

Equitable Services Private Schools

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

*US Department of Education
Guidance*

Guidance

- **Specifically addresses the CARES Act allocation and private school participation**
- **Released on Thursday - April 30, 2020**
 - *Letter addressing concerns*
 - *Interim Ruling*
 - *Final Ruling (Expected in Early August)*
- **10 Questions and Answers**



1. Does the requirement to provide equitable services to students and teachers in non-public schools apply to any program under the CARES act?

Yes

- CARES establishes two (2) new funds that require equitable participation:
 1. *GEER (Governor's Emergency Education Relief) Fund (\$3.0 Billion)*
 2. *ESSER (Elementary Secondary School Emergency Relief) Fund (\$13.2 Billion)*



2. What is a non-public school?

A “non-public school” means a non-public elementary or secondary school that:

- ... is accredited, licensed, or otherwise operates in accordance with State law; AND
- ... was in existence prior to the date of the qualifying emergency for the CARES Act programs.



3. Is a for-profit non-public school eligible to receive equitable services for its students and teachers under the CARES Act programs?

No

- ESEA section 8101 defines “elementary school” and “secondary school,” respectively, and specifies that they must be non-profit.



4. Which LEA is responsible for providing equitable services to non-public school students and teachers under the CARES Act programs?

The US DOE determined that the LEA in which a non-public school is located is responsible for providing equitable services to students and teachers in the non-public school



5. Must an LEA or another public agency maintain control of CARES Act funds used to provide equitable services?

Yes

- The protocol for the CARES Act is the same as ESSA:
 - **Funds:**
 - *LEA/SEA controls CARES Act funds for non-public school students/teachers*
 - *No funds may go directly to a non-public school*
 - *All materials, equipment and property purchased with CARES Act funds belong to the LEA/SEA*
 - **Services:**
 - *Services for non-public school students and teachers must be provided by LEA or through a contract with another public agency or private, third party provider*



6. Who is responsible for initiating the consultation process and how should it begin?

The LEA is responsible for initiating the consultation process

- The LEA must contact officials in all non-public schools in the LEA to notify them of the opportunity for their students and teachers to obtain equitable services under the CARES Act programs
 - *If non-public school officials have not been contacted, they may contact the LEA or the State ombudsman to inquire about equitable services under the CARES Act programs*



7. How does an LEA that receives funds under the CARES Act provide equitable services “in the same manner as provided under section 1117 of the ESEA” (Title IA)?

In the same manner as under section 1117...

- The CARES Act programs are clearly available to all public school students and teachers, not only low-achieving students and their teachers as under Title I, Part A. Therefore, they must be available to all non-public school students and teachers.



8. Must an LEA offer to provide equitable services under the CARES Act programs to students and teachers in all non-public schools located in the LEA, even if a non-public school has not previously participated in equitable services under Title I, Part A or Title VIII of the ESEA?

YES

- The LEA must offer to provide equitable services under the CARES Act programs to students and teachers in **all non-public schools** located in the LEA boundaries ... *even if a non-public school has not previously participated* under Title I, Part A or Title VIII of the ESEA.



9. Are all students and teachers in a non-public school eligible to receive equitable services under the CARES Act programs?

YES

- Exceptions:
 - *The Governor (under the GEER Fund allocation) targets funds for a specific purpose or population of public and non-public school students*
 - *The SEA (under the ESSER reserve* Fund) targets funds for a specific purpose or population of public and non-public school students*
 - **The SEA may reserve up to 10% of the ESSER funds for its use*



10. How does an LEA determine the proportional share of funds that must be reserved to provide equitable services to non-public school students and teachers under the CARES Act programs?

Interim Ruling:

LEAs must select one Option

1. *Proportional Share (Enrollment)*

When selecting the Proportional Share option, CARES Act funds may be used for ALL students and teachers

2. *Title I Share (Poverty)*

When selecting the Title I Share option, CARES Act funds may only be used for Title I students and teachers



DETERMINING THE “ENROLLMENT” SHARE

	Public	Non-Public	Total
Total Enrollment	1,350	150	1,500
Proportion	90%	10%	100%
Proportional Share GEER Fund	\$90,000	\$10,000	\$100,000
Proportional Share ESSER Fund	\$810,000	\$90,000	\$900,000



DETERMINING THE “POVERTY” SHARE

LEA Attendance Area	Number of Public School Low-Income Children	Number of Private School Low-Income Children	Total Number of Low-Income Children
School A	500	20	620
School B	300	9	309
School C	200	6	206
School D	350	15	365
TOTAL	1,350	50	1,400
PROPORTIONATE SHARE	96.5% \$965,000	3.5% \$35,000	



Extra Credit Question: Is a non-public school whose students and teachers receive equitable services under the CARES Act programs a “recipient of Federal financial assistance”?

No

- A non-public school whose students and teachers receive equitable services under the CARES Act is not a “recipient of Federal financial assistance.”
 - *No funds go directly to a non-public school thus, a non-public school is not a recipient of Federal financial assistance*
 - *As a result, certain Federal requirements that apply to a recipient of Federal financial assistance are not directly applicable to a non-public school whose students or teachers receive equitable services under the CARES Act programs, unless the school otherwise receives Federal financial assistance for other purposes*



Extra Credit Question #2: What services and benefits under the CARES Act programs are available to non-public school students and teachers?



Services and benefits available to non-public school students and teachers...

1. *Any activity authorized by ESEA / ESSA*
2. LEA coordination with relevant agencies to prevent, prepare for and respond to coronavirus
3. Resources for principals/school leaders 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



Services and benefits available to non-public school students and teachers...

5. Developing/implementing procedures and systems to improve the preparedness and response efforts of local educational agencies
6. Staff training and PD on sanitation and minimizing the spread of infectious diseases
7. Supplies to sanitize and clean LEA facilities
8. Planning for and coordinating during long-term closures, including providing meals for students, providing technology for on-line learning, providing guidance for carrying out IDEA requirements, and ensuring continuity of education services



Services and benefits available to non-public school students and teachers...

9. Purchasing ed technology (hardware, software, and connectivity) to aid in educational interaction between students and instructors, including equipment for students w/disabilities
10. Mental health services and support
11. Activities related to summer learning and after-school programs, including online learning during the summer months
12. Other activities necessary to maintain the operation of and continuity of LEA services and to continue staff employment





Q & A ...

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