

PROCESS FOR DETERMINING EQUITABLE SERVICES ALLOCATION:

OLD PROCESS: "An LEA uses enrollment data in non-public schools whose students and teachers will participate under the CARES Act programs compared to enrollment in public schools in the LEA to determine proportional share." (*PROVIDING EQUITABLE SERVICES TO STUDENTS AND TEACHERS IN NON-PUBLIC SCHOOLS UNDER THE CARES ACT PROGRAMS, April 30, 2020, 10B*)

NEW PROCESS: "Expenditures for educational services and other benefits to eligible private school children shall be equal to the proportion of funds allocated to participating school attendance areas based on the number of children from low-income families who attend private schools." (*ESSA Section 1117(a)(4)(A)(i)*)

For ESSER and GEER applications that were approved prior to September 9, 2020, LEAs have the option to recalculate equitable services based on Title I, Part A (ESSA 1117(a)(4)(A)) or leave the application as originally submitted to the Alabama Department of Education (ALSDE).

It is extremely important for LEAs to collaborate when deciding which equitable services allocation to use with ESSER and/or GEER funds. This includes the recommendation that each LEA consult with their leadership team and board attorney before making decisions regarding equitable services.

Here are a few items to consider prior to moving forward with the new equitable services allocation process which is outlined in *ESSA Section 1117(a)(4)(A)* based on the September 4, 2020 U.S. District Court for the District of Columbia order vacating the Interim Final Rule (IFR):

1. Determining the Number of Eligible Private School Children
 - LEAs must work with private school officials to obtain poverty data about the enrolled students at each private school.
 - Methods of calculating eligible private school students according to ESSA – "A local educational agency shall have the final authority, consistent with this section, to calculate the number of children, ages 5 through 17, who are from low-income families and attend private schools by –
 - (A) using the same measure of low income used to count public school children;
 - (B) using the results of a survey that, to the extent possible, protects the identity of families of private school students, and allowing such survey results to be extrapolated if complete actual data are unavailable;
 - (C) applying the low-income percentage of each participating public school attendance area, determined pursuant to this section, to the number of private school children who reside in that school attendance area; or
 - (D) using an equated measure of low income correlated with the measure of low income used to count public school children." *ESSA 1117(c)(1)*
 - We recommend utilizing the Equitable Services documents when determining the updated private school equitable services calculations. If you choose to move forward and amend your application all [AMENDED private school documents](#) will be required to be completed. If you have any questions, please reach out to Sally Meek at sally.meek@alsde.edu or (334) 694-4516.
2. Services already purchased with ESSER and/or GEER funds for private schools.
 - When deciding whether to amend your application, you should consider whether services for private schools can be returned to the LEA. According to U.S. Department of Education on [September 25, 2020](#), they will not take action against any state or LEA that followed the initial guidance prior to the notification of the court's ruling (September 9, 2020). Here are some additional items to consider when discussing which equitable services method to use:
 - (A) Type of services provided. (For example: consumables, hardware, technology, professional development, etc...)
 - (B) Challenges related to services already provided to private schools.
 - (C) Challenges changing POs for services that have been purchased but not provided to the private school.
 - (D) Challenges to changing contracts for services provided to private schools.
 - (E) Relationships with private school officials.
 - (F) Impact on the entire community.

- If you choose to move forward and amend your application, you will be required to recalculate the equitable services allocation for all private schools that would like to participate with ESSER and/or GEER funds. It is likely that the amount available for services to each private school will change from the initial amount and services may have to be cancelled and/or returned to the LEA. It is also possible that some services cannot be returned, and LEAs will need to plan accordingly when revising their budgets. We strongly encourage all LEAs to consult with their board attorney for advice on how to proceed.
3. Consultation with Private School Officials
- Consultation with private school officials is extremely important when determining services that the public school will provide to the private school. Even though each LEA consulted with private schools for the initial application process for both ESSER and GEER, this consultation must occur again if the LEA decides to use the Title I formula for the equitable services allocation.
 - When consulting with private schools, ESSA requires the following – “To ensure timely and meaningful consultation, a local educational agency shall consult with appropriate private school officials during the design and development of such agency’s programs under this part. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, the results of which agreement shall be transmitted to the ombudsman designated under subsection (a)(3)(B).
ESSA 1117(b)(1)
 - If you choose to move forward and amend your application, the [AMENDED Equitable Service Implementation Form](#) will meet the requirements for the initial consultation.



