

# Equitable Services for Private Schools Frequently Asked Questions (FAQs) updated June 2019

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**1. Is there a central resource that lists all private schools in a district?**

Yes - except that the list is based on counties, not school districts, per se. The [NC Directory of Private Schools](#) is managed by NC Department of Administration Division of Non-Public Education (DNPE). The directory is updated in June at the conclusion of each school year.

**2. What if a private school is not included in the [NC Directory of Private Schools](#)?**

If the district is aware of a new private school that does not appear in the directory, the administrators should contact the NC Department of Administration Division of Non-Public Education (DNPE) at 919-733-4276 (extension 0) to verify that the school has been recognized by DNPE. If so, the school must be notified and invited to consult for equitable services. Also, it would be prudent to notify the private school officials that they should contact DNPE regarding their listing in the directory.

**3. What if the [NC Directory of Private Schools](#) shows a private school with an enrollment or staff count of zero? Are we still required to provide this school with notification and invitation to consult for equitable services?**

Yes. The district must invite all listed schools to consult, regardless of the enrollment or staff numbers showing up as zeroes. The school may have registered with the Department of Administration prior to providing its enrollment data. Or, the zero may be an error in data entry. When you make contact with the school, verify with them what their enrollment is and whether or not they will, in fact, be operating during the upcoming academic year.

**4. What is a reasonable time frame for notification to private schools (for the consultation meeting)?**

Districts should provide private school officials with enough notice to allow adequate time to plan to attend your meeting(s). Typically, a notice of 14-21 days is sufficient. A good question to ask yourself is, "How much notice would I need to adjust my schedule to attend such a meeting?"

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**5. What information should we share with the private schools when we send the notifications and invitations to consult?**

The district should share an agenda (per item 6) and encourage the private school representative to come prepared to make decisions about participation in equitable services. The district should ask that the representative come to the meeting with the number of low-income children attending their school and what their enrollment zones are so that Title I equitable share may be determined. The representative should know what their total enrollment is and should be able to share information about the instructional programs and the areas of need at their school. Finally, it is recommended that the district also send the *Summary of Topics for Consultation and Statement of Assurances* (available on the [DPI Equitable Services web page](#)) to allow the private school to review it prior to the meeting. (NOTE: NCDPI strongly recommends that districts not send the *Affirmation* form with the invitation. See item 8.)

**6. What information should we share with the private schools at the meeting?**

At a minimum, the agenda should be driven by *Summary of Topics for Consultation and Statement of Assurances* (available on the [DPI Equitable Services web page](#)). This one-page document provides a list of required discussion topics. DPI recommends including this *Summary* in the invitation to consult and providing copies during consultation. In addition, the district should provide the private school with basic information about the applicable programs, along with the opportunities and limitations of each. By the end of the meeting the private school and the district should know what programs will be accepted, how the programs will be implemented and evaluated, what the timelines will be and who will be responsible for key tasks. Finally, equitable share amounts should be calculated based on the enrollment numbers, low-income data and estimated allotments. *It is important to let the private schools know that the equitable share amounts will be recalculated when the planning allotments drop and then again when the actual allotments drop.*

**7. The private school officials may say that they want to discuss the matter with others at their school. What if a private school official does not check 'accept' or 'decline' during the meeting?**

While it would be better for the private school official to complete the form at the meeting, it is understandable that they might want to discuss the matter with their school staff. In such a case it would be best to schedule a follow-up meeting with them.

Alternatively, a district may decide to let them take the form with them on the

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understanding that they will complete and return it promptly via US mail or as a PDF in an email.

In that case, the district should send an email to summarize the partially completed consultation meeting and remind the private school that, to participate in the programs, they must provide a properly completed form prior to the district's submission of the application in the Comprehensive Continuous Improvement Planning website (CCIP). If the private school does not follow through, the district should document all correspondence and check section D on that school's *Affirmation* form.

