



Civil Rights and Education Leaders on the Need to Protect the Highest Need Schools and Students in the Next Stimulus Bill

Washington (July 28, 2020) — *In response to the relief package proposed by Majority Leader Mitch McConnell, Senator Lamar Alexander, and Senator Roy Blunt, we join together to issue the following statement:*

“As states, districts, and schools develop and implement reopening plans for the 2020–2021 school year, they need substantial additional federal support to protect students and to address students’ unfinished learning. The legislation introduced yesterday uses federal funds to coerce districts into opening while providing private schools with funds that are desperately needed by public schools. Moreover, no funding is provided to address the connectivity needs of students and families, despite the fact that many districts intend to provide instruction online. This proposal is a step backward in the nation’s response to COVID-19.

“The recession induced by COVID-19 has, and will continue to, [decimate state and district revenues](#). On top of that, states, districts, and schools will face additional costs to provide the academic, health, and emotional support that students will need when they return to school. The Council of Chief State School Officers [indicated](#) that school systems may need as much as \$244.6 billion in additional funding to safely reopen school buildings and serve all students, while other estimates suggest this may require [\\$305 billion](#). In recognition of both increases in cost and reductions in revenue, [70 education organizations](#) have urged Congress to provide at least \$500 billion total in *additional* state budget stabilization funds, the K-12 share of which should be at least \$175 billion. The amount provided in the McConnell/Alexander/Blunt package is deeply insufficient to meet the challenges facing our schools and students.

“Federal COVID-19 relief legislation must pay particular attention to the unique needs of students of color, students from low-income backgrounds, English learners, students with disabilities, and students experiencing homelessness, foster care, or engaged in the juvenile justice system. These students have been historically underserved in education and disproportionately affected by the health, economic, and

educational impacts of the virus. Dedicated funding through the programs with expertise in identifying and serving these students, including the McKinney-Vento Act's Education for Homeless Children and Youth program, must be included.

“To that end, critical provisions are needed to protect the rights of historically underserved students and ensure federal funding is appropriately targeted to those who need it most.

- **Do Not Force Districts and Schools to Endanger Students and Staff in Exchange for Critical Federal Resources:** We vehemently oppose any efforts to force schools to reopen physical locations through the inclusion of financial incentives or penalties such as losing critical federal funding in any COVID-19 response package. COVID-19 is disproportionately impacting communities of color and low-income communities. Conditioning of federal funds on physically reopening schools will further endanger those communities and force false choices between health and accessing desperately needed funds. Decisions about physical reopening should be made by local leaders, with input from public health experts and a diverse set of stakeholders, with priority given to input from families most impacted by COVID-19 and those that have been historically marginalized.
- **Target Funding to Students Hit Hardest by the Crisis:** It is critical that additional stabilization funding from Congress be distributed in a way that provides more funding for the highest need districts and schools — those that serve more students from low-income backgrounds, have lower property tax bases from which to raise additional revenue, and have been more impacted by the pandemic. That means that stabilization funding should be distributed through existing Title I formulas and include three fiscal requirements with clear, upfront, and escalating consequences for failure to meet such requirements: (1) **State Maintenance of Effort** to ensure states continue investing in education; (2) **State [Maintenance of Equity](#)** to protect highest need districts from disproportionate cuts in state funding; and (3) **District Maintenance of Equity** to protect our most vulnerable schools from disproportionate cuts (including funding and staff). Given the disproportionate impact of COVID-19 on the most vulnerable populations of students and the additional needs they are facing, the bill must include dedicated funds to meet the needs of students experiencing homelessness, students with disabilities, students in juvenile justice facilities, and English learners.
- **Ensure that Funds Are Targeted Appropriately to Children in Poverty:** Congress should prohibit the funding of privatization initiatives, including through vouchers, “scholarships,” tax credits, or other programs, via federal stabilization funding — or other federal funding mechanisms. In addition, Congress must prohibit the U.S. Department of Education from requiring [states and school districts](#) to steer over [\\$1.35 billion](#) in federal CARES Act funding, as well as future relief funding, away from public schools that serve students from families with low-incomes, into the hands of wealthier private schools. Therefore, we urge Congress to limit [equitable services](#) to private school students from families with low incomes, similar to existing Title I requirements.
- **Protect Students’ Civil Rights:** During this uncertain time, Congress must not abdicate its important role in protecting students’ civil rights. Congress must [not provide waivers](#) of requirements under the Every Student Succeeds Act or the Individuals with Disabilities

Education Act. ESSA and IDEA were designed to ensure all students have equitable access to a high-quality education. That goal has not changed — if anything, the current crises this country faces increases the need to protect our most marginalized students. The existing waiver authority within ESSA provides sufficient authority for the U.S. Department of Education to meet states' needs. Permitting blanket waivers to either law is dangerous and unnecessary.

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