

FEDERAL FUNDING FOR PRIVATE SCHOOL STUDENTS: CARES ACT & EQUITABLE SERVICES

What are equitable services? Since the mid-1960s, federal education aid has been directed in an equitable way toward helping all children in need, regardless of the type of school they attend. Private school students are eligible for a proportionate share of education funding for many federal education programs – the funds are used for services provided to private school students and teachers.

Are private school students eligible for services funded by the CARES Act? **YES!**

The [Coronavirus Aid, Relief, and Economic Security Act \(CARES Act\)](#) authorized two programs that provide equitable services:

- [Elementary and Secondary School Emergency Relief Fund \(ESSER\)](#) (\$13.23B) State educational agencies (SEAs) must allocate the ESSER funds to local educational agencies (LEAs), otherwise known as school districts.
- There [12 allowable uses](#) of the funds, including IDEA & ESEA activities, as well as **technology purchases for students, supplies to sanitize & clean schools, mental health services & supports, summer learning and afterschool programs.**
- [Governor's Emergency Education Relief Fund \(GEER\)](#) (~\$3B) flexible block grant that the Governor will allocate.

Are all non-profit private schools eligible? **YES!**

An LEA (school district) must offer to provide equitable services to students and teachers in *all non-public schools* located in the LEA, even if a non-public school has not previously participated in federal education programs, such as Title I, Part A or Title VIII of the Elementary and Secondary Education Act (ESEA).

What steps do private schools need to take to receive CARES Act-funded services?

- Determine which LEA (school district) your school is in by using [this search engine](#).
- Proactively reach out to your LEAs (school districts) and let them know you want to participate in all CARES Education Stabilization Fund programs. Ask when and how a timely and meaningful **consultation process** will take place to assure equitable participation for your students and teachers.
- During your consultation with the LEA:
 - Inform the LEA of the **number of students enrolled** in your school as of March 13, 2020. (The AZ, CA, and NV Departments of Education already have this information, and your numbers should already be reported in the private school directories. **(Make sure your contact information listed there is accurate)**.
 - Provide a **needs assessment** that describes what you will be seeking support for to assist teachers and students with remote learning, as well as what needs to be done to prepare your school for all students and teachers to return to a safe environment.
 - NOTE: Private schools are not limited to the same uses of funds chosen by LEAs for their own schools.
- Private school leaders should bring a copy of the U.S. Department of Education's CARES Act equitable services [guidance](#) and a copy of Sections 18002, 18003, and 18005 of the [CARES Act](#) (pages 284-288) to their consultations.
- The LEA likely will ask the private school to sign an affirmation that a meaningful consultation has taken place. The LEA will send the affirmation to the SEA (state department of education).

- If LEA is unresponsive, private schools should contact the state ombudsman responsible for monitoring and enforcing requirements regarding private school participation in federal education programs. State-by-state equitable services ombudsman directory is [here](#). However, in CA, please contact me directly so I can take your concerns to CAPSO's Exec. Director first.

How is the funding calculated?

An LEA uses enrollment data from private schools that have informed the LEA that their students and teachers will participate under the CARES Act programs compared to enrollment in public schools in the LEA to determine the proportional share.

EXAMPLE – DETERMINING THE PROPORTIONAL SHARE			
	Public	Non-Public*	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

*Non-public schools participating under the CARES Act programs.

Is a private school whose students and teachers receive equitable services under the CARES Act programs considered a “recipient of Federal financial assistance? NO

When will the consultations take place? ASAP!

The school districts are getting ready to allocate their CARES Act funding. The consultation must occur before an LEA makes any decision that affects the opportunities of private school students and teachers to receive equitable services.

What happens if the LEA disagrees with the private school’s CARES Act equitable services request?

According to U.S. Department of Education CARES Act equitable services guidance:

- If an LEA disagrees with the views of non-public school officials during consultation, the LEA must provide in writing to the private school officials the reasons why the LEA disagrees.
- **Private school officials have a right to file a complaint with the SEA;** the SEA must provide services directly or through contracts if requested to do so by non-public school officials and the SEA determines that the LEA did not meet applicable requirements.

CARES ACT

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

Public Law 116-136, 134 Stat. 281 (Mar. 27, 2020)

<https://www.congress.gov/bill/116th-congress/house-bill/748/text>

EQUITABLE SERVICES GUIDANCE

“Providing Equitable Services to Students and Teachers under the Coronavirus Aid, Relief, and Economic Security (CARES) Act Programs.” (April 30, 2020)

<https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf>