



Senator's Deb Fischer & Ben Sasse
Congressmen Don Bacon, Jeff Fortenberry & Adrian Smith

June 25, 2020

On behalf of the Nebraska Association of School Boards (NASB), representing 1,700 locally elected community leaders serving Nebraska's 260 districts and ESU's, we are reaching out to voice our concerns over the allocation methodology of CARES Act Funding within the U.S. Department of Education (ED) guidance.

Congress passed the H.R. 748, Coronavirus Aid, Relief, and Economic Security (CARES) Act (P.L. 116-136) with strong bipartisan support, and it was quickly signed into law on March 27, 2020. The CARES Act establishes the Elementary and Secondary School Emergency Relief (ESSER) and the Governor's Emergency Education Relief (GEER) funds to help schools meet the increased costs of school closures and remote learning, disproportionately borne by low-income, rural, and isolated communities. We request ED revise the guidance titled "Providing Equitable Services to Students and Teachers in Non-Public Schools under the CARES Act Programs," which runs counter to the intent of Congress.

The CARES Act clearly commits relief funding for the most vulnerable student populations, a precedent set in decades of federal education funding. The statute requires local education agencies (LEAs) receiving ESSER or GEER funds to "provide equitable services in the same manner as provided under section 1117 of the ESEA of 1965 to students and teachers in non-public schools," and section 1117 establishes that the allocation of federal funds to serve private school children is based on the number of low-income students in those private schools. In short, LEAs must allocate ESSER and GEER funds to private schools based on low-income student enrollment, just as is done for public schools.

ED guidance on allocation of ESSER and GEER funds to non-public schools counts all private school students, not just low-income students. As a result, LEAs would need to dedicate more relief funding to private schools, relative to the amount if section 1117 is followed as is statutorily required under the CARES Act, leaving less for public schools, which often serve proportionally more low-income students. Doing so denies public schools critical relief at a moment when state and local governments face steep declines in revenues on top of growing costs for coronavirus relief. This budget crunch faced by cities and towns across America threatens to crowd out funding for other services, including our public schools.

Thank you for your attention to this matter. We stand ready to provide additional information to help correct ED guidance on ESSER and GEER allocations for non-public schools to reflect the intention of Congress in passing the CARES Act. Like you, we are public education in Nebraska, let's continue to lead the way.

Sincerely,

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Nebraska City BOE

Brad Wilkins
NASB Legislation Committee Chair
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John Spatz
NASB Executive Director
Graduate of Ord Public Schools