**8. Should we send the *Affirmation of Notification, Invitation and Consultation with Private School Officials* form to the private schools when we invite them?**

No. It is recommended that the form (a.k.a., the private school *Affirmation*) be shared during consultation, not as a part of the invitation. The form is designed to be filled out by private school officials to document that they are taking part in the consultation process and have accepted or declined to participate in services. It is not intended to serve as an RSVP form for the consultation meetings.

**9. What if a private school responds to the invitation by indicating that they do not wish to participate in equitable services?**

The private school has not actually “declined” to participate in services because no consultation has occurred. They have merely refused an invitation to consult, which should be documented in Section D on the *Affirmation* form. The district must keep all records of the communication on file. (See Question 8.)

**10. If we have tried multiple times to contact a private school and there is no response, what documentation do we need to show?**

In the absence of any response from the private school, **three direct documentable** invitations must be kept on file. These are invitations whose receipt can be verified:

- Certified mail, FedEx, UPS or other such services where receipt is documented by a signature or
- Email with a “read receipt” confirmation showing that the director/principal of the private school opened the email.

Examples of indirect invitations are regular US mail, emails with no responses, phone contact, web postings, and public advertisements. Such indirect means may be used for

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invitations but are not valid for documenting an invitation unless written responses are received from the private school principal or director explicitly referring to the consultation meeting.

See also item 13.

**11. What if a private school does not accept the invitation to consult – either by responding to the invitation by saying “no thanks” or by ignoring it?**

If no consultation has occurred, Sections A, B and C cannot be completed, and the district must check the box in Section D on the *Affirmation* form.

If a private school actively indicates that they do not wish to consult, written documentation of this should be retained by the district in the form of returned RSVP forms, emails, memos, letters or detailed phone notes. No additional invitations need to be sent to that school. If a private school refuses to respond to three direct documentable invitations, see Question 10.

**12. What if the private school accepts an invitation to consult but then does not show up at the meeting?**

The response of the private school official should be retained as documentation that the invitation was offered and received. However, the district should follow up with the private school to learn their intentions and offer another opportunity to consult. If the school ultimately does not consult, check the box in section D on the private school *Affirmation* form.

**13. We have mailed a letter, but it was returned to sender (no forwarding address); no phone number, etc. What do we do next?**

If you have sent a certified letter and the postal service provides written notice to you that the letter is not deliverable at that address, you should not continue to send letters. Instead, contact the NC Department of Administration at 919-733-4276, extension 0. If they can provide you with an updated address, contact the school at that address. If no other address is available, document your attempted contact with the school and your communication with the NC Department of Administration. Check section D on the affirmation form.

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**14. What documents related to equitable services must be uploaded into CCIP, and where in CCIP will they be uploaded?**

Please upload one PDF file containing all the *Affirmation* forms for the private schools in your district. For example, if there are 12 private schools in your district, your file should be a 12-page PDF document. The best way to sort the forms is in the same order in which the schools appear in the [NC Directory of Private Schools](#). Please do **not** make a separate one-page PDF file for each private school.

Since equitable services pertain to multiple federal programs that are included in the funding application, the private school *Affirmation* forms will be uploaded in the Consolidated Related Documents section of CCIP.

Items that must be retained by the districts include invitations, meeting artifacts, and documents related to the provision of services. *NOTE: Please do not load any of these items into CCIP. Doing so may result in the district's CCIP application being returned so that the items may be removed.*

**15. Why do districts calculate the amounts available for equitable services prior to entering data in CCIP?**

- During or before the consultations, the district will need to calculate amounts based on estimated allotments.
- The district will need to be able to show the private school officials how those values are calculated.
- When the actual allocations drop later in the year, the district will be responsible for adjusting the amounts available for equitable services. *(This should be explained to the private school representatives during the consultations.)*

**16. How are the equitable share amounts determined in CCIP?**

The equitable share amounts will be based on planning allotments that are available during the CCIP application process. When the actual allotments drop, the values should be recalculated, and the private schools should be updated about the revised values.

