

Questions and Answers

CARES Act Webinar

November 13, 2020

Can Cares Act monies be used for reimbursement for prior COVID related expenses already paid?

The project period for the CARES Act monies runs from March 13, 2020 through September 30, 2022. Any costs incurred during that time could be covered using these monies. In regard to non-public schools, the LEA must retain public control of funds at all times.

How to pay for the expenses related to the non-public schools that we need to allocate money to. If the other school would like to pay for salaries with their allocation, can they just invoice us? Or does the public school district need to pay for any of the non-public school district allocated expenses directly? For example – when non-public school districts want textbooks, the public school orders and pays for them, and then gives them to the other school.

The LEA must retain public control of funds and cannot pay the non-public school directly. For example, the LEA could enter into a third party agreement with a teacher and pay the teacher to provide services; or an LEA could purchase textbooks on behalf of the non-public school. The LEA would need to apply their inventory and control procedures prior to distribution of materials to the non-public school.

I have a nonpublic in my area to which I have 5 students that attend that are low income. The non-public wants to use the funds they are entitled to for salaries, however, if I understand it correctly, I am not supposed to be paying the non-public directly. Any idea if there is guidance as to how this is supposed to be handled, and how I enter it on my budget document as well.

The LEA cannot pay a non-public school directly for the salaries of staff. The LEA can enter into third party agreements with the non-public school teachers or could employ the non-public school teacher directly.

Since we can't pay the private schools directly, how do they get their allocation for the program services that they checked?

Supplies or services procured for the provision of equitable services would need to be purchased through the LEA then distributed to the non-public schools according to the LEAs inventory and control procedures. The LEA would not be able to reimburse non-public schools for expenses directly (i.e. send a check to the non-public school). For instructional expenses, the LEA can contract with individual teachers at non-public schools through a third-party contract; or the LEA could hire the non-public school teacher to be assigned to that non-public school, or the LEA can contract with an entity which employs teachers who would then be deployed to the non-public schools. Public control of funds must be maintained at all times.

Can you review how to calculate the per pupil amounts for non-public schools?

The per pupil for non-public students is calculated by taking the total allocation and dividing it by the number of low-income district resident students who reside in Title I attendance areas. This process is included in the application process through SED.

At this time, we only have 1 student going to a non-public school out of our district. In fact, we are the only school in our district. Since this student is not a low-income student, am I correct in my understanding that therefore no funds would go to the non-public school that he attends?

That is correct. The non-public school can only generate funds from your LEA by having a low-income district resident student that resides in a Title I attendance area. The LEA should engage the non-public school in meaningful consultation to make the determination that the student does not meet the low-income requirement.

It is our understanding that for GEER and ESSER-these funds will be allocated to eligible school districts using the relative shares of grants awarded under Title I, Part A of the ESEA for the most recent fiscal year (2019- 20). Is it accurate to state that if we previously consulted with in district and out of district non-publics and they did not accept and/or qualify for equitable share of Title 1 funds (during the 19/20 Consolidated Grant application) , then there is not an obligation to share GEER/ESSER funds. If that is the case, is there a need to consult/fill out a consultation form for this funding stream.

There is an obligation for the LEA to engage in timely and meaningful consultation with all non-public schools serving district resident students, specifically related to the CARES monies. LEAs are required to provide equitable services to students and teachers in non-public schools serving district-resident students, even if the non-public school has not previously participated under Title I, Part A or Title VIII of the ESEA.

Do homeschool students count in any manner for these grants?

No, they do not. Homeschools are not considered a nonpublic school.

How do you verify the non-public school's count of low income students?

