



## Nonpublic Services and Equitable Share During COVID-19 Closure

This document compiles questions the Minnesota Department of Education (MDE) has received relating to nonpublic equitable share of ESEA Title formula grants and services funded through:

- Title I, Part A
- Title II, Part A
- Title III, Part A
- Title IV, Part A

The questions focus on programming and funding questions related to school closings due to COVID-19 and is accurate as of March 20, 2020. MDE understands there may be exceptional circumstances that could affect how a particular service is provided. This guidance continues to evolve as the situation develops and updated versions of this document will supersede any information provided here.

### **1. What responsibility does a local educational agency (LEA) have to provide Title I services to nonpublic school students during the COVID-19 closure?**

During the statewide, eight-day planning closure, Title I services should not be delivered to nonpublic students, even if the nonpublic school remains open. Districts should use this time to plan and consult with nonpublic school officials on how services will be delivered using distance learning.

### **2. Are LEAs expected to provide Title I services through distance learning with nonpublic students starting March 30 if closure is extended?**

In most cases, yes. Nonpublic students should receive equitable services as compared to students in their resident school. All services should be provided through consultation with the nonpublic school officials and LEAs should document this consultation (saved email is sufficient). Through consultation, it is possible the nonpublic school official and LEA agree to suspend or postpone services. Reference equitable share and carryforward considerations below.

### **3. What if nonpublic Title I equitable share is not spent during the 2019-2020 school year?**

Under normal circumstances, funds allocated to an LEA for educational services to eligible nonpublic school students must be obligated within the federal fiscal year for which the funds are received by the LEA (ESEA section 1117(a)(4)(B)). This means that funds for this fiscal year must be obligated by September 30, 2020. Through consultation, the LEA and nonpublic school officials may agree to spend 2019-2020 funds during the summer months instead of or in addition to services during the school year.

**4. How do LEAs handle carryforward of nonpublic Title I equitable share?**

In the event that the LEA and nonpublic school are unable to obligate the full award by September 30, 2020, the unspent funds can be managed in one of two ways. The first, and preferable option is to carryforward the funds for that specific nonpublic school into the 2020-2021 school year and add those funds to that nonpublic school's 2020-2021 allocation. This means, for the 2020-2021 school year there may be more services offered than in other years. How to manage those services should be determined through consultation. The second option is for the nonpublic school official to decline the use of the remaining funds. In this situation, the LEA would offer the declined funds to other participating nonpublic schools. If all other participating nonpublic schools also decline these additional funds, then the LEA may carryforward the remaining funds as part of the LEA's public school carryforward. The LEA should well document this consultation and declining of funds.

**5. What are the LEA responsibilities for providing Title II, Part A and Title IV, Part A services?**

LEA officials should consult with nonpublic school officials on the needs of the nonpublic school students. Since many conferences and similar gatherings are canceled, LEAs may find they are unable to fulfill their obligations under Title II, Part A and/or Title IV, Part A. In both of these programs, there is no carryforward limitation. LEAs and nonpublic school officials should document consultation agreements on how to proceed as a result of the COVID-19 pandemic and related interruptions of services.