TO: PUBLIC School District Board of Education Members

Superintendent

CC: Mayor/ 1st Selectman/Town Board of Directors

Town CITY/Business Manager

FROM: Principal, Catholic School

RE: CARES Act Education Stability Funds Allocation to Equitable Services for Non-Public Schools

Date: May 14, 2020

Dear Board of Education Members, Superintendent, and Mayor:

As you know, all school superintendents, principals, and teachers have been working tirelessly to help students through distance learning, and the CARES ACT education funds are now available to facilitate their efforts. Also, the funds will help prepare school facilities for the return of students in the fall, whether through sanitization or purchase of appropriate health supplies.

Included in the CARES ACT, [*Education Stabilization Fund under H.R.748 — 116th Congress 2nd Session*](#esf), is a mandatory provision for equitable services for nonpublic schools, and the U.S. Department of Education Office of Non-Public Education has shared its guidance on the necessary consultation and calculation of funds allotted to these services. To be sure, this is not a Title I program, and the calculations are different. On behalf of Catholic School, my hope is that PUBLIC School District will continue to work collaboratively with us to ensure the best education for all students in these unprecedented times.

In anticipation of your consultation call with me and my administrators regarding the equitable services to be provided, I am providing you with the federal guidance on from the U.S. Department of Education Office of Non-Public Education: <https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf> .

The guidance walks through the allocation of funds from the PUBLIC SCHOOL DISTRICT to services provided for Catholic School students and teachers. Please find below the major highlights on allowable equitable services and allocation of funds for those services.

I look forward to our consultation that will be initiated by you. You can reach me at: email, cell phone/office phone.

Sincerely,

Principal, Catholic School

1. **Allowable Equitable Services**

Allowable equitable services under Section 18003(d) of the CARES Act:

(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 on-line 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 10 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 after-school 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.

1. **Allocation of CARES ACT Education Stability Funds for Equitable Services**

The CARES ACT Education Stability Fund (ESF) is a new emergency education fund, unrelated to the Elementary and Secondary Education Act (ESEA) or the Individuals with Disabilities Education Act (IDEA).

* There are two grants within the fund, and equitable services are required to non-public schools under both grants.
* All non-public schools are eligible to participate in the ESF, no matter their prior participation in ESEA or IDEA and no matter their Title I count.

Sections 18003(b) and 18003(c) govern allocations to LEAs under the Elementary and Secondary Education Relief Fund.

* Section 18003(b) allocates funds to the states in the same proportion as each state received under Part A of Title I in the most recent fiscal year.
* Likewise, Section 18003(c) allocates 90 percent of the amount of a State’s allocation to LEAs (such as PUBLIC School District) in the same proportion as each received under Part A of Title I in the most recent fiscal year.

Section 18005(a) requires LEAS (such as PUBLIC School District) receiving funds under Section 18003 to provide equitable services in the same *manner* as provided under Section 1117 of ESEA, as determined in consultation with representatives of non-public school students.

Section 1117 of ESEA refers to the *manner* in which services are provided (i.e. equitably) and does not refer to the allocation or eligible uses of the funds, since the only reference to the allocation is in Sections 18003(b) and 18003(c).

According to the federal guidance linked above, the calculations for *allocation* for proportional shares to be set aside for equitable services is as follows:

“10. How does an LEA calculate the proportional share?

“To calculate the proportional share for equitable services under the CARES Act programs, an LEA determines the overall number of children who are enrolled in public schools and non-public schools in the LEA that wish to participate under one or both CARES Act programs. Using the proportion of students who are enrolled in participating non-public schools, the LEA determines the amount of funds available for equitable services based on that proportional share of the LEA’s total allocation under each CARES Act program separately. For example, an LEA receiving $100,000 under the GEER Fund and $900,000 under the ESSER Fund, and with 1,350 public school students and 150 non-public school students, would determine the proportional share as follows:



 11. After an LEA has determined the proportional share of funds for equitable services under each CARES Act program, how does it then determine the amount of funds available for services to students and teachers in individual non-public schools?

 For consultation purposes, in order to determine what equitable services to provide to students and teachers in a given non-public school, an LEA, after reserving funds that are reasonable and necessary for administering equitable services under the CARES Act programs, would divide the remainder of the proportional share of funds available for equitable services by the total enrollment in non-public schools whose students and teachers will participate in each of the CARES Act programs to obtain a per-pupil amount. The LEA would then multiply that per-pupil amount by the enrollment in an individual non-public school to determine the amount of services the LEA can provide to students and teachers in that school. With agreement between the LEA and appropriate non-public school officials, the LEA may pool funds among a group of non-public schools and provide equitable services to students and teachers in non-public schools within the pool based on need without regard to how the funds were generated. (See ESEA section 1117(b)(1)(J)(i)).”

**CARES ACT, *Education Stabilization Fund under H.R.748 — 116th Congress 2nd Session***

























