

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

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This document serves as an instructional guide for Local Education Agencies (LEAs) completing the *Affirmation of Consultation* forms during consultation meetings with participating Private Non-Profit (PNP) School Officials.

Other TEA documents/resources to accompany this document:

- TEA ESSA PNP Equitable Services (webpage)
- ESSA Private Nonprofit (PNP) Equitable Services Program Guide
- PNP Affirmation of Consultation with PNP Officials Formula Grants, 2025-2026
- PNP Affirmation of Consultation PNP Officials Title IV, Part B, 21st Century Community Learning Centers, 2025-2026

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Glossary

ACE: Texas Afterschool Centers on Education

Consultation: A meeting facilitated by LEAs or SSAs to discuss program requirements and/or make decisions 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 into law in 1965

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

ESSA Reports: Every Student Succeeds Act Reports is the application in TEAL

FAQ: Frequently Asked Questions

FPC: Federal Program Compliance Division

ISD: Independent School District

LEA: Local Educational Agency

NCLB: The No Child Left Behind Act of 2001

PNP: Private Non-Profit school

PNP Affirmation WorkApp: Starting in the 2024-2025 academic year, the Federal Program Compliance division developed a PNP Affirmation Smartsheet WorkApp. The WorkApp allows LEAs and SSAs to upload program-specific data for participating PNP schools, as well as signed Affirmation of Consultation forms for each participating PNP school.

PNP Ombudsman: Under the Every Student Succeeds Act (ESSA), a private school ombudsman is a designated TEA individual responsible for monitoring and ensuring equitable services are provided to eligible private school students, teachers, and families. This role involves overseeing compliance with the equitable services requirements outlined in Title I, Part A, and Title VIII of the ESSA statute.

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 an 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 that is primarily responsible for the supervision of public elementary and secondary schools in the state.

TEAL: Texas Education Agency Login

Title IV, Part B— Nita M. Lowey, 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

Per 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 its boundaries to elicit interest in:

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

For Title I, Part A, participation, the LEA must annually conduct outreach to all private schools within and outside its boundaries. Title I, Part A, is the program that can provide equitable services to PNP-eligible students across district lines.

Preparing for Initial Consultation with PNP Officials

The consultation involves a series of ongoing conversations when an LEA provides equitable services to eligible private schools. Documentation for all consultation meetings and discussions with private school officials must be kept on file by the LEA, readily available upon request by TEA and/or an auditor. In preparation for the initial meeting to discuss equitable services under the ESSA grants, the LEA and/or SSA officials should develop a detailed agenda to include the following:

- Affirmation of Consultation form specifying topics of discussion
- LEA procedures related to procurement (contracting, purchasing, vendor acquisition)
- LEA 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
 - o Title III, Part A Immigrant
 - o Title IV, Part A Student Support and Academic Enrichment
 - Title IV, Part B Nita M. Lowry, 21st Century Community Learning Centers (CCLC), if applicable
- LEA considerations related to the use of Funding Transferability from Title II, Part A, and Title IV, Part A, as applicable
- LEA discussions and procedures on any unforeseen carryover of equitable services at year-end

Documenting the PNP Consultation

- The Affirmation of Consultation forms are designed to be completed and signed electronically, using Adobe Reader or Acrobat software.
- Requirements of PNP equitable services and the Affirmation of Consultation form must be provided during the initial consultation(s) between the LEA and PNP school officials.
- To document the ESSA-required PNP consultation, LEAs must submit an Affirmation of Consultation form to the TEA Ombudsman with PNP School Officials for all participating PNPs.
- All submitted Affirmation of Consultation forms must be signed by both LEA and PNP school officials after the initial consultation meeting(s).
- The LEA must maintain auditable documentation to support the equitable services requirements in the Affirmation of Consultation form.
- The LEA is responsible for programmatic and administrative oversight of the participating PNP school program(s).
- The LEA does not submit Affirmation of Consultation forms for non-participating PNP schools. Documentation should be kept on file.

