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July 27, 2020

Chairman Lamar Alexander
Committee on Health, Education, Labor, and Pensions
United States Senate
Washington, DC 20510

Chairman Richard Shelby
Committee on Appropriations
United States Senate
Washington, DC 20510

Chairman Bobby Scott
Committee on Education and Labor
U.S. House of Representatives
Washington, DC 20515

Chairwoman Nita Lowey
Committee on Appropriations
U.S. House of Representatives
Washington, DC 20515

Dear Senators and Representatives:

We, the undersigned civil rights and education equity organizations, write to urge you to include additional emergency relief funds for schools, children and families in the next COVID-19 federal relief package and target those funds at the students most impacted by the pandemic.

The impact of this pandemic has been profound, severe, and widespread for our nation's youth. Students of color, students from low-income families, students with disabilities, and students from other vulnerable and historically underrepresented groups—especially those in Southern states—have been hit particularly hard, with disparate access to critical services and equitable distance education opportunities presenting a strong possibility for learning loss and widened achievement gaps.¹ We appreciate the leadership each of you has provided thus far by appropriating nearly \$31 billion in emergency relief funds for elementary, secondary, and postsecondary education through the Coronavirus Aid, Relief, and Economic Security

(CARES) Act. However, the magnitude of this crisis calls for considerably more funds, particularly as states and school districts enter a period of fiscal uncertainty.

As such, we expect that any additional relief package for public schools and institutions of higher education will:

Allocate sufficient emergency relief funding to address the needs of schools and students.

Elementary and Secondary Funding: Schools need more emergency relief funds to respond to the needs of students, teachers, and families and to address budget shortfalls. Estimates show that the combined impact of new COVID-related costs and declining revenues over the course of the two affected school years will result in elementary and secondary education shortfalls of more than \$230 billion.ⁱⁱ Analysts predict state budget shortfalls of more than \$550 billion in FYs 2020-22,ⁱⁱⁱ which will significantly impact states' abilities to ensure stable school funding.

We urge you to allocate \$370 billion for federal K-12 relief to address these projected costs, with funds dedicated specifically for elementary and postsecondary relief to help state education agencies and school districts deal with the fallout from this crisis. Some relief funds should be specifically dedicated to stabilizing school budgets and some should be dedicated to addressing the new and ongoing needs of schools as they respond to the pandemic, including increased costs of at-home learning, health and safety adjustments, and responses to learning loss that occurred during school closures between March and June and the summer. These losses were significant for many students and researchers estimate that it could cost schools \$36 billion to address them.^{iv}

To ensure states continue to meet their education obligations for historically underserved students, we support increased funding for federal education programs, including Title I for economically disadvantaged students, Title III for English learners, and the Individuals with Disabilities Education Act for students with disabilities. We also support efforts to strengthen maintenance of effort requirements and urge you to require state and local education agencies to adopt procedures to cut budgets equitably, if such cuts are necessary. Decreases in education funding disproportionately impact the students of color and low-income students whose schools have been underfunded for generations. Schools in southern states have still not recovered from the 2008 recession and have per-pupil funding levels below the national average.^v Stronger maintenance of effort requirements that incentivize states to respond to budget deficits equitably would provide important protections for the students most impacted by the pandemic.

Higher Education: Higher education groups recommend distributing at least \$46 billion in additional relief funds to states to support public colleges and universities, though COVID-19 costs for institutions of higher education (IHEs) could be significantly higher.^{vi} We urge you to ensure that increased funding for IHEs is distributed equitably to all postsecondary institutions and students, with targeted funds for public colleges and universities. CARES Act higher education funds were distributed to public and private IHEs based, partially, on the number of students who attended the school full time. This calculation presented challenges to schools like community colleges that have higher numbers of part-time and working students—the very people who most need financial support during this time.^{vii} Future distribution calculations should include adjustments for part-time students and should ensure that public IHEs, particularly those serving higher numbers of low-income students have more funding.

To ensure equitable and effective distribution of these funds, we urge you to rescind the interim final rule issued by the Department of Education that limits undocumented students, including DACA recipients, from receiving emergency financial aid grants. The Department of Education interpreted the CARES Act to limit IHEs from distributing critical financial aid grants to students based on citizenship status. This

interpretation was contrary to the purpose of the CARES Act Higher Education Emergency Relief funding and should be clarified and corrected in the upcoming stimulus bill.

Include dedicated funding for wraparound services to provide for students' social, emotional, nutritional, and health-related needs.

