



**STATE OF CONNECTICUT**  
*DEPARTMENT OF EDUCATION*



November 6, 2020

Dear Superintendents and School Business Officials,

As you know, the issue of providing “equitable services” for nonpublic schools under the CARES Act, Elementary and Secondary School Education Relief (ESSER) fund, has been subject to much debate and litigation.

On September 16, 2020, the Connecticut State Department of Education (CSDE) recommended that all school districts follow the Equitable Services rules and practices under Section 1117 of the Elementary and Secondary Education Act (ESEA), and that they not spend more than the Title I methodology calculation amount. Since that time, the United States Education Department (USED) has confirmed they will not appeal the federal court rulings to invalidate USED’s July final rule and April non-regulatory guidance for CARES Act equitable services requirements.

**Revision of Spending Plans**

In light of this new information, if districts did not calculate ESSER fund equitable services based on the Title I proportionate share methodology, it will be necessary to recalculate equitable services using the proportionate share calculation for Title I, Part A, using 2019-2020 which follows the methodology in Section 1117 of ESEA as required in Section 18005 of CARES Act.

The change in the calculation of the proportional share of equitable services under the CARES Act will require revisions to districts’ ESSER fund applications.

In addition, school districts will need to reengage in contacting the private schools that are eligible to participate, including those that may have declined or are located across district boundaries.

**Previously Expended Funds and Encumbered Funds (Pending Purchase Orders)**

For school districts that have already expended funds to provide equitable services to nonpublic schools that exceeds the Title I methodology calculation, both federal regulations and a letter published on September 25, 2020 by the USED provide cover for school districts who reasonably relied on the prior guidance and IFR prior to the court decision. Any efforts to reclaim technology and items previously distributed to a nonpublic school in excess of the Title I methodology should be done in consultation with legal counsel. The Department is not requiring school districts to do so; however, it would not be appropriate to make no change to the amount allocated to private schools on a going forward basis.


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Related to pending orders for goods or services to be provided to a nonpublic school that would be in excess of the amount due under the Title I methodology, school districts should stop these from progressing to the greatest extent possible according to vendor requirements and cancellation policies and as legally permitted. If pending orders cannot be canceled or the school district attorney advised against it, the USED has announced it will not take action against the school district.

**As a reminder, the ESSER funding is available to be obligated until September 30, 2022.**

If you need your application returned so you can amend it, please contact your assigned Program Manager. Please find the list of Program Managers assigned to each district attached. If you have any further questions regarding this change, please call me at 203-206-4885.

Sincerely,

  
Kathy Demsey  
Chief Financial Officer

KD  
Attachment

**Connecticut State Department of Education  
ESSER Fund Application Grant Contacts**

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Andover	ACES	Ashford	Booker T. Washington	Berlin	Achievement First Hartford	Brookfield
Barkhamsted	Canton	Bolton	Branford	Borrah	Amistad	Canterbury
Bethel	Chaplin	Brass City Charter	Brooklyn	Cornwall	Ansonia	Columbia
Bloomfield	Cheshire	Bridgeport	Clinton	Coventry	Avon	Ellington
CES	Chester	Bristol	Danbury	Cromwell	Bethany	Enfield
Darien	Colchester	Capitol Prep Harbor	East Haddam	Deep River	Bridgeport Achievement First	Granby
Explorations	Colebrook	East Hartford	East Hampton	EASTCONN	CREC	Hghville Charter
Greenwich	Common Ground Charter	Franklin	East Lyme	East Granby	CTECS	ISAOC
Madison	Farmington	Great Oaks Charter	Essex	Easton	Derby	Killingly
Marlborough	Glastonbury	Groton	Guilford	East Windsor	Eastford	LEARN
New Hartford	Hamden	Middletown	Hampton	Elm City Montessori	East Haven	Mansfield
Old Saybrook	Ledyard	New Beginnings	Kent	Fairfield	Elm City College	Milford
Naugatuck	New Canaan	New Haven	Lisbon	Hartland	Griswold	Newtown
North Canaan	North Branford	Norwalk	New Milford	Manchester	Hartford	Norfolk
Orange	North Stonington	Odyssey	Norwich	Monroe	Hebron	Region 14
Oxford	Plymouth	Park City Prep	Plainfield	Montville	Integrated Day	Region 16
Preston	Pomfret	Putnam	Plainville	New Fairfield	Junko	Region 17
Redding	Region 7	Salem	Region 6	Newington	Lebanon	Region 18
Region 1	Region 9	Side-by-Side	Region 8	North Haven	Litchfield	Scotland
Region 4	Region 10	Sprague	Region 15	Region 11	Meriden	Somers
Region 5	Salisbury	Stafford	Region 19	Region 12	New Britain	Suffield
Ridgefield	Sharon	Stamford Charter	Rocky Hill	Region 13	New London	Thomaston
Seymour	South Windsor	Thompson	Sterling	Southington	Portland	Voluntown
Shelton	Stonington	Torrington	Tolland	Union	Stamford	Wallingford
Sherman	Stratford	Vernon	Trumbull	Weston	The Bridge Academy	Waterford
Simsbury	Watertown	Winchester	Willington	Wilton	Waterbury	West Hartford
Westbrook	Woodstock	Windsor	Woodbridge	Wolcott	West Haven	Westport
Wethersfield		Windsor Locks			Windham	