



DATE: June 17, 2020

TO: Education Interim Committee

FROM: The Office of Public Instruction

RE: Elementary and Secondary School Emergency Relief Fund Allocations

Chairman Anderson and Members of the Education Interim Committee,

The federal CARES Act was signed into law on March 27, 2020 in response to the COVID-19 pandemic. The Act included Elementary and Secondary School Emergency Relief (ESSER) funds of which Montana received \$41.3 million. The Act required the OPI to distribute \$37.2 million (90%) of these funds to local school districts through their federal Title I formula.

Additionally, I have directed the OPI's School Finance specialists to use the 10% state set-aside from the ESSER funds to provide \$3 million in support of special education students through districts and cooperatives. I have also ensured that every Montana district will receive at least \$10,000. Of the remaining set-aside, \$206,476 is being used to improve the state's E-Grants system which delivers state and federal funding to districts. Finally, \$309,055 is being reserved for future needs related to COVID-19. More information can be found on the OPI's [website](#).

Since the original Elementary and Secondary Education Act of 1965 (ESEA), non-public students have been eligible to participate in Title I programs. This is called the "Equitable Services Provision". The ESEA requires Title I public school districts to set aside a percentage of their Title I funding to provide services to eligible non-public students within the district boundaries. No public funds flow directly to non-public schools, only services.

The CARES Act requires 90% of the ESSER funds to flow to districts through their Title I formula but does not require them to be used as Title I funds. Districts have broad discretion over the use of these funds as long as they are used to prevent, prepare for, or respond to COVID-19.

The U.S. Department of Education released [guidance](#) on April 30, 2020 for how districts should calculate the percentage of Equitable Services to provide to non-public students using ESSER funds. The CARES Act requires Equitable Services and the Department's guidance is that they are available to *"...all non-public school students and teachers without regard to family income, residency, or eligibility based on low achievement."* If this guidance changes, the OPI will notify districts and change our E-Grant calculations.

The OPI is following the Department's guidance in order to avoid financial liability to the State of Montana or local school districts, as we have historically done. All Montana families have been impacted by COVID-19. The ESSER funds provide much-needed relief to our students and schools as they engage in distance or mixed-learning models.

It has been of the utmost importance to get these funds out to districts as quickly as possible. Districts began applying for ESSER funds on June 8th. They have engaged in meaningful consultation with their non-public students as no public funds are being given directly to non-public schools.

The OPI has held multiple Zoom meetings with district and county superintendents as well as statewide education associations to discuss the ESSER funds and special education support. The OPI has also had conversations with senior leadership at the Department. The OPI is happy to discuss this with the EIC and is willing to answer any questions that you might have.

Thank you for putting Montana students first!

Sincerely,

A handwritten signature in cursive script that reads "Elsie Arntzen". The signature is written in black ink and is positioned above the printed name and title.

Elsie Arntzen
Superintendent of Public Instruction