The effects of two concurrent and deeply interconnected pandemics – COVID-19 and systemic racism and inequities – are undoubtedly taking a toll on our nation's public school students. As students continue to be separated from their schools, they are witnessing the manifestations of generations of racism and discrimination toward Black Americans. Regardless of how or to what extent instruction resumes in the fall, this trauma will likely affect their academic outcomes if deliberate actions are not taken to mitigate its effects. A recent study from the Harvard Kennedy School of Government points to a direct relationship between officer-involved killings and declining grade point averages (GPAs) and graduation rates, particularly among Black and Hispanic males in their early years of high school.^{viii} Addressing the compounded trauma of both of these ongoing pandemics through additional relief funding specifically earmarked for the hiring of more school- and district-level mental health professionals, counselors, and social workers with training in adverse childhood experiences (ACEs) and trauma-informed practices should be of paramount importance.

To address the needs of students, we support efforts to increase funding for important programs, including the National Child Traumatic Stress Network, the Child Nutrition Program, children and families services programs, in addition to flexible allocations of funding for school districts through state fiscal stabilization funds. We are also supportive of the ongoing and largely successful Pandemic Electronic Benefits Transfer (P-EBT) program that has expanded access to nutritional services for children from low-income families. However, particularly with regard to the HEROES Act's \$3 billion for the Child Nutrition Program and \$58 billion for school districts, we believe these amounts are insufficient and must be significantly increased.

Wraparound services are most effective when there is consistent and meaningful two-way engagement between schools and families. Consistent with federal law, the education relief programs in the CARES Act require that all education agencies that receive emergency funds engage families and other stakeholders in plans for how those funds should be used. We urge you to affirm the importance of family-school engagement in the upcoming stimulus bill and to dedicate funds specifically to state and local education agency family engagement programs. Some schools have reported very limited contact with families since school closures began in March, with even less contact for students of color. Many schools report losing contact with families, particularly families of color. The contacts schools have with white families are through multiple modes of communication with teachers, while Black and Latinx families have far more limited modes and frequency of communication, demonstrating the equity issues that go far deeper than the digital divide for students and families of color. School reopening and continuing education plans will not be successful without meaningful engagement between schools and families, particularly families of color and low-income families. Resources should be targeted toward these efforts.

In the absence of adequate funding to help school districts equitably continue to offer critical services to their students during the COVID-19 pandemic, districts throughout the southern United States have demonstrated extraordinary resilience and ingenuity to continue providing for their most vulnerable students. For example, Jefferson County Public Schools in Kentucky, the state represented by Senate Majority Leader Mitch McConnell, created a comprehensive list of tips and community-based resources for families to turn to for assistance during the pandemic.^{ix} Hamilton County Public Schools in Tennessee, the state represented by Senate HELP Committee Chairman Lamar Alexander, curated a dedicated page for whole child supports consisting of direct student supports in the areas of academic,

career, and social and emotional lessons for children and families to access during the extended period away from school.^x A number of school districts also set up 24-hour crisis hotlines, staffed with county-level mental health professionals, for families to contact in the event of an emergency. While it is evident that school districts have stepped up in the absence of significant federal aid, we believe that action from Congress to provide adequate financial relief for wraparound services is necessary and overdue.

Provide funding specifically geared toward closing the digital divide and achieving digital equity.

We are all acutely aware that the COVID-19 pandemic exposed the glaring inequities in internet access for students across our nation. Particularly for Black students and students from low-income families, addressing these inequities is vital toward ensuring equitable opportunities for academic success during periods of distance learning. Data on digital disparities reveal that nearly 20 percent of African American children ages 3-18 and 21 percent of families earning less than \$40,000 per year have no access to the internet at home.^{xi} Alarming, over one-third of children in 11 southern states do not have access to the internet at home.^{xii} Many school districts in the South that enroll a majority of students of color and students from low-income families are leveraging public-private partnerships and spending scarce district resources to innovate in the absence of universal broadband and device access. Failure to immediately address this oversight will lead to our nation's most vulnerable students feeling the brunt of the effects of a widening gap in academic achievement.

We are appreciative of the \$1.5 billion Emergency Connectivity Fund and \$4 billion Emergency Broadband Connectivity Fund included in the HEROES Act. We urge Congressional leaders to maintain this funding in the next stimulus bill, and to consider the technology-related needs of students in concurrence with their connectivity-related needs. The Southern Education Foundation (SEF)'s analysis of American Community Survey (ACS) data shows that in the southern states alone, a \$500 allocation for each child under the age of 18 without access to connect to high-speed internet and obtain a computer will alone cost nearly \$2.3 billion.^{xiii} Our hope is that this amount in its entirety, in addition to the amount required for broadband connectivity and computers for students around the nation, will be reflected in the next stimulus package.

