



NEBRASKA

DEPARTMENT OF EDUCATION

September 11, 2020

TO: Public and Non Public Superintendents

FROM: Matthew L. Blomstedt, Commissioner of Education

SUBJECT: Interim Final Rule on Equitable Services under the CARES Act No Longer in Effect

On September 4, 2020, the U.S. District Court for the District of Columbia issued an opinion and an order vacating the interim final rule (IFR) on equitable services provisions for eligible private schools under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. The U.S. Department of Education (USED) subsequently updated their [CARES Act webpage](#) to indicate that the IFR is no longer in effect.

At this time, the NDE is reviewing the legal effects of the court order and awaiting further guidance from the U.S. Department of Education on equitable services under the CARES Act. The NDE is aware that the court order may change the amount of funds that school districts must use for equitable services for non-public schools under the CARES Act.

Therefore, the NDE recommends that schools temporarily suspend obligating funds for equitable services until more information becomes available. Further guidance will be provided as NDE receives additional information. Thanks

Matthew L. Blomstedt, Ph.D
Commissioner of Education