

**EXAMINING THE IMPLEMENTATION OF
COVID-19 EDUCATION FUNDS**

JOINT HEARING

BEFORE THE

**SUBCOMMITTEE ON
EARLY CHILDHOOD, ELEMENTARY,
AND SECONDARY EDUCATION**

AND THE

**SUBCOMMITTEE ON
HIGHER EDUCATION AND
WORKFORCE INVESTMENT**
OF THE

**COMMITTEE ON EDUCATION AND LABOR
U.S. HOUSE OF REPRESENTATIVES
ONE HUNDRED SEVENTEENTH CONGRESS**

FIRST SESSION

HEARING HELD IN WASHINGTON, DC, NOVEMBER 17, 2021

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EXAMINING THE IMPLEMENTATION OF COVID-19 EDUCATION FUNDS

Wednesday, November 17, 2021

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON EARLY CHILDHOOD,
ELEMENTARY, AND SECONDARY EDUCATION,
SUBCOMMITTEE ON HIGHER EDUCATION AND
WORKFORCE INVESTMENT,
COMMITTEE ON EDUCATION AND LABOR,
Washington, DC.

The Subcommittees met, pursuant to notice, at 10:16 a.m. via Zoom, Hon. Gregorio Kilili Camacho Sablan (Chairman of the Subcommittee on Early Childhood, Elementary, and Secondary Education) presiding.

Present: Representatives Sablan, Wilson, Scott, Courtney, Bonamici, Takano, DeSaulnier, Morelle, Hayes, Omar, Leger Fernández, Jones, Manning, Bowman, Sherrill, Yarmuth, Owens, Murphy, Grothman, Stefanik, Allen, Banks, Fulcher, Keller, Miller-Meeks, Good, McClain, Miller, Cawthorn, Steel, Letlow, and Foxx (*ex officio*).

Staff present: Melissa Bellin, Professional Staff; Katie Berger, Professional Staff; Ijeoma Egekeze, Professional Staff; Rashage Green; Christian Haines, General Counsel; Rasheedah Hasan, Chief Clerk; Sheila Havenner, Director of Information Technology; Ariel Jona, Policy Associate; Andre Lindsay, Policy Associate; Max Moore, Staff Assistant; Mariah Mowbray, Clerk/Special Assistant to the Staff Director; Kayla Pennebecker, Staff Assistant; Manasi Raveendran, Oversight Counsel—Education; Banyon Vassar, Deputy Director of Information Technology; Viall Claire, Professional Staff; Cyrus Artz, Minority Staff Director; Michael Davis, Minority Operations Assistant; Amy Raaf Jones, Minority Director of Education and Human Resources Policy; David Maestas, Minority Fellow; Hannah Matesic, Minority Director of Member Services and Coalitions; Chance Russell, Minority Professional Staff Member; Mandy Schaumburg, Minority Chief Counsel and Deputy Director of Education Policy; Brad Thomas, and Minority Senior Education Policy Advisor.

Chairman SABLAN. Good morning. We're ready to begin our—

Mr. SCOTT. Mr. Sablan, you want to speak without a mask? Yes, that's helpful. Thank you.

Chairman SABLAN. I will count down from five and then we will start. So let's 5-4-3-2-1. The Joint Hearing of the Subcommittee on Early Childhood, Elementary and Secondary Education and the Subcommittee on Higher Education and Workforce Investment will

come to order. Welcome everyone. I note that a quorum is present. The Subcommittees are meeting today to hear testimony examining the implementation of COVID-19 education funds.

This is an entirely remote hearing. All microphones will be kept muted as a general rule to avoid unnecessary background noise. Members and witnesses will be responsible for unmuting themselves when they are recognized to speak or when they wish to seek recognition. I also ask that Members please identify themselves before they speak.

Members should keep their cameras on while in the proceeding. Members shall be considered present in the proceeding when they are visible on camera, and they shall be considered not present when they are not visible on camera. The only exception to this is if they are experiencing technical difficulty and inform the Committee staff of such difficulty.

If any Member experiences technical difficulty during the hearing, you should stay connected on the platform, make sure you are muted and use your phone to immediately call the Committee's IT director, whose number was provided in advance. Should the Chair experience technical difficulty or need to step away to vote in a mark-up in another Committee, Mrs. Wilson, as Chair of the Higher Education and Workforce Investments Subcommittee, or another majority Member is hereby authorized to assume the gavel in the Chair's absence.