Shared Services Arrangement (SSA) Members and Fiscal Agents

Some LEAs participate in an SSA, and therefore, PNPs receive equitable services and guidance through the SSA. The SSA written agreement specifies who is responsible for providing consultation and for submitting the Affirmation of Consultation via the Federal Program Compliance division's PNP Affirmation Smartsheet WorkApp.

Title I, Part A, Pooling Across LEAs

Because the eligibility for Title I, Part A, equitable 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 Title I, Part A, equitable services for eligible children who attend the same private school. Per the ED, 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 their 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 within a Title I, Part A, attendance center. Pooling may allow a more effective and efficient educational equitable services program(s) than by private schools served by multiple LEAs, providing services to eligible students in the same private school.

Low-performing students who attend private schools and live within the boundaries of a participating Title I public school attendance area in any eligible LEA may receive services funded by Title I, Part A pooled resources. In coordination with private school officials, each LEA develops criteria to identify which students are most in need of academic support.

Affirmation of Consultation Forms

There are two Affirmation of Consultation forms available. The LEA must submit the signed Affirmation of Consultation form(s) that reflect the LEA's grant funding for participating private non-profit schools. PNP schools not participating in equitable services should not have an Affirmation of Consultation form submitted.

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

The LEA submits the Affirmation of Consultation forms for participating private non-profit schools to meet the ESSA equitable services requirement and document PNP consultations regarding the following formula grant programs that occurred:

- 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 Nita M. Lowey, Title IV, Part B: 21st Century Community Learning Centers (CCLC)

The LEA submits signed Affirmation of Consultation forms to meet the ESSA equitable services requirement and document PNP consultations regarding the discretionary competitive grant that occurred with participating schools.

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

Directions for PNP Affirmations Completion and Submission

Per the requirements of ESSA, LEAs and eligible PNP schools must consult and collaborate in completing the following Affirmation of Consultation forms, as applicable, and submit to the TEA Ombudsman in the manner requested, via FPC's PNP Affirmations Smartsheet WorkApp.

Affirmation for ESSA Formula Grants

Refer to the TEA <u>Affirmation Smartsheet WorkApp Data Submission Instructions - Formula Grants</u> document to submit Affirmation of Consultation forms for formula grants for participating schools via the PNP Affirmations Smartsheet WorkApp.

Affirmation for Nita M. Lowey, Title IV, Part B: 21st CCLC Grant

Refer to the TEA <u>Title IV</u>, <u>Part B: 21st CCLC PNP Affirmations WorkApp Instructions</u> document to submit Affirmations for Consultation forms for participating schools via the PNP Affirmations Smartsheet WorkApp.

PNP Affirmation Signatures and Submission

The LEA should follow these guidelines to complete Affirmations according to ESSA's equitable services requirements:

Both the LEA and the participating PNP school officials must sign and date the PNP Affirmation of Consultation form.

- Upload the signed Affirmation form(s) via FPC PNP Affirmations Smartsheet WorkApp per applicable PNP Affirmations WorkApp Instructions.
- LEA and PNP school officials must maintain a copy of the submitted Affirmations in campus files.

Deadline for Submitting Affirmation of Consultation Forms

LEAs must annually submit *ESSA PNP Affirmation of Consultation* forms by 5:00 p.m. on September 30 via the Federal Program Compliance Division's *PNP Affirmations Smartsheet WorkApp*.

- The PNP Affirmation data submission cycle is July 1, 2025, through June 2026 for LEAs to submit revisions to previously submitted Affirmations.
- The TEA ombudsman strongly recommends that all revisions to the 2025-2026 PNP Affirmation forms be submitted via WorkApp no later than May 1, 2026.
- All final revisions for participating PNP schools on PNP Affirmation of Consultation forms for the school year must be completed by the ESSA Consolidated Federal Grant Application final amendment date of June 2, 2026.

