

# The CARES Act ESSER Fund Equitable Services

John R. Payne, Deputy Superintendent

---

Molly M. Spearman – State Superintendent of Education

# Disclaimer

This presentation is designed to help you understand federal and state requirements related to equitable services for the ESSER subaward.

This presentation is *not a substitute* for reading the ESSER subgrant award, the program-specific assurances, the SCDE's Assurances and Terms and Conditions for Federal Subawards, and the applicable federal regulations for this subaward.

# Purpose

The purpose of this session is to provide information about the Coronavirus Aid, Relief, and Economic Security (CARES) Act, and specifically the funds provided by it under the Elementary and Secondary Schools Emergency Relief (ESSER) Fund and the requirements for equitable services to students and teachers in participating, nonprofit non-public schools.

# Equitable Services to Non-Profit, Non-Public Schools

LEA must:

- provide equitable services to students and teachers in any non-profit, non-public schools within their geographic service area
- provide an estimate of the proportional amount of funds it anticipates setting aside for this requirement
- to comply with CARES Act, Division B, Section 18005

Nonprofit, private school “means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section” (Section 18007)

# About Equitable Services to Non-Profit, Non-Public Schools

- a public agency *must* maintain control of funds for services and assistance provided to a non-public school;
- a public agency *must* have title to materials, equipment, and property purchased with subgrant funds; and
- services *must* be provided by a public agency directly, or through contract with, another public or private entity.

# Evidence of Equitable Services to Non-Profit, Non-Public Schools

LEA must

- provide evidence of meaningful consultation with officials of non-public schools in geographic area to be served on key issues relevant to equitable participation of eligible non-public school teachers and other education personnel in subgrant activities
- complete and submit Non-Public Schools Consultation Form to SCDE by **July 31, 2020**

# **Pooling Equitable Services using CARES ESSER Funds**

- Following consultation and agreement, an LEA may provide equitable services to children attending a non-public school that is part of a group of non-public schools (e.g., a group of schools under the authority of a single organization) by pooling subgrant funds generated by children in those schools.
- Likewise, following consultation and agreement, multiple LEAs may pool subgrant funds generated by children in a group of non-public schools.

# Dispute Resolution

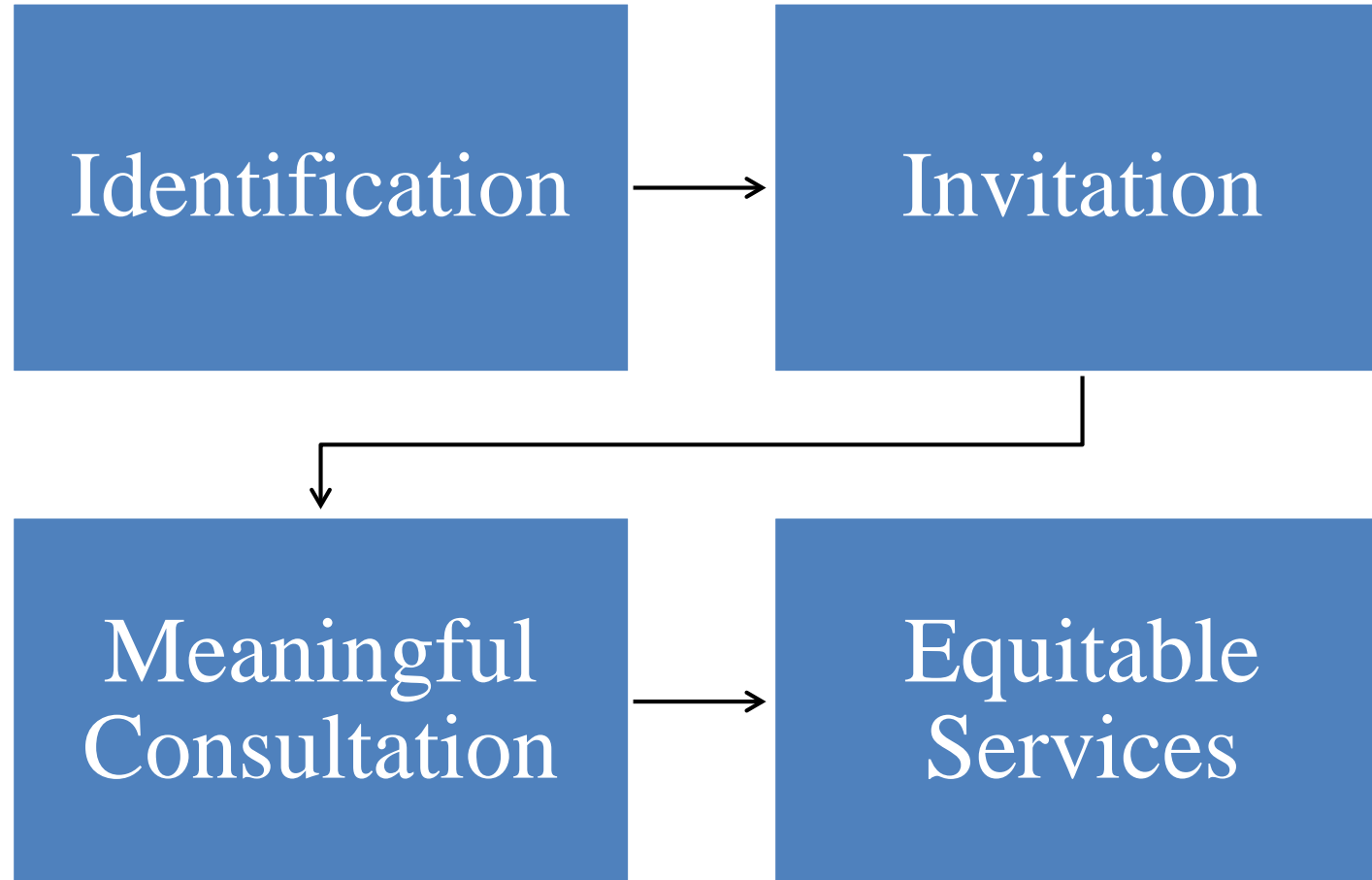
Any disputes between LEAs and non-public schools about equitable services will be facilitated by Theresa Gregory, SCDE's Equitable Services Ombudsperson  
[tgregory@ed.sc.gov](mailto:tgregory@ed.sc.gov).



