**AASA ADVOCACY TEMPLATE to contact your U.S. Senators and Representatives**

*Dear Representative/Senator:*

*I am XXXXX <insert name, title and district>. I am reaching out today to express my deep concern with the USED’s recently released guidance for equitable services as it relates to the CARES Act.*

*The CARES Act directs districts to provide equitable services to private school in the same manner as Title I, Part A of the Elementary and Secondary Education Act, which is based on the proportion of low-income children enrolled in public versus private schools.  In FY19 (the 2019-20 school year), my district set aside XX percent of its overall Title I, Part A funding allocation to support equitable services for private schools.*

*USED’s guidance, however, does not follow Title I’s process for calculating equitable services. Instead, it follows the process we use for Title II, Part A, which is based on the proportion of all children in public versus private schools.  In FY2019, we set aside XX percent of Title II funding to support equitable services for private schools.*

*As you can see, USED’s guidance would require my district to set aside a substantially larger share of CARES Act funds to private schools than we would have set aside if we followed Title I’s process as required by the CARES Act.  Simply put, USED’s guidance asks low-income students to heavily subsidize supports to higher-income students attending private schools. This is inequitable.*

*I urge you to work with your fellow members of Congress to ensure that CARES Act funding is allocated to public and private schools as intended, based on equity. USED has been asked, and I ask that you hold them accountable, to revise its April 30 guidance, to outline data elements and procedures for calculating equitable services consistent with the CARES Act, and encourage LEAs to use the percentage of FY 2019 Title I funds set aside for equitable services and apply that percentage to CARES Act funding. This approach will ensure that critical CARES support is provided in a consistent, transparent, and equitable manner.*

*Thank you,*

*<Insert Name/Signature>*

**BACKGROUND INFORMATION: Equitable Services (ES)**

* Provision is as old as ESEA itself and is the mechanism by which private schools receive services by reserving a share of Title I dollars. It is premised on a simple idea: Title I eligible students are to receive Title I funded support whether they are in a private or public schools.
* Under Title I, the equitable services share is based on poverty (based on the number of low-income children who live in Title I school attendance areas but attend private schools).
* The Secretary’s guidance for equitable services as it applies to CARES Act dismantles this focus on targeting supports to areas with concentrated poverty and annihilates the concept of equity
* How the bulk of CARES Act funding flows under the ESSER fund:
  + From the federal to the state level based on the share each state received of overall Title I funding in FY19 (ie, you will receive the same share of CARES funding that you did of Title I money in FY19 based on low-income and other Title I formula children).
  + From the state to the local level based on the share each district received of overall Title I funding in FY19 (ie, you will receive the same share of CARES funding that you did of Title I money in FY19 based on low-income and other Title I formula children).
  + At the district level, for calculating the equitable services set-aside, : count all the kids (public and private) and calculate the CARES funding based on those ratios.
    - *This means private schools count all students, not just low-income students, in determining the share of CARES Act funding for equitable services.*
* In talking with USED, we highlight the following:
  + ES is an original provision of Title I of ESEA and has been continually reauthorized in a manner focused on equity and serving students in need
  + CARES Act language is very clear in its intent, stating that ES shall be applied in the same manner as section 1117 of ESSA. (Meaning, driving resources based on poverty.)
  + CARES Act funding is allocated to the state and district level based on Title I allocations, which are driven by poverty rates. Allowing private schools to use a broader, all-encompassing enrollment count without regard to poverty is not only unfair and inconsistent with the way states and locals receive their funding, it is inequitable in that it because high poverty students in public school, are in essence, generating funds for wealthy students in private schools, which is not consistent with 1117 which determines the proportional share for equitable services based on poverty.
  + We are opposed to this interpretation. We have submitted a letter to USED asking for a revision and are deeply engaged on the hill. Dan issued a joint public statement with Randi Weingarten of AFT on this issue. We are busy collecting numbers to highlight for Capitol Hill what the shift in funding looks like.
  + What does this mean for you? A few things:
  + Technically, this is non-binding guidance. It doesn’t carry the weight of law and you can ignore it. You, as a district, can determine that you want to adhere to section 1117’s method of determining the equitable services share and calculate share based on low-income children that live in Title I attendance areas. (Related, you could have a state that determines they disagree with ED’s guidance and does the run for you in a manner that reflects Title I.) If you pursue this route, there is a chance your state, or USED could decide that they stand by the guidance interpretation and they could issue a monitoring finding or start an audit, which comes with its own set of costs and headaches.
  + Slow roll the process to determine the equitable services share. Given the immense pressure we hope to generate, we are optimistic we can get a revision. Once the equitable service share is determined, it might be difficult to adjust that set-aside level down. If you can buy some time to see how this shakes out, you can avoid this headache. Generally, equitable services must be delivered timely, so that balance should be taken into account.
  + In terms of advocacy: look at your equitable services share percentage for your district and the state overall for both Title I and Title II in FY19 (the current school year). The percentage of the Title II grant set-aside for equitable services is a rough estimation of what the percentage private schools would receive under the CARES Act (but could be even higher).  Title II’s equitable services share is based on overall enrollment, while Title I’s equitable services share is based on poverty.  The difference in the percentage between Title II and Title I is the shift toward private schools under the CARES Act. Please send me those percentages.
    - Note: The important analysis here is the percentage of the overall grant that was set-aside for Title I vs. Title II equitable services.  Title I is funded at a much higher level than Title II in terms of overall dollars, so the dollar amount will be higher for Title I – but the overall percentage for Title I equitable services is considerable smaller because it is poverty based. Therefore, it is not the dollar amount to report but the percentage of the overall grant (that is, what percentage of the district’s funding was set aside for equitable services in Title I and Title II. THAT is the difference to highlight.)
* This is a rapidly evolving policy priority. Stay tuned!