

Maryland State Department of Education Equitable Services under the federal CARES Act

Based on the Interim Final Rule issued by the United States Department of Education and published in the Federal Register on July 1, 2020, MSDE is revising the Equitable Services Implementation guidance for local school systems. Local School Systems in Maryland will implement the equitable services component of CARES Act funds by choosing one of two methodologies. The first option allows local school systems that use CARES Act funds only on public Title I schools to calculate the proportionate share for equitable services based on income eligible nonpublic school students. The second option requires local school systems that use CARES Act funds for all public schools and students in the district to calculate the proportionate share for equitable services based on the total enrollment for all participating nonpublic schools in the district. While these options apply to all CARES Act funds – Elementary and Secondary School Emergency Relief (ESSER) funds and the Governor’s Emergency Education Relief (GEER) funds available to local school systems, local school systems can choose a different option for each grant. Additionally, local school systems that choose to implement based on Title I schools should note that the Supplement, Not Supplant requirement of Title I of the ESEA would apply. Finally, all nonpublic schools in the district must be offered the opportunity to participate in equitable services, regardless of the implementation choice.

Outreach

Option 1 - Title I School Allocation: Local school systems should contact all non-profit elementary and secondary nonpublic schools in their jurisdiction that serve the same grade levels as Title I public schools and provide the Intent to Participate form.

- Nonpublic schools that choose to participate in CARES Act funds must complete and return the Intent to Participate form and provide the addresses and income data for students eligible for Free or Reduced Price meals.

Option 2 – Total Enrollment: Local School Systems should contact all non-profit elementary and secondary nonpublic schools in the district and provide the Intent to Participate form.

- Nonpublic schools that choose to participate in CARES Act funds must complete and return the Intent to Participate form and provide the total enrollment for the school, by grade level.

Nonpublic Schools that elect to participate in Equitable Services must:

- Complete and return the Equitable Services Planning Tool for Nonpublic Schools.
- Participate in the Consultation Meeting with Local school systems based on the Affirmation of Consultation form and determine the benefits that will be provided to participating nonpublic schools.
- Return the signed Affirmation of Consultation form to the local school system. *Note: Local school systems must submit the signed Affirmation of Consultation Forms.*

Proportionate Share Calculation

Option 1: *Public School and Nonpublic School Students who are eligible for Free or Reduced Price Meals (FRPM) and attend or reside in a Title I school attendance area are the total number of eligible students included in the proportionate share calculation.*

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- Nonpublic schools provide income and address information for students who are eligible for FRPM to the local public school system. The local school system should share the income and address information of students who don't live in their jurisdiction with the corresponding local school system.
- The total number of eligible nonpublic school students divided by the total number of eligible students (public and nonpublic) equals the proportionate share of CARES Act funds that shall be used to provide benefits to nonpublic school students and teachers.
- Note: a nonpublic school student that is eligible for FRPM and resides in a Title I school attendance area but attends a participating nonpublic school located in another jurisdiction **MUST** be included in the count of eligible nonpublic school students in the jurisdiction where the student resides.

Option 2: *Public School and Participating Nonpublic school students are **the total number of eligible students** included in the proportionate share calculation.*

- The total number of nonpublic school students divided by the total number of public and nonpublic school students equals the proportionate share of CARES Act funds that shall be used to provide benefits to nonpublic school students and teachers.

Allowable Services

Participating Nonpublic schools are able to utilize the proportionate share of CARES Act funds for any of the items identified in Section 18003(d) of the CARES Act. Local school systems may not restrict the nonpublic school's selection of services.