



**Michelle Doyle
Educational
Consulting**



Equitable Services and the CARES Act

Michelle Doyle Educational Consulting
for Catapult Learning
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- CEO of Equitable Services LLC d/b/a Michelle Doyle Educational Consulting
- Founded in 2001
- Focus: Equitable Services for Private School Students
 - Education Director for Office of Government Liaison USCCB
 - Director Office of Non-Public Education, ED
 - Catholic school assistant superintendent, principal and teacher

CARES Act

- Two programs require the equitable participation of private school students:
 - The Governor's Emergency Education Relief Fund (GEER Fund) = \$2.9B.
 - The Elementary and Secondary School Emergency Relief Fund (ESSER Fund) = \$13.3B.

Guidance

- The U.S. Department of Education issued guidance on the equitable participation of private school students under GEER Fund and ESSER Fund on April 30, 2020.
- Guidance is non-regulatory, provides clarity, does not have force of law.
- The guidance can be found at: <https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf>

Non-Public School

- Not-for-profit school.
- Elementary and secondary schools operating in accordance with state law.
- Operating as of March 13, 2020.

Responsible LEA

- The LEA in which the private school is located is responsible for providing equitable services to students and teachers.
- Under CARES, equitable services are generally available to all students or teachers in the private school located in the LEA; the LEA in which the school is located is closest and best able to meet student needs.
- CARES does not have a residency requirement, nor is it targeted specifically to low income, low achieving, etc.
 - Funds can be targeted for a specific purpose or population of private and public school student under the GEER fund, or through the SEA set aside of the ESSER Fund.

Control of Funds and Materials

- Control of funds for services and assistance; title to materials, equipment, and property purchased with such funds must be with a public agency.
- No funds may go directly to the private school.
- Services can be provided by the public agency directly or through contract.
- Services must be secular, neutral and nonideological.

Consultation

- The LEA where the private school is located is responsible for initiating the consultation process.
 - The LEA must contact all private schools located in the LEA, even if they are not currently participating in Title I or programs governed by Title VIII of ESSA.
- The LEA must consult during the design and development of the program and before the LEA makes any decision that affects the opportunity for private school students and teachers to participate in CARES-funded activities.

Reference to Section III7

- Section III7 of ESSA governs the equitable participation of private school students in the Title I program.
 - Title I generates the proportional share of funds based on private school students who are low-income and reside in Title I attendance areas.
 - Title I serves educationally needy students attending private schools and residing in Title I attendance areas.
 - BUT...

Application of Section III7

- The CARES Act may provide equitable services with CARES Act funds to any students and teachers in private schools, unless limited by a Governor under the GEER Fund or the SEA through its reservation under the ESSER Fund.
- The CARES Act makes the LEA where the private school is located responsible for providing equitable services.
- Services must be provided in a timely manner in comparison to services provided to public school students.

III7 Application, slide 2

- The ombudsman must monitor and enforce the equitable services provisions of the CARES Act.
- The LEA must determine the proportional share available for equitable services prior to any allowable expenditures or transfers. Administrative costs for administering the CARES programs for private school students must be reasonable and necessary.
- The LEA must obligate CARES funds in the fiscal year for which the funds are received by the LEA. The SEA must provide notice of the proportional share of funds to private school officials.

III7 Application, slide 3

- The LEA must conduct timely and meaningful consultation during the design and development of the CARES programs on relevant issues as outlined in Section III7. Consultation occurs before the LEA makes any decisions that affect private school students' opportunities under CARES.
- The consultation process has the goal of reaching agreement.
- If the LEA disagrees with the views of the private school officials during consultation, the LEA must provide a written explanation for the reasons why it disagrees.
- A written affirmation of consultation is required.

III7 Application, slide 4

- The consultation process must include a discussion of service delivery mechanisms.
- Private school officials have a right to file a complaint with the SEA and appeal it to the U.S. Secretary of Education.
- The LEA does not need to collect poverty data from private schools because the proportional share is based on enrollment.
- All students and teachers are eligible to receive equitable services under CARES.

Proportional Share

- The LEA must use the total allocation it receives under each CARES Act program to determine the proportional share.
- Services are available to all students—public and private—without regard to poverty, low achievement, or residence in a participating Title I public school attendance area.
- The LEA must use enrollment to determine the proportional share, which will contribute to the equitable treatment of children and teachers within the uses permitted in the statute by allowing all students and teachers to benefit from CARES.

Calculating the Proportional Share

	Public	Private	Total
Enrollment	1350	150	1500
Proportion	90%	10%	100%
Proportional Share GEER Fund	\$90,000	\$10,000	\$100,000
Proportional Share ESSER Fund	\$810,000	\$90,000	\$900,000

Funds for Each Private School

- After reserving funds for the administration of the program that are reasonable and necessary, the LEA would divide the remainder of the proportional share of funds available for equitable services by the total enrollment of participating private schools to determine a per pupil allocation (PPA).
- The PPA is multiplied by the number of students in the private school to determine that proportional share for the students in that school.
- Funds can be pooled and services provided based on need without regard to how the funds were generated.

Supplement not Supplant

- There is no provision under CARES that requires that the services provided supplement without supplanting services in public or private schools.
- Equitable services under CARES may benefit a private school, such as purchasing supplies to sanitize and clean the facility.