Ensure that all relief funds intended for public education go to public schools and that funds are used to promote racial and socioeconomic equity.

Each southern state has released a publicly-available plan for reopening its public schools. While the technicalities of each state's plan vary slightly, all plans provide guidelines for social distancing, staggered or hybrid reopening models, and, if available, usage of personal protective equipment (PPE) for students and staff. Many school districts' leaders, teachers, families and students are experiencing uncertainty and anxiety over complying with their state's reopening guidelines. In addition to concerns over the potential health implications of in-person learning, they are also concerned that efforts to divert public funds from public education toward private schools and individual families will impact their ability to access much-needed resources for their schools and will widen inequities between students.

Education relief funds must be distributed equitably and focused in our public schools. To that end, we urge you to:

- Ensure that no funding distributions are tied to in-person learning requirements. Some have suggested that schools that do not reopen their doors for in-person learning on a normal schedule should be penalized and not receive federal funds. Doing this would have disastrous consequences. Many local and state education agencies are making reopening decisions based on the guidance of public health experts and the rates of infection in their communities. They should

be allowed to determine their reopening procedures, as long as they ensure equitable access to educational resources and protect the health, safety, and civil rights of all students.

- Place limits on the discretionary spending power of the Department of Education. With the CARES Act Education Stabilization Fund discretionary monies, the Department put into place a “microgrants” program that awards funds directly to families for private tutoring and other programs and services. This is a school voucher program that diverts much-needed public resources from the schools that serve the majority of our nation’s children to individual families to select private school options. The upcoming stimulus package should protect public funds, ensuring they cannot be used for microgrant programs, tax credit voucher programs, and all other school privatization measures.
- Allocate resources for the Educator Job Stabilization Fund to preserve and protect critical teaching and support staff positions, especially in states that are particularly vulnerable to cuts to their education workforces. In the South, for example, a 20 percent cut to K-12 education budgets could result in nine percent of the entire region’s teacher workforce being cut.^{xiv} In some cases, smaller states will experience a bigger shock, with Delaware potentially losing 18 percent of its teacher workforce.^{xv}
- Strictly enforce equitable services guidelines as they are laid out in the Every Student Succeeds Act (ESSA). The Department of Education’s interim final rule, effective July 1, violates the CARES Act, and directs significantly more CARES Act public funds to private schools than Congress intended.^{xvi} In Louisiana, for example, both urban and rural school districts would lose nearly \$23 million if the Department’s rule is followed.^{xvii} In Texas, public school districts will have to reserve up to an additional \$38 million for private school students under the new rule.^{xviii} We urge you to explicitly reverse the Department of Education’s violation of the CARES Act and prevent the Department from funneling more federal relief funds to private schools than is allowed under the law.

We also call on Congress to prohibit the use of federal stimulus funds for the renewal or creation of contracts between school districts and local police departments or for the creation, expansion, or maintenance of internal school district police departments. The presence of police officers or school resource officers in schools is inherently inequitable and harmful to students of color and students from low-income families.^{xix}

Once again, we are grateful for your leadership through the unprecedented crises of health and racism our nation is currently facing. It is our hope that through the advancement of our recommendations and with deliberate attention to providing states and school districts with much-needed relief, we will emerge from this moment better prepared to provide each and every student with their constitutionally-guaranteed, equitable, free and appropriate public education.

Sincerely,

Education Law Center

Every Texan

Georgia Advocacy Office

Georgia Appleseed

Intercultural Development Research Association

National Urban League

Southern Education Foundation

SPLC Action Fund

Texas Appleseed

Texas Association of Mexican American Chambers of Commerce

Texas Hispanics Organized for Political Education

The Expectations Project

CC: Southern Members of the Senate HELP Committee, Senate Committee on Appropriations, House Committee on Education and Labor, and the House Committee on Appropriations