For Title I-A, CCIP will automatically calculate the private school equitable share amount, based on the planning allotment, district total enrollment, and low-income student

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enrollments entered in the Building Eligibility page. This value will appear in the Set-asides page.

The CCIP applications for Title II-A, Title III-A and Title IV-A will include items in the Grant Details sections where the equitable services amounts are calculated.

See also item 17.

### **17. How do we calculate the amount that must be made available for equitable services in each of the grants?**

See the [DPI Equitable Services web page](#) for the following resources to help with the calculations:

- *Formulas for Calculating Equitable Share Amounts*
- Equitable Share Calculator
- *November 2016, Non-regulatory Guidance*
  - For the Title I, see item O-2 starting on page 29.
  - For Title II, see item P-2 starting on page 35.

While low-income status is a criterion for determining the Title I-A equitable share amount, it is not a criterion for determining which students receive services under Title I-A. See item 36.

Note that Title IV-A is calculated in the same way that Title II-A is. It is pro-rated based on the total enrollment at the participating private school(s) as a percentage of the total enrollments of those participating private schools and all public schools in the district.

Equitable share amounts for Titles III-A and I-C are determined in the same way as Title II, except that the ratio is based on the numbers of student identified for services within the respective grants, rather than on the enrollment numbers.

When estimating the amount available for each applicable grant, the district should assume 85% of the current year's allocation being available next year. (During the consultation process, the district will likely have to rely on estimates.)

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**18. Which private school students generate Title I equitable share dollars?**

A private school student will count towards the private school equitable share of Title I funds if the student:

- resides in a Title I-served public school attendance area and
- is a low-income student as documented by the consulting private school officials using an acceptable method. (See item 19).

See item 17 and the [DPI Equitable Services web page](#) for more information about how these students are compared to a larger population of low-income students to determine equitable share.

**19. How is the number of low-income students attending private schools determined?**

According to ESSA Section 1117(c)(1), the number of low-income students ages 5-17 attending private schools and residing in eligible school attendance areas may be determined in one of four ways:

- Using the same measure of low income used to calculate public school children (e.g., household applications);
- Using the results of a survey that protects the identity of families of private school students and allowing such survey results to be extrapolated if complete actual data are unavailable;
- Applying the low-income percentage of each Title I school to the number of private school children who reside in that school attendance area; or
- Using an equated measure of low income correlated with the measure of low income used to calculate public school children.

While ESSA states that it is the district which has the final authority in calculating these numbers, the district and the private schools will consult in determining which of the above methods will be most practical and accurate. Documentation to support the numbers of students should be maintained by the private school and inspected by district to verify that an appropriate method of counting has been used. The private school and the district must respect all laws regarding the information privacy of students and their families.

For examples of how to determine the number of low-income private school students,

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refer to page 11 and the Appendices of *Title I Services to Eligible Private School Children: Non-Regulatory Guidance* of October 17, 2003 (available at the [DPI Equitable Services web page](#)).

**20. How are the numbers of low-income private school children entered into CCIP?**

Districts enter these numbers directly into the Building Eligibility page under the column for total number of low-income private school children, according to the enrollment zones in which children live. Students who attend the same private school but live in different enrollment zones will be accounted for on different rows in the Building Eligibility page.

All numbers entered in this column will automatically affect the equitable share that appears at the top of the Set-Asides page. For that reason, these numbers should reflect only low-income students living in enrollment zones for Title I served schools.

**21. How do we account for a child who attends a private school within one district but resides in another district?**

We call these “inter-district students.”

The Title I private school equitable share is based on the number of low-income private school students who live in Title I-served, regardless of where the private schools they attend are located. If a participating private school has equitable share generating students from more than one district, the districts should be prepared to collaborate in the provision of Title I equitable services.

Equitable services for the other grants (Titles I-C, II-A, III-A, IV-A, and IV-B) are based on the locations of private schools and their enrollment or program participation numbers, not on residency of children. (See Formulas for Calculating Equitable Share Amounts at DPI Equitable Services web page).

