



June 25, 2020

Hello District and County Superintendents,

The OPI received the below communication from the U.S. Department of Education (USED) this morning. USED has issued an [Interim Final Rule](#) regarding the Equitable Services provision of ESSER funds. **The Interim Final Rule issued today gives districts two options:**

1. Continue with Equitable Services based on total non-public enrollment with flexible use of the funds for preparing for, responding to, or recovering from COVID-19
2. 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 LEA's Title I, Part A share from the 2019-2020 school year. *If an LEA uses one of the low-income student options, the LEA must not violate the Title I supplement-not-supplant requirement in section 1118(b)(2) of the ESEA. That is, LEAs cannot divert state or local funds from its Title I schools because they receive CARES Act funds.*

If districts wish to continue with Option 1, no additional action is required. If districts decide to use ESSER funds as Title I funds (option 2), please email [Jay Phillips](#) (Operations Director) and CC [Jack O'Connor](#) (Title I Director) and they will assist you with your E-Grants application.



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