

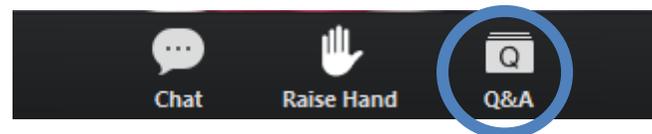


Colorado Association of Private Schools

The CARES Act and Equitable Services for Private Schools

We will begin shortly...

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The CARES Act & Equitable Services

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The CARES Act – K-12 Relief

The Coronavirus Aid, Relief, and Economic Security (CARES) Act

March 27, 2020

Creates Education Stabilization Fund (ESF) with \$30.75 billion:

- ❖ Sec. 18002 – Governor’s Emergency Education Relief Fund (9.8%)
- ❖ Sec. 18003 – Elementary and Secondary School Emergency Relief Fund (43.9%)
- ❖ Sec. 18004 – Higher Education Emergency Relief Fund (46.3%)

The CARES Act – K-12 Relief

- ❖ Sec. 18001 – An off-the-top Discretionary Fund for (1) “outlying areas” (0.5%), (2) Bureau of Indian Education programs (0.5%), and (3) “States with the highest coronavirus burden” (1%).
- ❖ Sec. 18005. (a) IN GENERAL – local educational agency receiving funds under sections 18002 or 18003 of this title shall provide equitable services **in the same manner** as provided under [section 1117 of the ESEA of 1965](#) to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.

The CARES Act – K-12 Relief

- ❖ Two Funds in the Education Stabilization Fund apply to K-12:
 - 18002 – Governor’s Emergency Education Relief Fund
 - 18003 – Elementary and Secondary School Emergency Relief Fund

- ❖ Local educational agency (LEA) to make equitable services available to non-public schools.

- ❖ Local educational agency (LEA) to consult with non-public schools.

- ❖ “Control of funds” maintained by the LEA.

- ❖ Funds available through September 30, 2021.

The CARES Act – K-12 Relief

Sec. 18002 – Governor’s Emergency Education Relief Fund (9.8%)

Sec. 18002(c)(3) – Governor “to provide support to any other institution of higher education, local educational agency, or education-related entity within the State that the Governor deems essential for carrying out emergency educational services to students...the provision of **child care and early childhood education**, social and emotional support, and the protection of education-related jobs.”

[18002(c)(1) LEAs and (c)(2) higher education institutions ... “most significantly impacted”.]

Sec. 18003 – Elementary and Secondary School Emergency Relief Fund (43.9%)

- The allocation of funds to the states is based on the same proportion each state received under Title IA in the most recent fiscal year.
- The law authorizes twelve uses for funds.

CARES Act – Schools Fund Uses

Twelve uses of Elementary and Secondary School Emergency Relief Fund:

1. Any activity authorized by the ESEA of 1965...
2. Coordination of preparedness and response efforts of LEAs ... with ... public health departments, and other relevant agencies, to improve coordinated responses...
3. **Providing principals and other 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...
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.**

CARES Act – Schools Fund Uses

Twelve uses of Elementary and Secondary School Emergency Relief Fund:

(cont'd)

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 IDEA 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.

CARES Act – Schools Fund Uses

Twelve uses of Elementary and Secondary School Emergency Relief Fund: (cont'd)

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.**

CARES Act ESF & Equitable Services

CAPS Memo to School Leaders

[CAPS Memo to Private School Leaders on Implementation to EFS](#)

Sample Letter for your LEA

[Sample Letter to LEA](#)

CARES Act ESF & Equitable Services

WHAT YOU CAN DO NOW TO BE PREPARED

- 1) Begin drafting a needs assessment for your school, students and teachers.

The legislation lists twelve categories of permissible uses of the Schools funds found in Section 18003(d). State Educational Agencies (SEAs) and Local Educational Agencies (LEAs) should not begin making plans for the dispersal of these funds until the US Department of Education releases guidance on implementation of the new law, which is expected in the coming days. While a needs assessment is not required, just getting your needs on paper to share is the goal. Also, as much as possible, tie any requests to specific student needs.

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WHAT YOU CAN DO NOW TO BE PREPARED

(cont'd)

2) Proactively reach out to your LEAs letting them know you look forward to consultation on the Education Stabilization Fund.

LEAs are required to consult with non-public schools. If you are a school that has not participated in ESSA or IDEA in the past, it's even more important to reach out proactively. Introduce yourself, tell them about your school.

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WHAT YOU CAN DO NOW TO BE PREPARED (cont'd)

3) Bring the actual bill text of Sections 18002, 18003 and 18005 with you to consultation (and the USDE Guidance, once released).

(Text is in the [CAPS Memo to Private School Leaders on Implementation to EFS](#)).

CARES Act ESF & Equitable Services

- Reach out to your LEA (local education agency) now about participating in either Emergency Relief Fund. Equitable services for both will flow through the LEA
- Equitable services requires consultation with non-public schools.
- We've advised the USDE that there may be far more interest in participating in emergency programs than under standard programs. The idea being to alert LEAs to this reality.