If non-public school officials assist an LEA in obtaining data necessary for the LEA to determine the proportional share—e.g., by providing data on children from low-income families who reside in a participating Title I public school attendance area and attend the private school—the non-public school must maintain relevant data not provided to the LEA in their files. If LEA officials or auditors, as appropriate, wish to review the data, they may do so at the non-public school. The type of data that must be retained by the non-public school will depend on the method an LEA decides to use, after timely and meaningful consultation with private school officials, to determine the poverty count of private school children. Examples of data that might need to be retained include student addresses, survey forms completed by families, or scholarship information. If there is significant question regarding the count coming from the non-public school, you can consult with SED.

If our non-public schools do not collect or report FRPL or low-income students, is it correct to apply our district's percentage to their number of district resident students?

Who is to be included in the count for non-public students?

Parentally placed special education students?

District placed special education students?

Students that attend BOCES?

Students that attend school outside of New York?

Many non-public schools do not collect FRPL information. The district can apply the proportionality to the non-public school through the consultation process. Regarding the who is counted, it is all low-income district resident students residing in a Title I attendance area who attend non-public schools, regardless of how they were placed in the non-public school.

If the non-public school has already incurred expenditures for PPE, can we reimburse them? Is it correct that expenses for non-publics cannot be reimbursed? If they already purchased supplies such as chromebooks, can they provide the District with a paid invoice and then bill us to be reimbursed?

Generally, the non-public school may not be reimbursed because the LEA needs to maintain public control of funds. However, there may be circumstances where a vendor for the non-public school might agree to reverse the charges and then bill the LEA directly for those purchases. The LEA cannot pay the non-public school directly.

If the project dates begin 3/13/20 how will the district pay for a past expense for non-public?

SED is available to assist LEAs with on a case by case basis in order to figure out solutions. One way an LEA may be able to resolve this issue would be having the non-public school vendor provide a refund to the non-public school and then re-bill the LEA in order to alleviate the issues regarding control of public funds.

We must reach out to each non-public school our resident students attend and get an assertion from them that they are either entitled to the funding or not. Can you please explain what should be in the communication we send to those non-public schools and what specifically we should be asking them?

Generally, the message could be as follows: "We understand that your non-public school is serving students residing in our district. You may be eligible for CARES Act funding, please contact us so we can discuss the process for determining low income student eligibility."

Do we use 2019-20 Title I numbers or 2020-2021?

The data to be used is subject to consultation with the non-public schools. Whatever data source the LEA decides on, the numbers from the nonpublic and the school district must be from the same date range.

For Title I purposes, only one of our buildings is designated as a Title I. Is "low-income enrollment" determined by the TOTAL enrollment at this building, or should we use our latest district wide FRPL counts?

Please use the total low-income student enrollment for only the Title I schools.

Title I funds are not provided to nonpublic students that don't live in Title I attendance area. For CARES Act funds do they just need to be low-income or do they need to be low-income and residing in a Title I attendance area?

The students need to be both low-income and residing in a Title I attendance area.

Is this funding guaranteed to each district in the amount of their allocation as long as they submit their application by the due date?

Yes, the allocation is guaranteed. Extension requests have been granted.

What do you mean by title I attendance area - is that the district or the school that receives title I monies?

A Title I attendance area is the geographic catchment area of any school designated as a Title I school.

Do we need to consult with 853 schools as well?

Yes. 853 schools are considered non-public schools in New York and must be engaged in timely and meaningful consultation.

We had one parochial school in our district which closed effective June 30, 2020. Do we still have to allocate funds to them? If so, we would only be able to reimburse them for past expenditures from 3.13.20 to 6.30.20. Under the original guidance, I thought we weren't supposed to reimburse non-public for past expenditures. So, how can we best get them their share of funds?

The non-public school should be engaged in timely and meaningful consultation even if it closed on June 30, 2020. If there are barriers to consulting with the non-public schools, NYSED can help assist in navigating these barriers. SORIS@nysed.gov can provide assistance with reaching out. Regarding reimbursing the non-public school, the LEA needs to retain public control of the funds and can not pay the non-public school directly. Alternate options to accommodate costs incurred can be explored. For example, a vendor could refund the non-public school and bill the LEA.

