



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

To: Federal Program Directors

From: Talbot Troy, Equitable Services Ombudsman
North Carolina Department of Public Instruction

Date: May 8, 2020

Subjects: Consultations with Non-Profit Private Schools for CARES Act Equitable Services

This memorandum addresses the requirements for consultation to non-profit private schools in North Carolina for equitable services in accordance with Section 18005 of The Coronavirus Aid, Relief and Economic Security (CARES) Act recently passed by Congress.

The CARES Act includes two provisions through which local school districts may receive financial assistance:

- The Elementary and Secondary School Emergency Relief (ESSER) Fund and
- The Governor's Emergency Education Relief (GEER) Fund.

While all public school districts receiving Title I-A funds in North Carolina will be offered ESSER funds, it is not known at this date which, if any, districts will be offered GEER funds. However, both of these funds are subject to equitable service provisions similar to those that apply under the Every Student Succeeds Act.

The following documents are attached and should be reviewed along with this memorandum:

- *Affirmation of Notification, Invitation and Consultation for Equitable Services CARES-ESSER (aka Affirmation form)*
- *Summary of Topics & Statement of Assurances for CARES Act Equitable Services*
- *Proportionate Share Calculator for the CARES Act*
- *The Coronavirus Aid, Relief and Economic Security (CARES) Act*
- *Providing Equitable Services to Students and Teachers in Non-Public Schools Under the CARES Act Programs (US Department of Education, April 30, 2020).*

An *Affirmation* form for GEER funds will be made available when and if any of those funds are allotted to school districts.



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

Additional information will be provided during the next few weeks regarding implementation of CARES Act equitable services and other topics, as needed. Updates will also be included in the resources available on the [DPI equitable services web site](#).

The North Carolina Directory of Private Schools

The official directory of private schools in North Carolina is available via the [DPI equitable services web site](#). The CARES Act does not authorize school districts to offer equitable services to any other schools or programs, such as homeschools. In addition, while for-profit private schools may be listed, only non-profit private schools will be eligible for equitable services.

The Department of Administration has advised NCDPI that this list includes all legally operating private schools in North Carolina. No changes will be made to this list unless the Department of Administration notifies NCDPI of an error or an update in the contact information. In such a case, NCDPI will notify affected districts of any additional action required on their part. If the district learns from a private school that the address is different from what is listed in the directory, the district should update their records about the new address and forward that information to NCDPI.

District administrators who are contacted by an unlisted school interested in equitable services should contact DPI so that a determination can be made about the eligibility of that school.

Invitations to private schools

Districts should send out the invitations for consultations regarding CARES Act Equitable Services as soon as they are prepared to schedule the consultations. NCDPI recommends that the initial invitations be sent no later than May 29, 2020. If additional invitations are needed for non-responsive invitees, those should be sent approximately one week after the initial invitations were sent. This should leave time to finalize all consultations prior to summer when many public and private school staff might be unavailable.

NCDPI recommends that the invitations have the following features:

- the dates available for private schools to take part in consultations and a way for private schools to indicate their preferences



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

- reasonable due dates, as determined by the district, for responses to invitations and decisions about accepting or declining services to allow private schools to anticipate and plan their timelines
- a stamped and addressed RSVP form that the private school can easily return to the district
- email and phone number of the district contact
- a link to the [DPI equitable services web page](#).

All records of invitations to private schools must be retained by the district and made available to NCDPI upon request.

NOTE: NCDPI strongly advises districts not to send the *Affirmation* form to private schools as a part of the invitation process. Please see the section below about completing the *Affirmation* form.

Responses from private schools

If a private school responds in writing to an invitation, their response is documentation that the district made the necessary effort to reach out to the private school. It must be clear that the response is from the private school and that it refers explicitly to an invitation to consult about equitable services under the CARES Act. Acceptable forms of a private school's written response to an invitation are:

- an email
- a signed hard copy of a letter or memo
- a signed hard copy of an RSVP form provided to the private school with the invitation

Once a response is received, no additional invitation is required. However, if the response indicates that the private school is interested in consulting but is unable to participate in any of the scheduled meetings, the district should make reasonable efforts 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.



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

All records of responses from private schools must be retained by the district and made available to NCDPI upon request.

