmation forms available. The LEA must submit the form(s) that reflect the LEA's grant funding only for participating private schools

ESSA Affirmation of Consultation with Private Non-Profit (PNP) School Officials: Formula Grants

The LEA submits this affirmation in order to document PNP consultation regarding the following formula funded grant programs:

- Title I, Part A
- Title I, Part C- Migrant
- Title II, Part A
- Title III, Part A—English Learner Acquisition
- Title III, Part A—Immigrant
- Title IV, Part A

Affirmation for Title IV, Part B: 21st Century Community Learning Centers (CCLC)

The LEA submits this affirmation in order to document PNP consultation regarding the following grant program, whose funding is discretionary and competitive:

- Title IV, Part B—21st Century Community Learning Centers (21st CCLC)

Affirmation(s) for Each Participating PNP

The LEA must submit the appropriate affirmation form(s) for each of its participating PNPs.

Directions for the Retrieving the Affirmations

In accordance with the requirements of ESSA and the CARES Act ESSER, districts and eligible PNPs must collaborate to complete the following Affirmation of Consultation forms, as applicable, and submit them to TEA.

Affirmation for ESSA Formula Grants

Follow these steps to submit the affirmation for formula grants:

1. Log on to [TEAL](#).
2. Select the "Every Student Succeeds Act Reports" application.
3. Select the "Download Response Templates" grey tab.
4. From the Templates, select "PNP Affirmation" for current year.

Affirmation for Title IV, Part B

1. Follow the steps listed above through step 3.
2. In step 4, from the Templates, select "PNP Affirmation Title IV, Part B."

ESSA Affirmation for Formula Grants



Federal Program Compliance Division Affirmation of Consultation with Private Nonprofit School (PNP) Officials: Formula Grants School Year 20XX-20XX

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, requires that consultation occur between the local educational agency (LEA) and private nonprofit school (PNP) officials.

Name of LEA **1** CDN **2** Name of PNP **3**

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
4	5	6	7	8	9

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.

10 Title I, Part A	11 Title I, Part C	12 Title II, Part A	13 Title III, Part A--EL	14 Title III, Part A--IMM	15 Title IV, Part A
<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

*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

Elements of Consultation

The table below lists the elements that the consultation should include for each grant program.

Section 1117(b)(1)	Section 8501(c)(1)	
X	X	How the children's needs will be identified
X	X	What services will be offered
X	X	How, where, and by whom the services will be provided
X		How the services will be academically assessed and how the results of that assessment will be used to improve those services
	X	How the services will be assessed and how the results of that assessment will be used to improve those services
X	X	The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion/amount of funds that are allocated for such services, and how that proportion/amount of funds is determined
X		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
X	X	How and when the LEA will make decisions about the delivery of services to such 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
X		How, if the LEA disagrees with the views of the private school officials on the provision of services through a contract, the LEA will provide in writing to such private school official an analysis of the reason why the LEA has chosen not to use a contractor
X	X	Whether the LEA shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor
X	X	Whether to provide equitable services to eligible private school children (1) by creating a pool or pools of funds with all of the funds allocated based on all the children from low-income families in participating school attendance area who attend private schools or (2) in the LEA's participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools
X		When, including the approximate time of day, services will be provided
X		Whether to consolidate and use funds provided in coordination with eligible funds available for services to private school children under application programs

Carryover Discussion Assurance

The PNP and LEA officials must sign this section to assure they have discussed any carryover that may be applicable to this program.

PNP Official **16** LEA Official **17**

Affirmation Signature and Submission

The PNP and LEA officials must also sign this section to complete the affirmation of consultation.

PNP Official **18** LEA Official **19**

By the deadline established for this grant, the LEA must upload a copy of this completed affirmation to the secure Every Student Succeeds Act (ESSA) Reports application, accessible through TEAL. When uploading, select "PNP Affirmation" from the Response Template Title dropdown menu.

The LEA and the PNP must maintain a local copy of this completed affirmation.

