Ohio | Department of Education

CCIP Note # 443

Re: Equitable Services Interim Rule Clarification and Training Postponed
Date: July 27, 2020
To: Public School District and Community Schools Superintendents, Treasurers, and Consolidated Application Contacts; Nonpublic Principals and Superintendents

This note serves two purposes: 1) provide clarification to the CCIP Note #442 specific to the interpretation of the interim rule regarding Supplement, Not Supplant, and 2) announcing the postponement of the Nonpublic Equitable Services under ESSER training session until August 4, 2020.

Clarification to CCIP Note 442 Regarding Caution on Supplement, Not Supplant

CCIP Note #442 (link) provided guidance that may be interpreted that the U.S. Department of Education's (USED) interim rule on equitable services under the CARES Act applies a supplement, not supplant requirement under certain circumstances. The CARES Act funds are not subject to supplement, not supplant but it is very important to understand that other federal title programs are subject to supplement, not supplant requirements. The USED's rule (link) added a reminder of the Title I supplement, not supplant requirement if an local educational agency (LEA) decides to use the CARES Act funding only in Title I schools (and thus be able to calculate equitable services using a low-income approach rather than a total enrollment approach).

For example, if an LEA plans to only use CARES Act funds in Title I schools, the LEA must be careful not to redirect any of the state and local resources that would have otherwise gone to their Title I schools. The Title I supplement, not supplant test requires that LEAs have a methodology that ensures that state and local resources are provided to Title I and non-Title I buildings in a neutral manner. In other words, Title I schools are entitled to the same amount of resources they would have received absent the federal funds. It may be a supplanting situation if the LEA uses CARES Act funds at Title I schools for an allowable cost and then redirect the state and local funds that would have been used for that same service to non-Title I schools.

Postponement of Nonpublic Equitable Services under ESSER Training to August 4

The Office of Federal Programs (OFP) is moving the original training date of July 28 to August 4 from 10:00 - 11:30 a.m. This decision is being made due to the potential for disruptions as the state transitions formats and migrations of passwords on July 28.

Registration
The July 28 training registration in STARS will be cancelled. Registrants of the July 28 training will need to register for this session in STARS via the instructions below.

Please register in STARS V2.0, which can be accessed through your OH|ID Account. To find the session, we recommend searching any of the following fields:
Event Name: Equitable Services under ESSER
Keywords**:** nonpublic, ESSER, federal programs

Session Format
In light of the current COVID-19 related circumstances and to best provide support, this session will be held remotely. Attendees will be able to join using the Skype link shared in the STARS event. At the time of the session, please use the link to join the meeting. For those unable to join in person, this session will be recorded and uploaded to the CCIP.