Non-responses to invitations

The district must document at least two attempts to invite a listed private school to consult before determining that the school is non-responsive. The invitations may be extended via:

- regular US Mail to the address provided in the directory of private schools or one which has been updated per communication with NCDPI or
- email to an address with a domain associating it with the school and that the district obtained directly from the school's administration or its web site.

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

Materials private school officials should preview

The districts should advise private school officials who will attend the consultation to preview the following materials:

- *Summary of Topics / Assurances for CARES*
- *Proportionate Share Calculator for CARES*
- [DPI equitable services web page](#)
- Any other documents the district believes would be helpful.

Completing the *Affirmation of Notification, Invitation and Consultation for CARES*

The *Affirmation* form should be given to private school officials as a part of the consultation process and filled in by them only in the context of that consultation and not as part of the invitation process. This will help prevent a private school selecting "accept" on one form while the district fills in Section D on a different form, thus creating two conflicting forms along with possibly conflicting sets of expectations. The form explicitly includes an affirmation that a proper consultation process has taken place, which is quite different from an invitation/RSVP process.



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

Districts must use the *Affirmation* form to document their outreach to the private schools within their jurisdiction. For each of those schools, the district administrators must enter the information at the top of the form and complete Section E at the bottom prior to sharing the forms with the private schools.

For schools that accept the invitation to consult, the *Affirmation* form will be an important part of the documentation of the initial consultation. If consultation is to take place virtually or via phone conference, the form should be sent to the private school during or immediately prior to the appointed time – and only after they have accepted the invitation. For face-to-face consultations, it is best to provide the forms at the consultation.

Only private school officials may fill in Sections A, B and C (except for the “not applicable” boxes in Section B, which should be filled in by the district, as appropriate). Section D must be filled in by the district administration if and only if Sections A, B and C are not completed by private schools for any of the listed reasons. District and private school staff are advised to follow the directions on the *Affirmation* form carefully and fully.

NCDPI recommends that districts set June 30, 2020 or something close to that as a due date for private schools to finalize their decisions to accept or decline services. It should be clear to the private schools that the consultation process is ongoing and that not all details about the use of funds need to be finalized by this date. This is especially important as the effects of the Coronavirus crisis continue to unfold.

Preferably, the *Affirmation* form should be completed during the initial consultation. However, a private school official might want to hold onto the form to confer with their stakeholders. In that case, they should agree with the district on specific arrangements to promptly return the completed form, either as a hard copy or as a PDF sent via email, on or before the due date the district has established.

What to cover at the initial consultation

During the initial consultation, the district must provide sufficient information for private schools to decide whether or not to participate in the services being offered. The *Summary of Topics & Statement of Assurances for CARES Act Equitable Services*, specifically referenced on the *Affirmation* form, must be included in this process. While the document provides a guide



PUBLIC SCHOOLS OF NORTH CAROLINA

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

WWW.DPI.NC.GOV

for the basic topics that must be covered, a few additional details are spelled out in the remainder of this section.

One of the most important pieces of information private schools will need is the proportionate share amount that the district will use to provide the equitable services. The *Proportionate Share Calculator for the CARES Act* does this calculation and provides a description of the formula. While the total CARES allotment received by the district is directly proportionate to the district's Title I-A allotment, the determination of equitable share is based on the total private school K-12 enrollment and the total districtwide K-12 enrollment. The enrollments should be taken from March 13, 2020, the date cited in CARES Act as the start of the Coronavirus crisis. In accordance with the US Department of Education's *Providing Equitable Services to Students and Teachers in Non-Public Schools Under the CARES Act Programs*, the proportionate share calculation is made without regard to student low-income status or home address.

The types of services that can be provided are the same types of services that the district may provide for its public schools, as described in Section 18003 of the CARES Act. However, the services provided to the private schools do not have to be the same services that are provided within the district schools. Furthermore, the expenditures of CARES Act funds will not be subject to the provisions against supplanting that apply to Title I-A funds. Each participating private school will work with the district to identify their needs and create a plan to address those needs whether they are focused on specific student needs or on benefiting the school in general.

It is important to let private schools know that, in accordance with federal provisions for public control of funds, no funds will be provided to private schools. Any accepted equitable services must be provided by the district or by a service provider on contract with the district. In addition, all materials, equipment and property purchased with CARES Act funds, remains the property of the district.

As with Title I-A equitable services, reasonable administrative costs associated with implementing CARES Act equitable services may be taken out of the proportionate share. The nature and potential amount of these costs should be discussed with private schools.