This is an entirely remote hearing, and as such the Committee's hearing room is officially closed. Members who choose to sit with their individual devices in the hearing room must wear headphones to avoid feedback, echoes, and distortion resulting from more than one person on the software platform sitting in the same room. Members are also expected to adhere to social distancing and safe care guidelines, including the use of masks, hand sanitizer and wiping down their areas both before and after their presence in the hearing room.

In order to ensure that the Committee's five-minute rules are adhered to, staff will be keeping track of the time using the Committee's field timer. The field timer will appear on its own thumbnail picture and will be named 001_timer. There will be no one-minute remaining warning. The field timer will show a blinking light when time is up. Members and witnesses are asked to wrap promptly when their time has expired.

Pursuant to Committee Rule 8(c), opening statements are limited to the Subcommittee Chairs and the Ranking Members. This allows us to hear from our witnesses sooner and provide all Members with adequate time to ask questions. I recognize myself now for the purpose of making an opening statement.

Today, we're meeting to take stock of our Nation's K through 12 schools and institutions of higher learning and higher education are using the Education Stabilization Fund and including in the American Rescue Plan to weather the pandemic and keep students learning. We're joined today by Undersecretary Kvaal and Deputy Secretary Marten. We look forward to their testimony regarding the Department of Education's plan to ensure states, school districts, and institutions of higher education are using the Education Stabilization Fund as Congress intended.

Mr. Kvaal and Ms. Marten, thank you very much for joining us. As we all know, the COVID-19 pandemic has had a severe impact on students of all ages. In response, Congress has provided a historic level of funding to help states and school districts reopen schools safely and get students back into the classroom.

The American Rescue Plan Funding is the single largest investment in K through 12 schooling that the Federal Government has ever made. But we also provided support for schools and school staff and students. In the CRRSA Act, the Corona Response and Relief Supplemental Appropriations Act, government made nearly \$200 billion in total for K through 12. This funding is a major reason why school districts around the country can reopen safely, stay open safely, and offer students additional resources to catch up when needed. The money is also helping with the mental and social stress the students and staff have suffered during the pandemic.

A few examples. In Michigan, a school district used the Education Stabilization funds to operate ventilation assistance to improve air quality and reduce the spread of COVID. In Virginia, a school district used the money to hire more tutors to help close the students' achievement gap. In North Carolina, a school district was able to bring in more mental health counselors. In Utah, a school district is using this Federal assistance to pay for after school programs to make up for lost time in the classroom.

In my own district, the Northern Mariana Islands, the public school system is expanding career and technical learning to its career pathway programs so students in the Marianas are ready to enter the rebounding economy. I am sure that every Member of our two Subcommittees have their own examples of how emergency funding for schools that the Biden administration pushed for, and Congress delivered is helping our constituents.

However, because this has been such a large investment of Federal resources, our two Subcommittees' responsibility to keep watch over spending is even more pronounced than normal. While there have been reported instances where districts use Education Stabilization funds for projects outside of the intended scope, these districts seem to be the exception, not the rule. Moreover, as we will hear from our witnesses, the Department of Education has a clear path of oversight on the Education Stabilization Fund.

The COVID-19 pandemic revealed long-standing challenges in our education system. It should be the norm that schools have functioning ventilation systems, not something we only think of in a pandemic. It should be the norm that students have access to tutors and counselors to meet their needs. I would like to believe that these emergency investments we have made will demonstrate that this is the scale of support we should be always providing our schools and prove, what I believe, that by investing in education, we are strengthening America's economy and preparing young people for lifelong success.

I look forward to working with my colleagues to continue investing in America's future by investing in our students' futures. I now turn to the Ranking Member, Mr. Owens, for the purpose of making an opening statement.

[The prepared statement of Chairman Sablan follows:]

STATEMENT OF HON. GREGORIO KILLI CAMACHO SABLAN, CHAIRMAN, SUBCOMMITTEE
ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

Today, we are meeting to take stock of how our Nation's K through 12 schools and institutions of higher education are using the Education Stabilization Fund, including in the American Rescue Plan, to weather the pandemic and keep students learning.

We are joined today by Under Secretary Kvaal and Deputy Secretary Marten. We look forward to their testimony regarding the Department of Education's plans to ensure states, school districts, and institutions of higher education are using the Education Stabilization Fund as Congress intended.

Mr. Kvaal and Ms. Marten, thank you for joining us.

As we all know, the COVID-19 pandemic has had a severe impact on students of all ages. In response, Congress has provided an historic level of funding to help states and school districts reopen schools safely and get students back into the classroom.

