

April 8, 2021

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona:

Since the onset of the pandemic, educating elementary and secondary students has proved to be a significant challenge for schools of every shape, size, and type. COVID did not discriminate in its impact on schools, and every school leader has been forced to make difficult decisions about how and when to safely reopen since COVID's onset.

For many private and parochial schools, the question was never if they would reopen but how they would do so safely. More than a year since the start of the pandemic, these same private and parochial schools are shining examples of how to safely bring students back to the classroom without risking outbreaks of COVID on campus. While many public schools have remained closed, private and parochial schools have kept their doors open, serving the students in their community, regardless of the financial costs necessary to reopen safely. Unfortunately, these costs have been too great for some schools to incur, resulting in the closure of well over 100 schools nationwide.¹

In December, I led the effort in the bipartisan "\$908 group," which brokered the December COVID relief package, to make sure dedicated funding were available for private and parochial school relief in the form of the Emergency Assistance to Non-public Schools (EANS) Program. The \$2.75 billion made available through EANS ensured that services and assistance related specifically to COVID were prioritized for schools that "enroll low-income students and are most impacted by the qualifying emergency."² Our objective in adding this targeting language was to make clear of the Congressional intent that COVID-related services and assistance should go first to schools that serve low-income students, as they are more likely to have greater costs incurred during the pandemic. However, at the same time, we sought to make sure that governors' hands were not tied by arbitrary thresholds that determined how services and assistance are to be targeted and allocated based on a certain percentage of low-income students served. Targeting funding in the EANS program in this manner had bipartisan support and was

¹ COVID-19 permanent private school closures. (2021, March 23). Retrieved April 06, 2021, from <https://www.cato.org/covid-19-permanent-private-closures>.

² Consolidated Appropriations Act of 2021, (Pub. L. No. 116-260) 27 December 2020.

schools that qualify for COVID-related services and assistance. In describing the terms and conditions of the new round of funding, the ARP states that services and assistance are for “non-public schools that enroll a significant percentage of low-income students.”³ The new requirement that services and assistance provided in EANS II go to schools that enroll a “significant percentage” of low-income students is vague and should not result in limiting services and assistance to only those schools which meet an arbitrary threshold determined by the Department of Education (DOED). If an arbitrary threshold is established, there will be schools that serve low-income students but do not qualify because they are one or two percentage points under the cutoff point, despite having significant COVID-related needs that could otherwise be met through services and assistance provided by this funding.

As DOED considers how to implement this new requirement, I urge you to ensure that the funding provided in EANS II does not restrict eligibility based on an arbitrary percentage threshold and that states are given maximum flexibility in how they determine eligibility for COVID-related services and assistance.

Thank you for ensuring that the EANS II funding has the greatest impact possible and serves low-income students well, regardless of whether a school serves two or two-hundred low-income students.

Sincerely,

A handwritten signature in blue ink that reads "Bill Cassidy, M.D." in a cursive style.

Bill Cassidy, M.D.
United States Senator

³American Rescue Plan Act of 2021, (Pub. L. No. 117-2) 11 March 2021.