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The IFR further states that, 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 Elementary and Secondary Education Act (ESEA). That is, an LEA cannot divert state or local funds from its Title I schools because it receives CARES Act funds.

As noted in my June 9, 2020 memorandum, Section 18005(b) of the CARES Act requires that “The control of funds for the services and assistance provided to a non-public school under subsection (a), and title to materials, equipment, and property purchased with such funds, shall be in a public agency, and a public agency shall administer such funds, materials, equipment, and property and shall provide such services (or may contract for the provision of such services with a public or private entity).”

NYSED is currently working on finalizing the allocations and the application for the CARES Act funding and will notify LEAs when the application is available. Additional details on how LEAs are to implement the CARES Act equitable participation requirement, including the process for LEAs to follow to engage in timely and meaningful consultation with appropriate private school officials, will be provided when the allocations and application are finalized.

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