Recipient

- As with other federal education programs, when a private school participates in the LEA's program and its students receive equitable services, the private school is not considered a recipient of federal financial assistance.
- Therefore, certain federal requirement that apply to recipients of federal financial assistance do not apply to private schools whose students and teachers participate in the LEA's program.

Available Services

- The same offering of services available to public school students are available to private school students, even if the public school opts to focus on specific uses to meet its own students' and teachers' needs.
- Exceptions to this are targets determined for GEER Fund and SEA's set aside under ESSER Fund.

Services and Benefits—GEER

- Provide emergency support through grants to LEAs that the SEA deems most significantly impacted by coronavirus to support the ability of these LEAs to continue to provide educational services to their students and to support the ongoing function of the LEA. (Equitable services required).
- Provide emergency support through grants to institutions of higher education most significantly impacted by coronavirus. (No equitable services required).
- Provide support to any other institution of higher education (no equitable services required), LEAs (equitable services required), or education related entity (no equitable services required) within the state that the Governor deems essential for carrying out emergency educational services, including provision of early childhood education and child care, social and emotional support, and protection of education-related jobs.

Services and Benefits— ESSER

- Any activity authorized by ESEA of 1965, IDEA, Adult Education and Family Literacy Act, Perkins Act, and Title VIIB of the McKinney-Vento Homeless Act.
- Coordination of preparedness and response efforts of LEAs 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.
- Providing principals and other school leaders with the resources necessary to address the needs of their individual schools.

ESSER Services, slide 2

- Activities to address the unique needs of low-income 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.
- Developing and implementing procedures and systems to improve the preparedness and response efforts of LEAs.
- Training and PD for staff of the LEA on sanitation and on minimizing the spread of infectious diseases.

ESSER Services, slide 3

- Purchasing supplies to sanitize and clean the facilities of a LEA, including businesses operated by such agency.
- 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 IDEA, and how to ensure other educational services can continue to be provided consistent with all federal, state, and local requirements.

ESSER Services, slide 4

- Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the LEA 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.
- Providing mental health services and supports.

ESSER Services, slide 5

- 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.
- Other activities that are necessary to maintain the operation of and continuity of services in LEAs and continuing to employ existing staff of the LEA.

Determining Funding— GEER

- Not all LEAs will receive funding under GEER.
 - Discretion of the Governor.
 - Could go to IHEs or other education entities—no equitable participation.
- Specifically ask in consultation if the LEA in which your private school is located is receiving benefits from GEER.

Determining Funding— ESSER

- The proportional share of funds is determined on the basis of the number of students attending private schools in the LEA compared to all public and private school students attending schools located in the LEA.
- The estimate of a per pupil allocation, if all public and private schools participated in the ESSER Fund program, is \$235.
- $\$235 \times \# \text{ students in your school} = \text{ESSER allocation.}$
- This is only an estimate so that you have some idea of the potential scope of the program when you enter into consultation.

Funding Worksheet

CARES Funds	Calculation
ESSER Fund	\$2,500,000
Total public and private school enrollment	10,000 students
Private school enrollment/% of total enrollment	1000 students/10%
Proportional Share for Private Schools	10% of \$2,500,000 = \$250,000

School-Level Funding

ESSER Fund	Calculation
Proportional Share	\$250,000
Per Pupil Allocation	\$250
Students in Private School	150
Allocation for this private school	\$37,500

Use of CARES Funding— Academic Intervention

- Extend services under ESSA Titles I or IVA to reach more students or reach students more comprehensively.
- Initiate or continue online learning to complete the school year or for summer school.
- Provide principals with resources to meet the needs of special needs populations through distance learning and/or summer school.
- Provide special needs population with specialized services that extend IDEA Services Plans or provide services to these students that did not qualify for a Services Plan.

Use of CARES Funds— Student Support Services

- Extend counseling and mentoring services that were provided under Title I, Title IVA, or IDEA to more students or provide the services more intensely.
- Address special needs populations.
- Offer online counseling services for students particularly impacted by the coronavirus, particularly within communities of color.
- Provide online mental health services and support to individual students and their families.

Use of CARES Funds—PD

- Conduct professional development to assist teachers in implementing online learning effectively with their students.
- Offer training on sanitation and minimizing spread of infectious diseases.
- Planning and implementing online activities that focus on summer learning and online experiences.
- Connect with community resources such as through museums, botanical gardens, zoos, and other opportunities.

Use of CARES – Special Education

- Provide assistive technology, large print materials, and other compliant materials for students with disabilities to learn from home.
- Address the needs of special education student related to online learning.
- Train teachers to support special education students in an online format.
- Provide summer learning activities for special needs students.

Next Steps

- If the LEA in which your school is located has not contacted you yet, contact the LEA (if you know who to contact) or your State Ombudsman.
- Be sure your LEA contact has information on how to reach you when your office is closed so that there is not undue delay in beginning consultation.
- Review the consultation process, the topics that should be discussed, and be ready to articulate the needs of your students and how best you can meet those needs with CARES.
- Ensure that current year's funding for ESSA and IDEA are being expended appropriately. CARES does not negate current programs.

Questions?

- If your question was not answered today, or a question comes up as you work through the CARES process, email Michelle at
 - michelle.doyle.essa@gmail.com
 - Check out the Michelle Doyle Educational .Consulting Facebook page for updates and additional tips.
 - Refer to www.equitableservicesmdec.com for materials and a recording of this webinar.

THANK YOU!



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