



# PUBLIC SCHOOLS OF NORTH CAROLINA

DEPARTMENT OF PUBLIC INSTRUCTION | Mark Johnson, *Superintendent of Public Instruction*

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**To:** Public School Districts in North Carolina

**From:** Talbot Troy, Equitable Services Ombudsman  
Federal Program Monitoring and Support (FPMS) Division

**Date:** December 11, 2020

**Subject: Notifying and Consulting Private Schools about CARES Act Equitable Services**

## CARES Act PRCs Subject to Equitable Services

Section 18005 of the CARES Act requires school districts to notify all private schools in their attendance areas about the availability of services from grants that are supported by ESSER funds (PRCs 163 through 167) and GEER funds (PRCs 169 and 170). Districts waiving one or more of these grants are still required to notify the private schools of the availability of services, because the private schools may have low-income students who will generate proportionate share funds based on residency in other districts. (See Inter-district Students below.)

For PRC 168, the thirteen LEAs that have secured the ICARES grant must only reach out to certain private schools, as specified in their approved applications.

Given the specific purposes of these PRCs, district administrators in charge of exceptional children (EC) programs, instructional technology and federal programs should work closely with each other to ensure compliance with the equitable service provisions. FPMS believes district staff will find it more efficient to combine the consultation process for PRCs 165 through 170, even as the applications platforms for some of these PRCs have not yet opened.

## Private Schools to be Notified and How to Invite Them to Consultation

Each district is to notify the private schools within its attendance areas about the availability of services and invite them to consult to determine if they would like to participate. The official directory of schools labeled "*Private Schools January 2020 through July 2020*" can be found on the [Department of Administration web site](#). This directory captures the private schools that were in operation during the winter of 2020 when the pandemic started. **Directories labeled with more recent dates should not be used.**

FPMS recommends that districts share the following information in the invitations:

- basic purposes of the grants (per the [Allotment Policy Manual](#))

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- notice that calculation of funds available for services will be based on March 2020 low-income data and students' home addresses (per items 17, 18 & 19 of the *June 2019 FAQ* available on the [DPI Equitable Services web page.](#))
- a hard-copy or printer-friendly RSVP form with the private school name included (to ensure it will be distinguishable from others that may arrive at the district office)
- deadline for RSVP to consult (should be no later than the second week of January 2021)
- deadline for providing student counts and accepting services (should be no later than January 22, 2021)
- district contact info (name, phone and email address)
- copy of *Summary of Topics and Assurances for Equitable Services Consultation* that will be reviewed during the consultation.

A pre-stamped envelope for returning the RSVP form will make it easier for private schools to provide a documentable hard-copy response. An email from a reliable email address is also acceptable as documentation that the invitation was received by the school.

FPMS strongly recommends that districts present the *Affirmation* form (referenced below) to private schools only during consultation and never as a part of the invitation.

## The Consultation Meeting and the *Affirmation* Form

The consultation meeting may take place virtually or face-to-face and may be with one school at a time or in a group(s). While complete and detailed plans might not be established at this time, the parameters of service and each private school's decision to accept or decline services should be the goal of the initial consultation meeting. To facilitate this, the district must review the *Summary of Topics and Assurances for Equitable Services Consultation Under ESSA and CARES Act* during the consultation meeting. This document provides a good idea of what should be discussed in the consultation to allow the private school to make informed decisions. Some of the most important details to cover are public control of funds, district ownership of purchased materials and the requirement that services are secular, neutral and non-ideological.

The private school officials should identify specific needs that can be addressed by the available grants. Working together, the private school and the district should develop plans and identify indicators of success that can be measured. The public school administrators should explain any of the district's procurement policies that may be relevant. Deadlines for expenditures, invoices and time sheets should be identified, and a schedule for regular meetings should be established to support ongoing consultation and adjustments to the plan as needed. (Districts have until September 30, 2022 to encumber the funds, due to the Tydings Amendment.)

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Documentation of the meeting, including invitations, attendance roster, agenda and minutes, should be kept on file by the district. In addition, the *Affirmation of Notification, Invitation and Consultation for Equitable Services* must be completed no later than January 22, 2021. Sections A, B and C are for the private school officials to complete. The box in Section D is checked by the district if – and **only** if – Sections A, B and C were not completed by a private school, due to any of the reasons listed in Section D. The district never checks “Decline” in Section B as a way of indicating that the private school declined services or did not consult. If a private school official needs to retain the *Affirmation* form after the initial consultation meeting in order to consult with stakeholders before deciding, the district should emphasize the date by which the form must be returned in order to ensure participation.

### Calculation of Proportionate Share Amounts

The *CARES ACT Proportionate Share Calculator* requires three inputs. Two of the inputs are readily available to district administrators: the allotment amount and the number of low-income K-12 students at Title I schools per the ESSR report submitted in the Spring of 2020. The third input is the number of students at private schools who, during March 2020, were

- in kindergarten through twelfth grades
- from low-income families and
- lived in Title I-served enrollment areas.

Because the student counts are to be taken from the previous school year, it may be difficult for the private school to know exactly what these numbers are. Items 17 through 19 in *June 2019 Frequently Asked Questions* on the [DPI Equitable Services web page](#) provides guidance and options for how the district and the private school should work together and arrive at reasonable numbers.

If applicable, the number of inter-district students must be included in the calculation for the district in which the students live (not the district in which the private school is located). See the next section for more information.

### Inter-district Students

Low-income students who live in a Title I-served area of one district but attend private school in another district (inter-district students) will affect the CARES Act proportionate share of the district in which they live. Therefore, it is important for a district where a private school is located **to notify other districts when the consultation reveals that one of its private schools enrolls any inter-district students** who may fit the three criteria listed in the section above. At a minimum the notification should include the name of the private school(s), reliable contact

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information of the private school representative(s) and a list of addresses and grade levels of students who reside in the district being notified. If the private school representative has already indicated which addresses are low-income households, that should also be shared. **To protect privacy, names of students or families should be omitted or redacted in the notification.** The deadline for providing this notification to other districts is January 26, 2021.

The district of residence and the private school will then collaborate to verify how many, if any, of the students will generate proportionate share funding from that district. The districts involved will decide how or if to collaborate with each other in the provision of services. The district of residence will not provide an Affirmation form for these schools, because that is the responsibility of the private school's local district. However, thorough records of collaboration should be kept by any district the provides funds for the services. For more information about inter-district students, please see items 21 through 24 in the *June 2019 FAQ* on the [DPI Equitable Services web page](#).

PRC 168 recipients should await further directions from FPMS regarding inter-district students.

## Deadlines

January 22, 2021: All initial consultations for CARES Act grants should be completed, and private schools that consult must decide to accept or decline services. This due date is independent of the due date for applying for the grant. *NOTE: The deadline for PRC 165 and 166 was initially January 19 but has been adjusted to match the other PRCs.*

January 26, 2021: **Notification must be provided to other districts** about possible inter-district students who may affect their proportionate share calculations. Districts are required to provide this notification **even for those PRCs they have waived**, as explained above.

February 2, 2021: All proportionate share calculations should be completed, and all *Affirmation* forms should be submitted via the web-based platform being used to support the grant application.

September 30, 2022: All ESSER and GEER funds must be encumbered, including those budgeted for equitable services, due to the Tydings Amendment which allows districts to carry funds over from 2021 to 2022.

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