As the public district already determined low income students in each non-publics to complete the Title I grant, is all that they need to do is check with each non-public that has low-income children to see if they want to participate and then do the necessary consultation if the nonpublic wants to participate?

The LEA must reach out to all of the nonpublic schools that serve district resident students. The LEA then will consult with the non-public to determine if it serves low income district resident students.

Is the expiration date for the funds still 12/31/20? I've noticed that the federal site still states expiration of 12/31/20. Do funds need to be spent before this date or can it be invoiced?

The project period is from March 13, 2020 to September 30, 2022 for encumbrance of funds. You have until the end of October 2022 to completely liquidate the funds.

How do we apply for an extension if we need more time to complete consultations with non-public schools?

You can email their mailbox at caresact@nysed.gov requesting an extension. Please include the date by which you can complete the application so that it can be adjusted within the application portal.

If the Governor/State used the CARES Act funds to backfill the pandemic adjustment, why do we now need to apply for the Aid that was essentially part of the district's original budget?

The application requirements are a result of the federal CARES Act grant statute.

If we send out a consultation letter to a non-public with a respond by date and we don't receive a response by that date, is that sufficient evidence of consultation? What if they respond after the respond by date expires indicating they want to participate, can they be excluded?

A reasonable respond by date can be used by school districts. However, if a deadline is approaching and you haven't heard from a non-public school, you should reach out using an alternate method of communication. If a district has substantial documentation substantiating a good faith effort to consult with the non-public school and the non-public school was non-responsive then the non-responsive non-public school can be excluded from calculations.

Is the need to contact the non-publics limited to only those IN our district's geographical area? In other words, if we have students going to a school outside of our district footprint do we have to reach out to them, or only non-publics IN our district geographical area?

This is one of the big changes in the requirements from the statute to the guidance and back to the statute. LEAs must reach out to all non-public schools serving district resident students regardless of the non-public school's location.

Are school districts required to obtain a written affirmation from private schools if no low-income students attend the private school?

SED encourages all non-public schools serving district resident students be engaged in timely and meaningful consultation to confirm the low-income student enrollment numbers. The written affirmation from these non-public schools serves as confirmation that process has occurred.

How quickly should we expect to get approval on the CARES application once it is submitted?

It depends on the status of the application. There have been some applications sent back for revisions which impact the review timeline.

If our Title I is only for our elementary students, does that exclude high school non-publics?

It could. It depends on the grades served in those elementary schools and the grades served for the non-public schools.

What kinds of schools are included in the category of nonpublics? Private, charter, etc?

Charter LEAs have received their own allocation under the ESSER program. There is no obligation to share funds with charter schools under the CARES Act. Private nonprofit, 4201, 853 are the eligible non-public schools. Non-public schools do not need a BEDS code to be eligible for CARES Act funding.

Once the per pupil amount is calculated through the formula in the application, to determine how much each non-public would be eligible for when you are consulting with them, you would multiply the amount per pupil times just the number of low income students in that school - not all of their students, correct?

There is flexibility on the manner in which equitable services can be provided. It can be provided to number of total students, or low-income student population. This is to be determined through the consultation process.

Can we use funds in our budget to purchase PPE with either GEER or ESSER funding?

Yes. That is an allowable expense under either of those funding sources.

Low income students NOT living in Title I attendance areas are NOT eligible correct?

Low-income students that do NOT live in Title I attendance areas are not included in the calculations for equitable shares for non-public schools. However, they could be eligible for the services as CARES funds may be used for the benefit of all teachers and students.

If a district doesn't use Title I funds for HS, then all non-publics HS aren't eligible as they are in a Title I eligibility zone?

Correct, as long as the grades served are the same.

What about students attending non-public schools located in other states? I am sending SPED students to CT, NJ, MA and Utah?

If district resident students attend non-public schools located in another state, those non-publics could be eligible for funds and must be consulted with.

