**Private School Equitable Services**

**CARES Act: Focus on ESSER**

**Resources and Templates**

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# District Cover Letter to Private Schools

***(District sends this letter to all private Schools within their boundaries)***

[Date]

Dear Private School Administrator:

With the passing of the Coronavirus Aid, Relief and Economic Security Act, commonly referred to as the CARES Act, the Oregon Department of Education, in conjunction with the United States Department of Education, is requiring all local school districts to reach out to private, non-profit schools to inform them of this Act.

Specifically, a school district is to inform any private school within their boundaries of the possibility of participation in additional federal funding for the upcoming school year of 2020-2021. A private school does not have to have annually participated in Title Equitable Services in order to request CARES Act funding.

To indicate a desire to participate in this funding, please complete the *Private School Request for Participation in CARES Act* (attached) and electronically submit this document to your school district. You will be contacted by a school district representative to schedule a consultation meeting. If applicable, this discussion will be added to your Spring Consultation Agenda for Equitable Services,

Please review the attached documents to inform your participation decision:

1. CARES Act Request for Participation/Consultation Information for review
2. CARES ACT Guidance/FAQs

The deadline for your response to this letter is [\_\_\_\_\_\_\_\_\_\_\_\_\_**, 2020]**. The district will make further contact attempts if you are unresponsive two weeks after the initial contact deadline. A Non-Public School that does not respond will be considered a non-participating, absent good cause.

If your school does not desire to participate in the CARES Act equitable services for school year 2020-2021, please mark the appropriate box on the participation form and return to the school district.

Sincerely,

*[Name of Federal Programs Director]*

Federal Programs Director

*[Contact Email & Phone]*

# Private (Non-profit) School Request for Participation

**CARES Act - Elementary and Secondary School Emergency Relief Fund (ESSER-18003)**

*Please complete and return this form to the District Federal Programs Contact by the requested time.*

**Name of Private School:**

The school’s business model is:  Non-profit  For-profit *(not eligible for Title equitable services)*

The school regularly accepts Title Services:  YES  NO

| **Non-Public School Address:** |
| --- |
|  |

| **Non-Public School Representative(s):** |  | |
| --- | --- | --- |
| Name: | Title: | |
| Email: | Phone | |
| Signature: | | Date: |

**Participation Decision for CARES Act Funding:**

We **do not** intend to participate in *Sec.18003 of the* *CARES Act* funding for the school year of 2020-2021.

We **do** intend to participate in *Sec.18003 of the CARES Act* funding for the school year of 2020-2021. A consultation meeting will be arranged at a later date.

**Stop here and return this form by [DATE] to [School District]** via fax at [District Director Fax Number] or e-mail at [District Director’s Email Address]. If declining services, please make sure to sign the appropriate line above and return as well.

# Affirmation of Consultation

**With Private School Officials Regarding the CARES Act (ESSER) Funds**

**June 2020**

*The following consultation topics are part of the requirements under Section 1117 & Section 8501 of ESSA regarding timely and meaningful consultation with non-public school officials in conjunction with the Coronavirus Aid, Relief, and Economic Security Act, (CARES Act) requirements under Section 18005.*

*(a).IN GENERAL - A local education agency receiving funds under section 18002 and 18003 of this title (The CARES Act) shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.*

*(b) PUBLIC CONTROL OF FUNDS - The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in public agency and a public agency shall administer funds, materials, equipment, and property and shall provide such services (or may contract for the provisions of such services with a public or private entity).*

**Private School K-12 enrollment:**

List May 2020 enrollment in each grade and total at Private School (**do not include pre-K**).

K: \_\_\_\_\_ 1st: \_\_\_\_\_ 2nd: \_\_\_\_\_ 3rd: \_\_\_\_\_ 4th: \_\_\_\_\_ 5th: \_\_\_\_\_ 6th: \_\_\_\_\_ 7th: \_\_\_\_\_ 8th: \_\_\_\_\_ 9th: \_\_\_\_\_

10th: \_\_\_\_\_ 11th: \_\_\_\_\_ 12th: \_\_\_\_\_ Total: \_\_\_\_\_\_\_\_

**Programs that apply – Education Stabilization Relief Fund (18003):**

The following topics must be discussed during the ongoing consultation process; check to indicate that the topic has been discussed.