If your LEA chooses for the equitable services calculations to remain the same, no further action is required.

If your LEA chooses to move forward with changing the equitable services calculations, the next section will provide more assistance on amending the ESSER and/or GEER applications.

- 2) Update the Equitable Services Assurance section on page 3 of the ESSER application to include the following information:
- How will equitable service funds be used by the private schools?
 - How will timely and meaningful consultation occur with private schools?
 - What is the proposed timeline for services and assistance to be implemented by private schools?

Provide a brief explanation of the following: How will equitable service funds be used by the private schools? How will timely and meaningful consultation occur with private schools? What is the proposed timeline for services and assistance to be implemented by private schools?

- 3) If you are allocating funds to an area already identified on the original LEA budget, no additional changes are needed.
- 4) If you are allocating funds for additional services to the application, update the following boxes:
- How will the LEA determine the most important educational needs as a result of COVID-19? (page 1)
 - Which allowable activities will the LEA use ESSER funds to provide educational services? (page 2)
 - What is the LEA’s proposed timeline for providing services and assistance to students and staff? (page 3)
 - How will the LEA use ESSER funds to promote remote learning? (page 3)
- For example: You did not allocate funds for PPE but now would like to purchase PPE.
- 5) Once all revisions are completed, please have the CSFO and Superintendent sign the application.
- 6) Email the amended ESSER application to CARESapp@alsde.edu for review and approval.

AMENDMENT PROCESS FOR **GEER** APPLICATIONS:

- 1) Update Private School Equitable Services Allocation on page 1 of the GEER application.
- **NOTE:** The amount for equitable services should match the total amount from the AMENDED Equitable Services Implementation Form (including any overages due to the inability of retrieving some services from private schools).

<p>A. Private School Equitable Services Allocation</p> <p>NOTE: Use the Private School Equitable Services Implementation Form for this section.</p> <p><input type="checkbox"/> The LEA has no private schools in their attendance area <input type="checkbox"/> The LEA has private schools but ALL declined to participate in CARES Act GEER funding <input type="checkbox"/> The LEA has private schools that will participate in CARES Act GEER funding</p> <p>Complete the section below only if you have private schools that will be participating in GEER funds:</p> <table border="1"> <tr> <td>Total LEA GEER Allocation</td> <td></td> </tr> <tr> <td>Total LEA Private School Allocation</td> <td></td> </tr> <tr> <td>Total LEA Private School Administrative Costs Set-Aside</td> <td></td> </tr> <tr> <td>Total # of Private Schools Participating</td> <td></td> </tr> <tr> <td>Total Student Enrollment at the LEA</td> <td></td> </tr> <tr> <td>Total Student Enrollment at ALL Participating Private Schools</td> <td></td> </tr> </table>		Total LEA GEER Allocation		Total LEA Private School Allocation		Total LEA Private School Administrative Costs Set-Aside		Total # of Private Schools Participating		Total Student Enrollment at the LEA		Total Student Enrollment at ALL Participating Private Schools	
Total LEA GEER Allocation													
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- 2) Update the LEA Allocations for Section B, Section C, and Section D on page 2 of the GEER application.