Clarification needed....to calculate the per pupil amount we use only students who are low income living in Title I attendance areas - but ALL low income students are eligible? - if so is that only for non-pubs? How is that possible when the allocations are based on our Title One applications?

The calculation is based on low-income students residing in Title I attendance areas. However, all students and teachers can benefit from the CARES Act funding. You are able to use the CARES act funding (as determined by the calculation) across all school buildings regardless of Title I status.

For payment for non-public employees, could we perhaps pay toward their employee benefits rather than pay for the employee directly?

No. You cannot pay a non-public school directly for benefits for non-public employees.

I have no students enrolled in a private school that would have attended our title I school. Does that mean I do not have to consult with the other private schools as they are different grades?

LEAs are required to consult with all non-public schools serving district resident students. If a non-public school does not serve any district resident students, then there is no obligation to engage in consultation.

Is there a NYS listing of 853 and 4201 schools to verify we've covered all schools?

There is a listing of 853 schools on the SED Special Education website <http://www.p12.nysed.gov/specialed/privateschools/home.html>

Do we need to initiate consultations with section 4410 service providers?

No. 4410 schools are not eligible for CARES funding.

We have only 1 elementary, 1 middle school and 1 high school. The elementary school is the only Title 1 school and has approximately 150 low income students. Do we use that number for our total low income, or do we include the low income students in the MS and HS as well (since they live in the title 1 area)?

You would only use the counts of the low-income students from the Title I school (the 150 students).

Are nonpublic schools for parentally placed special education students eligible for Cares funding?

Yes, all non-public schools are eligible for equitable services under the CARES Act regardless of how the student is placed in that non-public school.

So for an example in the non public listing of my district resident students- I have 3 students in one nonpublic Before I reach out to the non public I should check those 3 students against my title I attendance area. If none of those students are in title I attendance area- I do not need to consult with that non pub?

The LEA should engage the non-public school in consultation to confirm the residence of those students.

Do you have a sample letter we could use to correspond with the private schools?

SED has a sample letter for GEER/ESSER funds that could be modified to be used for the CARES Act funding.

Out of District Non-public Schools:

http://www.nysed.gov/common/nysed/files/private_school_letter_of_intent_out_of_district-1.docx

In District Non-public Schools:

http://www.nysed.gov/common/nysed/files/private_school_letter_of_intent_within_district-1.docx

In question #3 of the application (School Served) section, would we include all 10 of our public schools or just our 6 Title I schools for number of public and non-public schools serviced?

The number of public schools that are benefiting from CARES Act funding as well as the number of nonpublic schools participating in the funding should be included.

Because these funds were originally included in the state aid income and we now must do FS-10. Will these funds be recorded in the A General Fund or Special Aid Fund?

The comptroller has decided that they would be recorded in the General Fund. There is a new account code for these funds.

Are Amish schools eligible to participate in this program?

Yes. All nonpublic schools are eligible and subject to consultation.

If a non-public school submitted the Title I Written Affirmation and noted that they have no eligible Title I students and they refuse to sign the CARES ACT Written Affirmation form can we submit page 2 from the Title 1 form with the email from the non-pub in lieu of the CARES Act form?

No. They are separate grant programs. Evidence of good faith effort outreach to the non-public schools can be uploaded in the event the non-public school is nonresponsive. The LEA can also reach out to SED to discuss options on getting the non-public schools to sign the CARES Act form.

How do we claim for reimbursement? Will we submit FS-25 and then Final FS-10F? When would the FS-10 be due if the grant period ends 9/30/22?

The drawdown will be through the FS-25 process. The FS-10F would be due at the end of October 2022. A final expenditure report can be submitted as soon as the draw down has been completed.

Do the expenditures have to be for items above the original budget, since the budget was developed assuming the CARES Act funding was a revenue (StateAid) backfill?

There is no supplement / supplant provision within this program. It does not need to go above the original budget.