**Elementary and Secondary School Education Emergency Relief Fund ESSER (18003):**

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.).

(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.

Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

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.

Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies.

Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings 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 online 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 seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

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.

Providing mental health services and supports.

Planning and implementing activities related to summer learning and supplemental afterschool 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 local educational agencies and continuing to employ existing staff of the local educational agency.

**Non-Public School Official *(CHECK ONLY ONE):***

Timely and meaningful consultation was provided and a CARES program was designed during the consultation process. Additional consultation has been scheduled throughout the school year.

Consultation was not timely and meaningful and/or did not result in an equitable program of services to meet the needs of the non-public schoolchildren.

Timely and meaningful consultation was provided and I understand the eligibility requirements; however, I decline Education Stabilization Relief Fund (18003) services at this time.

If the non-public school officials do not agree that the above conditions have been met, they are encouraged to provide a written statement to the LEA specifying the reasons for their disagreement. Additionally, if the LEA disagrees with the views of the non-public school officials with respect to any of the issues described above, the LEA will provide the non-public school officials with a written explanation as to the reason for the disagreement.

1. The LEA maintains a signed copy of this written affirmation in its files; and
2. The LEA provides the non-public school official with a signed copy; and
3. The LEA sends a signed copy to the State Private School Ombudsman, Joni Gilles ([joni.gilles@ode.state.or.us](mailto:joni.gilles@ode.state.or.us)) per ESSA.

**District & School Officials Information:**

Public School District Name Public School Official Date

Private School Name Private School Official NPS Code

CARES Act Public School Official CARES Private School Official Date

# CARES Act (ESSER) Private School Planning Template

**ESSER Equitable Services Plan:**

1. For accountability purposes, each private school accepting a CARES Act allocation must develop and have approved by the school district a plan that includes the amount of allocation, needs assessment, allowable activities that meet the identified needs, and a budget and evaluation.
2. Consultation occurs between district and private school. The plan can be developed at that time or at a later date to allow the private school to discuss their plan with the school’s community.
3. Private schools may be asked to fill out a Technology Survey if technology services are a major component of their plan.
4. Once the plan is completed and approved by the school district, copies are distributed to each party. The plan does not need to be send to ODE---just the Affirmation of Consultation.
5. The ESSER funds end on September 30, 2021, and are intended for COVID 19-related activities/expenses beginning on March 13, 2019.

Please direct any questions about this form or associated materials to Joni Gilles, State Private School Ombudsman, at [joni.gilles@state.or.us](mailto:joni.gilles@state.or.us).

**ESSR: Equitable Services Planning Template**

**Contact Information:**

| **School District** | **Private School** |
| --- | --- |
| **District name**: | **Private School name:** |
| **District address:** | **Private School address:** |
| **District Representative:** | **Private School Representative:** |
| **Phone:** | **Phone:** |
| **Email:** | **Email:** |

| **Enrollment:** |  |
| --- | --- |
| **Total Enrollment**:  **Grades Served:** | **Total Number of low income students residing within**  **Title I school attendance area:** |

| 1. **Size and scope: Identify the private school’s amount of ESSER Equitable Share and how that amount is determined.** |
| --- |
|  |

| 1. **Identify whether single-school services will be provided, or whether a “pooling” plan will be in place:** |
| --- |
| Single-school services are being provided to this specific private school. |
| A “pooling” plan will be used, involving pooled funding for multiple private schools, all of whom agree to the pooling. Describe: |

| 1. **Describe the level of instruction currently provided to your students (distance, e-mails, packets, etc.).** |
| --- |
|  |

| **4a.) What has been the most significant impact of COVID-19 school closure on your school?**  **What specific needs have been identified by the private school?** |
| --- |
|  |

| **4b.) What services will be provided in response to these needs?** |
| --- |
|  |

| 1. **If applicable, describe where, when, by whom and how the assistance will be provided.**   **If applicable, identify whether services will be provided by school district personnel private school teachers in the capacity of school district personnel working outside normal school hours, third-party contractors or otherwise. Discuss possible options, if applicable.** |
| --- |
|  |

| 1. **If applicable, how will the identified services/assistance be evaluated? (Indicate data source).** |
| --- |
|  |

