


Requirement for Public Comment Prior to Submission of Application Federal Funds

Please see additional clarity from TEA regarding the public comment period of federal grant applications.

Requirement

- **General Application of Assurances**
 - LEAs and ESCs that receive/apply for federal funds submit the GAA periodically into ESSA Reports. Last submission_2018-2019

	Grants Administration Division General Application of Assurances For Federal Programs Administered by the US Department of Education
Grantee Information	
General and Contact Information	
This General Application of Assurances (GAA) will be in effect for the duration of participation in federal programs until such time as the requirements change. TEA cannot issue a Notice of Grant Award (NOGA) for federally funded applications until the agency receives the GAA. For more information, email the Grants Administration Division at TEAExpenditures@tea.texas.gov.	
Assurances	
In accordance with United States Code (USC) Annotated, Title 20, Chapter 70, Subchapter IX, Part C, Section 7846, and Public Law (P.L.) 114-95, Every Student Succeeds Act (ESSA), Section 8306, "any applicant, other than a state educational agency that submits a plan or application under this chapter or act, shall have on file with the state educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that:	
<ol style="list-style-type: none">1. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.2. (A) The control of funds provided under each such program, and title to property acquired with program funds, will be in a public agency or in an eligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and (B) The public agency, eligible private agency, institution, organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes.3. The applicant will adopt and use proper methods of administering each such program, including (A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and (B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.4. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the state educational agency, the secretary, or other federal officials.5. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to the applicant under each such program.6. The applicant will:<ol style="list-style-type: none">(A) Submit such reports to the state educational agency (which shall make the reports available to the governor) and the secretary as the state educational agency and the secretary may require to enable the state educational agency and the secretary to perform their duties under each such program; and(B) Maintain such records, provide such information, and afford such access to the records as the state educational agency (after consultation with the governor) or the Secretary may reasonably require to carry out the state educational agency's or the secretary's duties.7. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment."	
Certification	
I, the undersigned authorized official for the above-named local educational agency (LEA), public agency, eligible private	

Requirement

- **ESSA Provisions and Assurances**
[Guidance handbook template \(state.tx.us\)](#)

p. 43, (I)

ESSA Provisions and Assurances

The following special provisions apply to all programs funded under Elementary and Secondary Education Act of 1965 (ESEA), as amended by the Every Student Succeeds Act (ESSA) that replaced its predecessor, the No Child Left Behind (NCLB) Act of 2001.

By certifying and submitting the eGrants application, the applicant is assuring it is in compliance with the following provisions:

- A. Each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications.
- B. The control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a nonprofit private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to such entities.
- C. The public agency, nonprofit private agency, institution, organization, or Indian tribe will administer such funds and property to the extent required by the authorizing statutes.
- D. The applicant will adopt and use proper methods of administering each such program, including the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program and the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation.
- E. The applicant will cooperate in carrying out any evaluation of each such program conducted by or for the Texas Education Agency (TEA), the US Secretary of Education, or other federal officials.
- F. The applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, federal funds paid to such applicant under each such program.
- G. The applicant will submit such reports to TEA (which shall make the reports available to the governor) and the US Secretary of Education, as TEA and the US Secretary of Education may require to enable TEA and the US Secretary of Education to perform their duties under each such program.
- H. The applicant will maintain such records, provide such information, and afford access to the records as the Agency (after consultation with the governor) or the Secretary may find necessary to carry out the Agency's or the Secretary's duties.
- I. Before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and has considered such comment.



FAQ:

1. Would applications for competitive federal grants need to be posted as well?
 - The General Application of Assurances requirement applies to all federal funding (competitive or non-competitive).
2. Both assurances reference posting the application. Does it need to be a completed application? Or can it be a blank application with LEAs taking the public comments into consideration as they complete the application?
 - While the citations reference the application, the LEA only needs to summarize the federal program with an estimated allocation and a general description of how the funds will be spent. Posting a blank application would not be sufficient. Instead, post a summary and indicate that the draft application is available for review upon request.
 - **EX:**
Title II, Part A (\$100,000) ---Teacher and Principal Training and Recruiting Funds (TPTR) funds are designated to supplement staff development in district/campus priority areas, enhance recruiting, hiring, and retention of highly qualified teachers and improve the quality of our principal, teacher, and paraprofessional work force through staff development. Our LEA's preliminary plan includes using these funds for staff development opportunities and staffing needs.
3. Can LEAs share a summary of their grants with anticipated amounts and proposed expenditures with site-based committees (SBDM) and then take the summary before the board rather than taking the entire application?
 - A summary of all federal grants, by grant title (see example above) would be acceptable. LEA policies on how public comment is solicited would dictate the LEA method for posting.
 - If an LEA policy outlines the scenario in question #3, then this method would be compliant.
 - If the LEA's policy identifies posting on a district website to solicit public comment, then this method would be compliant.
 - If using a summary, the LEA will want to include a statement indicating that this is a draft proposal of how they intend to spend the funds.
 - Please note, bringing the grant summaries to an SBDM committee would not meet the definition of public comment because it is not open to the general public. Because a school board meeting is open to the general public, many LEAs choose this venue to provide the grant summary. Presenting the grant information at a school board meeting is not a requirement unless specified by local policy.
 - LEAs need a district policy that details how they solicit public comment. If they do not have a policy and post the information on their website, an auditor may say the posting is not sufficient. But if the local policy identifies posting to the district website as the sole solicitation for public comment, then the LEA would be in compliance.

4. Can LEAs post the application on their website with a link for feedback on a google form?
 - It is not recommended that an LEA post the completed application on the website. An LEA may choose to post a draft application or grant summaries. But if an LEA places grant summaries (example above) on their website as dictated by the local policy - that would be compliant. LEAs should follow local policy for soliciting public comment.
5. What is a reasonable amount of time for public comment given the late release and quick turn-around times for some of our federal grants?
 - There is no specific time range for soliciting public comments. The LEA should consider what would be a reasonable amount of time.
 - Please note, LEAs do not have to post their exact allocation.
 - For example, ESSA allocations are released in May/June and many LEAs submit their application before July 1. If an LEA's policy is to bring the grant summaries to their board meeting, they would need to prepare documents in March/April for the May/June board meeting. In preparing documents these document in late spring, the LEA would use estimated allocation amounts with generalized expected expenditures (see example above).