# Superintendent’s Memo #247-20

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**COMMONWEALTH of VIRGINIA   
Department of Education**

DATE: September 18, 2020

TO: Division Superintendents

FROM: James F. Lane, Ed.D., Superintendent of Public Instruction

## SUBJECT: Interim Final Rule on Equitable Services under the CARES Act No Longer in Effect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](https://oese.ed.gov/offices/education-stabilization-fund/elementary-secondary-school-emergency-relief-fund/) to indicate that the IFR is no longer in effect. It is unknown whether the decision will be appealed, and USED has not yet issued updated guidance on equitable services provisions under the CARES Act.

At this time, it is recommended that school divisions temporarily suspend obligating funds for equitable services until more information becomes available. The Virginia Department of Education will provide additional information on this issue as soon as possible.

Questions about the interim final rule may be directed to [Equitable.Services@doe.virginia.gov](mailto:Equitable.Services@doe.virginia.gov).

JFL/ls