



The Honorable Betsy DeVos
Secretary of Education
U.S. Department of Education
400 Maryland Ave, SW
Washington, DC 20202

May 04, 2020

Dear Secretary DeVos:

We appreciate the Department moving expeditiously in allocating the billions of dollars in emergency funding appropriated for State educational agencies (SEA) and local educational agencies (LEAs) under the Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116–136) Education Stabilization Fund. This funding is vital toward meeting the needs of our most vulnerable students during this unprecedented time.

We are pleased with many aspects of the Certification and Agreement the Department released for SEAs to fill out in order to receive funding. We applaud the Department for requiring SEAs to submit a budget and report within 60 days that will include an Internal Control and Subrecipient Monitoring Plan to detail how SEAs will spend CARES Act funds and ensure that funds are used for allowable purposes. Additionally, we support the requirement that SEAs must provide to the Department information that the SEA requests LEAs to include in their subgrant applications for CARES Act funds, including the suggestion of including how the LEA will determine its most important educational needs as a result of COVID19 and a timeline for providing services. These assurances help provide transparency into how CARES Act funding will be spent at the SEA, LEA, and school levels.

However, in order to guarantee that the funding is being used equitably, more data will be needed once SEAs, LEAs, and schools start spending this funding. In the Certification and Agreement form, the Department states that “the Secretary may require additional reporting in the future...” We think it is critical that you utilize this authority to ensure funds are spent with fidelity and that the needs of our most vulnerable students are met. As soon as possible, but no later than the submission of the first quarterly report required under Section 15011(b)(2) of Division B of the CARES Act, the Department should inform SEAs and LEAs that they will need to collect, and report publicly after a year, more specific information about how they used CARES Act funds. The Department should require that SEAs and LEAs report information regarding, among other things, how they: used funds to meet the unique needs of underserved students; prioritized equitable learning opportunities, including through increasing accessibility to distance learning; addressed learning loss and achievement gaps; provided meals and other wraparound services to students; and provided professional development to educators while working to retain them and other support staff. Finally, the Department should make these reports publicly available to help highlight efforts to promote equity and innovation and allow outside organizations to more effectively assist SEAs, LEAs, and schools in serving students.

A full list of potential items for SEAs and LEAs to report is attached. We hope that the Department will consider this request to ensure that taxpayer dollars are used in an effective way that helps all students attain a quality education during and after this global emergency. Thank you for your consideration and we look forward to working with the Department on these efforts in the future.

Attachment A

STATE REPORTS

A year after passage of the CARES Act, an SEA receiving funds under the Elementary and Secondary School Emergency Relief Fund shall submit a report to the Secretary, at such time and in such manner as the Secretary may require, that describes —

- How the SEA used funds to meet the unique academic and social and emotional needs of students, particularly students from low-income backgrounds, students with disabilities, English learners, racial and ethnic minorities, foster care youth, students experiencing homelessness, and students engaged in the juvenile justice system;
- How the SEA will account for any missing data from the time during school closure in the SEA accountability and public reporting system;
- Any quantifiable impact the funds the SEA received had on the education of students, in particular students from low-income backgrounds, students with disabilities, English learners, racial and ethnic minorities, foster care youth, students experiencing homelessness, and students engaged in the juvenile justice system, such as:
 - The number of students who received technology for distance education, including devices and connectivity;
 - The number of hours students received distance education;
 - The number of hours students with disabilities received special education and related services virtually or remotely compared to what their individualized education programs (IEPs) called for;
 - The number of students who took AP/IB/SAT/ACT tests in a remote learning environment;
 - The number of educators (teachers, school leaders, specialized instructional support personnel) either retained or hired;
 - Any learning gains experienced by students;
 - The number of hours of training teachers received on providing distance education; and
 - The number of students who earned a credential online;
- The number of jobs that the SEA estimates were saved or created with funds the SEA received and how many of those jobs were in high need schools; and
- How the SEA used flexibilities it received from ESEA waivers during and after school closures and, as required in section 8401 of ESEA, (1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and (2) how the use of the waiver contributed to such progress.

LEA REPORTS

A year after passage of the CARES Act, an LEA receiving funds under the Elementary and Secondary School Emergency Relief Fund shall submit a report to the SEA, at such time and in such manner as the SEA may require, that describes —

- How the LEA used funds to meet the unique academic and social and emotional needs of students, particularly students from low-income backgrounds, students with disabilities, English learners, racial and ethnic minorities, foster care youth, students experiencing homelessness, and students engaged in the juvenile justice system;
- How the LEA used funds to ensure all students have equitable access to learning opportunities during and after school closures, including access to technology and high-quality instructional materials, and how compensatory services for students with disabilities were provided;
- How the LEA used funds to meet the technology needs of all students, particularly students from low-income backgrounds, students with disabilities, racial and ethnic minorities, English learners, foster care youth, students experiencing homelessness, and students engaged in the juvenile justice system;

- How the LEA used funds to address learning loss, close opportunity and achievement gaps, and provide needed compensatory services for students with disabilities due to closures;
- Any quantifiable impact the funds the LEA received had on the education of students, in particular students from low-income backgrounds, students with disabilities, English learners, racial and ethnic minorities, foster care youth, students experiencing homelessness, and students engaged in the juvenile justice system, such as:
 - The number of students who received technology for distance education, including devices and connectivity;
 - The number of hours students received distance education;
 - The number of hours students with disabilities received special education and related services virtually or remotely compared to what their individualized education programs (IEPs) called for;
 - The number of students who took AP/IB/SAT/ACT tests in a remote learning environment;
 - The number of educators (teachers, school leaders, specialized instructional support personnel) either retained or hired;
 - Any learning gains experienced by students;
 - The number of hours of training teachers received on providing distance education; and
 - The number of students who earned a credential online;
- The methodology the LEA used to distribute funds to schools;
- The percentage and amount of funds that will be used to provide equitable services to nonpublic school students and teachers;
- How low-income students, students with disabilities, and English learners in non-public schools received equitable services;
- The number of jobs that the LEA estimates were saved or created with funds the LEA received and how many of those jobs were in high need schools;
- How the LEA plans to resume administering State assessments as soon as possible using funds received, including any diagnostic assessments that will be used to determine learning loss of students due to school closures; and
- How the LEA used flexibilities it received from ESEA waivers during and after school closures and, as required in section 8401 of ESEA, (1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and (2) how the use of the waiver contributed to such progress.

STATE REPORTS TO SECRETARY

An SEA that receives Elementary and Secondary School Emergency Relief Fund shall compile two reports: one that includes, in the aggregate, the information it receives from its LEAs from the LEA reports and another that includes the information required in the State report. The SEA shall submit these reports to the Secretary at such time and in such manner as the Secretary may require. The Secretary shall make these reports publicly available within 14 days of receipt.

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