The American Rescue Plan funding was the single largest investment in K through 12 schooling that the Federal Government has ever made. But we also provided support for schools and school staff and students in the CARES Act, the Coronavirus Response and Relief Supplemental Appropriations Act, totaling nearly \$200 billion in total for K through 12.

This funding is a major reason why school districts around the country can reopen safely, stay open safely, and offer students additional resources to catch up, where needed. The money is also helping with the mental and social stresses that students and staff have suffered during the pandemic.

A few examples:

- In Michigan, a school district used Education Stabilization Funds to upgrade ventilation systems to improve air quality and reduce the spread of COVID-19.
- In Virginia, a school district used the money to hire more tutors to help close the students' achievement gap.
- In North Carolina, a school district was able to bring in more mental health counselors.
- In Utah, a school district is using this Federal assistance to pay for after-school programs to make up for lost time in the classroom.
- And in my own district, the Northern Mariana Islands, the public school system is expanding career and technical learning through its Career Pathways Program, so students in the Marianas are ready to enter the rebounding economy.

I am sure that every Member of our two subcommittees have their own examples of how the emergency funding for schools that the Biden administration pushed for and Congress delivered is helping our constituents.

However, because this has been such a large investment of Federal resources, our two subcommittees' responsibility to keep watch over spending is even more pronounced than normal.

While there have been reported instances where districts used Education Stabilization Funds for projects outside of the intended scope, these districts seem to be the exception, not the rule. Moreover, as we will hear from our witnesses, the Department of Education has a clear plan of oversight of the Education Stabilization Funds.

The COVID-19 pandemic revealed longstanding challenges in our education system:

- It should be the norm that schools have functioning ventilation systems, not something we only think of in a pandemic.
- It should be the norm that students have access to tutors and counselors to meet their needs.

I would like to believe that these emergency investments we have made will demonstrate that this is the scale of support we should be always providing our schools and prove, what I believe, that by investing in education we are strengthening America's economy and preparing young people for lifelong success.

I look forward to working with my colleagues to continue investing in America's future by investing in our students' futures.

I now turn to the Ranking Member, Mr. Owens, for the purpose of making an opening statement.

Mr. OWENS. Thank you. Thank you, Mr. Chair. The Biden administration has been so wrapped up trying to implement its radical agenda that the real problem facing K through 12 education has taken a back seat. If students were the Left's true priority, the Biden administration would be offering solutions for the immense damage done by keeping kids out of the classroom for over a year, instead of attempting to sic the DOJ on parents at school board meetings.

We're here to talk about oversight, and oversight of an extraordinary amount of money that's been thrown at schools. According to the Centers for Disease Control and Prevention, implementing the COVID-19 mitigation strategy would cost \$25 billion at most. Yet even after Republicans and Democrats in Congress allocated 70 billion in K through 12 relief funds, Democrats insisted on spending another 120 billion of taxpayer funds of schools under the American Rescue Plan.

Now let me repeat that. 25 billion suggested, 70 billion allocated bipartisan, and 120 billion Congress spent by the assistance of Democrats. The Democrats radical spending spree should not be seen as anything but a frenzied attempt to score political points with teachers union. To spend the money, Democrats have shown little interest in how these funds are being used or if they're being accomplished—or if they accomplish any of the intended purposes.

Spending 400 percent more to K through 12 schools than are normally received from the Department of Education in 1 year should warrant transparency and accountability at the very least. We have a duty as taxpayers—to our taxpayers to ensure their money is being used as efficiently and effectively as possible. However, I'm concerned the Democrats created no pathway for us to keep track on how the money, the ed assistance spending, is being spent.

This will make it very difficult for Congress to fulfill its duties. But more importantly, the Democrats and the Department should refocus on students. We should not let their needs or voices be lost. Students should continue to be the priority and not the adults over-seeing the labor unions. With that I yield back. Thank you.

[The prepared statement of Mr. Owens follows:]

STATEMENT OF HON. BURGESS OWENS, RANKING MEMBER, SUBCOMMITTEE ON EARLY CHILDHOOD, ELEMENTARY, AND SECONDARY EDUCATION

The Biden administration has been so wrapped up in trying to implement its radical agenda that the real problems facing K-12 education have taken a backseat.

If students were the left's true priority, the Biden administration would be offering solutions for the immense damage done by keeping kids out of the classroom for over a year instead of attempting to sic the DOJ on parents at school board meetings.

But we are here today to talk about oversight-oversight of the exorbitant amounts of money that have been thrown at schools.

