

Equitable Services to Independent Schools under ESSER: FAQ

The Coronavirus Aid, Relief, and Economic Security (CARES) Act was signed into law on March 27, 2020. This law includes authorization of The Elementary and Secondary School Emergency Relief Fund (ESSER), a grant program to help K-12 educational entities prevent, prepare for, and respond to the coronavirus pandemic. Eligible independent schools are entitled to equitable participation in these funds.

UPDATED Q1: Which independent schools are eligible to take part in equitable services under ESSER?

Non-profit independent schools that are approved or recognized by the Vermont Agency of Education (AOE) and that enroll one or more students from low-income families who reside in attendance areas served by an LEA's Title I schools are eligible to participate.

In practice, this may mean that an LEA is responsible for providing equitable services to an eligible independent school beyond its physical boundaries. This may also mean that an independent school is consulted concerning equitable services participation by more than one LEA. Note that this is a substantial change from what was stated in the previous version of this guidance document due to the results of a number of recent court cases that challenged the US Department of Education's Interim Federal Rule concerning interpretation of the ESSER equitable services requirement.

Please see the AOE's [updated guidance on ESSER equitable services](#) for information on which independent schools may participate in equitable services. This guidance supersedes all previous AOE guidance on ESSER equitable share requirements. See Appendix B for a list of those independent schools that are potentially eligible.

Q2: Which Vermont LEAs received ESSER funds?

All Vermont LEAs received ESSER funds, as all Vermont LEAs received Title I Part A funds in State Fiscal Year 2020. See Q3.

Q3: How were allocations to LEAs determined?

By statute, ESSER funds were allocated to SEAs and LEAs based on the formulas by which Title I Part A allocations are made. Any Vermont LEA that received Title I Part A funds in State Fiscal Year 2020 received ESSER funds. The amount of ESSER funds allocated to each LEA is approximately 83% of the amount of Title I Part A funds received by the LEA in State Fiscal Year 2020.

Q4: When will LEAs receive ESSER funds?

As of July 15, all Vermont LEAs have received their ESSER allocations and the online application to use these funds is open.

Q5: What is the process by which independent schools will participate in these funds?

Before completing their ESSER applications, LEAs must conduct consultation with all eligible independent schools, regardless of whether these schools have participated in equitable services in the past. During the consultation process, each independent school will inform LEAs if they wish to share in services and materials purchased with ESSER funds, will provide LEAs with enrollment and low-income data needed to determine an equitable share of the LEA's allocation, will discuss the independent school's needs, and will develop in partnership with the LEA a plan for the services to be provided, as allowable under ESSER. Agreed upon strategies for equitable services are written into the LEA's online application.

Q6: When should consultation occur?

Consultation with eligible independent schools must occur before the LEA completes its ESSER application. When submitting the application, the LEA assures that all eligible independent schools have been consulted. While initiating the process of consultation is the responsibility of the LEA, eligible independent schools are invited to conduct outreach if they have not been contacted.

Q7: What are allowable uses of ESSER funds?

See Appendix A.

Q8: How are independent school enrollment and low-income numbers determined?

These numbers should be agreed upon by the independent school and LEA during consultation. If the independent school can provide a low-income measure, such as Free and Reduced Lunch (FRL) eligibility, that is the same or similar to the measure used by the LEA, this is allowable. It is also allowable for the two parties to agree on an alternative measure, such as financial aid eligibility, if FRL data is not available at the independent school.

UPDATED Q9: How does the LEA calculate the amount of ESSER funds available for equitable services?

Calculation of equitable share under ESSER is based upon ESEA Section 1117. Under this section, the amount of funds made available for equitable share to an approved or recognized, non-profit independent school "shall be equal to the proportion of funds allocated to participating [public] school attendance areas based on the number of low-income families who attend private schools."

In practice, this means that ESSER funds available for equitable share are calculated based on the number of students from low-income families who reside in attendance areas served by an LEA's Title I schools but are enrolled in non-profit, approved or recognized independent schools. In this way, the amount of funds made available for equitable share is proportional to

the amount available to the LEA, which is based on the number of students from low-income families enrolled in the LEA's Title I-served public schools.

