GaDOE
CARES Act: ESSER
SEA Reserve

August 10, 2020
CARES Act: ESSER – SEA Reserve
GaDOE – CARES Act Equitable Services Staff Support

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State Ombudsman

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Federal Programs Specialist
**CARES Act: ESSER – SEA Reserve**

**Timeline Summary**

<table>
<thead>
<tr>
<th>Date</th>
<th>Event Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>07.23.20</td>
<td>GaDOE SBOE Approves Grant</td>
</tr>
<tr>
<td>08.10.20</td>
<td>GaDOE Provides Training to LEAs on Equitable Services</td>
</tr>
<tr>
<td>08.17.20</td>
<td>GaDOE Issues Grant Allocation Notification (GAN)</td>
</tr>
<tr>
<td>09.30.20</td>
<td>LEAs Submit:</td>
</tr>
<tr>
<td></td>
<td>• Proportionate Share Calculation Worksheet/Contact Attempt Form</td>
</tr>
<tr>
<td></td>
<td>• Consultation Form for Participating Schools</td>
</tr>
<tr>
<td>Ongoing</td>
<td>Budget Submission and Amendments</td>
</tr>
<tr>
<td>09.30.22</td>
<td>End of Grant</td>
</tr>
</tbody>
</table>

Based on 06.30.2020 Data
CARES Act: ESSER – SEA Reserve

CARES ACT STATUTE

ASSISTANCE TO NON-PUBLIC SCHOOLS SEC. 18005.

(a) IN GENERAL.—A local educational agency receiving funds under sections 18002 or 18003 of this title 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 a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).
CARES Act: ESSER – SEA Reserve
Federal and State CARES Act Regulations and Guidance

US ED CARES Non-Regulatory Guidance
US ED CARES Interim Final Rule
GaDOE CARES Equitable Services FAQs
GaDOE CARES Consultation Guide
**CARES Act: ESSER – SEA Reserve**

**CARES ACT: ESSER USE OF FUNDS**

1. Any activity authorized by the ESEA, IDEA, the Education and the Workforce Act, the Perkins Act, and McKinney-Vento Homeless

2. Coordination of preparedness and response efforts of schools with state and local public health departments, and other relevant agencies, to improve coordinated responses among schools to prevent, prepare for, and respond to coronavirus.

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

4. Activities to address the unique needs of low-income children or students, students with disabilities, English learners, social and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

5. Developing and implementing procedures and systems to improve the preparations and response efforts of schools.

6. Training and professional development for staff on sanitation and minimizing the spread of infectious diseases.

7. Purchasing supplies to sanitize and clean the facilities of a school, including buildings operated by the school.

8. Planning for and coordinating during long-term closures, including how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for complying electronic requirements under the ESEA and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

9. Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the school 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 assisting technology or adaptive equipment.

10. Providing mental health services and supports.

11. 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.

12. Other activities that are necessary to maintain the operation of and continuity of services and continuing to employ existing staff.

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**K-12 Enrollment Formula**

- LEA Controls Funds
- LEA Owns Equipment
- Consultation Required

**FOCUS ON HEALTH AND LEARNING**

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**Georgia Allocation**

457,109,652

**Minimum LEA Distribution**

413,452,067

**Maximum SEA Reservation**

45,716,065

**Maximum for SEA Administration**

2,285,049

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**ESSER Use of Funds**

 equitable services

OMBUDSMAN@DOE.K12.GA.US

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CARES Act: ESSER – SEA Reserve

CARES ACT: USE OF FUNDS FOR EQUITABLE SERVICES

Are all students and teachers in a non-public school eligible to receive equitable services under the CARES Act programs?

Yes. All students and teachers in a non-public school are eligible to receive equitable services under the CARES Act ESSER Fund. Unlike Title I, Part A, equitable services under the CARES Act programs are not based on residence in a participating Title I public school attendance area and are also not limited only to low-achieving students and their teachers. Equitable services under the CARES Act programs are much broader than under Title I, Part A. Equitable services under the CARES Act programs, by definition, may benefit a non-public school, such as purchasing supplies to sanitize and clean the facility, or all students in a nonpublic school, such as any activity authorized under the ESEA. Moreover, the CARES Act does not have a supplement not supplant requirement.
What Georgia private schools are eligible to receive CARES Act equitable services?

In accordance with the April 30, 2020 Equitable Services FAQs, all Georgia non-profit non-public elementary and secondary schools that

(A) are accredited, licensed, or otherwise operates in accordance with State law; and

(B) were in existence prior to the date of the qualifying emergency for the CARES Act programs. A for-profit non-public school is not eligible to receive equitable services for its students and teachers under the CARES Act programs. An LEA must offer to provide equitable services under the CARES Act programs to students and teachers in all non-public schools located in the LEA, even if a non-public school has not previously participated under Title I, Part A or Title VIII of the ESEA.

