

THE CARES ACT AND NONPUBLIC SCHOOLS

What to know...and what you can do



MINNESOTA
INDEPENDENT
SCHOOL FORUM

Big picture – Two programs

- Governor's Emergency Educational Relief Fund (GEER)
 - \$3.0B
 - MN allocation - \$43.4 M
 - Distributed at the Governor's direction
 - Equitable participation component
- Elementary and Secondary School Emergency Relief Fund (ESSER)
 - \$13.3B
 - MN allocation - \$140M+

Big picture – ESSER Fund

- MN allocation - \$140M+
 - 90% (\$126M) must go to LEAs
 - Based on Title I counts, administered like Title II or IV – total student enrollment
 - Larger Title I LEAs will receive larger shares
 - 9.5% (\$13M+) SEA reservation
 - Meet certain needs for schools
 - Discretionary grants
 - 0.5% (\$700K) SEA administration
 - Funds can be obligated through 9/30/2022

Process and guidance

- US DoE has issued non-regulatory guidance...very clear on equitable participation for nonpublics in all programs
- MDE has not submitted application to US DoE (pending)
- Once app is approved, MDE will issue guidance
- Consultation with LEA should begin (likely weeks of 5/18 or 5/25)

Nonpublic participation

- The law requires equitable services be provided to nonpublic schools
- LEA where the nonpublic is located is responsible for initiating the consultation
- The law requires LEAs to conduct timely and meaningful consultation with ALL nonpublic schools in their LEA to meet the needs of nonpublic schools through equitable services - **this is separate from “regular” consultation**
- ALL nonpublic schools are eligible to participate, even if your school has not participated in federal title/education programs in the past
- The permissible uses of these funds are expansive and have wide flexibility

Nonpublic participation

- LEAs must document and submit evidence of consultation with nonpublic
 - Emails, phone, notes
 - 3 attempts required over a short window of time
- Must meet the unique needs of nonpublic schools
- Cannot make a blanket ruling or direction
- If LEA disagrees with nonpublic school during consultation, LEA must provide written explanation

Nonpublic participation

- LEA divides the remainder of the proportional share of funds available for equitable services
- Per the federal guidance, the reservation of administrative funds happens after calculation of the share for equitable services (5% max. admin fee at LEA level) must be same for public and nonpublic
- Determine a per pupil funding unit (PPFU)
- $PPFU \times \# \text{ of students} = \text{total } \$ \text{ available}$
- No “supplement, not supplant” language
- Same offering of services available to public schools are available to nonpublic schools, even if the LEA focuses on specific areas to meet their own needs

Nonpublic participation – make note

- Control of funds for services, title to materials, equipment, etc. must be with a public agency
 - Must consider maintenance and service costs/contracts
- No funds may go directly to a nonpublic school
- Services can be provided by public agency or through a contract (3rd party provider)
- Services must be secular, neutral and non-ideological

What you can do now

- Reach out to your LEA
 - Proactively inform your LEA about your interest in the Elementary and Secondary School Emergency Relief Fund (ESSER Fund). Make sure they have all your contact information.
- Make a list of needs – not mandatory – but something to document your thoughts and needs during pandemic
- Review the list of eligible uses <https://oese.ed.gov/files/2020/04/ESSERF-Certification-and-Agreement.pdf>
- **Do not sign the affirmation of consultation...**until you have discussed your needs with your LEA and agreed to the services and/or provisions that meet your unique needs.

Quick questions to start

- Can funds be used to pay employees?
 - Yes...but...if funds are paid to an employee, they become an employee of the LEA. They cannot be religious teachers (remember secular, neutral and non-ideological).
- Our school expended funds to deploy technology for distance learning. Can those be reimbursed?
 - Yes, perhaps. The date of applicable expenses and services is retroactive to March 13. Work with your LEA on ways to cover qualified expenses.

Quick questions to start

- Does this replace our current Title funds/programs?
 - No. This is an emergency relief program. These funds and services are totally separate from your normal annual Title programs – I, II-A, III, IV-A – however they could complement these programs.
- Will I lose Title funds/programs that we did not spend this year?
 - No. Both public and nonpublic schools are allowed to carryover unexpended funds. The unexpended nonpublic equitable share must follow the nonpublic school. In preparation, districts should be tracking spent/remaining equitable share for each nonpublic in their district boundaries

QUESTIONS?



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