September 11, 2020

TO: BOCES District Superintendents  
School District Superintendents  
School District Business Officers  
Charter School Leaders  
Religious and Independent School Leaders

FROM: Phyllis D. Morris, Chief Financial Officer

RE: Update on Providing Equitable Services to Students and Teachers in Non-Public Schools with Federal Coronavirus Aid, Relief, and Economic Security (CARES) Act Funding

As a follow-up to my April 30, 2020, June 9, 2020, July 7, 2020 and July 20, 2020 memoranda providing information on the federal Education Stabilization funding allocated to New York State under the CARES Act, I am writing to inform you that, on September 4, 2020, in NAACP v. DeVos, the U.S. District Court for the District of Columbia issued an opinion and an order vacating the Interim Final Rule (IFR) issued by the U.S. Department of Education (USDE) on July 1, 2020 which directed how Local Educational Agencies (LEAs) were to calculate the amount of Elementary and Secondary School Emergency Relief (ESSER) and Governor’s Emergency Education Relief (GEER) funds available for providing equitable services to students and teachers in non-public schools. On September 9, 2020, USDE published a statement on their website that the IFR is no longer in effect.

The Department is working to make the necessary changes to the CARES Act application and guidance to reflect these latest developments, and will provide additional information under separate cover.

cc: Commissioner Rosa  
John D’Agati  
Kim Wilkins  
Aaron Baldwin  
Jason Harmon  
Christina Coughlin  
Brian Cechnicki  
Julia Patane  
Erica Meaker