UPDATED Q10: When can an independent school expect to receive services or materials funded by ESSER equitable share?

Through consultation, LEAs may agree to pay invoices for allowable expenses incurred by an eligible independent school beginning March 13, 2020. These expenses should appear as investments in the LEA's approved ESSER application.

All ESSER funds, including those reserved to provide equitable services, must remain in the control of the LEA.

The LEA is solely responsible for planning for and ensuring the delivery of equitable services to independent schools. Direct services, such as academic interventions, professional development, counseling services or similar, must be provided by LEA employees (which can include new hires for the specific purpose of providing equitable services) or through a third-party contract.

Q11: To whom should independent schools or LEAs direct unresolved questions or concerns about equitable services under ESSER?

Independent schools and LEAs are encouraged to work in close partnership to reach mutually satisfactory agreements around equitable services eligibility, data, consultation, planning and implementation. As needed, both independent schools and LEAs may contact the AOE's Ombudsman for Equitable Services, Jesse Roy, at jesse.roy@vermont.gov, for consultation around unresolved questions or concerns.

Appendix A: Allowable Uses of ESSER Funds

LEAs that receive ESSER funds may spend them on the following allowable uses:

1. Purchase educational technology (including hardware, software, connectivity, and assistive technology) for students,
2. Purchase sanitation supplies/contract with vendors to sanitize and clean facilities,
3. Provide mental health services and supports,
4. Plan and implement summer, extended, and afterschool learning opportunities for students,
5. Support other activities necessary to maintain operations, services, and employment of existing staff,
6. Plan for and coordinate continuity of learning and continuity of operations during long-term closures,
7. Support activities to meet the unique needs of low-income students, students with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, students in foster care, and other vulnerable populations,
8. Provide professional development and training for staff on sanitation and minimizing the spread of infectious disease,
9. Coordinate COVID-19 preparedness and response efforts with local units of government,
10. Provide principals and other school leaders with resources to address individual school needs,
11. Develop and implement procedures and systems to improve preparedness and response efforts,
12. Support any activity authorized by the Elementary and Secondary Education Act of 1965 as amended (ESEA), the Individuals with Disabilities Education Act (IDEA), the Adult Education and Family Literacy Act; the Carl C. Perkins Career and Technical Education Act (Perkins); or the McKinney-Vento Homeless Assistance Act, that is not addressed above.

For a detailed description of allowable activities, please see the [link to AOE federal fiscal planning guidance doc] or [Section 18003\(d\) of the CARES Act](#).

Appendix B: Independent Schools Eligible for Equitable Share Under ESSER

Below is the list of non-profit, approved or recognized independent schools operating in Vermont as of July 2020. These schools are eligible to participate in equitable services under ESSER so long as they enroll a student from a low-income family that resides in a public school attendance area served by Title I. Please note that this list is revised regularly as schools begin and cease to operate or as statuses change. LEAs and independent schools are asked to work closely together, and with the Agency of Education, to ensure that all eligible schools are identified and have the opportunity to participate in equitable services. Questions about the status of an independent school, or its inclusion on or exclusion from this list, should be directed to Pat Pallas Gray at pat.pallasgray@vermont.gov.

