

May 22, 2020

Jason Baker
Director of Organizational Development Secondary
Mechanicsburg Area School District
600 South Norway Street (2nd Floor)
Mechanicsburg, PA 17055

RE: Participation in the ESSER Fund (Elementary and Secondary School Emergency Relief Fund)

Mr. Baker:

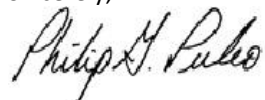
Thank you for leadership and care for all of the students in our community during this unprecedented response to the COVID-19 pandemic. Thank you for your May 20 correspondence concerning the ESSER Fund (Elementary and Secondary School Emergency Relief Fund), a component of the CARES Act. **I am writing on behalf of West Shore Christian Academy to express intent to participate in the ESSER Fund designed to support all public and non-public school students across the Commonwealth AND to voice our displeasure with the current calculation for distribution of these funds.** Unfortunately, our LEAs have been advised by the PA Department of Education to miscalculate and misappropriate these federal funds.

As we have seen at the national and state levels, there has been some uncertainty in the interpretation of ESSER, especially on how the calculation and distribution of monies occur between the LEAs to the non-public schools. The spirit and legal language of the CARES ACT was to provide *“equitable services in the same manner as provided under section 1117 of the ESEA of 1965”*. This was interpreted by the US Department of Education on April 30 as follows: *“An LEA under the CARES Act programs may service ALL non-public school students and teachers without regard to family income, residency, or eligibility based on low achievement.”* Here is the full guidance provided by USDE (<https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf>).

The confusion arises that while States received monies based upon standards established by Title I, LEAs distribute monies based upon the equitable apportionment of public and non-public students. The US Department of Education once again gave guidance and clear interpretation when they wrote: *“An LEA uses enrollment data in non-public schools whose students and teachers will participate under the CARES Act programs compared to enrollment in public schools in the LEA to determine the proportional share. Under the CARES Act programs, services are available for all students – public and non-public – without regard to poverty, low achievement, or resident in participating Title I public school attendance area.”* In addition to proportional sharing based upon all public and non-public students, USDE stated, *“the proportional share available for equitable services before reserving funds for other purposes.”* In summary, the apportionment of ESSER monies is based upon all students in the district and from the “gross” amount prior to reserving funds for other expenses prior to distribution (i.e. administrative costs).

In the past few weeks, the PA Department of Education posted of ESSER LEA Allocations (<https://www.education.pa.gov/Schools/safeschools/emergencyplanning/COVID-19/CARESAct/Pages/Allocations.aspx>) and the US Secretary of Education (<http://www.acsipa.org/devostomoffat52220.pdf>) provided clarification and corrections to how funds are to be calculated. Since there continues to be some misunderstanding and miscalculations contrary to the USDE guidelines and to the detriment of non-public school students, **I have been advised by legal and legislative counsel to request a “timely and meaningful consultation” as called for by the CARES Act.** Meaningful would include the appropriate calculation of federal funds based upon the guidelines provided by the USDE. You may contact me at phil.puleo@csagh.org to set up a meeting with myself and my building Principal. Thank you for your consideration and cooperation as we seek to provide emergency funding to all the students of the Commonwealth.

Sincerely,



Philip G. Puleo, MBA
Superintendent
Christian School Association of Greater Harrisburg