

KATHY CASTOR
14TH DISTRICT, FLORIDA

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June 18, 2020

Addison Davis
Superintendent
Hillsborough County Public Schools
901 East Kennedy Blvd.
Tampa, FL 33602

Re: Funding for Public Schools in CARES Act

Thank you for your leadership on behalf of Hillsborough County's public school students during the COVID-19 pandemic.

I am very concerned that Florida school districts have been provided with inaccurate "guidance" by the U.S. Department of Education (DOE) regarding the intent and plain language of the Coronavirus Aid, Relief and Economic Security (CARES) Act that was passed by Congress to speed emergency aid back home. The CARES Act provides over \$13 billion in K-12 education aid, which goes to states and local educational agencies (LEAs) based on their Title I, Part A (Title I-A) funding allocation. Since 1965, Title I-A has served as a vital source of support for disadvantaged students in schools with high concentrations of students from low-income families. The DOE's guidance suggests that the CARES Act dollars can be shared broadly with private schools. This is incorrect and inconsistent with the intent and plain reading of the CARES Act and overarching purpose of Title I-A of the Elementary and Secondary Education Act (ESEA), which is to promote educational achievement and protect the rights and interests of students disadvantaged by discrimination, poverty and other conditions that may limit their educational opportunity. Private schools are explicitly precluded from receiving assistance except for a clearly-stated exception for a "local education agency" as determined by the school board after CARES Act dollars are received. Under the CARES Act, such LEAs must provide equitable services in the same manner as provided under section 1117 of the ESEA.

Other states are following the legislative intent and discounting DOE's guidance. In doing so, they are correctly following the clear language of the law. In addition to being inconsistent with the CARES Act, the guidance runs contrary to section 1117 of the ESEA. Further Congressional intent also is evident in the Health and Economic Recovery Omnibus Emergency Solutions (HEROES) Act, recently passed by the House on May 15, subsequent to the issuance of the guidance on April 30. The HEROES Act again makes it clear that equitable services are to be

determined based on the number of low-income students, consistent with section 1117 of ESEA and the CARES Act.

The State of Florida, it appears, has instructed districts to follow the DOE's guidance. It was reported that last Friday that State Assistant Deputy Commissioner Miki Presley received several inquiries about the private school funds. His response, I am told, was, "We would point you to the federal guidance on the topic." He may have been referencing some other federal language, but the federal guidance that should be followed is the plain language of the statutes.

I trust that you also understand this moment in history when we all must listen and act on the persistent cries to deal with systemic racism in America. ESEA is a foundational civil rights law and public education is central to our fundamental American aim to provide everyone, no matter their skin color, with an equal opportunity to succeed. We must invest more in public education and students to level the playing field, and not undermine laws like Title I of the ESEA. Similarly, the CARES Act is intended to stabilize public schools in these hard times without exacerbating harmful policies that have drained public dollars from our public schools and sent them to for-profit enterprises that do not adhere to equitable requirements of the ESEA.

I encourage you to remain committed to these goals and America's important civil rights guarantee to a high quality and equal education. If you have any questions or comments, please do not hesitate to contact me or my Legislative Assistant Joicelyne Jackson at 813-871-2817 or 202-225-3376.

Sincerely,

A handwritten signature in black ink that reads "Kathy Castor". The signature is written in a cursive, flowing style.

Kathy Castor
United States Representative
Florida – District 14

cc:

Hillsborough County School Board Members