

PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Catherine Truitt, *Superintendent of Public Instruction*

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To: Federal Program Directors of School Districts in North Carolina

From: Federal Programs Monitoring and Support Division
North Carolina Department of Public Instruction

Date: February 19, 2021

Subjects: **Equitable Services Notification and Invitation to Private Schools, as Required by ESEA (Amended as ESSA in 2015)**

School districts receiving funds under the Elementary and Secondary Education Act (ESEA) are required to notify private schools of the availability of equitable services and to invite them to a consultation at which they may accept or decline the services. The ESEA grants that are affected by this requirement are:

- Title I-A for economically disadvantaged schools
- Title I-C for migrant education
- Title II-A for teacher and school leader improvement
- Title III-A for English learners and immigrant students
- Title IV-A for enrichment, technology and school safety
- Title IV-B for afterschool programs.

This memorandum explains which schools to invite, how to invite them and when key steps in the process must be completed. An important goal of this and subsequent memoranda will be to assist public school districts in identifying the demand for equitable services and finalizing their proportionate share calculations prior to starting the grant applications in CCIP.

For details about how information in this memorandum might be adjusted for Title IV-B, districts are advised to consult their NDCPI program administrator for 21st Century Community Learning Centers. This is particularly important when it comes to the timelines and the specific private schools a district is required to invite for Title IV-B consultation.

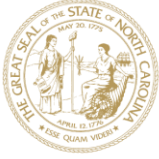
The official directory of private schools in North Carolina

The directory of all legally operating private schools in the state is compiled by the North Carolina Department of Administration and will be available on the [DPI equitable services web site](#) before the end of February. The schools to be invited for consultation are those operating January through June of the academic year preceding the year for which equitable services will be offered. For example, when providing outreach for the 2021-22 academic year, districts

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must use the directory that was updated in January 2021. Previous years' lists should not be relied on.

ESEA does not authorize school districts to offer equitable services to any other schools or programs, such as homeschools. District administrators who are contacted by an unlisted North Carolina school interested in equitable services should contact DPI before making any decisions regarding equitable services to that school. If contacted by a private school across state lines, the district should contact the district in which the school is located to determine if it is recognized in that district as a legally operating private school.

The directory does not distinguish between for-profit and not-for-profit private schools. Therefore, some districts will unavoidably invite for-profit schools to consultation even though they are not eligible. As described below, the invitations should stipulate this restriction to save for-profit schools from unnecessary consultation.

Invitations to private schools within the district

No later than March 21, each district should invite the private schools within its district lines to its annual initial consultations regarding equitable services offered under ESEA. The invitation should be sent to the mailing address provided in the directory. The consultations may be conducted remotely or face-to-face. If additional invitations are needed for non-responsive invitees, those should be sent a week to ten days after the initial invitations. **DPI strongly recommends that districts not include the *Affirmation of Notification, Invitation and Consultation forms with the invitations*.** A separate memorandum will explain how the *Affirmation* forms are to be completed. All records of invitations to private schools and the consultations must be retained by the district and made available to DPI upon request.

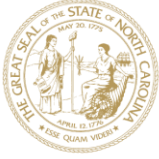
DPI recommends that the invitations include the following features:

- a list of the consolidated grants from which equitable services will be offered
- stipulation that only non-profit schools may participate in equitable services
- notification that Title I-A proportionate share will be based, in part, on the number of low-income students in the private schools as described by items 16 through 19 of the June 2019 FAQ on the [DPI equitable services web page](#)
- a reasonable deadline, as determined by the district but no later than April 15, for responses to invitations
- the date(s) available for private schools to take part in the annual initial consultations, as determined by the district but no later than April 21

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- a reasonable deadline, as determined by the district but no later than May 21, for private school decisions about accepting or declining services, if they are not able to do so during the consultation meeting
- a stamped and addressed RSVP form that the private school can easily return to the district via US Mail
- a regular US Mail address, email address and phone number of the district point-of-contact
- a suggestion for private schools to also contact, no later than April 30, other districts-of-residence of any low-income children who may generate Title I-A proportionate share funding in order to inquire about how those districts might provide Title I-A services
- a link to the [DPI equitable services web page](#).

During the consultations, districts must ask the private schools if they enroll students who may generate Title I-A funds from other districts and, no later than April 30, must alert those districts to make contact with the private schools, as described in the following section. This provision and the suggestion listed above are intended to ensure that private schools are in contact with each district that might be required to provide Title I-A services.

Invitations to private schools outside of the district

A student who lives in one district but attends a private school in a different district is referred to as an “inter-district student,” and any Title I-A funds generated by this student are to be provided by the resident district (i.e., the district in which the child lives). Title I-A is the only grant under ESEA that is subject this requirement.