**22. How do I know if a student who generates Title I equitable share and lives in my district goes to a private school in another district? Where do I find that information?**

Because the private school is being invited to consult with the district in which it is located, it is the responsibility of that district to notify you about inter-district students who may affect the Title I equitable share calculation in your district. It is important that

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all districts complete their consultation process ahead of the CCIP application deadline and promptly alert other districts of any such students.

**23. What if a private school in our district doesn't want to participate in our program, BUT they have a child in their school from a Title I eligible school in the other district? Are we still responsible for that communication?**

Yes, the Affirmation form you give them is the way that they will accept or decline equitable services in the various programs, including Title I.

You are responsible for reaching out to this private school, because it is in your district. While the child's home district is responsible for providing Title I equitable share funding, both districts must collaborate with each other to determine which district administrators will engage the private school in the ongoing process to provide and assess any Title I equitable services that are accepted. In many cases – such as when other grants and private schools are involved – it is likely preferable for the district in which the private school is located to take the lead on implementation. This is a matter to be decided by the district administrators.

**24. If we are collaborating with another district to fund and implement Title I equitable services, who is ultimately responsible for the provision of services and for keeping the documentation?**

Each district is responsible for keeping documentation of ongoing consultation and implementation of any services they are funding, whether in whole or in part. If one district is providing Title I funds while another district is implementing the services, each district must be prepared to account for how its dollars are spent. Cooperating districts should arrange to be copied on all related communications with the private school staff. In addition, districts should monitor and keep records of the planning, expenditures and ongoing evaluation efforts related to the provision of the services.

**25. How are private school children identified as residing in a Title I served or comparably served public school attendance area if the district is operating under an open enrollment, desegregation, or magnet plan?**

The district must, in consultation with private school officials, determine an equitable way to identify eligible private school children. For example, the district may assign a private

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school child to the public school attendance area in which the child resides or to the public school that the child would have attended if not enrolled in a private school.

**26. Is the “total amount” that we use to calculate the private school equitable share based on the new funds or must this include carryover funds?**

The share of funds to be used for equitable services to private schools is based on the new allocation for a given school year. This applies to each grant covered by the equitable services provisions. Federal law states that all funds that are identified for equitable services are to be obligated in the fiscal year for which they are allotted. Carryover of equitable services funds is allowed only in extenuating circumstances. (See item 27.)

**27. What constitutes extenuating circumstances that would allow for equitable services funding be carried over to the next year, and what process would the district follow in such a case?**

Extenuating circumstances that would allow equitable services funding to be carried over would include serious events that disrupt the operations of any of the schools involved, such as tornados, floods or fires. Refusal of private school officials to engage in ongoing consultation or collaboration to facilitate the program would not be considered grounds for allowing carryover. However, failure of the district to provide for such a process would constitute non-compliance with ESSA resulting in intervention by NCDPI.

**28. When the actual allotments drop later in the year, are the districts required to adjust the amounts available for equitable services?**

Yes. During the consultation process, the districts should explain this to the private school officials.

**29. Do we take the equitable share for private schools from the total current year Title I allotment including the additional Neglected & Delinquent reservation?**

Yes. Equitable share is based on the full annual allotment for Title I-A (not including carryover). NOTE: Very few school districts receive this N&D reservation. These funds are included as part of the Title I-part A allotments, even though they are authorized in ESSA under subpart 2 of Title I-part D. This does not affect any set-aside amount for

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Neglected and Delinquent that is entered in CCIP after the private school equitable share is taken off the top.

**30. Do Neglected children count towards equitable share calculation?**

No. Neglected children are already being served by the district's Neglected set-aside which is required to match the reservation amount provided under Title I-D, subpart 2. These services must be provided in accordance with the MOU between the district and the facility where the students are enrolled. (See Title I related documents in CCIP.)

