



THE STATE EDUCATION DEPARTMENT / THE UNIVERSITY OF THE STATE OF NEW YORK / ALBANY, NY 12234

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September 11, 2020

TO: BOCES District Superintendents
School District Superintendents
School District Business Officers
Charter School Leaders
Religious and Independent School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer

RE: Update on Providing Equitable Services to Students and Teachers in Non-Public Schools with Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding

As a follow-up to my [April 30, 2020](#), [June 9, 2020](#), [July 7, 2020](#) and [July 20, 2020](#) memoranda providing information on the federal Education Stabilization funding allocated to New York State under the CARES Act, I am writing to inform you that, on September 4, 2020, in *NAACP v. DeVos*, the U.S. District Court for the District of Columbia issued an [opinion](#) and an [order](#) vacating the Interim Final Rule (IFR) issued by the U.S. Department of Education (USDE) on July 1, 2020 which directed how Local Educational Agencies (LEAs) were to calculate the amount of Elementary and Secondary School Emergency Relief (ESSER) and Governor's Emergency Education Relief (GEER) funds available for providing equitable services to students and teachers in non-public schools. On September 9, 2020, USDE published a statement on their [website](#) that the IFR is no longer in effect.

The Department is working to make the necessary changes to the CARES Act application and guidance to reflect these latest developments, and will provide additional information under separate cover.

cc: Commissioner Rosa
John D'Agati
Kim Wilkins
Aaron Baldwin
Jason Harmon
Christina Coughlin
Brian Cechnicki
Julia Patane
Erica Meaker