


**CARES ESSER PROGRAM
EQUITABLE SERVICES
Updates and Required Changes**

Rob Huffman - Grants Management Office
Jordan Varilek - Ombudsman

College, Career, Life Ready doe.sd.gov

1




CARES ESSER Program

- Please type your questions in the chat box. There will be time for questions at the end as well.**

College, Career, Life Ready doe.sd.gov

2




Original US ED Direction

- Issued Non-Regulatory Guidance
 - Based equitable services on public and private school enrollment counts
- Interim Final Rule (IFR)
 - Takes effect immediately – Included same method as guidance.

College, Career, Life Ready doe.sd.gov

3




Court Actions

- A US District Court vacated the US ED's IFR on September 4, 2020
- US ED can no longer enforce its IFR

College, Career, Life Ready doe.sd.gov

4


 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

US ED's Response

- September 25, 2020 issued policy letter.
 - Will not appeal decision
 - No actions will be taken against States or LEAs that followed the guidance/IFR prior to notice of court decision.
 - LEAs must recalculate the equitable services amount using the formula provided in Section 1117 of the ESEA (Title I Part A).

College, Career, Life Ready doe.sd.gov

5

 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

What is Title I Method

- Children counted are low-income students residing in the LEA's participating Title I schools & attendance areas.
- See the LEA's Consolidated Application's Title I School Selection Section Step 4
- For convenience, a Table with this information was pulled from the GMS and is being provided.
- The Private school count may vary from GMS table because it may not have provided a count if it didn't participate in the Title I program

College, Career, Life Ready doe.sd.gov

6

Example from GMS Identifying Title I Attendance Areas

Title I School Selection	Title I Attendance Areas	SW	TA	Not Served	Public Enrollment	Public Low Income	NonPublic Low Income	Public Low Income percent
2008 - Lincoln Elementary					254	157	0	52.47%
2011 - Lake Valley Elementary					345	218	0	63.19%
2009 - May Overly Elementary					362	160	0	44.20%
2005 - Simons Elementary					267	165	0	61.79%
1007 - Mike Miller Elementary					248	95	0	38.31%
2007 - Riverside Middle School					553	250	0	45.39%
Total for Served Schools					1989	735	0	40.61%

Do not include Title I Eligible schools not served

Public Low-Income Count

Possible Private School Count

College, Career, Life Ready doe.sd.gov


7

When is the Low-income Count

- The Title I Count is from a date in the prior School Year
 - SY 2019-20 count date from SY 2018-19, or
 - SY 2020-21 count date from SY 2019-20
 - The LEA can decide which SY to use after consultation with the private schools.
 - The private school count should approximate the LEA’s count date (provided on Count Table)

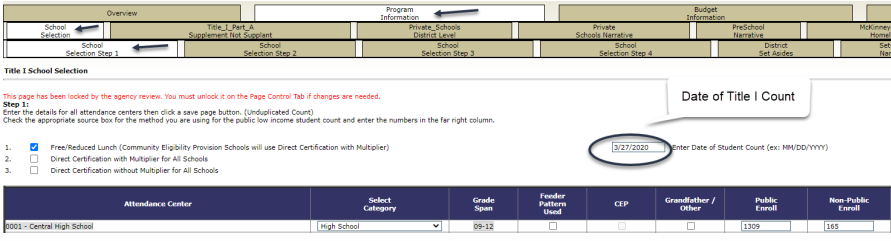
College, Career, Life Ready doe.sd.gov

8




Where do I find Title I Count Date?

- **GMS Title I School Selection Section Step 1**
- **Example from SY 2020-21 Application.**



College, Career, Life Ready
doe.sd.gov

9




Eligible Private Schools

- Those that existed on March 13, 2020
- Must be accredited
- ~~May now include private schools located outside the boundaries of the LEA.~~
- ~~Based on residency of enrolled students.~~
 - ~~Funds may flow to private schools outside the LEA~~

New 10/9/2020 - US ED issued guidance indicating the LEA in which the non-public school is located is responsible.