(Nonpublic schools do not have to be currently participating in ESSER to participate in SEA Reserve.)
CARES Act: ESSER – SEA Reserve

PRIVATE SCHOOL ELIGIBILITY

- **State Law**: In accordance with the Official Code of Georgia (O.C.G.A § 20-2-690), private schools who reported 2019-2020 attendance information to LEAs will be eligible. The list of schools can be found on the [Georgia Department of Education Website](https://www.gadoe.org). If your school is not listed, but submitted a DE1111 during the 2019-2020 school year, please reach out to the State Ombudsman Carly Ambler at ombudsman@doe.k12.ga.us.

- **Nonprofit Status**: Current nonprofit status will be verified using the [Georgia Secretary of State business search](https://www.corpstatega.com). If the school is registered/covered under another business, the school must provide foundational documentation to verify the relationship between the school and other organization and will require the legal business name of the umbrella business to verify nonprofit status.
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PRIVATE SCHOOL ELIGIBILITY

Verification of Nonprofit Status

O.C.G.A. Annual Private School Report of Students Enrolled
CARES Act: ESSER – SEA Reserve
PRIVATE SCHOOL ELIGIBILITY

Verification of Tax Exempt Status
The SEA will comply with all reporting requirements, including those in Section 15011(b)(2) of Division B of the CARES Act, and submit required quarterly reports to the Secretary at such time and in such manner and containing such information as the Secretary may subsequently require. (See 2 CFR 200.327-200.329). The Secretary may require additional reporting in the future, which may include:

• Methodology & proposed timeline for provision of services to public and non-public
• Use of Funds (Ex: devices, connectivity, services to disadvantaged population)
• How the LEA determined its educational needs
CARES Act: ESSER – SEA Reserve
Calculation and Contact Documentation

Factors Impacting Proportionate Share:
• Allocation Size
• Per Pupil Participation
• Administrative Set-aside

Documents must be submitted by LEAs to ombudsman@doe.k12.ga.us by September 30 or budget submission (whichever is first). The Proportionate Share Allocation Worksheet must also be uploaded to ConApp Attachments.
CARES Act: ESSER – SEA Reserve
CALCULATION AND CONTACT DOCUMENTATION

Example – DeKalb: $22,230 under ESSER → $1,364 under SEA Reserve

Statistics:
- Highest Allocation of LEAs Providing Equitable Services
- Serving 30 Private Schools (highest number)
### CARES Act: ESSER – SEA Reserve

**Calculation and Contact Documentation**

#### Example – Towns:

$8,566 under ESSER → $319 under SEA Reserve

<table>
<thead>
<tr>
<th>LEA Name</th>
<th>Towns County School District</th>
<th>For FY: 2021</th>
</tr>
</thead>
<tbody>
<tr>
<td>LEA’s Total CARES Act Allocation (Based on 2019-2020 Title I, Part A Formula)</td>
<td>$229,657</td>
<td></td>
</tr>
<tr>
<td>Total K-12 Enrollment of Private School (March 5, 2020 Count)</td>
<td>36</td>
<td></td>
</tr>
<tr>
<td>LEA’s total K-12 Enrollment in LEA (using FTE 2020-2021 data)</td>
<td>929</td>
<td></td>
</tr>
<tr>
<td>Total Enrollment Count of LEA and Private Schools</td>
<td>965</td>
<td></td>
</tr>
<tr>
<td>% of Private School Enrollment to Total Enrollment “Private School Proportionate Share”</td>
<td>3.73% 0.0373</td>
<td></td>
</tr>
<tr>
<td>LEA’s TOTAL Private Schools’ Proportionate Share for CARES Act Equitable Services</td>
<td>$8,566</td>
<td></td>
</tr>
<tr>
<td>LEA’s FY20 Private Schools’ Administrative % Agreed Upon with Private Schools and Total $ Amount</td>
<td>0% 0</td>
<td></td>
</tr>
<tr>
<td>Total Private Schools’ Proportionate Set-Aside for CARES Act Equitable Services</td>
<td>$8,566 $237.95</td>
<td></td>
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</tbody>
</table>

#### Statistics:

- Lowest Allocation of LEAs Providing Equitable Services
- Serving 1 Private School

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CARES Act: ESSER – SEA Reserve
Calculation and Contact Documentation

Example – Cartersville City:
$1,314 under ESSER → $2 under SEA Reserve

Statistics:
• Smaller Allocation for LEAs Providing Equitable Services
• Serving 1 Private School
• Lowest Total District Participating Private School Enrollment

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CARES Act FAQs

How long may equipment and supplies purchased with CARES Act funds and placed in a non-public school remain in that non-public school?

US ED has provided a response consistent with current federal regulations stating that equipment and supplies purchased with CARES Act funds for students and teachers in a non-public school may be used for the authorized purposes of the CARES Act for the period of performance April 2020–September 30, 2022. However, they may continue to be used until the equipment and supplies are no longer needed for the purposes of a CARES Act program or until they are no longer needed for other allowable purposes under another federal education program, such as the ESEA or the Individuals with Disabilities Education Act (IDEA). For the length of the time that the equipment is in use, the LEA must retain the title(s) to, and must maintain administrative control over, the equipment and supplies which includes at least annual inventory and consultation to verify use.
CARES Act: ESSER – SEA Reserve

CARES Act FAQs

May an LEA use CARES Act funds for repairs, renovation, or remodeling in a non-public school to address social distancing requirements?

