

MEMORANDUM

TO: Superintendents, Independent School Heads
FROM: Bill Bates
SUBJECT: Reimbursement for ESSER I Equitable Services
DATE: April 9, 2021

Purpose

In July 2020 the US Department of Education released guidance that LEAs with approved Elementary and Secondary School Emergency Relief (ESSER I) grant awards could reimburse eligible independent schools for costs incurred. This created an unusual situation for both LEAs and independent schools and the following guidance is intended to clarify the framework under which reimbursement can take place.

US Department of Education Guidance for Reimbursement for Equitable Services Under ESSER I

LEAs may only reimburse an independent school for necessary expenditures that the independent school incurred in response to COVID-19 under limited circumstances.

Limited circumstances are defined as meeting all of the below:

- The independent school seeking reimbursement meets all eligibility criteria for participation in equitable services under ESSER I;
- Costs are described and budgeted in the LEA's approved ESSER I application;
- Costs are necessary for the independent school's COVID-19 response;
- Activities, materials or equipment are allowable under the CARES Act;
- Activities, materials or equipment are secular, neutral and non-ideological;
- Costs were incurred between March 13, 2020, and the first date* of meaningful consultation between the LEA and the independent school;
- LEA has verified that the independent school has adequate supporting documentation evidencing receipt of goods or services and proof of payment;
- LEA will obtain title to the material(s) and equipment for which the reimbursement covers;
- The independent school assures the costs have not been reimbursed by another source of Federal funds; and
- Reimbursement does not include independent school payroll costs.

*Please Note: In no instance can the first date of meaningful consultation be later than the LEA ESSER I application submission date in the GMS. Per US Department of Education guidance "meaningful consultation" provides a genuine opportunity for all parties to express their views concerning best uses of funds available for equitable services and to have those views

considered. A unilateral offer of services by an LEA with no opportunity for discussion, or the application of a blanket rule, is not adequate consultation. Only after discussing key topics relating to the provision of equitable services with an eligible independent school should an LEA make any decision that affects the opportunity for eligible children, their teachers and their families to participate.¹

¹ U.S. Department of Education, Office of Elementary and Secondary Education, *Title I, Part A of the Elementary and Secondary Education Act of 1965, as Amended by the Every Student Succeeds Act: Providing Equitable Services to Eligible Private School Children, Teachers and Families, Updated Non-Regulatory Guidance*, Washington, D.C., 2019.