# Offer of Consultation for Eligible Non-Public (Private) Schools to Participate in the CARES Act ESSER Program

[***Note to districts***: *This is a sample letter that may be used to offer consultation as a result of the September 2020 invalidation of US Dept. of Education’s Interim Final Rule regarding calculation of equitable services under ESSER and the switch to using the Title I methodology for the calculation. This letter can be used to offer required consultation to any private school affected by the change – private schools no longer eligible, private schools that remain eligible but with less/more services, and private schools newly eligible (out-of district). The letter can and should be customized to fit circumstances of your district’s portfolio of private schools.*]

(Date) (Name and address of non-public school)

Dear (name of private school official, if known):

The Elementary and Secondary School Emergency Relief Fund (ESSER Fund) of the CARES Act of 2020 requires that timely and meaningful consultation occur between each public school district receiving ESSER funds and non-public (private) school(s) prior to any decision that affects the opportunities of eligible private school children, teachers, families, and other educational personnel to participate in programs funded by ESSER The regulations instituted by the US Department of Education (USED) regarding the eligibility and calculation of proportional share of equitable services were voided by way of a court ruling in September 2020. Therefore, given changes to the services available for your school, additional consultation is required.

The goal of consultation is for district and private school officials to reach agreement on whether each private school will participate in ESSER programing and activities and how the district will provide equitable and effective programs for eligible private school children. Public school districts are required under ESSER to offer eligible children attending non-public (private) elementary and secondary schools, their teachers, and their families, services or other benefits, which may cover a broad range of uses related to the COVID-19 health emergency. Allowable uses are detailed on DESE’s [ESSER RFP](http://www.doe.mass.edu/grants/2021/113/) and [DESE ESSER web page.](http://www.doe.mass.edu/federalgrants/esser/) The amount of funds available to provide services in each school is now determined by the number of low-income students living in the district’s Title I public school attendance area rather than the prior methodologies offered under USED’s Interim Final Rule (now voided) that used total private school enrollment.

This letter constitutes a further offer to consult due to the changes required for equitable services for your school. [*Districts may describe anticipated changes to services for the private school here as a result of recalculation using the Title I methodology.*] Private school officials must 1) affirm interest in participating or 2) affirm interest in continuing to participate despite changed amounts available for equitable services, or 3) indicate an interest in discussing changes to equitable services that were agreed, by responding to this outreach, then by participating in a ‘meaningful consultation meeting’, and finally by signing the ‘ESSER Affirmation of Consultation and Agreement’, with each party keeping a copy of the agreement for their records.

As stated above, should you choose to participate or participate with changed funding for services, further consultation will be necessary to outline program requirements and to agree upon the design/redesign of a viable program. If you are interested in consulting about ESSER funds, please return the following no later than [reasonable date for response]. If we receive no response or communication from you by that date, we will assume that you do not wish to consult further regarding the ESSER Program. Note that a timely response will help expedite implementation of services for both public and private school students, teachers, and schools.

(Printed name of private school representative) \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

District ESSER program coordinator \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Public Schools

**Offer of Consultation to Eligible Non-Public (Private) Schools**

**Name of Non-Public School(s):**

**\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_**

**Please check the appropriate response**

Our school(s) would like to discuss participation in **the ESSER grant program only** and to participate in a formal ‘consultation’ meeting at an agreed upon date by public and private school officials. \_\_\_\_\_\_\_\_

Our school(s) **does not want to participate** in the ESSER program. \_\_\_\_\_\_\_\_

Non-Public (Private) School Representative Name\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Non-Public (Private) School Representative Signature \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Position or Title \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Address \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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