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Things to think about (Funding):

- *Both* Sections 18002 and 18003 refer to the amount of money in the federal grant to the states and LEAs. It is not the allocation for non-public schools.
- Section 18002 (Governor's Fund) – Secretary is to allocate 60% of the funds to the states “on the basis of their relative population of individuals aged 5 through 24” and 40% “on the basis of their relative number of children counted under section 1124(c) of the [ESEA]”.
- From that total allocation to the state or LEA, Section 18005 presents the method, not the amount/allocation to non-public schools which should thus be based on their total student population.
- How would any institution limit spending for allowable uses #2 - #12 only to a portion of the student body?

CARES Act ESF & Equitable Services

Things to think about:

- The CARES Act ESF is not a Title I program; that is simply the way funds are allocated.
- *Your previous non-participation should not be relevant. If you do not know the key personnel in your LEA, your neighboring schools may help.*
- Talk to your LEA about what you need *before* the LEA applies for the separate Governor's Emergency Education Relief Fund grant.
- *Make sure the LEA counts all of your children in their grant application. All children are eligible to participate in the program, not just Title I children. This is in dispute.*
- Tell LEA that you want to be consulted with prior to your applying.
- Use the list 12 items to craft what you need from it. Worth noting that what the public and private schools need may differ; the former may not be relevant to the latter.
- The services are determined by the consultation, not by being “consulted” by the LEA.

CARES Act ESF & Equitable Services

Things to think about:

- Remember your ombudsman as a possible resource in a difficult situation. It may be that the person will not want to be pulled into ESF questions even though the CARES Act refers to ESEA Section 1117 which includes the ombudsmen.
- The first of the 12 uses authorized by the ESF's Elementary and Secondary School Emergency Relief Fund (#1) is "any activity authorized by the Elementary and Secondary Education Act of 1965". Those are the usual title services and the ombudsman is obligated to assist in those cases. (ESEA is now the Every Student Succeeds Act, ESSA).
- You can assume your LEA would not provide services under #1 if you had already declined to participate. But, if you *did* intend to participate, then #1 applies.
- Worth noting that items #2 through #12 likely include anything you would have sought through ESEA and potentially have fewer requirements.

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Things to think about:

- If you did participate in ESEA title services, be aware that states may be putting their Title I money *back* into Title IV so they can now use it for distance learning (after originally moving out of Title IV). It's important to ask if there's *now* a Title IV allocation. If you had declined to participate in other titles, but did intend to participate in Title IV – and did not receive it, you would want to pursue it now.
- The Governor's fund is a good place to look for services that aren't in the list of 12. Work with your state coalition to identify the needs; submit that list to your governor.
- Where you have a friendly governor and a school choice program, seek resources for that. In some states, CAPE and nonpublic schools came together to do just that.
- As part of outreach, it's worth reminding governors that they have an obligation to offer equitable services to non-public schools.
- Reach out to your state CAPE or other schools/associations to work together if you don't already: it's helpful to approach governors with a united "ask".

CARES Act ESF & Equitable Services

Secretary of Education Betsy DeVos Authorizes New Funding Flexibilities to Support Continued Learning During COVID-19 National Emergency

An April 6, 2020 USDE press release provides funding flexibility that may impact how you deal with your LEA:

Any state may complete a brief form available at oese.ed.gov, and it will receive an initial determination within one business day. Using the form, states can receive flexibility in the use of funds and other requirements covered under the Elementary and Secondary Education Act of 1965 (ESEA), including the Title I, Parts A-D, Title II, Title III, Part A, Title IV, Parts A-B, and Title V programs. Specifically, states may request a waiver of:

- *Section 1127(b) of Title I, Part A of the ESEA to waive the 15% carryover limitation for Title I, Part A funds;*
- *Section 421(b) of the General Education Provisions Act (GEPA) to extend the period of availability of prior fiscal year funds, for Title I, Parts A-D, Title II, Title III, Part A, Title IV, Parts A-B, and Title V, Part B programs, and the McKinney-Vento Homeless Children and Youth program;*
- *Section 4106(d) of Title IV, Part A of the ESEA to waive a needs assessment to justify the use of funds;*
- *Section 4106(e)(2)(C), (D), and (E) of Title IV, Part A of the ESEA to waive content-specific spending requirements;*
- *Section 4109(b) of Title IV, Part A of the ESEA to waive spending restrictions on technology infrastructure; and*
- *Section 8101(42) of the ESEA to waive the definition of "professional development," which might otherwise limit the ability to quickly train school leaders and teachers on topics like effective distance learning techniques.*

CARES Act ESF & Equitable Services

US Department of Education Websites

Education Stabilization Fund (ESF) webpage (created 4/13/20):

<https://oese.ed.gov/offices/Education-Stabilization-Fund/>

The USDE Coronavirus webpage:

<https://www.ed.gov/coronavirus>

Questions?

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- Resources can be found at :
 - www.thecaps.org
 - <https://community.acsi.org/coronavirusresources/legal>