



June 15, 2020

Sent via E-mail

Ms. Carolyn Stanford Taylor
Superintendent
Department of Public Instruction
125 S. Webster St.,
Madison, WI 53703

Dear Ms. Stanford Taylor,

We offer greetings for good health and fortitude during a most difficult time, and pray that you and your family are doing well and staying safe.

On behalf of the Board of Directors of the Wisconsin Council of Religious & Independent Schools (WCRIS) and the Wisconsin Catholic Conference (WCC), we write regarding Elementary and Secondary School Emergency Relief (ESSER) funds distribution, which promises much needed economic relief for the K-12 education community.

Specifically, we have consulted with the Council for American Private Education (CAPE) and the United States Conference of Catholic Bishops on a letter issued by the U.S. Department of Education (USDE) to the Chief State School Officers on Friday, May 22, 2020. WCRIS serves as Wisconsin's CAPE affiliate organization and our national partners reiterate that this letter affirms guidance promulgated by the USDE on April 30, 2020, regarding the distribution of ESSER funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

Unfortunately, recent Wisconsin Department of Public Instruction (DPI) ESSER application materials do not reference USDE guidance, which requires Local Education Agencies (LEAs) to equitably distribute ESSER funds based on the total private school enrollment ("total enrollment") in their district. Instead, the DPI appears to be allowing districts to allocate funds based on the number of low-income (Title I formula) private school students within a school.

We believe this is problematic and urge you to consider the inequities it creates. States employing this Title I methodology are relying on inconsistent data collection, which fosters inequities for *both* public and private students. First, it is inequitable to use Title I data gathered in the *pre-pandemic* 2019-2020 school year for public school children while gathering current income data for private school students, *post the beginning of the pandemic and related economic collapse*. Using these two different points in time for collection does not reflect changes in family income for public school students, which is inequitable on its face.

Secondly, gathering income data for a federal program in June (or later) is outside the norm of usual practice because it is extremely difficult to reach families. To use poverty data from last fall – for either private or public school students – is to ignore the basic reason ESSER funds are being provided, which is to address the economic impact of COVID-19 and record unemployment, affecting family income and tax collections.

The formula outlined in the USDE guidance allows states to avoid these structural inequities. Perhaps these vagaries explain why some states are choosing to place “disputed” funds into escrow, as suggested by Secretary DeVos, until a formal rule is in place.

In fact, numerous states are navigating the confusion by allowing individual LEA’s to determine which formulas to use (Ohio, Illinois, Michigan, Louisiana, to name just a few). However, the LEAs are being advised to set aside the difference in the formulas and not spend it. This is complicating school planning efforts and creating inequities between schools located just across the street from one another.

Alongside that chaos, states that endorse or permit LEAs to use a Title I approach are also complicating the planning that is being done by both public and nonpublic schools to serve all students. Further, this approach will likely require another round of consultation when a final administrative rule is adopted by the USDE. Ultimately, this excludes children from receiving necessary services *now*, during this unprecedented pandemic, when they need the resources the most.

The data collection required by the Title I formula cannot be done in a timely, equitable or meaningful fashion. Under normal circumstances, it can take nearly a full school year to compile and issue income data per school, as you know. In some parts of the state, schools are working a year ahead – compiling data for the coming school year.

Add to that the difficulty of collecting accurate data, and the inequality grows. For example, in Racine one year ago, the district had to physically visit several private schools to collect data to finish its required data collection. That is not currently possible given the state’s mandated school closure, social distancing rubrics, and most importantly, the fact that schools are on summer break.

Therefore, we implore the DPI and Wisconsin school districts to follow the guidance from the USDE (i.e. total enrollment). This is not only simple to do, but also adequately meets the goal of serving all Wisconsin students in an equitable fashion, by providing much needed financial relief to both public and private schools trying to cope with all that the pandemic has thrust on them.

There are 11 states (Alaska, Florida, Georgia, Massachusetts, Nebraska, Nevada, South Carolina, South Dakota, Tennessee, Virginia, the Virgin Islands) following the USDE guidance, according to our colleagues. Their grant applications are open, with needed money flowing to schools. Wisconsin should be in this number.

WCRIS & WCC, Page Three
June 15, 2020

This “total enrollment” approach provides a quicker and less cumbersome formula for all parties to administer, enabling both public and private school communities to move forward in a fashion that will aid their students and teachers as they face many unknowns in the coming months.

It is timely. It is meaningful. It is equitable. It is also consistent with Wisconsin’s long-held practice of adhering to USDE guidance for all other federal programs. This creates stability and provides both public and private schools with clear direction and objective standards within which to operate.

As you contemplate this new information, if your schedule permits, we would like to meet with you in the next few days to discuss how we can collegially and proactively avoid the problems noted above that are present in other states.

The WCRIS and WCC Boards and their school communities very much appreciate the work you and the Department are doing to serve all students during this unprecedented health crisis. Your task is not easy.

We pledge the ongoing partnership of our members in that effort for the common good of Wisconsin’s school children.

We look forward to hearing from you at your earliest convenience.

Sincerely,



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