<p>B. Equip school buses with Wi-Fi capabilities to increase internet connectivity and help bridge the digital divide within the LEA.</p> <p>LEA Allocation for Section B: _____</p> <p><input type="checkbox"/> The LEA will use the allocation above for equipping school buses with Wi-Fi capabilities. <input type="checkbox"/> The LEA will not use this allocation for equipping school buses with Wi-Fi capabilities.</p> <p>Complete the section below only if your LEA chooses not to use this allocation:</p> <p>Reason/Rationale: _____</p> <p>We will transfer this allocation to:</p> <p><input type="checkbox"/> Academic Support to Bridge Learning and Achievement Gaps of Students (C) Amount to be transferred: _____</p> <p><input type="checkbox"/> Before and After School Tutoring for Learning and Remediation in Schools (D) Amount to be transferred: _____</p>	<p>C. Provide additional academic support to bridge learning and achievement gaps of students within the LEA.</p> <p>LEA Allocation for Section C: _____</p> <p><input type="checkbox"/> The LEA will use the allocation above for providing additional academic support to students. <input type="checkbox"/> The LEA will not use this allocation for providing additional academic support to students.</p> <p>Complete the section below only if your LEA chooses not to use this allocation:</p> <p>Reason/Rationale: _____</p> <p>We will transfer this allocation to:</p> <p><input type="checkbox"/> Equipping School Buses with Wi-Fi Capabilities (B) Amount to be transferred: _____</p> <p><input type="checkbox"/> Before and After School Tutoring for Learning and Remediation in Schools (D) Amount to be transferred: _____</p>	<p>D. Provide before and after school tutoring as defined in the Alabama Literacy Act for learning and remediation in schools within the LEA.</p> <p>LEA Allocation for Section D: _____</p> <p><input type="checkbox"/> The LEA will use the allocation above for providing tutoring to students. <input type="checkbox"/> The LEA will not use this allocation for providing tutoring to students.</p> <p>Complete the section below only if your LEA chooses not to use this allocation:</p> <p>Reason/Rationale: _____</p> <p>We will transfer this allocation to:</p> <p><input type="checkbox"/> Equipping School Buses with Wi-Fi Capabilities (B) Amount to be transferred: _____</p> <p><input type="checkbox"/> Academic Support to Bridge Learning and Achievement Gaps of Students (C) Amount to be transferred: _____</p>
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3) Update the Equitable Services Assurances Section on page 3 of the GEER application.

- **NOTE:** Make sure to answer all 6 questions based on the Equitable Services Implementation Form.

<p>Provide a brief explanation answering the following questions:</p> <ol style="list-style-type: none"> 1) Were services from private schools accepted or refused in your LEA? 2) If services were accepted by private schools, who accepted and what allocation did they receive? 3) When did private schools in your LEA receive timely and meaningful consultation? 4) What services will each private school receive and when will the services be implemented? 5) How will GEER funds be used to improve remote learning services and support technical capacity and access at private schools within your LEA? 6) If a private school administrative set-aside is being taken by the LEA, what is the allocation and how will it be used?
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4) Update the Budget on pages 7 & 8 of the GEER application with any budget allocation changes.

3A. Equitable Services			
			Total Section A Allocation
Expense Items	Brief Description of Expense Items	Funding Source (Function - Object - Program)	Estimated Budget Amount
Private School Allocation	See Detailed Narrative in Section 2A		
Private School Admin. Costs	See Detailed Narrative in Section 2A		

3B. Equipping School Buses with Wi-Fi Capabilities			
			Total Section B Allocation
Expense Items	Brief Description of Expense Items	Funding Source (Function - Object - Program)	Estimated Budget Amount
Wi-Fi Equipment			
Indirect Costs			
Other (if applicable)			

3C. Additional Academic Supports to Bridge Learning and Achievement Gaps			
			Total Section C Allocation
Expense Items	Brief Description of Expense Items	Funding Source (Function - Object - Program)	Estimated Budget Amount
Salaries			
Benefits (if applicable)			
Classroom Supplies (including print materials)			
Transportation (if applicable)			
Indirect Costs			
Other (if applicable)			

3D. Before/After School Tutoring			
			Total Section D Allocation
Expense Items	Brief Description of Expense Items	Funding Source (Function - Object - Program)	Estimated Budget Amount
Salaries			
Benefits (if applicable)			
Classroom Supplies (including print materials)			
Transportation (if applicable)			
Indirect Costs			
Other (if applicable)			

5) If you are allocating funds to an area already identified on the original LEA budget no additional changes are needed.

- 6) If you are allocating funds for additional services to the application, update the following boxes:
- 2B. Equipping School Buses with Wi-Fi Capabilities (page 4)
 - 2C. Additional Academic Supports to Bridge Learning and Achievement Gaps (pages 4-6)
 - 2D. Before/After School Tutoring (page 6)
 - How will the LEA plan for implementation and measure impact for effectiveness for purchases identified? (page 9)
 - What is the proposed timeline for providing services and assistance to students and staff? (page 9)

For example: You did not allocate funds for PPE but now would like to purchase PPE.

7) Once all revisions are completed, please have the CSFO and Superintendent sign the application.

8) Email the amended GEER application to CARESapp@alsde.edu for review and approval.