**31. Does the funding for personnel at the private schools remain with the district or is it paid directly to the private school to go through their payroll?**

The funding for personnel remains at the district and never goes through the private school's payroll. See ESSA - section 1117(d)(2)(B) – “Requirement – In the provision of such services, such employee, individual, association, agency, or organization shall be independent of such private school and of any religious organization, and such employment or contract shall be under the control and supervision of [the district].”

The district is never allowed to provide funds to a private school. In order to provide tutoring services, the district must supervise and pay the tutor. The district must follow its established procedures for entering into service agreements (contracts) with individuals or vendors. The tutor may be an employee of the private school, but the service that is being paid for by the district cannot take place during time for which the tutor is being paid by the school.

**32. If you have private schools that want to use Title II funds only, will there be guidance on Title II and a separate attestation?**

Information regarding Title II funds may be found in the *November 2016 Non-Regulatory Guidance* – section P-2. There is no separate attestation form for Title II. The private school *Affirmation* form and the *Summary of Topics* document both apply to all grants that are subject to the equitable services provisions. See [DPI Equitable Services web page](#) for access to these materials.

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**33. If the district plans to pay for the private school teachers to attend a PD event and registration fees are required, how can that be paid for?**

The district should collect the invoices from the provider of the PD and pay them directly. The district is not allowed to reimburse a private school that has made the payments themselves. The payment may only cover activities that are non-ideological and non-religious, and it must not include any charges for food.

**34. Do 21<sup>st</sup> Century Community Learning Center (CCLC) programs have to invite private school students into afterschool programs that are full?**

The consultation process that informs private schools about the 21<sup>st</sup> CCLC program must take place prior to grant recipients making any decisions that affect the private schools' ability to participate. This will ensure that a private school that indicates it wishes to participate and has consulted appropriately knows how to complete the application process for students it feels would benefit from the program. Those applications are to be processed in the same fashion and according to the same criteria as all other applications, including the inclusion of students on wait list for at-capacity programs. Additionally, if the capacity of an afterschool programs is expanded to accommodate more children, the private school children must have equitable access to the newly created opportunities.

**35. Are pre-school children at private schools included in equitable services under Title I, Title I-C, Title II, Title III, Title IV-A and Title IV-B?**

Districts may use these funds to serve pre-school children in public and private schools. However, the allotments for each of the consolidated grants are calculated based on demographics of students aged 5 through 17. Therefore, the determination of equitable service amounts must be based on counts of kindergarten through 12<sup>th</sup>-grade students at the private schools and do not include pre-school children.

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**36. Which students at a participating private school are eligible for Title I services?**

There are two ways a private school child may be eligible for equitable services under Title I:

- identification as low achieving, as identified in item 37 or
- identification in one of a number of groups, as described in item 38.

Eligibility for free and reduced lunch is used to determine Title I proportionate share amount, but it is not a criterion for eligibility for Title I services. (See item 17.)

**37. How is a private school child determined to be low achieving for the purposes of qualifying for equitable services under Title I?**

A child will qualify for Title I services if he or she:

- resides in a participating public school attendance area and
- is identified as low-achieving on the basis of multiple, educationally related, objective criteria.

The district determines the criteria for low-achieving in consultation with the private school officials. In general, the criteria may include achievement tests, grades and teacher referrals and recommendations based on objective, educationally related measures. For children in preschool through grade 2, the criteria may include teacher judgement, interviews with parents and measures that are deemed to be developmentally appropriate.

See also item 38 regarding other ways a child may qualify for Title I equitable services.

**38. Aside from low achievement, how may a private school child qualify for Title I equitable services?**

A private school child may be identified as eligible for Title I services solely by virtue of identification in one or more of the following groups:

- homeless children
- children who in the previous two years had participated in Head Start, a literacy program under Title II-B (subpart 2), a Title I preschool program or a Title I-C (Migrant Education) program and
- children in a local institution for neglected or delinquent children and youth or children attending a community day program for such children.

See also item 37 regarding qualification on the basis of low achievement.