Would purchases for Temperature scanners be allowed?

Yes.

Are these grants going to be part of the Federal Single Audit?

Yes.

Is it ok to pay for a cleaning service that the non-public school utilizes for their facilities?

Yes, this is an allowable expense.

Do you have to use the same equitable share methodology for each private school, or can an LEA make a best determination on a private school by private school basis?

The method of determining eligibility is subject to consultation. A district may utilize different methodologies with different non-public schools.

For private schools, do the funds from other public district with students enrolled flow through the public district of location similar to the title grants?

The delivery of services is subject to consultation with the non-public schools. If agreed upon during the consultation, an LEA can contract with the district of location to provide services to the non-public school.

We are a nonprofit adult education nursing program operating under a BOCES are we eligible for this?

No, this type of program would not be eligible for CARES Act services.

If funds are not paid directly to non-public schools how is that LEAs can reimburse expenses from March 2020 to date?

A non-public school, LEA and vendor can work together to re-issue invoices for goods and services. The LEA can then pay for the outstanding balance(s) on behalf of the non-public school.

What are some options for non-publics to determine low income student other than Free/Reduced applications?

The date of the data used is subject to consultation. The method by which students are identified as low income is a matter to be discussed in consultation with the non-public schools. Consistent with 1117, the ESEA requires an LEA to determine an accurate count of children from low-income families who attend public and private schools and reside in participating Title I public school attendance areas in order to allocate the proportional share. With respect to private school students, the ESEA permits an LEA, based on timely and meaningful consultation, to use:

1. The same measure of poverty used to count public school children. If the same measure of poverty used to count public school children is available for private school students (e.g., FRPL data) and an LEA concludes, after consultation with appropriate private school officials, that the data will yield an accurate count of private school students, the Department recommends that the LEA use the same measure.
2. Comparable poverty data from a survey and allowing such survey results to be extrapolated if complete actual data are unavailable. An LEA may use a survey to obtain poverty data comparable to those used for public school students. To the extent possible, the survey must protect the identity of families of private school students. (ESEA section 1117(c)(1)(B)). An LEA should not require that the private school officials give the names of low-income families. The only information necessary for an LEA to collect from such a survey of private school children is—
 1. verification of residence in a participating Title I public school attendance area;
 - (2) grade level and age of each child; and
 - (3) income level of parents. If, based on consultation with private school officials (see A-9), an LEA chooses to extrapolate the survey results to the private school's entire enrollment, the LEA will also need the private school's enrollment. For example, in a private school with an enrollment of 400, if an LEA receives survey data for 300 children that indicate that 150 children are from low-income families (50 percent), to extrapolate the results the LEA would multiply 400 by 0.5 to determine that there are 200 children in the school from low-income families.
3. Comparable poverty data from a different source. An LEA may use poverty data for private school children that are from a different source than the data it uses for public school children so long as the income threshold in both sources is generally the same. For example, an LEA uses FRPL data, but private school children do not participate in the free and reduced-price lunch program; however, private school officials are able to provide an LEA with a count of children who are from low-income families using other comparable sources of poverty data such as eligibility for means-tested tuition scholarship programs.
4. Proportionality. An LEA may apply the low-income percentage of each participating Title I public school attendance area to the number of private school children who reside in that school attendance area to derive the number of private school children from low-income families. To do this, an LEA will need the addresses, grade levels, and ages of those students attending private schools. For example, if the percentage of poverty in a public school attendance area is 60 percent and there are 50 private school children residing in the public school attendance area, the LEA

5. would derive 30 private school children from low-income families who reside in the attendance area.
6. An equated measure. An LEA may use an equated measure of low-income by correlating sources of data—that is, determining the proportional relationship between two sources of data on public school children and applying that ratio to a known source of data on private school children. For example, an LEA uses FRPL data, but those data are not available for private school students. However, if TANF data are available, the LEA could determine an equated measure of poor children in private schools based on FRPL data by correlating the two sets of data as follows:
 - a. $\text{TANF (public)/FRPL(public) = TANF (private)/X(private)}$

In this example, the LEA may then use the equated number of private school children based on FRPL data (“X”) as the number of private school children from low-income families.

