

## INSTRUCTIONS for Mississippi School Districts and Private Schools:

### **ESSER Interim Final Rule – Equitable Services – Affirmation of Consultation**

This form will serve as the School District's (LEA's) required documentation of consultation with private nonprofit schools (PNPs) in the LEA's attendance area.

Steps for use of this form:

1. The LEA must enter the School District's and PNP's name and contact information and save the form.
2. The LEA emails the form to the PNP representative.
3. Within 24 hours, the LEA calls to verify receipt by the PNP representative.
4. Within the next three business days following verification of receipt, the PNP representative decides whether the PNP desires to participate in ESSER equitable services under the IFR, and indicates whether the school is operated by a nonprofit corporation (if not, the school does not qualify for ESSER assistance).
  - a. **If not interested in participation**, check **NO** in participation choice section, electronically sign by typing PNP representative's name into the signature blank, save, and email back to the LEA, which uploads this form to MCAPS, ending the matter.
  - b. **If interested in participation**, call the LEA representative to conduct (or schedule) a consultation call.
5. Conduct the consultation call as soon as possible. Consultation occurs prior to the LEA making decisions.
  - a. With an electronic copy of this form being viewed by each party, discuss each item, including private school feedback.
  - b. If the private school must establish a low-income student count to receive funding:
    - (1) If the private school refuses to provide a low-income student count, the PNP representative must mark this on the form, sign, save, and email to the LEA representative.
    - (2) If the private school agrees to use the email-optimized anonymous Household Income Surveys to obtain a low-income student count, **the consultation will pause** while this is accomplished. Consult with the private school about the timeframe (seven days may be agreeable). Schedule another call in one week, allowing time for the Survey, and begin at this point.
  - c. Both parties check the boxes and enter information as the items are discussed.
  - d. When all discussion items are checked, the PNP representative:
    - (1) checks the "secular, neutral and nonideological" Assurance,
    - (2) checks either **AGREE** or **DISAGREE** (begins dispute) with the outcome of the consultation,
    - (3) electronically signs and dates the form by typing the representative's name into the signature blank,
    - (4) saves the form, and
    - (5) emails the completed form back to the LEA representative
6. The LEA representative then uploads the completed signed form to its LEA Doc Library, in the **ESSERF Interim Final Rule** subsection.

**ESSER Interim Final Rule – Equitable Services – Affirmation of Consultation**

**LEA: complete these sections, save, and email to Private School, then call to verify receipt.**

Local Education Agency (LEA)	Private School (PNP)
LEA name:	PNP name:
LEA address:	PNP address:
LEA Representative:	PNP Representative:
Phone/email:	Phone/email:

**Private School: complete this section (items 1-4), and contact the LEA Rep. for consultation, or email back if not participating.**

**1. Name and Address of Private School:**

**2. Name, email and phone number of Private School Representative:**

**3. The business entity operating the Private School is (check the applicable box):**

- A Nonprofit Corporation registered with the Mississippi Secretary of State ([Business Name Search](#)).  
If the Nonprofit Corporation's name differs from the Private School's name, include the Nonprofit Corporation business name registered with the Mississippi Secretary of State:

- Any other type of entity (not eligible for ESSER equitable services: stop here, save and email to LEA).

**4. Private School statement on its intent to participate:**

- NO, we will not** participate in ESSER equitable services.  
➔ Refusal of services signature blank (PNP Rep: type name): \_\_\_\_\_  
(If choosing not to participate, stop here, save the form, and email back to the School District.)
- We intend to participate in ESSER equitable services and request the School District's consultation with the Private School representative identified below about forming a plan. **(Call the LEA Rep. for consultation.)**

**5. Private School K-12 enrollment (may or may not be used for equitable share proportion)**

List March 2020 enrollment in each grade and total at the Private School (**do not include pre-K**):

K: \_\_\_\_\_ 1<sup>st</sup>: \_\_\_\_\_ 2<sup>nd</sup>: \_\_\_\_\_ 3<sup>rd</sup>: \_\_\_\_\_ 4<sup>th</sup>: \_\_\_\_\_ 5<sup>th</sup>: \_\_\_\_\_ 6<sup>th</sup>: \_\_\_\_\_ 7<sup>th</sup>: \_\_\_\_\_ 8<sup>th</sup>: \_\_\_\_\_

9<sup>th</sup>: \_\_\_\_\_ 10<sup>th</sup>: \_\_\_\_\_ 11<sup>th</sup>: \_\_\_\_\_ 12<sup>th</sup>: \_\_\_\_\_ Total: \_\_\_\_\_

## Consultation Meeting(s): ESSER Interim Final Rule

Discuss each item, check the box.

- (1) Size and scope: Identify the private school's amount of ESSER equitable share, and how that amount is determined.

