

# ESEA Programs Updates

VAFEPA Conference  
October 2020



## Disclaimer

The academy was planned under a grant from the U.S. Department of Education (USED). However, the content does not necessarily represent the policy of the USED, and you should not assume endorsement by the federal government.

# ESSA UPDATES

# FFY 2020 Allocations to Virginia

Program	2020 Final Allocations	2019 Final Allocations	Increase (Decrease)	Percentage Increase (Decrease)
Title I, Part A	<b>\$ 277,072,567</b>	\$ 279,165,926	\$ (2,093,359)	-0.75%
Title II, Part A	<b>\$ 39,112,335</b>	\$ 37,837,332	\$ 1,275,003	3.37%
Title III, Part A	<b>\$ 14,731,003</b>	\$ 13,437,574	\$ 1,293,429	9.63%
Title IV, Part A	<b>\$ 20,967,633</b>	\$ 19,312,686	\$ 1,654,947	8.57%

# ESEA Waivers Granted (Memo #090-20)

- FFY 2018 grant award period - July 1, 2018 to September 30, ~~2020~~ 2021
- Deadline to request reimbursement for FFY 2018 funds - November 15, ~~2020~~ 2021
- Section 1127(b) of ESSA - Any division may request a waiver from the Title I, Part A, carryover limitation for FFY 2019 (2019-2020 school year). Virginia is also waiving the FFY 2019 Title V, Part B, Subpart 2, carryover limitation.

# ESEA Waivers Granted (Memo #090-20)

- Title IV, Part A, requirements - For FFY 2018 and FFY 2019, removes the spending thresholds under sections 4107, 4108, and 4109 of ESSA, including the 15 percent spending limitation to purchase technology infrastructure. The requirement to conduct a needs assessment is waived for the 2019-2020 school year.
- Section 8101(42) of ESSA - for activities funded for the 2019-2020 school year, the definition of “professional development” is waived. This permits divisions to conduct time-sensitive, one-time, or stand-alone professional development focused on supporting educators to provide effective distance learning and/or other professional development activities to address COVID-19 concerns.

# ESEA New Waivers and Amendments Pending and New Title III Funding Guidance

## New Waivers and amendments pending USED approval

- ESEA Programs Waivers - new request to USED ([Memo #232-20](#))
- Title IV, Part B, 21<sup>st</sup> CCLC Waiver - new request to USED ([Memo #241-20](#))
- Amendment 4 to Virginia's ESSA State Plan ([Memo #240-20](#))

## New Title III Funding Guidance

- Inclusion of Presumptive ELs in count for FFY 2021 Title III Funding ([Memo #267-20](#))

# Federal Program Monitoring 2020-2021

## Title I, III, and V

- New five year schedule (Title I, Part C, to continue on a three year schedule)
- Superintendent's Memo to be released in October
- For 2021, all sessions virtual between February and March 2021

## Title II and IV

- Continuation of previous schedule (2020 monitoring canceled due to COVID-19)
- Superintendent's Memo to be released in late 2020/early 2021



# CARES ACT

# Virginia's CARES ESSER Fund

- Virginia received **\$238,599,192** from the Coronavirus Aid, Relief, and Economic Security (CARES) Act Elementary and Secondary School Emergency Relief (ESSER) Fund
- Ninety percent to LEAs based on relative share of FFY19 Title I, Part A funds - **\$214,739,273**
- Ten percent state set-aside for administration and activities - **\$23,859,919**
- Superintendent's Memo 110-20 provided initial LEA awards, special conditions, and terms of grant; Superintendent's Memo 133-20 announced revised LEA awards

[Refer to [CARES Act webpage](#)]

# Uses of Funds

ESSER funds are emergency relief funds intended to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools in Virginia. The VDOE recommends that consideration be given to the priorities below:

- **Supporting remote learning** through educational technology, including hardware, software, connectivity, assistive technology, and adaptive equipment;
- Supporting the diverse needs of all students during school closure and when students return to school, which may include **mental health services and supports, provisions for meal distribution, and services allowable under the Individuals with Disabilities Education Act**;
- Planning for and implementing **extended learning and summer learning**; and
- Maintaining operations and continuity of services, including **continuing to employ existing staff** to the greatest extent practicable.

[Refer to [Allowable Uses of Funds](#)]

# ESSER State Set-aside

From the ESSER funds reserved for state level programs and activities (\$23.86 million), the VDOE awarded approximately **\$17 million** to school divisions through formula-based and competitive grants to support the programs and activities below.

