



**Coronavirus Aid, Relief, and Economic Security (CARES) Act  
Elementary and Secondary School Emergency Relief Fund (ESSER)  
Affirmation of Consultation for Private Nonprofit School (PNP) Equitable Services  
Participating in the CARES Act ESSER Program: School Year 2020-2021**

The Elementary and Secondary School Emergency Relief Fund (ESSER) requires that consultation occur between the local educational agency (LEA) and private nonprofit school (PNP) officials.

The purpose of this form is to document that the required consultation took place. For each of its participating PNPs, the LEA completes this form as follows:

1. The LEA official checks each box in the Elements of Consultation section to indicate that the LEA addressed each of the listed topics (in accordance with ESSA 1117 and USDE Equitable Services FAQs).
2. The LEA official completes the Uses of Funds section by checking each box that corresponds to the LEA's intended use of CARES Act ESSER funds for PNP equitable services.
3. LEA and PNP officials sign the form.

Name of LEA  CDN  ESC Region #

Name of PNP

**Elements of Consultation**

The LEA official checks each box in the Elements of Consultation section to indicate that the LEA addressed each of the listed topics (in accordance with ESSA 1117 and USDE Equitable Services FAQs).

<input type="checkbox"/> <b>Eligibility:</b> Participating PNP schools must be PNP K-12 elementary and/or secondary schools in existence before the enactment of the CARES Act on March 13, 2020.
<input type="checkbox"/> <b>Beneficiaries:</b> The LEA may provide equitable services with CARES Act ESSER funds to any students and teachers in PNPs.
<input type="checkbox"/> <b>Secular:</b> The LEA must provide equitable services and other benefits, including materials and equipment, that are secular, neutral, and nonideological.
<input type="checkbox"/> <b>Equitable:</b> The LEA must provide services and other benefits for PNP students and teachers in a timely manner that are equitable in comparison to the services and benefits provided for public school students and teachers.
<input type="checkbox"/> <b>Proportional:</b> The LEA calculates the proportional share based on the number of public and PNP children, ages 5-17, enrolled in each participating PNP CARES Act ESSER program. If the LEA serves only Title I campuses, the LEA uses the count of economically disadvantaged students residing in a Title I campus attendance area and enrolled in the eligible PNP. All other LEAs use the total eligible enrollment of the participating PNP.
<input type="checkbox"/> <b>Admin Costs:</b> The LEA must communicate with the private school the reservation funds that are reasonable and necessary for administering equitable services under the CARES Act ESSER programs.
<input type="checkbox"/> <b>Availability:</b> An LEA must obligate CARES Act ESSER funds for equitable services in the fiscal years for which those funds are intended for services to address the impact of COVID-19.
<input type="checkbox"/> <b>Design and Development:</b> An LEA must consult with appropriate PNP officials during the design and development of the LEA's activities on relevant issues. The LEA and PNP officials shall both have the goal of reaching agreement on how to provide equitable and effective services.
<input type="checkbox"/> <b>Timely:</b> Consultation occurs before an LEA makes any decision that affects the opportunities of PNP students and teachers to receive equitable services and before the application is submitted and any LEA or PNP services begin.
<input type="checkbox"/> <b>Delivery Mechanisms:</b> Consultation included discussion of service delivery mechanisms an LEA may use to provide PNP equitable services.
<input type="checkbox"/> <b>Control of Funds:</b> Control of funds and title to materials, equipment, and property must be in the public agency (LEA).
<input type="checkbox"/> <b>Procedures:</b> During consultation, LEAs should share local procedures and timelines relative to processing and purchasing requests. Both parties should discuss timing and methods for ongoing communication and consultation.
<input type="checkbox"/> <b>Reporting:</b> Both parties may need to provide information relative to reporting as needed to meet TEA reporting requirements.
<input type="checkbox"/> <b>Audits and Monitoring:</b> CARES Act ESSER funds are subject to auditing and monitoring at the LEA level.
<input type="checkbox"/> <b>Disagreement:</b> If the LEA disagrees with the views of the PNP officials on the provision of services, it will provide in writing to such PNP officials an analysis of the reason(s) why it has chosen not to honor a request.
<input type="checkbox"/> <b>Complaints:</b> PNP officials have a right to file a complaint with the state educational agency (TEA). The complaint form is available on the TEA PNP Ombudsman page of the TEA website.
<input type="checkbox"/> <b>Pooling:</b> If LEA and PNP officials agree, CARES Act ESSER funds for equitable services may be provided through a pool based on need.

## Uses of Funds

The LEA official completes this section by checking each box that corresponds to the LEA's intended use of CARES Act ESSER funds for PNP equitable services.

Funds may be used for any activity authorized under ESEA, IDEA, the Adult Education and Family Literacy Act, Perkins and McKinney-Vento Homeless Assistance Act.

Coordination of preparedness and response efforts of LEAs with State and local public health departments, etc., to improve coordinated responses to prevent, prepare for, and respond to coronavirus.

Providing principals and other school leaders with necessary resources to address the needs of individual schools.

Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, etc.

Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.

Training and professional development for staff of the LEA on sanitation and minimizing the spread of infectious diseases.

Purchasing supplies to sanitize and clean the facilities of an LEA, including buildings operated by such agency.

Planning for and coordinating during long-term closures, including for how to provide meals, technology for online learning to all students, guidance for carrying out IDEA to eligible students and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

Providing mental health services and supports.

Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

## Affirmation Signature and Submission

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

LEA Official

PNP Official

By September 30, 2020, the LEA must upload this completed affirmation to the secure Every Student Succeeds Act (ESSA) Reports application, accessible through TEAL. When uploading, select "PNP CARES Act Affirmation" from the Response Template Title dropdown menu.

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