Discuss the following: The LEA must choose a proportioning method (**check the box**), depending on how the LEA will use its ESSER funds:

1. "An LEA using all its [ESSER funds] to serve **only students and teachers in public schools participating under Title I, Part A of the ESEA** may calculate the proportional share" by using either:

- A. The proportional share calculated under Title I-A for the 2019-20 school year; **or**
- B. The proportional share resulting from a March 2020 comparison of low-income qualifying students attending public and participating private schools [*the PNP will need a low-income student count established – pause the consultation to obtain this number via Household Income Surveys. When obtained, enter the number. If no count will be provided, check the second box below.*]
  - After Survey processing, the private school's low-income student number is: \_\_\_\_\_
  - The private school is not providing a low-income student count (the count is zero).

2. An LEA choosing to reserve ESSER funds **at the District level and/or for use in its non-Title I schools** must calculate the total private school proportional share by:

- A. Using the proportional share resulting from a comparison of the **total K-12 enrollment** of students attending public and participating private schools in March 2020

- (2) Identify whether single-school services will be provided specific to the single private school, or whether a "pooling" plan will be in place involving pooled funding for multiple private schools (all private schools must agree to this).

- (3a) The private school should identify and explain its specific needs posed by the challenges of the COVID-19 pandemic. All students and teachers may benefit from the assistance.

- (3b) Identify the assistance that will be provided by ESSER funds in response to the identified needs (see: 12 uses, below).

- (4) If applicable, describe where, when, by whom and how the assistance will be provided. If applicable, identify whether services will be provided by School District personnel, private school teachers in the capacity of School District personnel and working outside normal school hours, third-party contractors, or otherwise. Discuss possible options, if applicable.

- (5) If applicable, how will the identified services/assistance be academically assessed (indicate data source); if applicable, how will assessment results be used to effect improvement?

- (6) How will the school district make decisions about problems with delivery of services?

- (7) Discuss that if any disagreement involving any of the above points ESSER consultation remains unresolved when the school district submits its ESSER Final Equitable Services Plan to the private school for inspection, the district will provide a written explanation of the disagreement and analysis of the reasons for the district's decision to overrule the private school's request or point of view. This written explanation of disagreement shall be attached to the ESSER Interim Final Rule Affirmation of Consultation form, and the private school will have an opportunity to agree or disagree at the time of signing said form, with disagreement initiating the dispute resolution process (notify the State Ombudsman).

### ESSER Allowable Uses

Twelve broad categories of allowable use are listed in the CARES Act section 18003, quoted below. The private school may benefit in the same manner as the “local educational agencies” (school districts) identified in the use descriptions (keeping in mind that private school needs may differ from those of the school district). Uses must be secular, neutral and nonideological, and the LEA retains ownership over equipment, property and materials. Discuss the private school’s needs and allowable funds uses in the 12 categories below, then note provisional spending plans below.

- 1) Any activity authorized by the ESEA of 1965, including the Native Hawaiian Education Act and the Alaska Native Educational Equity, Support, and Assistance Act (20 U.S.C. 6301 et seq.), the Individuals with Disabilities Education Act (20 U.S.C. 1400 et seq.) (“IDEA”), the Adult Education and Family Literacy Act (20 U.S.C. 1400 et seq.), the Carl D. Perkins Career and Technical Education Act of 2006 (20 U.S.C. 2301 et seq.) (“the Perkins Act”), or subtitle B of title VII of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11431 et seq).
- 2) Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.
- 3) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.
- 4) Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.
- 5) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.
- 6) Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.
- 7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.
- 8) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.
- 9) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.
- 10) Providing mental health services and supports.
- 11) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.
- 12) Other activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency.

**Provisional plans for spending to meet the private school’s expressed needs include, but are not limited to, the following:**

Instruction for Private School:

The following *Private School's Assurance* and *Private School's Written Affirmation of Consultation and Agreement or Declaration of Disagreement* form must be completed by the private school representative and emailed to the LEA Representative. The School District then forwards the Plan and Written Affirmation to the State Ombudsman via upload to MCAPS.

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**Private School's Assurance (required)**

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**Private school representative: To indicate agreement, check the box.**

- In consideration of equitable participation in ESSERF funds, and as a requirement thereof, the Private School, through its representative identified below, agrees and assures that all use derived therefrom will be secular, neutral and nonideological in accordance with CARES Act section 18005(a) and ESEA section 1117(a)(2) [20 U.S.C. 6320(a)(2)].

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**Private School's Written Affirmation of Consultation and Agreement, or Declaration of Disagreement**

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**This portion to be completed by the private school representative after completion of consultation. Check the applicable box(es).**

**AGREEMENT**

- The private school, through its representative, hereby agrees that timely and meaningful consultation occurred, and the program design represented in the district's *ESSERF Final Equitable Services Plan* appears equitable.

- or -

**DISAGREEMENT**

- The private school, through its undersigned representative, hereby declares its belief that timely and meaningful consultation regarding equitable services did not occur.
- The private school, through its undersigned representative, hereby declares its belief that the program design is not equitable with respect to eligible private school children.

**If the private school declares a disagreement, the State Ombudsman will make contact to begin dispute resolution.**

Private School Name	Print Representative's Name	Representative's Signature*	Date

\*My typed name is adopted as my electronic signature