# List of Private Schools

- SCDE collaborated with private school associations to identify list of private schools
- Posted online at [SC Private Schools List](#)
- SCDE does not guarantee this is an exhaustive list. Districts must ensure all nonprofit, private schools within their geographic boundaries are invited to participate in consultation and equitable services

# Equitable Services Process



# Identification

- Determine any nonprofit, private schools located within the geographic boundaries of the school district
- Private PreK-only programs are not included
- “For-Profit” private schools are not included
- District must serve the private school, and determine the proportionate share regardless of where the students attending it are from
- SCDE has identified a list of schools located online [here](#)
  - Not guaranteed to be an exhaustive list

# Invitation

- District must show good-faith documentation of inviting nonprofit private schools within their jurisdiction to participate in meaningful consultation
- Districts should document different methods of contacting (e.g., a letter and a call) if private schools do not respond
- If the nonprofit private school declines, districts should document
  - A private school that declines is not included in determining the proportionate share

# Meaningful Consultation

- Districts should meet with representatives of the participating, nonprofit private schools
- Districts and private school representatives should engage in a meaningful dialogue
- Districts should have determined total proportionate set-aside, and know the per-school proportionate share available
- Districts should explain the 12 funding categories and the limitations and requirements of the funds (e.g., fund-uses and allowability)
- Districts should document the meeting and the determination as to how each school's proportionate share will be spent

# Equitable Services

- Districts are required to provide directly, or through a third-party private or public entity/contract, equitable services
- No funds may go to the private school
- Districts own title to any materials, equipment, or other property, and must follow its policies and procedures with regards to inventory, as applicable
- Districts provide the equitable services to the extent that the proportionate share last
- Districts need to have documentation that shows how the proportionate share funds were obligated and expended for, or on behalf of, the private school, its students, and/or its teachers

# Proportionate Share - General

- The proportionate share for a participating, nonprofit private school is based on its enrollment, K-12
  - Regardless of where students reside
- The proportionate share is determined by a per-pupil calculation
- Districts need to keep the proportionate share funds separate and distinct for auditing and monitoring purposes
- When determining enrollment, districts should use, to the degree possible, comparable numbers when identifying public enrollment and private enrollment

# Proportionate Share - Methodology

1. Determine the enrollment for the public school district (K-12)
2. Determine the enrollment of students in any and all participating, nonprofit private school (K-12) within the district's geographic boundaries
3. Add those two numbers for a Total Enrollment
4. Using the ESSER allocation amount, divide by the Total Enrollment (#3) to get a per-pupil amount
5. Determine the amount of the proportionate share that is reasonable and necessary to administer the equitable services
6. Multiply the per-pupil (#4) amount by the enrollment of each participating, nonprofit private school to determine each private school's proportionate share amount for equitable services (less administrative costs\*)
7. Multiply the per-pupil amount (#4) by the total private schools enrollment (#2) to get the amount the district needs to budget (that is the total proportionate share for the district)



# Special Considerations

- Districts may use some of the equitable services funds for administrative costs as long as those administrative costs are reasonable and necessary for administering equitable services under the CARES Act programs
- Consumables/disposables (e.g., masks, shield guards, cleaning supplies) are allowable as long as the district purchases pursuant to its policies and procedures
- Districts cannot pay for private school staff salaries (Category 12) as no funds may go directly to the private school
- If technology (e.g., laptops) are purchased, districts own the property, must inventory, and keep an accounting pursuant to its inventory policies and procedures
- **NOTE** – many federal programs (e.g., ESSA Title I, Title II, Title III, IDEA) require equitable services. Equitable services requirements under those federal programs may differ, so districts should contact the SCDE program office with questions

# Non-Public School Consultation Form

- Documentation of meaningful consultation through Consultation Form
- Must be completed and submitted by July 31, 2020
- Online with ESSER Subgrant Application [website](#) or by clicking [here](#)
- If more than one private school, can add signature lines to page 2, or do one form per private school
- File name must distinguish district name
- Should be submitted to [scesser@ed.sc.gov](mailto:scesser@ed.sc.gov)

# Questions?

Please email [scesser@ed.sc.gov](mailto:scesser@ed.sc.gov)