What do you mean when you say that the home school students don't count in this process? Aren't we allocating pro rata to public and nonpublic schools (i.e., my district vs each of the nonpublic schools)?

Homeschools are not defined as non-public schools.

Are we required to set aside the full amount on the FS-10 for the Private Schools or only the per student amount of those students whose school is interested in participating?

Services for participating non-public schools must be reflected on the FS-10.

We have a non-public who declined funds with the first version of the application in August/Sept....do we have to ask them again now?

Yes, an LEA must engage in timely and meaningful consultation with all non-public schools serving district resident low-income students who reside in participating Title I public school attendance areas. This includes non-public schools located inside and outside of the district's geographic catchment area. Please note that consultation obligations may include additional non-public schools than were consulted as part of the original application issued by NYSED.

Which district is responsible for determining per pupil allocations for nonpublic low-income resident students in Title I attendance areas attending the nonpublic school-the district where the nonpublic school is located or the district of residence?

The district of residence is responsible for determining the per pupil allocations for all non-public schools serving district resident students regardless of the non-public school's location.

If I am a Special Acts school, do we have to consult with other non-public schools in our district?

Special Act School Districts do not have an equitable services obligation and do not need to consult with non-public schools.

We are a K-8 school that pays tuition for our high school students to attend neighboring districts. Do I include our high school students in the number of K-12 resident students enrolled in public schools (in-district), or do I just count the K-8 students in our building?

Please contact the Office of ESSA-Funded Programs at CARESACT@nysed.gov for guidance related to this question.

Are LEAs required to provide Title I funds to non-public schools outside of the LEAs school district? I thought it was only non-public schools within the school district?

Given recent rulings (see memo here: <http://www.p12.nysed.gov/funding/cares-act/>), LEAs are required to provide services to all non-public schools serving low-income district resident students who reside in a Title I attendance area regardless of the non-public schools location.

Can we use Cares Act funds to pay for in-school social workers?

Yes, this is an allowable use of funds.

To keep it simple, since many of the non-publics only have a few eligible students, can we consult with the non-publics and encourage them to use funds for PPE that we can buy in bulk and give them their full allocation worth of the grant share in one delivery? Then they can hire their own staff using their own money. We get such good pricing compared to them that it would be a win-win.

If, through consultation, all parties agree to this arrangement, and the LEA maintains control of funds, this is an allowable arrangement.

My non-public schools want to know when they can use to the money to buy technology - I asked them to wait until we get the funding, do you know when that will be?

This is dependent on the LEAs purchasing and procurement policies.

If we are recording the funds in the general fund, are the expenses also recorded in the general fund? Or in the F Fund?

The comptroller has decided that they would be recorded in the General Fund. There is a new account code for these funds.

Our District has one private school in our boundaries and under the initial guidance our grant administrator determined that they were entitled to approximately \$4,000. This was communicated to them and they spent those funds in an approved category. Can our District reimburse that school for those expenditures?

The LEA needs to retain public control of the funds and can not pay the non-public school directly. Alternate options to accommodate costs incurred can be explored. For example, a vendor could refund the non-public school and bill the LEA.

Our grants administrator reaches out to all the private schools attended by students in our boundaries for Title I purposes...and they have all declined funds. Can we use that documentation, or do we need to contact those schools again?

Those schools need to be contacted again. There is an obligation for the LEA to engage in timely and meaningful consultation with all non-public schools serving district resident students, specifically related to the CARES monies. LEAs are required to provide equitable services to students and teachers in non-public schools serving district-resident students, even if the non-public school has not previously participated under Title I, Part A or Title VIII of the ESEA.