CARES Act
(ESSER & GEER)
Equitable Services Update

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CARES Act Team

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CARES Act
Equitable Services Timeline of Events

April 30, 2020
(Non-Regulatory Guidance)
Non-Regulatory Guidance issued by the U.S. Department of Education about Equitable Services for students and teachers in non-public schools under the CARES Act.

July 1, 2020
(Interim Final Rule)
Interim Final Rule published by the U.S. Department of Education establishing regulations on determining proportionate share and serving non-public schools under the CARES Act.

September 4, 2020
(Court Ruling – IFR)
The U.S. District Court for the District of Columbia issued an opinion and an order vacating the IFR. The IFR is no longer in effect.

September 25, 2020
(U.S. Department of Education Response)
The U.S. Department of Education issued a letter stating that they will not appeal the ruling from September 4, 2020.

The U.S. Department of Education will not take any action against States or local districts that followed the guidance and/or the IFR prior to notice of the court’s decision.
CARES Act
(ESSER & GEER)
Equitable Services Changes

Process Prior to September 9th

“An LEA uses enrollment data in non-public school whose students and teachers will participate under the CARES Act programs compared to enrollment in public schools in the LEA to determine proportional share.”

Providing Equitable Services to Students and Teachers in Non-Public Schools Under the CARES Act Programs, April 30, 2020, 10B

Process After September 9th

“Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.”

ESSA Section 1117(a)(4)(A)(i)

Private School Enrollment Information (only if participating)

| TOTAL Student Enrollment at the Private School |
| TOTAL Number of Teachers at the Private School |
OPTIONS FOR LEAs
APPROVED BEFORE SEPTEMBER 9TH

OPTION #1:
LEA not recalculating Equitable Services
Indicate in the chat your intentions (include LEA name).
No further action is required.

OPTION #2:
LEA recalculating Equitable Services
Application must be AMENDED.
Due: October 16th

Application Approved (Prior to 9/9/2020)
Items to Consider for Option #2
(Approved Prior to 9/9/20)
OPTIONS FOR LEAs SUBMITTED AND/OR APPROVED AFTER SEPTEMBER 9TH

OPTION #1:
LEA not recalculating Equitable Services

ONLY OPTION:
LEA must recalculate Equitable Services

No further action required

Application Submitted and/or Approved (After 9/9/2020)

Application must be AMENDED.
Scenario #1:
ESSER Approved before 9/9/2020
GEER Approved after 9/9/2020

WHAT OPTIONS DO I HAVE:
ESSER: The LEA has the option to keep the application as submitted or amend the application.
GEER: The LEA must amend the application and resubmit.

ESSER Application
Approved: 6/30/2020

GEER Application
Approved: 9/15/2020

Scenario #2:
ESSER and GEER Approved before 9/9/2020

WHAT OPTIONS DO I HAVE:
ESSER and GEER: The LEA has the option to keep the applications as submitted or amend the applications.

ESSER Application
Approved: 9/15/2020

GEER Application
Approved: 8/30/2020

Scenario #3:
ESSER Approved after 9/9/2020
GEER Not Submitted

WHAT OPTIONS DO I HAVE:
ESSER: The LEA must amend the application and resubmit.
GEER: The LEA must use the amended process when submitting the application.

ESSER Application
Approved: 9/15/2020

GEER Application
Application NOT Submitted
The following slides are only for LEAs that need and/or want to amend or submit their applications.
AMENDED
Equitable Services Allocation Process

STEP 1

Invite ALL private schools who serve students who live within your attendance area to participate:

- Private Schools who are located within the LEA attendance area
- Private Schools who serve LEA students but are located outside the LEA attendance area
- Private Schools who are located Out-of-State (LEAs that border neighboring states)

Make sure to record all outreach on the Outreach Log – 3 ways using 2 methods is the minimum.

If you have confirmation from a prior ESSER and/or GEER Intent to Participate the amended form is not required.

Low-income data must be documented and attached to the Intent to Participate on file at the LEA.

This form must be used if you have not previously contacted one or more private schools.
Frequently Asked Questions

Question:
We do not have any private schools in our area. Why was my application returned?

Question:
The private school in our area did not want to participate. Why was my application returned?

Answer:

All LEA applications approved and/or submitted after September 9th were returned in order for LEAs to review their equitable services for private schools based on the requirements of Title I, Part A.
Methods of Calculating Poverty:

“A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by –

(A) using the same measure of low-income used to count public school children;

(B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;

(C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or

(D) Using an equated measure of low-income correlated with the measure of low-income used to count public school children.”

ESSA 1117(c)(1)
(C) Proportionality - Example

Private School Data must reflect student enrollment prior to March 13, 2020

- Private School Total Enrollment – 200

- Private School Students Residing in LEA – 100
  - Private School Students Residing in Title I Attendance Areas – 70
    - Students who qualify for School A (80% Poverty): 40 \((40 \times 0.80 = 32)\)
    - Students who qualify for School B (70% Poverty): 20 \((20 \times 0.70 = 14)\)
    - Students who qualify for School C (60% Poverty): 10 \((10 \times 0.60 = 6)\)
  - Private School Students NOT Residing in Title I Attendance Areas – 30

- Total # of Private School Students (Poverty Count): **52 students**
AMENDED Equitable Services Allocation Process

**STEPS 2 & 3**

Complete the AMENDED Private School Enrollment Survey using verified data from Private Schools.