College, Career, Life Ready
doe.sd.gov

10


 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

What is a Title I eligible attendance area?

- The geographical area in which students reside that determines where they would be assigned if they attended a public school.
- Low-Income students counted
 - Enrolled in the public Title I school
 - Residing in the attendance area and enrolled in a private school.

College, Career, Life Ready doe.sd.gov

11


 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

How Do We Determine Low-income Students in Private Schools

- Consult with private school
- See Handout with US ED Title I Q & A from Title I Equitable Service Guidance
 - NSLP FRPL (Preferred)
 - Comparable Data
 - Proportionality (might be easiest if no NSLP)
 - Equated Measure

College, Career, Life Ready doe.sd.gov

12




Who decides which poverty method to use?

- The LEA decides which method it will use after consulting with the private schools.
 - The LEA cannot exclude simply because the private school does not participate in the NSLP.

College, Career, Life Ready doe.sd.gov

13




What if there are no resident low-income students from Title I attendance areas in a private school?

- The private school would not generate any funds for equitable services.
- Therefore, it would not be eligible for services.

College, Career, Life Ready doe.sd.gov

14


 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

Are ESSER services limited to low-income students?

- No, low-income counts are only used to determine equitable services amount.
- All students and their teachers are eligible to receive services.
- The private school does not need to participate in the Title I program to participate in ESSER.

College, Career, Life Ready doe.sd.gov

15

 south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

What should we do now?

- Consult with the Private schools as soon as possible:
 - On the new calculation method
 - Revised services, if appropriate
 - Obtain newly signed consultation forms.
- Amend or revise the ESSER applications on the GMS using the new method.
 - See GMS instructions provided.

College, Career, Life Ready doe.sd.gov

16

South Dakota DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

New Equitable Participation Table In the GMS ESSER Application

1. Enter Counts

2. Click Calculate Totals and Save at the Bottom of the Page

Forms Unlocked

College, Career, Life Ready doe.sd.gov

17

South Dakota DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

Revise ESSER Application


- Upload updated consultation forms.
- Revise “Intent and Purpose” and “Allowable Uses” as appropriate.
- Revise the budget if necessary.

This page has been marked Final by the state agency. You must contact the agency to have it unlocked if legitimate changes are needed.

Forms Unlocked

College, Career, Life Ready doe.sd.gov

18




College, Career, Life Ready doe.sd.gov

The LEA already spent some/all the private share, what do we do now?

- Review new calculations and compare to original amounts.
- Consult with private school on how to adjust services.
- Adjust remaining balances as best as possible.

19




College, Career, Life Ready doe.sd.gov

What if existing purchase orders/contract exceed new amount?

- Discuss option to reduce purchase order amounts, cancel or adjust contracts, etc.
- If unable to cancel or adjust, fully document the circumstances and attempts.
- Keep copy of US ED Guidance, and subsequent policy letters in records.

20




Is the LEA required to retrieve over provided items.

- No, unless directed by US ED or SDDOE.
- US ED has indicated that it will not take any action against States or LEAs that followed their guidance/IFR prior to notice of the court decision.
- The LEA should consult with its attorney if it wants to retrieve items previously distributed.

College, Career, Life Ready doe.sd.gov

21




Nonpublic Consultation

- Timely and meaningful
- With all eligible non-public schools with LEA resident children in Participating Title I Attendance Areas
- Upload documents to GMS

College, Career, Life Ready doe.sd.gov

22




south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

Reminder - Control of Funds

- The LEA must provide equitable services to the nonpublic school's students and teachers either directly or through a contract with a neutral 3rd party.
- Title to materials, equipment and property purchased must be with the LEA
- No funds may go directly to the nonpublic school

College, Career, Life Ready doe.sd.gov

23




south dakota
DEPARTMENT OF EDUCATION
Learning. Leadership. Service.

Application Deadline

- The application should be amended or resubmitted to include the revised equitable services amounts by October 31, 2020.

College, Career, Life Ready doe.sd.gov

24



Additional Questions?

College, Career, Life Ready doe.sd.gov