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 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

PNP Affirmations Smartsheet WorkApp Data Submission Instructions

PNP Affirmation of Consultation forms are submitted for <u>participating</u> private schools, via the Federal Program Compliance Division's *PNP Affirmations Smartsheet WorkApp* for Formula Grants or 21st CCLC Discretionary Grant.

1. Before submitting PNP Affirmation of Consultation forms through the Smartsheet WorkApp, the TEA Ombudsman strongly recommends LEAs/SSAs view the FPC Division General Smartsheet TEA WorkApp

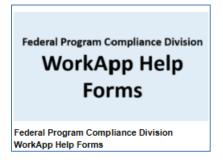
<u>Training Video</u>, Instructions for Affirmation of Consultation (voiced-over video) on the <u>TEA FPC Division</u> <u>Resources</u> webpage, and review the applicable ESSA program grant's *TEA PNP Affirmations WorkApp Instructions* document(s).

- 2. LEA/ESC staff can access the *PNP Affirmation Smartsheet Data Form* to submit data and sign PNP Affirmation of Consultation form(s) for participating schools via the links below.
 - PNP Affirmation Smartsheet Data Form Link for Formula Grants: https://workapps.smartsheet.com/app/q8G9m89qg8h7FgrXccPmrgXPC2/jvP8QXMxWPfXg.
 - PNP Affirmation Smartsheet Data Form Link for 21st CCLC Discretionary Grant: https://workapps.smartsheet.com/app/q8G9m89qg8h7FgrXccPmrgXPC2/HqQcm2VQfF925.

Resolving PNP Affirmation of Consultation Form Smartsheet WorkApp Submission Issues

The FPC WorkApp General Help Form has been added to the LEA, ESC, and Fiscal Agent Dynamic Views for LEAs and ESCs to submit any questions and/or report any issues they may be experiencing related to the various WorkApp projects administered by the Federal Program Compliance Division. The form link is available within the WorkApp environment.

Users may use the FPC WorkApp General Help Form for assistance with any FPC WorkApp-related issues, including those that may concern incorrect or incomplete data submissions, inadvertent attachment uploads, and/or access issues.



Screenshot of the Form Link in the WorkApp environment:



If LEA or ESC staff are experiencing issues with the EDGAR Connect WorkApp, they will need to complete the help form available in the EDGAR Connect WorkApp for assistance.

FPC WorkApp General Help Form

Link: https://app.smartsheet.com/b/form/1b6692e7ac864fc682e8855d7d293fe9

ESSA Affirmation of Consultation Form - Formula Grants (sample)

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^	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							
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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							
х		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							
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ESSA Affirmation of Consultation for Formula Grants Instructions

The LEA completes the following fields (#s 1-3) with the requested information for each participating PNP:

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

Private Nonprofit School Participation

The LEA completes this section before the PNP school official signs the Affirmation of Consultation.

Based on the LEA's consultation with participating PNP school(s), the applicant selects 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 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 equitable services 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 for the PNP's students

School Official Signatures

Carryover Discussion Assurance.

The PNP and LEA officials must sign this section to ensure they have discussed any carryover that could apply to participating program(s).

