

Senator Mitch McConnell
Majority Leader
U.S. Senate
Washington, D.C. 20510

Senator Richard Shelby
Chairman, Appropriations Committee
U.S. Senate
Washington, D.C. 20510

Senator Charles Schumer
Minority Leader
U.S. Senate
Washington, D.C. 20510

Senator Patrick Leahy
Vice Chairman, Appropriations Committee
U.S. Senate
Washington, D.C. 20510

Representative Nancy Pelosi
Speaker of the House
U.S. House of Representatives
Washington, D.C. 20515

Representative Nita Lowey
Chairwoman, Appropriations Committee
U.S. House of Representatives
Washington, D.C. 20515

Representative Kevin McCarthy
Minority Leader
U.S. House of Representatives
Washington, D.C. 20515

Representative Kay Granger
Ranking Member, Appropriations Committee
U.S. House of Representatives
Washington, D.C. 20515

July 31, 2020

Dear Congressional Leadership,

On behalf of the leaders of elementary and secondary education across the country, the Council of Chief State School Officers (CCSSO) and National Association of State Boards of Education (NASBE) write to share our views on the education provisions of the Health, Economic Assistance, Liability Protection, and Schools (HEALS) Act and to urge Congress to reach bipartisan agreement on an emergency relief bill that will help schools deliver education effectively for all students in the coming year. We appreciate the Senate majority's introduction of legislation to provide support to states in response to the continued impact of the COVID-19 pandemic and the dedicated funding for education it includes. However, we strongly oppose restrictive federal provisions that would prevent schools from receiving needed emergency relief funding during this public health crisis. While we share the goal of returning all students safely to their school's learning environment, state leaders need flexibility to respond nimbly to rapidly changing, unique local health contexts. We are also deeply concerned that the proposed legislation does not address the critical need to expand broadband internet access to students and families who need it most.

In June, CCSSO was asked by Chairman Lamar Alexander to provide an estimate on what it would cost to safely reopen schools this fall. In a June 24 letter¹ to Chairman Alexander and the Senate Health, Education, Labor and Pensions Committee, CCSSO estimated that schools would need between \$158.1 billion and \$244.6 billion in total additional funding to reopen schools safely and serve all students in the next school year, based on the best projections available at that time. In calculating these costs, CCSSO

¹ CCSSO Letter to Chairman Alexander, June 24, 2020: ccsso.org/sites/default/files/2020-06/HELPLetterFinal.pdf

outlined the most pressing challenges school leaders would face in safely reopening schools and delivering education to all students:

- costs associated with operating effective remote and in-person instruction during a time when COVID-19 will still be present in our states and communities, including health and safety protocols in the school building and an investment in technology infrastructure to provide high-quality remote learning opportunities;
- costs associated with addressing students' academic learning loss and helping students overcome increased trauma and economic and food insecurities; and
- the decline in state and local funding for education stemming from reductions in income, sales, and other tax revenues.

Education leaders in every state are committed to reopening schools in person as soon as it is safe to do so. However, the safety of students and staff remains paramount and must inform every decision made at the state and local level. For this reason, school leaders have worked tirelessly with educators, parents, and health officials to prepare to safely deliver education by multiple means over the coming academic year, including in person, remote, and a combination of both. School leaders recognize that the way in which education is delivered may need to change from week to week or month to month as the spread of COVID-19 increases or decreases in a given community. Consequently, state and local education systems need additional emergency relief funding and maximum flexibility to meet the needs of all students throughout this uncertain, unprecedented time.

CCSSO and NASBE strongly oppose any effort to condition receipt of federal emergency funding on whether a school is open for full-time in-person instruction. Decisions on when to reopen and how to deliver education are, and must remain, state and local ones, based on ongoing consultation with public health officials and continued conversations with parents, students, teachers, and school staff. With its restrictive definition of what constitutes reopening, the HEALS Act conditions access to this much-needed aid solely based on this definition and thus takes decision making out of state and local hands. This unworkable process for securing aid would delay or prevent schools from meeting the critical needs of students during this crisis.

The HEALS Act also imposes three unnecessary administrative burdens. First, the HEALS Act creates a new federal grants program structure for disbursing education funding instead of relying on the existing Elementary and Secondary School Emergency Relief (ESSER) Fund system, established through the Coronavirus Aid, Relief, and Economic Security (CARES) Act, which has the widespread support of state chiefs, state board members, and governors. To ensure rapid allocation of funds to states and swift disbursement to districts, we urge Congress to leverage the proven program structure of the CARES Act.