LEA	Location	School Name	Non-Profit / For Profit	Approved/ Recognized
Addison Central	Middlebury	Bridge School	Non- Profit	A
Addison Central	Middlebury	Mary Johnson Children's Center	Non- Profit	A
Addison Central	Ripton	North Branch School	Non- Profit	R
Addison Northwest	Vergennes	Ark Kindergarten	Non- Profit	R
Addison Northwest	Vergennes	Champlain Valley Christian	Non- Profit	A
Barre	Barre	Choice Academy	Non- Profit	A
Barre	Barre Town	Montessori School of Central VT	Non- Profit	R
Barre	Barre	St. Monica's/St. Michael's School	Non- Profit	A
Barre	Websterville	Websterville Christian Academy	Non- Profit	R
Bennington Rutland	Manchester	Burr & Burton Academy	Non- Profit	A
Bennington Rutland	Dorset	Long Trail School	Non- Profit	A
Bennington Rutland	Manchester	Maple Street School	Non- Profit	A
Bennington Rutland	Winhall/Bondville	Mountain School at Winhall	Non- Profit	A
Bennington Rutland	Dorset	Red Fox Community School	Non- Profit	A
Burlington	Burlington	Baird	Non- Profit	A
Burlington	Burlington	Christ the King	Non- Profit	A
Burlington	Burlington	Mater Christi	Non- Profit	A
Burlington	Burlington	Rock Point	Non- Profit	A
Caledonia Central	Marshfield	Christ Covenant (The Fold)	Non- Profit	R
Caledonia Central	Plainfield	Maplehill School	Non- Profit	A
Champlain Valley	Williston	Bellwether	Non- Profit	R
Champlain Valley	Williston	Brownell Mountain School	Non- Profit	A
Champlain Valley	Williston	Jean Garvin School (The)	Non- Profit	A
Champlain Valley	Shelburne	Lake Champlain Waldorf	Non- Profit	A
Champlain Valley	Williston	Trinity Baptist School	Non- Profit	R
Champlain Valley	Williston	Two Roads Academy	Non- Profit	A
Essex-Westford	Westford	Barn School (The)	Non- Profit	R
Essex-Westford	Essex Jct.	Green Mountain Montessori School	Non- Profit	A
Hartford	White River Jct.	Mid Vermont Christian School	Non- Profit	A

LEA	Location	School Name	Non-Profit / For Profit	Approved/ Recognized
Hartford	Hartford	Potter's House	Non- Profit	R
Hartford	Hartford	The Ecocommunity School	Non- Profit	R
Hartford	Hartford	Upper Valley Waldorf	Non- Profit	A
Harwood	Waitsfield	Green Mountain Valley School	Non- Profit	A
Harwood	Moretown	Stone Path Academy	Non- Profit	A
Harwood	Waitsfield	True North	Non- Profit	R
Kingdom East	East Burke	Burke Mountain Academy	Non- Profit	A
Kingdom East	East Burke	East Burke School	Non- Profit	A
Kingdom East	Lyndon/Lyndonville	Elevation Christian Academy	Non- Profit	R
Kingdom East	Lyndon/Lyndonville	LEARN	Non- Profit	A
Kingdom East	Lyndon/Lyndonville	Lyndon Institute	Non- Profit	A
Kingdom East	Lyndon/Lyndonville	Riverside School	Non- Profit	A
Kingdom East	Lyndon/Lyndonville	Thaddeus Stevens School (A)	Non- Profit	A
Lamoille North	Johnson	Laraway	Non- Profit	A
Lamoille South	Morrville	Bishop John Marshall	Non- Profit	A
Lamoille South	Morrisville	East Meadow School	Non- Profit	A
Lamoille South	Stowe	Mount Mansfield Ski Club & Academy	Non- Profit	A
Lamoille South	Stowe	Mountain River School	Non- Profit	R
Maple Run	St. Albans	Soar Learning Center	Non- Profit	A
Montpelier-Roxbury	Montpelier	Pacem School	Non- Profit	A
Mount Abraham	Bristol	Red Cedar	Non- Profit	R
Mount Mansfield	Richmond	Mansfield Cooperative School	Non- Profit	R
Mount Mansfield	Jericho	Saxon Hill School	Non- Profit	A
North Country	Morgan	Turning Points	Non- Profit	A
North Country	Brighton/Island Pond	Twelve Tribes	Non- Profit	R
North Country	Newport	United Christian Academy	Non- Profit	R
Orange East	Thetford	Open Fields	Non- Profit	R
Orange East	Thetford	Thetford Academy	Non- Profit	A
Orange Southwest	Randolph	East Valley Academy	Non- Profit	A
Orange Southwest	Randolph	VAST	Non- Profit	A
Orleans Central	Orleans	Brownington Parochial School	Non- Profit	R
Orleans Central	Barton	St. Paul's Elementary School	Non- Profit	A
Orleans Southwest	Wolcott	Wolcott Mennonite School	Non- Profit	R
Rivendell	Vershire	Mountain School of Milton Academy	Non- Profit	A
Rutland City	Rutland	Christ the King	Non- Profit	A
Rutland City	Rutland	Fay Honey Knopp School	Non- Profit	A
Rutland City	Rutland	Mount St. Joseph Academy	Non- Profit	A
Rutland City	Rutland	Rutland Area Christian School	Non- Profit	A
Rutland City	Rutland	Sheldon Academy	Non- Profit	A
Rutland City	Rutland	Twelve Tribes	Non- Profit	R