ESSA Affirmation for Formula Grants

The LEA completes the following fields with the requested information:

- LEA name
- LEA county-district number (CDN)
- Name of participating PNP school

Private Nonprofit School Participation

The LEA completes this section before the **applicant official** signs the Affirmation

Based on its consultation with the participating PNP, the applicant makes a selection from the dropdown menu for each program (**#s 4-9**) to indicate the method by which the PNP will receive services. Choices include:

- Not participating: The PNP has elected to receive no services for the program.
- Applicant (LEA): The PNP will receive services directly from the LEA.
- Third party: The PNP will receive from a third party that has contracted with the LEA.
- Consortium/SSA: The PNP will receive services through an SSA or ESC consortium.

Only PNP students who meet the eligibility requirements (and their parents and teachers, as applicable) may participate in the programs.

NOTE: A PNP may elect not to receive services for any of the listed grant programs. In that case, the LEA maintains local documentation of the consultation. The LEA does not submit an affirmation form for that PNP.

Timely and Meaningful Consultation and Equitable Program Design

The PNP completes this section before the **PNP official** signs the affirmation form.

Referring to the Elements of Consultation table that follows this section, the PNP official selects “Yes” or “No” for each program (**#s 10-15**) in which the PNP has chosen to participate. The yes/no response indicates whether **both** of the following occurred:

- Timely, meaningful, and ongoing consultation
- Equitable program design with respect to the PNP’s students

School Official Signatures

Carryover Discussion Assurance.

The PNP and LEA officials must sign this section to assure they have discussed any carryover that may be applicable to this program.

16. PNP Official Signature
17. LEA Official Signature

Affirmation Signatures and Submission

The PNP and LEA officials must also sign this section to complete the affirmation of consultation.

18. PNP Official Signature
19. LEA Official Signature

Title IV, Part B: 21st CCLC Affirmation



Department of Grant Compliance and Administration Affirmation of Consultation with Private Nonprofit School (PNP) Officials Title IV, Part B: 21st Century Community Learning Centers (CCLC) School Year: 20XX-20XX

The Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA), P.L. 114-95, requires that consultation occur between the grantee and private nonprofit school (PNP) officials.

Name of Grantee CDN or Vendor ID

Name of PNP

Private Nonprofit School Participation

Select from the dropdown menu to indicate the method by which the PNP will receive Title IV, Part B program services. If the PNP is not participating in the grant program, select "Not participating."

Timely and Meaningful Consultation/Equitable Program Design

The PNP official must select "Yes" or "No" to indicate both of the following, in accordance with ESSA Section 8501(c) for Title IV, Part B:

- a. Timely and meaningful consultation with the grantee has occurred and is ongoing, **and**
- b. Program design is equitable with respect to eligible private school children.

Yes No

Elements of Consultation

The ESSA Section 8501(c)(1) consultation should include the following elements:

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 assessed and how the results of that assessment will be used to improve those services
The size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the proportion/amount of funds that are allocated for such services, and how that proportion/amount of funds is determined
How and when the grantee will make decisions about the delivery of services to such 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
Whether the grantee shall provide services directly or through a separate government agency, consortium, entity, or third-party contractor
Whether to provide equitable services to eligible private school children (1) by creating a pool or pools of funds with all of the funds allocated based on all the children from low-income families in participating school attendance area who attend private schools or (2) in the grantee's participating school attendance area who attend private schools with the proportion of funds allocated based on the number of children from low-income families who attend private schools

Affirmation Signature and Submission

The PNP and grantee officials must also sign this section to complete the affirmation of consultation.

PNP Official Grantee Official

By the deadline established for this grant, the grantee must upload a copy of this completed affirmation to the secure Every Student Succeeds Act (ESSA) Reports application, accessible through TEAL. When uploading, ensure that you select "21st CCLC (Title IV, Part B) PNP Affirmation" from the Response Template Title dropdown menu.

The grantee and the PNP must maintain a local copy of this completed affirmation.

