



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

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TO: BOCES District Superintendents
School District Superintendents
School District Business Officers
Charter School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer

RE: Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding – Requirement for Local Educational Agencies (LEAs) Receiving Elementary and Secondary School Emergency Relief Funds (ESSERF) and Governor’s Emergency Education Relief Funds (GEER) to Provide Equitable Services to Non-Public Schools

As a follow-up to my [April 30, 2020](#) memorandum providing information on the federal Education Stabilization Fund funding allocated to New York State under the Coronavirus Aid, Relief, and Economic Security (CARES) Act, I am writing to clarify questions that have arisen regarding Local Educational Agency (LEA) obligations for providing equitable services to non-public schools.

Section 18005 of the CARES Act statute requires the inclusion of non-public schools in the administration of CARES Act funds. Specifically:

- Section 18005(a) of the CARES Act states: “A local educational agency receiving funds under sections 18002 [GEER] or 18003 [ESSERF] of this title shall provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools, as determined in consultation with representatives of non-public schools.”
- Section 18005(b) requires that “The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).”

NYSED is currently working on the allocations and the application for the CARES Act funding. Additional information on equitable participation by non-public schools will be provided when the allocations and application are finalized.

cc: Shannon Tahoe
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Christina Coughlin
Brian Cechnicki
Jason Harmon
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