



May 21, 2020

Secretary Betsy DeVos  
U.S. Education Department  
400 Maryland Avenue, SW  
Washington, D.C. 20202

Dear Secretary DeVos,

On behalf of the California County Superintendents of Schools, I am writing to voice our concerns with the recently released non-binding guidance *Providing Equitable Services to Students and Teachers in Non-Public Schools* under the CARES Act Programs. To treat public and private schools equitably under the CARES Act, this guidance must be revised to ensure that the equitable services share for private schools is determined by poverty rates rather than overall enrollment. We strongly urge you to revise the guidance, so it aligns with underlying law.

The CARES Act directs local educational agencies (LEAs) that receive education stabilization funds to provide equitable services to non-public schools in the same manner as provided under Title I of the Elementary and Secondary Education Act (ESEA). Title I has always been premised on supporting schools with high concentrations of students from low-income families in order to direct federal resources to students in need. Title I's equitable services provision is no different - LEAs determine how much Title I money to spend on services for private school students based on poverty levels.

However, the Department's CARES Act equitable services guidance directs LEAs to determine how much CARES Act money to spend on services for private school students based on total enrollments. This is not the same as Title I and is inconsistent with the fact that these dollars are allocated to states and LEAs based on their respective share of FY19 Title I dollars.

To restore equity, the equitable services guidance should be revised to allocate resources to private schools based on a proportional calculation, relative to how state and local education agencies receive their CARES share. We urge your Department to make the appropriate revision of the guidance to ensure that the equitable share of CARES Act funding is calculated in a manner consistent with the CARES Act law.

Sincerely,

Peter Birdsall  
Executive Director  
California County Superintendents Educational Services Association (CCSESA)

cc: California Congressional Delegation