Senator Richard Burr (NC); Senator Rand Paul (KY); Senator Bill Cassidy (LA); Senator Tim Kaine (VA); Senator Tim Scott (SC); Senator Doug Jones (AL); Senator Kelly Loeffler (GA); Senator Mitch McConnell (KY); Senator Lindsey Graham (SC); Senator Roy Blunt (MO); Senator John Boozman (AR); Senator Christopher Coons (DE); Senator Shelley Moore Capito (WV); Senator John Kennedy (LA); Senator Cindy Hyde-Smith (MS); Senator Joe Manchin (WV); Senator Marco Rubio (FL); Senator Chris Van Hollen (MD); Senator James Lankford (OK); Representative Frederica Wilson (FL); Representative Alma Adams (NC); Representative Lucy McBath (GA); Representative Donna Shalala (FL); Representative David Trone (MD); Representative Joaquin Castro (TX); Representative Virginia Foxx (NC); Representative Phil Roe (TN); Representative Brett Guthrie (KY); Representative Bradley Byrne (AL); Representative Rick Allen (GA); Representative Mark Walker (NC); Representative James Comer (KY); Representative Ben Cline (VA); Representative Ron Wright (TX); Representative Gregory Murphy (NC); Representative Kay Granger (TX); Representative Harold Rogers (KY); Representative Robert Aderholt (AL); Representative John Carter (TX); Representative David Price (NC); Representative Tom Cole (OK); Representative Sanford Bishop (GA); Representative Mario Diaz-Balart (FL); Representative Tom Graves (GA); Representative Steve Womack (AR); Representative C.A. Dutch Ruppersberger (MD); Representative Chuck Fleischmann (TN); Representative Debbie Wasserman Schultz (FL); Representative Henry Cuellar (TX); Representative Andy Harris (MD); Representative Martha Roby (AL); Representative Steven Palazzo (MS); Representative John Rutherford (FL); Representative Lois Frankel (FL); Representative Will Hurd (TX); Representative Charlie Crist (FL)

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- ⁱ Dorn, Emma, Bryan Hancock, Jimmy Sarakatsannis, and Ellen Viruleg. “COVID-19 and Student Learning in the United States: The Hurt Could Last a Lifetime.” McKinsey & Company, June 1, 2020. <https://www.mckinsey.com/industries/public-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime>.
- ⁱⁱ Based on predictions from the Learning Policy Institute (LPI). <https://learningpolicyinstitute.org/blog/what-will-it-take-stabilize-schools-time-covid-19>.
- ⁱⁱⁱ McNichol, E. & Michael Leachman (July 7, 2020). [States Continue to Face Large Shortfalls Due to COVID-19 Effects](#), Center for Budget Policy Priorities.
- ^{iv} See Testimony of Michael Leachman (June 15, 2020). [To Support Education, Congress Should Provide Substantial Fiscal Relief to States and Localities](#), Testimony before the House Education and Labor Committee. Mr. Leachman’s testimony relied on a cost estimator tool created by the [Learning Policy Institute](#).
- ^v Wilson, T. (April 3, 2020). [Students in Southern States Face Short- and Long-Term COVID-19 Challenges](#), Intercultural Development Research Association.
- ^{vi} See [Letter to congressional leadership on necessary additional investments in public higher education](#), The Institute for College Access and Success (April 27, 2020).
- ^{vii} See Miller, B. [A Better Formula for Higher Education’s Federal Coronavirus Funding](#), Center for American Progress (May 11, 2020).
- ^{viii} Ang, Desmond (June 7, 2020). [“The Effects of Police Violence on Inner-City Students.”](#) Harvard Kennedy School of Government.
- ^{ix} [JCPS - Managing Stress and Anxiety](#) (July 2020).
- ^x [Hamilton County Schools Whole Child Supports](#) (July 2020).
- ^{xi} [“Children’s Internet Access at Home.”](#) (2020). National Center for Education Statistics, U.S. Department of Education.
- ^{xii} Chandra, Sumit, Amy Chang, Lauren Day, Amina Fazlullah, Jack Liu, Lane McBride, Thisal Mudalige, and Danny Weiss. (June 29, 2020). [“Closing the K–12 Digital Divide in the Age of Distance Learning: Common Sense Kids Action.”](#) Common Sense Media.
- ^{xiii} SEF independent analysis of [ACS data](#) for southern states.
- ^{xiv} SEF analysis of LPI projections
- ^{xv} See [The Impact of COVID-19 on State Education Funding: Delaware](#) (May 2020). Learning Policy Institute.
- ^{xvi} [CARES Act equitable services allocations by state](#) (June 10, 2020). Learning Policy Institute.
- ^{xvii} [Louisiana CARES Equitable Share Estimates](#) (2020). Education Week.
- ^{xviii} Craven, Morgan, and Roy L. Johnson (July 16, 2020). [“Cutting Public School Relief Funds to Subsidize Private Schools – Issue Brief.”](#) IDRA.
- ^{xix} See [We Came to Learn: A Call to Action for Police Free Schools](#), The Advancement Project, 2018.