**Assurance:**

The private school agrees and assures that any use derived from equitable services will be secular, neutral and non-ideological.

| **Signatures**  **(A typed name counts as a signature.)** | **Date** |
| --- | --- |
| **\*District Representative Signature:** |  |
| **\*Private School Representative Signature:** |  |

# ESSER Activities

The list of suggestions below are not exhaustive. All CARES Act applications are subject to final review and approval through the Oregon Department of Education application process and must adhere to state and local COVID-19 restrictions.

**Consider both short-term and long-term needs in budget planning.**

* **Funding does not have to be used at only Title I served schools nor for only Title I eligible students.**
* **Activities allowed under any federal education grant such as IDEA, Title I, Title II, Title III, Title IV, 21st Century Community Learning Centers, Perkins, or McKinney-Vento, are allowed under CARES.**
* **Non-public school Activities must be non-ideological, secular, and neutral in nature.**
* **Fiscal rules of EDGAR and OMB apply as any other federal fund.**

| **Application Categories** | **Examples of Applications** |
| --- | --- |
| REMEDIATION Examples | * Activities to address gaps in learning that occurred due to school disruptions * Summer School * Funding can be used to support your local 21st Century Community Learning Centers Program activities * Staff and curriculum resources to start the school year early, lengthen the school day, or year * Additional teachers to provide intensive support once school has started * Additional support for students most in need, including students with disabilities, English learners, foster, homeless, migrant, low-income, etc. |
| TECHNOLOGY PREPAREDNESS Examples | * Additional devices * WiFi/Internet connectivity * Learning management systems * Professional development for educators to deliver eLearning * Offline course/material curation |
| CLREANLINESS Examples | * Additional Processional cleaning of schools to prepare for student return or maintain student and staff safety once buildings are open * Personal protective equipment (PPE) * Cleaning Supplies |
| SOCIAL-EMOTIONAL LEARNING Examples | * Additional funding of mental health partners for additional services to students (including students who do not have insurance or do not qualify for current services * Funding of support group for educators * Professional development on trauma responsive practices * Online platform for a social-emotional learning universal screener * Source of Strength, Hope Squad, etc., for student peer groups and support * Mental Health First Aid training, including coverage for substitutes * Increase EAP programming for educators to care for COVID-19 related trauma |

*Graphics and Examples Provided by:*

*The Indiana Department of Education*

# CARES Act: General Information and FAQ’s

**CARES ACT OVERVIEW:**

The CARES Act provides education funding to state education agencies and local education agencies to support schools as they are dealing with the effects of COVID 19. The CARES Act has two funds specific to K-12 education:

1. **Governor’s Emergency Education Relief Fund (GEER; 18002)**
   1. $2.9 billion nationally
   2. Administered by Governor
   3. Emergency support to districts most significantly impacted by COVID 19 (in the process of being determined)
   4. Eligible for equitable services
   5. More information is forthcoming
2. **Elementary and Secondary School Emergency Relief Fund (ESSER;18003)**
   1. $13.2 billion nationally
   2. SEA must allocate not less than 90% to districts:10% at discretion of Governor/SEA
   3. Eligible for equitable services

*The GOVERNOR’S AND SEA-RESERVE AWARDS MIGHT BE LIMITED TO DEFINED SUB-SETS OF STUDENTS/TEACHERS*

**Frequently Asked Questions:**

1. **Are private schools eligible for an equitable share of the CARES Act programs?**

Yes, private schools in Oregon are eligible for an equitable share of the CARES Act. They must have non-profit status.

1. **What is the definition of a private school?**

A private school in Oregon is defined as “including private or parochial schools providing courses of study usually taught in kindergarten through grade 12 in the public schools and in attendance for a period equivalent to that required of children attending public schools, as defined in [ORS 339.030 (1) (a)](https://www.oregonlaws.org/ors/339.030).

