CARES Act Equitable Services: Choosing the Method

On July 1, 2020 the US Department of Education issued new regulations that require local education agencies (LEAs) to use one of three methods to determine the private school equitable services set-aside from CARES Act Education funds. These regulations are supplemental to existing CARES Act requirements, and must be used to determine which methodology an LEA may use to calculate the set-aside for all ESSER flow-through and ESSER-SPED funds.

LEAs that elect to use **ALL** ESSER funds to **ONLY** support Title I buildings may, in consultation with the private schools, select one of three methodologies to determine the amount ESSER funds to reserve for services that support private school students.

LEAs that elect to use **ANY** portion of ESSER funds for services to non-Title I buildings must use the methodology that utilizes the total student enrollment in all participating private schools.

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**LEA Receives ESSER or ESSER-SPED Grant**

- **Providing ANY Supports to Non-Title I Schools**
  - Use total enrollment in participating* private and public schools.
    - 34 CFR 76.665(c)(ii)

- **Providing Supports ONLY to Title I Schools**
  - Use proportional share of Title I, Part A funds calculated for the 2019-2020
    - 34 CFR 76.665(c)(i)(A)
  - Use count of children ages 5-17 in poverty, who attend each participating* public and private school
    - 34 CFR 76.665(c)(i)(B)
  - Use total enrollment in participating* private and public schools.
    - 34 CFR 76.665(c)(ii)

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* Participating private schools means *any* private school that chooses to participate in ESSER or ESSER-SPED equitable services after timely consultation. A private school need not receive equitable services under other federally funded programs to participate in ESSER or ESSER-SPED equitable services.

** LEAs that choose to only serve Title I schools must apply the supplement not supplant rule 34 CFR 76.665(c)(3).

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