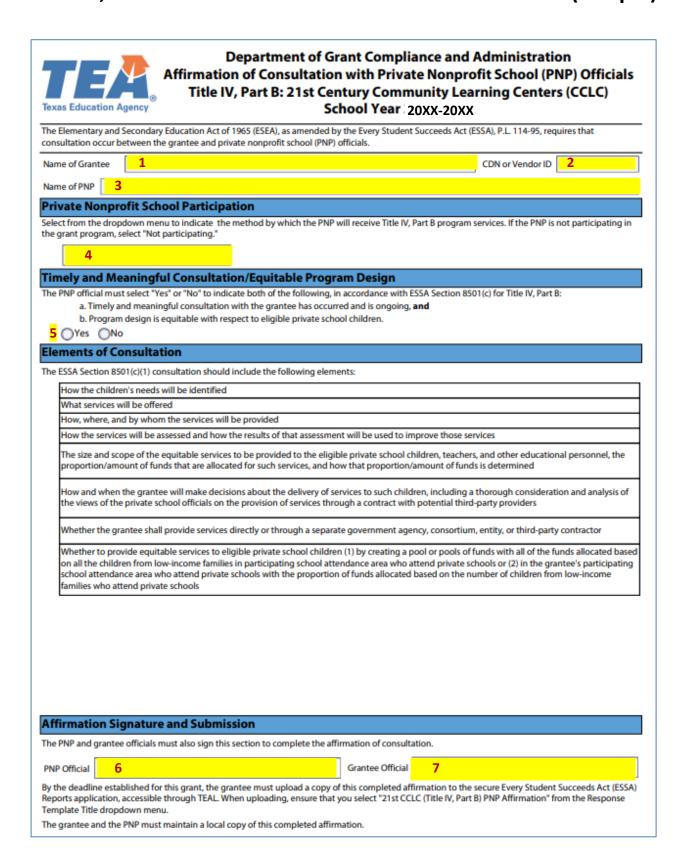
- 16. PNP Official Signature
- 17. LEA Official Signature

Affirmation Signatures and Submission

The PNP and LEA officials must also sign this section to complete the Affirmation of Consultation form.

- 18. PNP Official Signature
- 19. LEA Official Signature

Title IV, Part B - 21st CCLC Affirmation of Consultation (sample)



Title IV, Part B: 21st CCLC Affirmation of Consultation Form Instructions

The Applicant completes the following fields (#s 1-3) with the requested information for <u>each</u> participating PNP:

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

Private Nonprofit School Participation

The Applicant completes this section before the PNP Official signs the Affirmation of Consultation form.

Based on its consultation with the participating PNP, the applicant selects 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 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 <u>eligible</u> PNP students and their families 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 of Consultation 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 for the PNP's students

School Official Signatures

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

TEA PNP Affirmation and Webpage Resources

TEA ESSA Private School Equitable Services (webpage)

Affirmation of Consultation with PNP Officials - Formula Grants Form, 2025-2026

Affirmation of Consultation with PNP Officials - 21st Century Community Learning Centers (CCLC) Form, 2025-2026

TEA Federal Program Compliance Division (webpage)

TEA Federal Program Compliance Division Resources (webpage)

TEA Texas Afterschool Centers on Education (ACE) (webpage)

TEA PNP Affirmations WorkApp Resources

TEA FPC Division General Smartsheet TEA WorkApp Training Video (December 2024)

TEA FPC WorkApp General Help Form Instructions (February 2025)

ESSA Formula Grants PNP Affirmation Smartsheet WorkApp Data Submission Instructions (July 2025)

Title IV, Part B: 21st CCLC PNP Affirmations WorkApp Data Submission Instructions (July 2025)

TEA FPC WorkApp General Help Form

PNP Affirmation Smartsheet Data Form Link for Formula Grants:

https://workapps.smartsheet.com/app/q8G9m89qg8h7FgrXccPmrgXPC2/jvP8QXMxWPfXg (2025-2026)

PNP Affirmation Smartsheet Data Form Link for 21st CCLC Discretionary Grant:

https://workapps.smartsheet.com/app/q8G9m89qg8h7FgrXccPmrgXPC2/HqQcm2VQfF925 (2025-2026)

Voiced-over video to Instructions for Affirmation of Consultation – Formula grants (2025-2026)

TEA Program Contact Information

For questions about LEA PNP Equitable Services formula grant ESSA program requirements or the PNP Affirmation Smartsheet WorkApp for Formula Grants, contact the TEA Federal Program Compliance Division at PNPOmbudsman@tea.texas.gov.

For assistance with the Nita M. Lowey, Title IV, Part B: 21st CCLC, discretionary program requirements or the 21st CCLC PNP Affirmation Smartsheet WorkApp, reach out to the TEA Division of Expanded Learning Models at 21stcentury@tea.texas.gov.