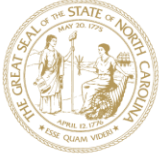
A district must invite an out-of-district private school to consultation regarding Title I-A services if the district is aware that the school enrolls one or more of its resident children who may generate Title I-A proportionate share funding. (See the proportionate share calculator and items 16 through 19 of the June 2019 FAQ on the [DPI equitable services web page](#) for more information about fund-generating students.)

The district may be made aware of such children in any of three ways. First, the previous year’s consultations may have established this information. Second, the private school may contact the district to inquire about services. Third, the district may be notified by the private school’s local district based on consultation with their in-district private schools, which must take place no later than April 21.

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The consultations with out-of-district schools could take place at the same meeting with the in-district schools. However, a district may have already engaged in consultations with those schools when it learns of the need to consult an out-of-district school. Because the deadline for districts to notify each other about possible inter-district students is April 30, there is sufficient time to provide the outreach before May 30, when all proportionate share calculations should be completed.

DPI recommends that when inviting out-of-district schools, districts set reasonable deadlines for responding and for deciding on services. Districts should stipulate that only Title I-A services are offered across district lines and that the methods of determining low-income students may be different from those used by the local district. During consultation, the private school should be informed that the resident district and the local district may decide to collaborate in the implementation of Title I-A services. A private school may decide to accept services from one, both or neither district. More information about “inter-district students” can be found in items 21 through 24 of the [DPI equitable services web page](#).

Responses from private schools

A private school’s written response to an invitation, via hard copy or electronically, serves as documentation that the district made the necessary effort to reach out to the private school. Acceptable forms of written response to an invitation are:

- an email from the school administration with the response in the body of the message
- a signed hard copy or PDF of a letter or memorandum
- a signed hard copy or PDF of an RSVP form provided to the private school

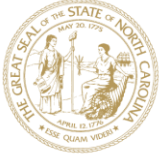
If a private school responds via telephone, the district should follow up with an email summarizing the phone call and asking the private school to reply with their acknowledgment. Once a response is documented, no additional invitation is required. If the private school is interested in consulting but is unable to attend any of the scheduled meetings, the district should make a reasonable effort to offer an alternative time for consultation.

If a response indicates that a school is not interested in consulting, Section D on the *Affirmation* form for that school must be checked by the district administration. No additional attempts to invite the school to consult are required until the next year’s round of invitations. More details about completing the *Affirmation* forms will be provided in a separate memorandum.

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Non-responses or insufficient responses to invitations

The district must document at least two attempts to invite a private school (including out-of-district schools) to consult before determining that the school is non-responsive. **At least one of these invitations must be sent via a verifiable delivery service** (certified US Mail, FedEx, UPS, read-receipt email, etc.) with a receipt showing the time of delivery and person at the private school who accepted it.

The other invitation(s) may be extended via:

- regular US Mail
- email to an address that the private school has provided to the district or one that appears on the private school's web site or
- hand delivery from a district administrator to the private school at the address provided on the directory of private schools.

Note that the requirements above are only applicable in cases where private schools have not responded. If there is a documented response, as described in the previous section, there are no requirements regarding the method or number of invitations sent by the district.

If a private school indicates intention to engage in consultation but does not attend the meeting, the district should make reasonable attempts to reschedule. If the private school still does not engage in consultation, the district should consider the school non-responsive and mark Section D on the *Affirmation* form for that school.

Summary of deadlines for the invitation and annual initial consultations

Within reason, districts may decide to set earlier deadlines than those listed below. However, the deadlines should be clear and provide private schools ample time to make arrangements.

March 21: The district sends the first invitations to private schools within its attendance areas for the annual initial consultations. If a second invitation is required for non-responsive schools, they should be sent a week to ten days after the first invitation.

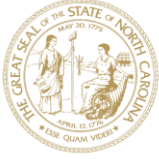
April 15: Private schools must respond to the invitations.

April 21: Annual initial consultations should be conducted. Follow-up consultations may be needed to clarify details, but these should be done within a week of the initial

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consultation and may also be subject to reasonable deadlines set by the district. Ongoing consultations for the implementation of services will be conducted as needed throughout the school year.

- April 30: The district must notify other districts if, during initial consultations with its local private schools, it learns of inter-district students who may affect the other districts' Title I-A proportionate share calculations. The notification must identify the private schools where the inter-district children are enrolled and the contact information for those schools.
- May 21: Private schools that intend to participate in equitable services must complete the *Affirmation* form and provide all necessary information to the district(s) for determining proportionate share
- May 30: All proportionate share calculations are complete for the upcoming school year.

For additional information about equitable services under the Elementary and Secondary Education Act, contact Talbot Troy at 984-236-2797 or talbot.troy@dpi.nc.gov.

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