<table>
<thead>
<tr>
<th>SCHOOL SYSTEM:</th>
<th>TOTAL <strong>LOW-INCOME STUDENT ENROLLMENT FOR LEA:</strong> 0</th>
</tr>
</thead>
</table>

**LEA Low-Income Student Data was pulled from the FY20 Title I, Part A Set-Aside Page in eGap.**

Please check box and return if there are **NO** private schools in your attendance area OR no private schools are participating in ESSER or GEER funding.

For each participating private school in your attendance area please provide the following information:

1. Name and address of each participating private school in your attendance area.
2. Total **low-income enrollment of each participating private school.**

**Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools.**

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**Total Number of Private School Students:** 0 0

LEA Low-Income Enrollment will auto fill once you select your LEA.

Amended Applications will not be processed without this form.

Email to sally.meek@alsde.edu
AMENDED
Equitable Services Allocation Process

STEP 4

YOU ARE REQUIRED TO CONSULT WITH ALL PRIVATE SCHOOLS WHO WISH TO PARTICIPATE IN ESSER OR GEER PROGRAMS.

POINTS TO CONSIDER DURING CONSULTATION:
• Discuss new methodology
• Calculation Process
• Data to be Collected and Verified
• Implementation Plan Revisions
Complete the AMENDED Equitable Services Implementation Form using data from the AMENDED Private School Survey.

This form must be completed and signed by both the LEA Representative and Private School Officials. This form is required if you have private schools participating.

Email to sally.meek@alsde.edu
Frequently Asked Questions

Question: What if I have submitted my application after September 9\textsuperscript{th} and I have no changes to the Equitable Services?

Answer: You will need to submit the following only:
   1. AMENDED Private School Survey
   2. Updated Signature Page

Question: What if I have already submitted my application but I have changes that are needed for Equitable Services?

Answer: We will provide additional guidance over the next few slides detailing the process.
Frequently Asked Questions

Question: What if I have not submitted an application?

Answer: Email your completed application using the revised equitable services guidance for review.

Question: What if I have an approved application prior to September 9th and do not want to make any changes?

Answer: Indicate in the chat that no changes will be made by your LEA (include LEA name). No further action is required.
AMENDMENT PROCESS FOR ESSER APPLICATIONS:

1) Update the Budget on page 2 of the ESSER application with any budget allocation changes.

- **NOTE:** The amount for equitable services should match the total amount from the AMENDED Equitable Services Implementation Form (including any overages due to the inability of retrieving some services from private schools).

<table>
<thead>
<tr>
<th>Function</th>
<th>Object</th>
<th>Program</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>Brief Description of Expenditure</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

2) Update the Equitable Services Assurance section on page 3 of the ESSER application to include the following information:
   - How will equitable service funds be used by the private schools?
   - How will timely and meaningful consultation occur with private schools?
   - What is the proposed timeline for services and assistance to be implemented by private schools?

   Provide a brief explanation of the following: How will equitable service funds be used by the private schools? How will timely and meaningful consultation occur with private schools? What is the proposed timeline for services and assistance to be implemented by private schools?
3) If you are allocating funds to an area already identified on the original LEA budget, no additional changes are needed.

4) If you are allocating funds for additional services to the application, update the following boxes:
   - How will the LEA determine the most important educational needs as a result of COVID-19? (page 1)
   - Which allowable activities will the LEA use ESSER funds to provide educational services? (page 2)
   - What is the LEA's proposed timeline for providing services and assistance to students and staff? (page 3)
   - How will the LEA use ESSER funds to promote remote learning? (page 3)
   For example: You did not allocate funds for PPE but now would like to purchase PPE.

5) Once all revisions are completed, please have the CSFO and Superintendent sign the application.

6) Email the amended ESSER application to CARESapp@alsde.edu for review and approval.
AMENDMENT PROCESS FOR GEER APPLICATIONS:

1) Update Private School Equitable Services Allocation on page 1 of the GEER application.

- **NOTE:** The amount for equitable services should match the total amount from the AMENDED Equitable Services Implementation Form (including any overages due to the inability of retrieving some services from private schools).

2) Update the LEA Allocations for Section B, Section C, and Section D on page 2 of the GEER application.
3) Update the Equitable Services Assurances Section on page 3 of the GEER application.

   - NOTE: Make sure to answer all 6 questions based on the Equitable Services Implementation Form.

   Provide a brief explanation answering the following questions:
   1) Were services from private schools accepted or refused in your LEA?
   2) If services were accepted by private schools, who accepted and what allocation did they receive?
   3) When did private schools in your LEA receive timely and meaningful consultation?
   4) What services will each private school receive and when will the services be implemented?
   5) How will GEER funds be used to improve remote learning services and support technical capacity and access at private schools within your LEA?
   6) If a private school administrative set-aside is being taken by the LEA, what is the allocation and how will it be used?

4) Update the Budget on pages 7 & 8 of the GEER application with any budget allocation changes.

5) If you are allocating funds to an area already identified on the original LEA budget no additional changes are needed.
6) If you are allocating funds for additional services to the application, update the following boxes:
   - 2B. Equipping School Buses with Wi-Fi Capabilities (page 4)
   - 2C. Additional Academic Supports to Bridge Learning and Achievement Gaps (pages 4-6)
   - 2D. Before/After School Tutoring (page 6)
   - How will the LEA plan for implementation and measure impact for effectiveness for purchases identified? (page 9)
   - What is the proposed timeline for providing services and assistance to students and staff? (page 9)

   For example: You did not allocate funds for PPE but now would like to purchase PPE.

7) Once all revisions are completed, please have the CSFO and Superintendent sign the application.

8) Email the amended GEER application to CARESapp@alsde.edu for review and approval.