No however, an LEA may provide equitable services in the form of non-permanent improvements in a non-public school, provided that these improvements are easily removable. This might include renting or leasing partitions, purchasing non-permanent desktop guards or non-permanent sneeze guards in close contact areas, purchasing additional desks and chairs to space students out and purchasing removable outdoor seating for classes.
CARES Act: ESSER – SEA Reserve
CARES ACT FAQs

May CARES Act: ESSER Funds be used to Cover the Cost of Salaries?

GaDOE advises LEAs and non-public schools to proceed with caution. All employment arrangements should be discussed in consultation and with the LEA’s CFO, HR, and/or Legal Counsel as needed to ensure compliance with federal regulations for control of funds, supervision, and IRS tax guidelines. In general, there are several tiers of allowability to consider:

• Stipends for staff to complete additional planning or attend professional development due to COVID-19 – This is already allowable under many federal programs and generally does not constitute any issues with supervision

• Paying a staffing agency to provide additional sanitizing of buildings or to pay for the services of a part-time nurse, substitute teacher or counselor to address COVID-19 related issues. Several of these examples can be found in the CARES Act statute under Use of Funds and in the US ED Q&A. These options allow the LEA to pay the staffing agency directly, thereby retaining control of the funds.

• Paying for the salaries of full-time teachers, teacher aides, substitute teachers, nurses, and custodians, etc. – These circumstances are much more difficult and require a case-by-case review. Federal regulations 34 CFR 76.660 says that the non-public employee must perform the services under public supervision and control. It would be difficult to accomplish this when assigned to the non-public school. Further the LEA would need to work with the non-public school to ensure the hiring process takes into considerations the restrictions of both public and non-public. This is generally not encouraged.
May CARES Act: ESSER Administrative Funds be Consolidated with ESEA Funds?

Yes. In accordance with US ED guidance released to states July 21, 2020 Sections 8201(a)(2) and 8203(a) of the Elementary and Secondary Education Act of 1965, as amended (ESEA) permit a State educational agency (SEA) and local educational agency (LEA), respectively, to consolidate administrative funds under certain ESEA programs. The Secretary may designate additional programs from which administrative funds may be consolidated. Under that authority, Assistant Secretary Brogan has designated the ESSER Fund as a program under which an SEA or LEA may consolidate administrative funds. The consolidated administrative funds may be used to administer the programs included in the consolidation as well administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation. An LEA may consolidate administrative funds under the ESSER Fund with the approval of the SEA.
CARES Act: ESSER – SEA Reserve

CARES ACT FAQs

<table>
<thead>
<tr>
<th>Are the following items of cost allowable under the CARES Act?</th>
<th>Yes</th>
<th>No</th>
<th>Pending ED</th>
<th>Reason</th>
</tr>
</thead>
<tbody>
<tr>
<td>Consumable cleaning equipment and supplies including: PPE, air filters, lightbulbs for HVAC sanitizing, air purifiers, handheld sanitizing sprayers</td>
<td>X</td>
<td></td>
<td></td>
<td>Alignment to Use of Funds 3, 7, 12 Supplies used to clean and sanitize buildings as a result COVID-19 are explicitly allowable in statute.</td>
</tr>
<tr>
<td>Installation of permanent equipment to mitigate the spread of Covid-19 including: HVAC systems, touchless sinks, touchless toilets, touchless water fountains, washer and dryer, permanent sanitizing stations</td>
<td></td>
<td>X</td>
<td></td>
<td>While GaDOE recognizes that the installation of these items would assist in mitigating the potential spread of germs, US ED has confirmed that regulatory restrictions prohibit the use of federal funds to repair, renovate, remodel, construct or permanently install equipment in non-public school facilities.</td>
</tr>
<tr>
<td>Modifications to and installation of equipment or materials in non-public schools including: Carpet replacement, plumbing installation, network cable installation, bathroom partitions, heating lamps, unified PBIS/behavior system, blinds, physical internet server, security cameras, affixed Wi-Fi extenders, permanent outdoor classroom fixtures such as concrete foundations and serving</td>
<td></td>
<td>X</td>
<td></td>
<td>While GaDOE recognizes that the purchase of many of these items would assist in addressing health and instructional concerns that have arisen as a result of COVID-19, US ED has confirmed that regulatory restrictions prohibit the use of federal funds to repair, renovate, remodel, construct or permanently install equipment in non-public school facilities.</td>
</tr>
<tr>
<td>Freestanding and removable items including: Portable sanitizing stations, removable sneeze guards, desktop partitions</td>
<td>X</td>
<td></td>
<td></td>
<td>Alignment to Use of Funds 3, 12 Purchase of items to promote the health of students while providing uninterrupted access to instruction appear to be allowable.</td>
</tr>
</tbody>
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Feedback - Ombudsman@doe.k12.ga.us

Please provide us with feedback by completing our short survey. The survey can be access by QR code or the abbreviated link below.

Open your phone’s camera and hold up until you can see QR code. Your phone will prompt you to access a website – allow access.

OR

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