Ohio | Department of Education

Special Note: On September 9, 2020, the U.S. Department of Education (USED) made it known that the Interim Final Rule that they published on July 1, 2020 is no longer in effect. The USED decision was reached after various legal challenges and court rulings. The impact of this change and the updates to the Ohio Department of Education (Department) guidance is being reviewed. The Department will provide guidance as it is developed. In the meantime, the Department's Office of Federal Programs (OFP) provided the most current recommendations in CCIP Note 448 (link here). Please review this note and any subsequent CCIP note releasing guidance. (9/25/20)

CCIP Note #437

Re: ESSER Fund Guidance and Local Education Agency Draft Application Template
Date: May 15, 2020
To: Nonpublic Principals and Superintendents; Public School District and Community Schools Superintendents, Treasurers, Title I Directors/Coordinators and Consolidated Application Contacts

General Comment
The Ohio Department of Education's Office of Federal Programs (OFP) will provide stakeholders with important information and implementation updates on the Elementary and Secondary School Emergency Relief Fund (ESSERF) as they become available. The ESSER Fund provides support to local educational agencies (LEAs) to address the impact that the novel Coronavirus Disease 2019 (COVID-19) has had, and continues to have, on elementary and secondary schools across the nation. LEAs receiving ESSER Funds must provide equitable services to students and teachers in nonpublic schools as required under the Coronavirus Aid, Relief, and Economic Security Act (CARES Act). Public districts must ensure that they consult with all nonpublic schools, both chartered nonpublic schools and non-chartered, non-tax schools regarding participation in ESSERF equitable services.

Update on Allocations for ESSER Funds
Last month, the Office of Federal Programs made preliminary allocations for LEAs as well as the anticipated set aside levels for nonpublic equitable service based on enrollment data of the nonpublic buildings within the district boundaries. These preliminary allocations were determined based on current data available and on current guidance from the U.S. Department of Education (USED). The process of determining nonpublic equitable services amounts is still under review. At the state and national level, there are disagreements about how to appropriately address the nonpublic equitable services requirements ranging from using only non-public school low-income student counts for the calculation to using total enrollment for the calculation. The Department will provide guidance and clarification as it becomes available. Instructions will be within the application in the CCIP system once it goes live which we expect the week of May 25, 2020.

LEA Preliminary Allocations
Click here for the LEA preliminary ESSERF allocations. The preliminary allocations are subject to change over the period of availability and duration of the grant depending on various factors such as additional direction and guidance from the U.S. Department of Education and/or set aside amounts required for new and significantly expanded charter schools.

Nonpublic Equitable Service Amounts: Process and Plans

Unlike other federal programs, the Ohio Department of Education does not have complete data to support districts and nonpublic schools in determining the equitable services amounts for the ESSER Funds. Below are some suggestions for how districts and nonpublic schools should plan accordingly. Districts and nonpublic school officials must engage in ***timely and meaningful consultation*** the same as they would with other federal programming. Among other requirements of the consultation, the process should include the identification of eligible nonpublic schools and the verification of the enrollment and low-income student counts. This identification includes consulting and generating the data from the nonpublic schools that have not previously participated in Title I programming or did not report low-income student data. Furthermore, the district must ensure that participating nonpublic schools are not-for-profit since nonpublic schools that are for-profit are ineligible for an allocation.

At this time, the various approaches to the non-public equitable services allocation under consideration will likely use one or both of the following data set:

1. Total number of low-income students residing in the district that attend nonpublic schools within or outside of the district (excluding any for-profit schools).
2. Total enrollment of the not-for-profit nonpublic schools within the district (excluding any for-profit schools).

Pending a final decision and in the interest of being ready to submit an application, the Department suggests that districts and all impacted nonpublic schools collaborate to collect the necessary data and determine the district reservation and the appropriate allocation amounts for the impacted nonpublic schools under both of the above scenarios.

Most Recent CARES Act Updates

1. ***Ohio's ESSER Award****:*
   The Ohio Department of Education submitted the ESSERF application to the US Department of Education on May 5, 2020 and received approval on May 8, 2020. Ohio's Application may be found HERE.

2. ***Ohio LEA Application Update***:
   The Office of Federal Programs has created a local educational agency application. The application will be hard coded in the e-grant system known as the Comprehensive Continuous Improvement Plan (CCIP) and we expect the application to be available in the CCIP by the week of May 25. In the meantime, LEAs may access the application in a PDF template HERE. OFP encourages the LEAs to use this template to begin consulting with their public and private schools and other stakeholders to plan and budget the ESSER Funds. Once the application is available in the CCIP, LEAs may simply cut and paste the information they have available in the template into the CCIP application.

   This application is unique as it is a "life of a grant application" available for use from March 13, 2020 through September 30, 2022. It is technically being loaded into the CCIP as a state fiscal year 2021 application (July 1, 2020 to June 30, 2021). The Department is committed to provide districts the option to have access to the ESSER Funds this fiscal year (2020) if they have a need for allowable costs. The districts should provide budget information in the application that could be used for associated costs in any year without the need to address carryover applications between years or submit a final expenditure report (FER) until the end of the grant (or at least September 2021). Since the grant funds

are available until September 30, 2022, the Department will likely need to require districts to complete a continuation application if the LEA funds are still available at the start of fiscal year 2022 (July 1, 2021). Under this application, the substantially approved date would be back to March 13, 2020 and could be used until September 30, 2022.

The Department is requesting that LEAs indicate in the application whether they need to use the ESSER funds this fiscal year ending June 30, 2020 or if access to funds can wait until the start of fiscal year 2021 (July 1, 2020). Districts needing ESSER funds for this current fiscal year should be aware that additional reporting and accounting requirements may be necessary for fiscal year 2020. The Department will approve applications as they are submitted.

3. ***OFP CARES Act/ESSER Fund Guidance***: The Office of Federal Programs has created a working guidance document for the CARES Act/ESSER Fund. This document provides spending guidance, allocation information and other helpful resources. It is accessible HERE and will be updated regularly.

4. ***U.S. Department of Education Resources***:
Key USED information on the CARES Act and ESSER Fund is located in the CCIP Document Library HERE. The USED COVID-19 website may be accessed HERE