- Special Education Services and Supports
- School-Based Mental Health Services and Supports
- Social-Emotional Universal Screener
- Summer Academic Academy Success (SAAS)
- Instructional Delivery Supports (IDS)
- Cleaning/Sanitizing Supplies for Schools and School Buses
- Facilities Upgrades/Protective Equipment

[Memo #261-20](#)

# GEER State Set-aside

- Virginia received approximately \$66.77 million through the Governor's Emergency Education Relief (GEER) Fund.
- \$43.39 million of the GEER award was earmarked for elementary and secondary education.
- The VDOE awarded approximately **\$21 million** to school divisions through formula-based and competitive grants to support the programs and activities below.
  - GEER Funding Support for School Nutrition Operations
  - Virginia Initiative to Support Internet Outside of school Networks (VISION)

[Memo #261-20](#)

# ESSER and GEER State Set-aside Application Contacts

Program	VDOE Contact	Email	Phone
Special Education Services and Supports	Dr. Sam Hollins	<a href="mailto:Samantha.Hollins@doe.virginia.gov">Samantha.Hollins@doe.virginia.gov</a>	804-786-8079
School-Based Mental Health Services and Supports	Maribel Saimre	<a href="mailto:Maribel.Saimre@doe.virginia.gov">Maribel.Saimre@doe.virginia.gov</a>	804-225-2818
Social-Emotional Universal Screener	Maribel Saimre	<a href="mailto:Maribel.Saimre@doe.virginia.gov">Maribel.Saimre@doe.virginia.gov</a>	804-225-2818
Summer Academic Academy Success (SAAS)	Michael Bolling	<a href="mailto:Michael.Bolling@doe.virginia.gov">Michael.Bolling@doe.virginia.gov</a>	804-225-2034
Instructional Delivery Support (IDS)	Michael Bolling	<a href="mailto:Michael.Bolling@doe.virginia.gov">Michael.Bolling@doe.virginia.gov</a>	804-225-2034
GEER Funding Support for School Nutrition Operations	Dr. Sandy Curwood	<a href="mailto:Sandra.Curwood@doe.virginia.gov">Sandra.Curwood@doe.virginia.gov</a>	804-371-2339
Virginia Initiative to Support Internet Outside of school Networks (VISION)	Dr. Susan Clair	<a href="mailto:Innovation@doe.virginia.gov">Innovation@doe.virginia.gov</a>	804-786-9281
Cleaning Supplies for Schools	Vijay Ramnarain	<a href="mailto:Vijay.Ramnarain@doe.virginia.gov">Vijay.Ramnarain@doe.virginia.gov</a>	804-225-2774
	Kerry Miller	<a href="mailto:Kerry.Miller@doe.virginia.gov">Kerry.Miller@doe.virginia.gov</a>	804-225-2772
Facilities Upgrade/Protective Equipment	Vijay Ramnarain	<a href="mailto:Vijay.Ramnarain@doe.virginia.gov">Vijay.Ramnarain@doe.virginia.gov</a>	804-225-2774
	Kerry Miller	<a href="mailto:Kerry.Miller@doe.virginia.gov">Kerry.Miller@doe.virginia.gov</a>	804-225-2772

# Equitable Services under the CARES Act

- On July 1, 2020, USED issued an interim final rule on equitable services provisions for eligible private schools under the CARES Act.
- The rule was immediately effective when published in the Federal Register and is open to public comment for thirty days.
- The rule applied to all LEA funds for K-12 elementary and secondary education under both the ESSER and GEER funds.
- Under the rule, a school division using CARES Act funds **to benefit all schools** within the division would calculate the value of equitable services under the CARES Act as previously described in USED guidance.

# CARES Act Equitable Services, cont'd.

- If a school division chose to use CARES Act funding **only for students in its Title I schools**, it had two additional options for calculating the value of equitable services:
  - Calculate the funds for equitable services based on the total number of low-income students in Title I and participating private schools; or
  - Calculate the funds using the school division's Title I, Part A, proportional share from the 2019-2020 school year.
- If a school division used one of these two options, the division was expected to adhere to the Title I, Part A, supplement-not-supplant requirement in Section 1118(b)(2) of ESSA.



# Interim Final Rule Overturned

- On September 4, 2020, a U.S. District Court judge vacated the IFR
- On September 25, 2020, in a [letter to chief state school officers](#), the U.S. Department of Education (USED) announced that it will not appeal the ruling
- USED will not take any action against school divisions that followed the USED guidance and/or the IFR prior to the court's ruling
- Going forward, school divisions should calculate the value of equitable services under the CARES Act in accordance with Title I, Part A, Section 1117 of ESSA ([Memo #266-20](#))
- On October 9, 2020, USED issued [new guidance](#) on equitable services under the CARES Act.

# Contact

**Dr. Lynn Sodat**

Director, Office of ESEA Programs

[lynn.sodat@doe.virginia.gov](mailto:lynn.sodat@doe.virginia.gov)

[ESSA@doe.virginia.gov](mailto:ESSA@doe.virginia.gov)