1. **What are the key dates in the CARES Act?**

The private school must have been in existence prior to the date of the qualifying emergency, which is March 13, 2020. Equitable services can be retroactive to March 13, 2020 if the activity is due to the impact of COVID 19 on educational services. The grant is for FY 2020-2021, ending September 30, 20121.

1. **Do the equitable share of the CARES Act funds go directly to the private school?**

No, the district must always maintain control of any federal funds as well as any materials or supplies purchased with these funds.

1. **Who initiates the consultation process?**

The local school district in which the private school is located is responsible for initiating the consultation process.

* + The district must notify the private school of the opportunity for their students and teachers to receive equitable services under the CARES Act programs.
  + The consultation may be done via phone conference, ZOOM, Teams or any other social media platform that is accessible.
  + The consultation must be timely and meaningful.
  + During the initial contact, the district explains the funding, allowable activities, and information they may need from the private school.
  + The district and private school administrators work together to design a plan addressing the needs of the private school created by COVID 19.
  + Electronic signatures are allowable.
  + A copy of the Affirmation of Consultation on the CARES Act equitable services must be signed by district and private school administrators.
  + A copy of the Affirmation must be sent to the Private School Ombudsman

(Joni Gilles at [joni.gilles@state.or.us](mailto:joni.gilles@state.or.us)).

1. **What responsibility does the district have in reaching out to private schools?**

The district must demonstrate a good faith contact effort to contact private schools within the district boundaries. If a private school does not reply or declines equitable services, the district has no further responsibility to provide CARES Act equitable services to that private school.

1. **Are private schools that have not previously participated in other Federal Program equitable services (i.e., Title I-A, Title II etc.) still eligible to receive CARES Act equitable services?**

Yes. A district must offer CARES Act Equitable services to every private school in the district, **regardless** of the private school’s past participation.

1. **What kind of documentation/application is required for a private school to receive equitable services?**

Because of the COVID 19 emergency, it is the goal of districts and ODE that equitable services be available as soon as possible. The goal is to balance expediency with accountability. A simple application may include the current status of the school (open, distance learning, closed, etc.), needs, allowable activities that address the needs, budget, and a final report.

1. **How would a private school be reimbursed if they have already paid for activities dating back to March 13, 2020?**

A private school can never be directly reimbursed. One solution is for the company that provided the services to reimburse the private school and then bill the school district directly.

1. **Can a private school request direct funding for equitable services?**

No. Equitable services are provided by the district or through a third party contractor with another public or private entity. The district maintains control of all CARES Act equitable services funds and retains ownership of equipment/materials/property.

1. **What happens to the materials/technology that have been purchased by the district as part of the CARES Act equitable services program on September 30, 2021-the end of the grant period?**

This question is being discussed at the U.S. Department of Education. More guidance will follow as soon as it becomes available.

1. **Are private schools allowed to pool their funds?**

If the individual private schools agree, an school district may pool funds among the agreed group of private schools to provide services to the pool based on need without regard to which private school generated which funds.

1. **Do the ESEA requirements that equitable services be secular, neutral and non-ideological apply to the CARES Act funding?**

Yes, Services must be secular, neutral and non-ideological.

1. **Do the supplement not supplant rules apply to the CARES Act equitable services?**

There is NO “supplement-not-supplant” requirement for CARES Act Equitable services. Services may benefit the private school itself, its general student needs, or its specific student needs: 34 CFR 200.66 does not apply.

1. **What services and benefits are available to private school students and teachers?**

In general, the same as those available to public school students and teachers: “A broad range of allowable activities” including 12 categories of use defined in 18003(d) of the CARES Act for ESSER funds, or 18002(c)(1) or (3) for GEER funds.

1. **What is the role of the ODE Private School Ombudsman?**

An SEA must use the ombudsman to monitor and enforce the requirements of CARES Act programs that a school district provide equitable services to students and teachers in non-public schools. The private school, if dissatisfied, may file a complaint with the SEA ombudsman.

**References:**

1. [CARES Act](https://www.congress.gov/116/bills/hr748/BILLS-116hr748enr.pdf)

Allowable activities (pages 285-287)

1. U.S. Department of Education Guidance: [Providing Equitable Services to Students and Teachers in Non-Public (Private) Schools Under the CARES Act Programs](https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf)