

BVSD ESSER BRIEFING For Non-Public Schools (2020 CARES ACT)

Current 6.26.2020

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was enacted by the US Congress in March, 2020, and includes a \$30.75 billion national appropriation for an Education Stabilization Fund. The Education Stabilization Fund includes:

- **Elementary and Secondary School Emergency Relief Fund (ESSER)** (provides support for both public and non-public K-12 schools; administered by Colorado Department of Education)
- **Governors' Emergency Education Relief Fund (GEER)** (may be able to support for both public and non-public entities; is being administered by the Colorado Governor's Office)
- Higher Education Emergency Relief Fund (does not provide funding to either BVSD or local non-public K-12 schools)
- Corona Virus Relief Fund (CRF) (provides short-term support to public schools for immediate impacts of COVID through 12/2020; non-public schools are not included)

- Colorado has been allocated \$120,993,782 from the U.S. Department of Education from the ESSER Fund. The majority of this funding will be distributed to local education agencies (LEAs = school districts, BOCES). To read what the Colorado Department of Education has to say about ESSER link here: <http://www.cde.state.co.us/caresact/relieffund>

- The ESSER law establishes that **the amount that each LEA receives is based upon** the prior year's federal **Title I funds**. The level of Title I funding to LEAs reflects the number of children they serve whose family income is below the federal poverty level. About 21% of BVSD's students are low-income. In high-poverty schools, it is over 50%.

- BVSD has been allocated **\$1,527,577** under ESSER.

- The GEER Fund includes \$44 million for the entire state. BVSD has not been allocated funds under GEER. The majority of this funding will be distributed through a "P-20 Equity and Innovation Fund" – to address learning challenges related to the economic, social, and health impacts of COVID-19 in a manner that creates lasting innovations and improved student learning across both pre-K-12 and higher education. It appears that this will be a competitive grant opportunity focused on innovative use of technology in the classroom, with an RFP issued in August, with application deadlines in September and December. Nonpublic schools may be eligible for equitable-share services under GEER if BVSD applies for a grant.

- Boulder Valley School District must file an application with the Colorado Department of Education by December 31st, 2020, to secure ESSER funds. The application must show, in detail, how BVSD will spend the funds. GEER funding remains "TBD" until the Governor's Office issues more information.

Services To Non-Public Schools

- The CARES Act contains a clause providing for equitable services to students and teachers in non-public schools, administered by the local school district that serves the geographic area in which they are located. ESSER funding is available only to non-profit schools serving K-12th grade students (any of those grades), and meeting the Colorado definition of “school” (i.e. licensed as a business; offering an academic program, and not providing only a day care, tutoring service, enrichment activity, sports league, etc. See here for requirements: <https://www2.ed.gov/about/inits/ed/non-public-education/regulation-map/colorado.html>; and https://www.cde.state.co.us/choice/nonpublic_law). A school that serves preschool and kindergarten or other grades may be eligible, but based only upon the number enrolled in K,1,2 etc.
- As of spring, 2020, there were at least 98 non-public schools in BVSD’s attendance area. Under the ESSER guidelines, BVSD cannot add staff or charge for the cost of contacting, collecting information from, and working with all of these private schools. The district has only one person to facilitate the ESSER process with nonpublic schools, on top of regular responsibilities. Therefore, in order to give enough time and opportunity for all schools to establish eligibility and make their needs known, and all work to be accomplished, an extended communication and consultation period is required.
- **Under the law, non-public schools may not receive direct funding from the state or school districts under ESSER, nor payments from BVSD in reimbursement for costs already incurred.** In other words, no checks will be issued to non-public schools. Schools may receive goods or services only, that are provided/paid for/supervised by the school district. (This is the same as other federal funding programs, such as Title I).
- The district must contact and consult with schools regarding this opportunity, and the schools must provide information to establish their eligibility for support and their needs – both in a timely manner. It is up to the district to determine how this is accomplished. **This document, and links from it, will provide the information needed by the private school to determine whether they wish to participate, and to provide necessary information to BVSD to qualify for services.** Note that there are specific procedures and deadlines for this process.

HOW THE CONSULTATION WILL TAKE PLACE

- Consultation with BVSD will take place through two surveys. Schools will first submit information via an online survey to establish their eligibility. Part of this survey (Section 3b) is to be completed offline and submitted via email. If eligible, schools will then provide information in a second survey regarding their needs and preferences for the goods/services to be provided.

HOW NON-PUBLIC SCHOOL NEEDS/SERVICES WILL BE IDENTIFIED

- The level of service to a non-public school is determined by the number of students they enroll. Large schools may receive substantial services; small schools relatively less. Additional criteria may apply (see below).

- The CARES Act states that LEAs that receive funds from ESSER must provide equitable services to students and teachers in non-public schools “in the same manner as” they do with Title funds. Under Title I, districts provide “equitable services” to non-public school students and teachers by allocating a proportionate share of Title funds to non-public schools for services, which are provided by the district. Recent updates from the USDOE direct local education agencies (LEAs) to calculate the proportionate share for equitable services to nonpublic schools based on how they intend to use ESSER funds within their districts. LEAs that intend to use their ESSER funds to support all schools must base the calculation of equitable services based on the total population of students in public and non-public schools in the LEA. If the LEA intends to use their ESSER funds only for Title I schools, then the calculation for equitable services must be based on the proportion of eligible students in poverty in the Title I attendance areas. Only a few BVSD schools receive Title I funds – but 40-100% of their students are low-income.

BVSD does not yet know how the district will use its ESSER funds. Therefore, we are collecting information through which nonpublic schools may be able to establish eligibility in either scenario (i.e. BVSD serves all of its schools; OR, BVSD services only its Title I schools).

- If BVSD provides services to only its Title I schools/students, then services to a private school will be based upon the total count of BVSD students who are low income and live in the attendance area of a Title I school, PLUS the total number of students from local non-public school students who are low-income and live in the attendance area of a BVSD Title I school.
 - Example: BVSD has 2,000 such students; participating private schools 100. BVSD’s \$1.5 million will be divided by 2,100 to determine the per-pupil amount to make allocations – in this case about \$715/student. A private school that has 5 children meeting the criteria would receive services valued at 5 x \$715, or \$3,575. (This is a realistic example, based upon experience with Title I.)
 - The attendance areas of the following BVSD Title I schools will be used to establish the eligibility of private school students under this interpretation of ESSER: **Alicia Sanchez, Columbine and Emerald elementary schools.**
- If BVSD serves all of its students with ESSER funds, then services to a non-public school will be based upon the total count of public and private school students in BVSD’s service area.
 - Example: BVSD has 29,000 K-12 students; 75 participating private schools have 8,000 students. The \$1.5 million is divided by 37,000 – all parties would get about \$40/pupil. A school with 500 K-12 students could receive services valued at \$20,000; a school with 20 students, \$800.
- Under Colorado law, nonpublic schools are required to report their enrollment information to their local school district upon request. However, there is no requirement for any school to participate in ESSER services. Schools can complete only Sections 1-2 of the Eligibility Survey, and then decline services, if they do not wish to be considered for services under Colorado’s rules, or believe that they have no qualifying students. Obtaining ESSER services will require time and effort immediately and over time on the part of a nonpublic school.
- As stated above, non-public school needs will be determined through a Needs Assessment survey. Read below to see the types of expenses that might be covered by BVSD on behalf of a non-public school.

Timeline/Process

June 26, 2020	BVSD posts this information and ESSER Eligibility Survey for non-public schools at its web site
June 26, 2020	BVSD first mailing to all known local schools
July 14, 2020	BVSD second mailing to all known local schools
August 14, 2020	DEADLINE for non-public schools to complete ESSER Eligibility Survey (Parts 1 and 2 required for all; Part 3 optional)
September 14, 2020	Schools that complete the ESSER Eligibility Survey will receive an emailed response from BVSD, notifying them of their eligibility and the level of service available to their school, and if eligible, access to a Needs Assessment Survey
October 30, 2020	DEADLINE for eligible non-public schools to submit the BVSD ESSER Needs Assessment Survey indicating the services that they need/ would like to receive
December 30, 2020	DEADLINE for BVSD to submit full ESSER application to CDE with all participating private school services included
January, 2021 (approx.)	CDE approves BVSD ESSER application
February, 2021 (approx.)	Services to non-public schools begin – only after CDE approval
December, 2021	End of ESSER grant period – all services end

- Schools that do not submit the Eligibility Survey by August 14th will be considered to have waived ESSER services. Late submissions will not be considered.
- Eligible schools that do not submit the Needs Assessment Survey by October 30th will be considered to have waived ESSER services. Late submissions will not be considered.
- Schools that have ceased operation, or which close prior to the delivery of ESSER services, are ineligible for support.
- BVSD may refuse or terminate services to any school that fails to provide adequate documentation, fails respond to email communication in a timely fashion, or otherwise fails to act in good faith throughout the eligibility/needs assessments/service period.

Services That A School May Request

A local educational agency that receives funds under ESSER may use the funds for any of the activities listed below. By extension, eligible local non-public schools may establish the need for, and request any of these as services. BVSD will consider all such requests that are, in practice, deliverable and do not place an unreasonable administrative burden on the school district. Services must be non-sectarian (religious and political).

(1) 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.). *(Please use a Google search to find information about these programs)*

(2) 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.

(3) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools. *Note that reimbursement of a school for staff salaries, or direct payment of salaries to nonpublic school staff does not appear to be possible. We have queried CDE about this, and so far been not been provided with a process that would allow it. BVSD could make a direct payment of rent, utilities, subscriptions, textbook costs, or similar costs if the district can be directly invoiced.*

(4) 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.

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

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

(7) Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

(8) 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.

(9) 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.

(10) Providing mental health services and supports.

(11) 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. *If instructors are paid on a contract basis for extended learning opportunities, these can be paid under ESSER if BVSD can be directly invoiced.*

(12) 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.

ELIGIBILITY SURVEY

- This is online, except for one portion (Section 3b) containing confidential information that is to be filled out offline and sent to BVSD by email. This section is optional – schools that do not wish to be considered in a scenario in which only Title I schools/students are served do not have to submit this section.

- The extent to which each school completes the survey is up to them. As stated above, this may impact eligibility.

INFORMATION NEEDED FOR ELIGIBILITY SURVEY

- Contact information for the school (name(s), address, email, phone.
- Whether the school is nonprofit
- Grade levels served
- Enrollment numbers in the school as of October, 2019, by grade level
- Information regarding how the school determines the income level of students (if collected)
- Names or SASIDS, addresses, grade level, and income status of students living in the attendance area of Columbine, Emerald or Sanchez elementary schools

Questions

If, after reading this carefully, you have urgent questions, please submit via email only. BVSD does not have the capacity to take telephone calls, but will initiate them if urgently required. However, email is best because it creates a permanent record of the question and answer, to which both parties may refer at any time. Send email to: bee.wallace@bvsd.org.

Further Information

If additional information becomes available to BVSD it will be posted at this page, marked "Update". Schools are responsible for becoming and remaining informed regarding all applicable laws, regulations, rules and procedures governing ESSER funding.