LEA	Location	School Name	Non-Profit / For Profit	Approved/ Recognized
South Burlington	South Burlington	Centerpoint	Non- Profit	A
South Burlington	South Burlington	Rice Memorial High School	Non- Profit	A
South Burlington	South Burlington	Schoolhouse (The)	Non- Profit	A
South Burlington	South Burlington	Vermont Commons	Non- Profit	A
Southwest Vermont	Bennington	Forrest Ward Memorial School	Non- Profit	A
Southwest Vermont	Bennington	Grace Christian School	Non- Profit	A
Southwest Vermont	Bennington	Green Mountain Mennonite	Non- Profit	R
Southwest Vermont	Bennington	Hiland Hall	Non- Profit	A
Southwest Vermont	Bennington	New England School for Girls	Non- Profit	A
Southwest Vermont	Bennington	Sacred Heart School	Non- Profit	A
Southwest Vermont	North Bennington	Southshire Community School	Non- Profit	A
Southwest Vermont	Bennington	Vermont School for Girls	Non- Profit	A
Southwest Vermont	North Bennington	Village School of North Bennington	Non- Profit	A
St. Johnsbury	St. Johnsbury	Arlington School (The)	Non- Profit	A
St. Johnsbury	St. Johnsbury	Caledonia Christian School	Non- Profit	A
St. Johnsbury	St. Johnsbury	Cornerstone School	Non- Profit	A
St. Johnsbury	St. Johnsbury	Good Shepherd Catholic	Non- Profit	A
St. Johnsbury	St. Johnsbury	St. Johnsbury Academy	Non- Profit	A
Two Rivers	Ludlow	Okemo Mountain School	Non- Profit	A
Two Rivers	Ludlow	Black River Independent School	Non- Profit	R
Washington Central	East Montpelier	Orchard Valley School	Non- Profit	A
White River	Chelsea	Brookhaven Learning Center	Non- Profit	A
White River	Sharon	Sharon Academy (The)	Non- Profit	A
Windham Central	Newfane	Kindle Farm Children's Service	Non- Profit	A
Windham Central	West Dover	Mt. Snow Academy	Non- Profit	A
Windham Central	Stratton	Stratton Mountain School	Non- Profit	A
Windham Northeast	Westminster	Compass School	Non- Profit	A
Windham Northeast	Westminster	Kurn Hattin Homes	Non- Profit	A
Windham Northeast	Bellows Falls	Twelve Tribes	Non- Profit	R
Windham Northeast	Saxton's River	Vermont Academy	Non- Profit	A
Windham Southeast	Brattleboro	Community Schoolhouse	Non- Profit	A
Windham Southeast	Putney	Grammar School	Non- Profit	A
Windham Southeast	Putney	Greenwood School	Non- Profit	A
Windham Southeast	Brattleboro	Hilltop Montessori	Non- Profit	A
Windham Southeast	Brattleboro	INSPIRE	Non- Profit	A
Windham Southeast	Brattleboro	Meadows School	Non- Profit	A
Windham Southeast	Brattleboro	Neighborhood Schoolhouse	Non- Profit	A
Windham Southeast	Putney	Putney School	Non- Profit	A
Windham Southeast	Brattleboro	St. Michael's School	Non- Profit	A
Windsor Central	Killington	Killington Mountain School	Non- Profit	A

LEA	Location	School Name	Non-Profit / For Profit	Approved/ Recognized
Windsor Central	Reading	Springbrook Farm	Non- Profit	R
Winooski	Winooski	St. Francis Xavier	Non- Profit	A