Second, schools will need additional emergency relief funding to meet unique needs in every community over the course of the 2020-21 school year. The structure established through the CARES Act's ESSER Fund is the best tool to accomplish this goal. By requiring that funds be spent within four months of receipt and restricting the allowable uses of these funds, the HEALS Act fails to recognize that meeting students' needs during 2020-21 will require quick, sustained action. Our organizations recognize the need for immediate interventions to support students as they return to learning, but the evidence also reveals that schools must be able to sustain these supports throughout the school year in order to mitigate the deleterious effect of the pandemic on student learning. Further, schools need the flexibility to adapt to emerging or unanticipated student needs, which may vary over several months and into 2021.

Third, new restrictions on the use of funds provided through the HEALS Act would complicate schools' efforts to reopen in compliance with new health and safety protocols aligned with recommendations from the Centers for Disease Control and Prevention, the American Academy of Pediatrics, and state and local public health experts. In order to reopen in person, schools must incur new expenses this year, including the costs of hand sanitizer, thermometers, personal protective equipment for students and staff, additional teaching staff to cover varying class sizes, and additional custodial staff and health care professionals to ensure safe, clean schools. These additional supply and staffing costs are critically important to limiting the spread of COVID-19 and protecting vulnerable communities.

CCSSO and NASBE also are disappointed the HEALS Act does not address the critical, immediate need to close the digital divide in this country. As CCSSO, NASBE, and more than 50 other national organizations stated in a letter to Congressional leadership on April 22,² an estimated 9 million to 12 million students and some teachers do not have access to internet at home. A key lesson learned from the virus response during the spring is that students across this country, especially those from low-income families or living in rural areas, will need internet connectivity and devices to ensure continued learning. Preparedness is critical, as we cannot allow inequities and learning loss to be exacerbated because a child lacks access to quality internet or a device. Due to current COVID-19 infection rates in local communities, we already have seen a number of school districts announce virtual learning opportunities for the first few weeks of this school year. Now is the time to close the digital divide and expand broadband access to every neighborhood and community in our country. Even when a school is able to open its doors physically, we know digital learning will remain important, both within the school building to provide students access to additional course offerings and outside the building so that students may still be served when they are immune-compromised or live with someone who is immune-compromised or at higher risk of contracting COVID-19. We urge Congress to provide at least \$4 billion in funding through the E-Rate program in the next emergency relief package.

Finally, CCSSO and NASBE ask Congress to clarify the equitable services provision for low-income students in nonpublic schools in the next emergency relief package. This clarification was not included in the HEALS Act, as proposed. Our organizations support the equitable services provision as described in Section 1117 of the Every Student Succeeds Act. The lack of clarity and confusion on this provision has led to unnecessary delays in the distribution of CARES Act funding, and it must be addressed immediately. Amidst rapidly evolving knowledge about the virus, states need stability, clarity, and consistency to effectively, rapidly, and boldly meet students' needs. We urge Congress to clarify the CARES Act equitable services provision consistent with the carefully crafted, proven, and longstanding provision in Section 1117.

CCSSO and NASBE are encouraged by the steps Congress has taken to move forward on emergency relief for K-12 schools across this country. We urge Congress to address our concerns, outlined above, and reach bipartisan agreement on an emergency relief package that allows states and local districts to safely and effectively deliver education to every student in the next year. This funding must empower state and local school systems to educate students amid multiple possible scenarios and much uncertainty, whether learning can occur in person, remotely, or some combination throughout the year. Further, we urge Congress to align this funding with that provided in the CARES Act to minimize administrative burdens and allow for quick, effective relief. As our nation grapples with the pandemic's extraordinary impact on students, educators, and communities, your continued bipartisan efforts will be

² Letter to Congressional Leadership on E-Rate, April 22, 2020: <https://ccsso.org/sites/default/files/2020-04/Letter%20to%20House%20leadership%20re%20Homework%20Gap%204.22.20.pdf>

essential to rapidly address the needs of all our students. We look forward to collaborating with you during these trying times.

Sincerely,

A handwritten signature in blue ink that reads "Carissa Miller". The signature is fluid and cursive, with the first name being more prominent.

Carissa Moffat Miller
Executive Director
Council of Chief State School Officers

A handwritten signature in blue ink that reads "Robert E. Hull". The signature is cursive and elegant, with the last name being the most prominent.

Robert Hull
President and CEO
National Association of
State Boards of Education

CC: Senator Roy Blunt
Senator Lamar Alexander
Senator Patty Murray
Representative Bobby Scott
Representative Virginia Foxx