

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

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

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

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

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

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

Representative Nita Lowey  
Chairwoman, Appropriations Committee  
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 30, 2020

Dear Congressional Leadership,

On behalf of the undersigned organizations, representing the nation's educators and education leaders—those doing the critical, challenging work of keeping our nation's students learning and supported in these unprecedented circumstances—we write to share our response to the Health, Economic Assistance, Liability Protection and Schools (HEALS) Act.

We commend the Senate majority for taking action to introduce an additional emergency supplemental bill in response to the continued impact of the COVID-19 pandemic on state and local economies, and for including funding dedicated to K-12 education. However, the bill misses the mark and falls far short of the needs facing our nation's schools, which our groups have been clear to repeatedly communicate and highlight. We welcome the chance to work with the Senate to advance a bipartisan bill that can be signed into law and provide quick, efficient and effective relief for schools and communities across the country.

The proposed funding level of \$105 billion for education allocates just \$70 billion in funding dedicated to K-12 education, less than half of what many education groups have called for as the necessary baseline amount<sup>1</sup>. We urge the Senate to significantly increase the funding level for K-12 education to ensure the long-term economic health of our nation and to help schools safely start the academic year and remain running for staff and students so our economy can reopen safely and successfully.

We also call on the Senate to include \$4 billion in one-time emergency funding to the Federal Communications Commission's E-Rate program to quickly and efficiently help support public and private schools and public libraries in their efforts to ensure students have internet access at home this coming school year. The reality of remote learning is that between 15 and 16 million students—many from rural towns or low-income families—lack the access to the technology and connectivity they need to learn from home during the COVID-19 pandemic.

In addition, the funding mechanisms under HEALS are much less flexible and more prescriptive than previous emergency COVID-19 relief packages. This will unnecessarily complicate and limit the ability of school districts to safely open schools consistent with local conditions and needs. We are strongly opposed to the conditions placed on the Elementary and Secondary School Emergency Relief Fund (ESSER Fund) and the idea that local school

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<sup>1</sup> [Edu Group Funding Letter](#), April 6, 2020

districts would have to physically open—regardless of community COVID threat and spread, and the potential effects upon public health—in order to receive full ESSER funding.

We also oppose the idea that the federal role is to determine a one-size-fits-all formula under which all schools must physically open. How and when to reopen schools safely is the most local of considerations, and communities and families across the country are and have been deeply engaged in thoughtful planning in this regard.

The federal government has never been a “national school board,” and the HEALS Act should empower and support state and local education leaders and educators in their work to determine when and how to safely reopen schools in person based on state and local health data, science and information. For these reasons, and to better ensure continuity between these supplemental funds and those of the Coronavirus Aid, Relief, and Economic Security (CARES) Act and other federal emergency supports, the next ESSER Fund should be revised to mirror ESSER as approved by the Senate under the CARES Act.

We also oppose the inclusion of language to create a national voucher program by authorizing the Education Freedom Scholarships, especially as this would provide certain states with an advantage over others. Public dollars should remain in public schools, and the use of an emergency supplemental appropriation to accomplish a partisan privatization agenda is opportunistic. The authorization should be removed from the bill and efforts to support education and schools must prioritize the nation’s public schools and the more than 50 million students they serve each day.

In addition, we are disappointed the HEALS Act failed to ensure that allocation of federal emergency resources to support needy students in private schools is premised on equity. Many of the groups supporting this letter delivered a clear response<sup>2</sup> to Secretary DeVos’ flawed interpretation of equitable services under the CARES Act, a misinformed reframing of policy aimed at securing a disproportionately large share of federal funding for private schools. It is imperative that any final emergency supplemental require SEAs and LEAs to follow the law by providing equitable services as provided for in section 1117, including by complying with the section 1117 procedures for calculating the private-school share. SEAs and LEAs have decades of experience in implementing section 1117 and are fully prepared to meet its requirements.

Finally, the proposed Senate bills fail to adopt the HEROES Act provisions providing access for school districts (and other state and local governmental employers) to the same employer payroll withholding tax credits that private sector employers and even private schools can currently claim. Moreover, the new bills similarly bar school districts from participating in the Senate's Healthy Workplace Tax Credits. School districts again are seeking equitable treatment by Congress in pandemic relief measures.

We stand ready to work with you on this important investment.

Sincerely,

AASA, The School Superintendents Association  
American Federation of Teachers  
American School Counselor Association  
Association of Educational Service Agencies  
Association of School Business Officials International  
Council of Administrators of Special Education  
Council of Great City Schools  
National Association of Elementary School Principals  
National Association of School Psychologists  
National Association of Secondary School Principals  
National Association of State Directors of Special Education

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<sup>2</sup> [Edu Group Equitable Services letter](#), May 5, 2020

National Education Association  
National PTA  
National Rural Education Advocacy Consortium  
National Rural Education Association  
National School Boards Association

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