Title IV, Part B: 21st CCLC Affirmation

The applicant completes the following fields with the requested information:

1. Name of Grantee (LEA)
2. County-district number (CDN) or vendor ID
3. Name of participating PNP

Private Nonprofit School Participation

The applicant completes this section before the applicant official signs the affirmation form.

Based on its consultation with the participating PNP, the applicant makes a selection from the dropdown menu (#4) to indicate the method by which the PNP will receive services:

- Not participating: The PNP has elected to receive no services for the program.
- Applicant (LEA): The PNP will receive services directly from the LEA.
- Third party: The PNP will receive from a third party that has contracted with the LEA.
- Consortium/SSA: The PNP will receive services through an SSA or ESC consortium.

Only eligible PNP students and their families may participate in the programs.

Timely and Meaningful Consultation and Equitable Program Design

The PNP completes this section before the PNP official signs the affirmation form.

Referring to the Elements of Consultation table that follows this section, the PNP official selects “Yes” or “No” (#5) to indicate whether **both** of the following occurred:

- Timely, meaningful, and ongoing consultation
- Equitable program design with respect to the PNP’s students

School Official Signatures

Both the PNP Official (#6) and Grantee Official (LEA applicant) (#7) must sign and date the affirmation form(s) after having discussed all consultation elements and any unspent funds (for equitable services) from the previous year.

*NOTE: A PNP may elect not to receive services for any of the listed grant programs. In that case, the applicant maintains local documentation of the consultation only. The applicant does not submit an affirmation form for that PNP.

Program Affirmation Signatures and Submission

The LEA should follow these guidelines to complete the affirmations according to requirements:

Both the LEA and participating PNP school officials must sign and date Affirmations.

- Upload the applicable Affirmation form(s) (i.e., ESSA and/ or Title IV, Part B 21st CCLC) for each participating PNP *through TEAL/ESSA Reports*.
- Ensure the LEA has selected the applicable program's Affirmation form and correct school year before TEA submission.
- LEA and PNP school officials must maintain a copy of the submitted Affirmations in campus files.

Submitting the Affirmations

Affirmation forms are submitted, for participating private schools only, via the secure Every Student Succeeds Act (ESSA) Reports application, accessible through [TEAL](#).

Affirmation for ESSA Formula Grants

Follow these steps to submit the affirmation for formula grants:

1. Log on to [TEAL](#).
2. Select the "Every Student Succeeds Act Reports" application.
3. Select the "Upload Response Documents" grey tab.
4. From the Response Template Title dropdown menu select "PNP Affirmation."
5. For school year, select current school year.
6. For Response Type Doc, select "Response Document."
7. Select "Browse" to locate the file on your computer.
8. Select "Upload Document."

Affirmation for Title IV, Part B

1. Follow the steps listed above through step 3.
2. In step 4, from the Response Template Title dropdown menu, select "PNP Affirmation Title IV, Part B."
3. Follow steps 5–8 above.

PNP Schools Not Participating in Federal Programs

If a PNP initially decided to participate but later declined any/all program's equitable services:

- The LEA must submit a revised program affirmation form(s) stating 'no participation' through TEAL/ESSA Reports.
- This revision is due by the last amendment due date defined for the ESSA Consolidated Federal Grant Application.
- The LEA's dated documentation is maintained locally and must be readily available if requested by TEA and auditors.

If a PNP declines to participate *or* does not respond to an LEA's request for a consultation meeting regarding ESSA equitable services:

- LEA documents the dated consultation meeting which discussed potential equitable services and PNP's written decision not to participate, if applicable.
- LEA documents correspondence and/or outreach to PNP school(s) (i.e., newspaper and/or community announcements, emails, letters, etc.,) requesting a response and/or initial consultation meeting for equitable services.
- LEA does not submit Affirmations for non-participating PNPs
- LEA documentation is maintained locally and must be readily available if requested by TEA and auditors

TEA Resources and Program Contact Information

[ESSA Private School Equitable Services](#)

[ESSA Federal Program Compliance](#)

For questions regarding PNP Equitable Services, email PNPombudsman@tea.texas.gov or contact the district's local Education Service Center staff.