According to the Centers for Disease Control and Prevention, implementing its COVID-19 mitigation strategy would cost \$25 billion at most. Yet, even after Republicans and Democrats in Congress allocated \$70 billion in K-12 relief funds, Democrats insisted on spending another \$120 billion of taxpayer funds on schools under the American Rescue Plan.

Democrats' radical spending spree should not be seen as anything but a frenzied attempt to score political points with teachers unions. Since spending the money, Democrats have shown little interest in how these funds are being used or if they are accomplishing their intended purpose.

Sending 400 percent more to K–12 schools than they normally receive from the Department of Education during a year should warrant transparency and accountability at the very least.

We have a duty to taxpayers to ensure that their money is being used as effectively and efficiently as possible. However, I am concerned that Democrats created no pathway for us to keep track of how the money they insisted on sending to schools is being spent. This will make it difficult for Congress to fulfill its duty.

Before I yield back I'd like to express my frustration and disappointment that our witnesses today have failed to submit testimony within the 48 hours included in the Committee Rules, they could not even manage to get it to us within 24 hours. This doesn't bode well for transparency or accountability, both of which taxpayers deserve.

Chairman SABLAN. I now would like to recognize Ms. Wilson of Florida, the Chair of the Higher Education and Workforce Investment Subcommittee, for the purpose of making an opening statement. Ms. Wilson, please.

Chairwoman WILSON. Thank you, Chair Sablan and welcome to everyone. Thank for you for hosting this hearing and providing an opportunity to discuss how higher education institutions have used the Education Stabilization Fund to reopen their campuses safely, address the urgent needs of students, and cover the added operating costs during the pandemic.

The economic fallout from COVID–19 has exacerbated the challenges our students and institutions face. Across the U.S., colleges and universities experienced sharp declines in enrollment, severe funding cuts, and revenue losses due to campus closures that were necessary to stop the spread of the virus. In response, Congress provided more than 75 billion in funding to institutions through three COVID–19 relief bills, including the American Rescue Plan Act, and pointedly institutions were required to use at least half of the funding they received to provide emergency financial aid grants personally to students.

So for students across the Nation, the American Rescue Plan funding has helped prevent homelessness and hunger for our students. For institutions, the American Rescue Plan funding helped offset revenue losses and supported efforts to test for, track, and mitigate the spread of COVID–19. In my district, Florida International University used these funds to respond to pandemic-related challenges in real time, including to set up a COVID–19 testing lab, establish a prevention and response team to carry out contact tracing, conduct outreach to their campus community on best practices, and meet technology needs of faculty and staff that were attending classes or working remotely.

Children were given cash money to help them through this pandemic, needy students, sometimes twice during the pandemic, and it's ongoing. The investments we delivered to colleges and universities provided a lifeline to students and may have prevented the financial collapse of our higher education system. The Education Department must continue to ensure that institutions are using this funding responsibly to support their students, faculty, and staff and that states are holding up their end of the bargain by maintaining their investments in higher education.

Quality higher education remains the surest pathway to the middle class for Americans across this Nation. Congress and the Education Department must work together to help students and insti-

tutions fully recover from this pandemic and to continue expanding access to the life-changing benefits that come with a quality degree. I look forward to hearing Mr. Kvaal and Ms. Marten's plans to continue strengthening oversight and ensuring that our investments provide students access to a safe, affordable, and quality education. I'm now pleased to yield to the distinguished Ranking Member of the Higher Education and Workforce Investments Subcommittee, Dr. Murphy, to make his opening statement. Dr. Murphy.

[The prepared statement of Chairwoman Wilson follows:]

STATEMENT OF HON. FREDERICA S. WILSON, CHAIRWOMAN, SUBCOMMITTEE ON
HIGHER EDUCATION AND WORKFORCE INVESTMENT

Thank you, Chair Sablan, for hosting this hearing and providing an opportunity to discuss how higher education institutions have used the Education Stabilization Fund to reopen their campuses safely, address the urgent needs of students, and cover the added operating costs during the pandemic.

The economic fallout from COVID-19 has exacerbated the challenges our students and institutions face. Across the U.S., colleges and universities experienced sharp declines in enrollment, severe funding cuts, and revenue losses due to campus closures that were necessary to stop the spread of the virus.

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I look forward to hearing Mr. Kvaal's and Ms. Marten's plans to continue strengthening oversight and ensuring that our investments provide students access to a safe, affordable, and quality education.

I am now pleased to yield to the distinguished Ranking Member of the Higher Education and Workforce Investments Subcommittee, Dr. Murphy, to make his opening statement.

Mr. MURPHY. Thank you, Madam Chairman, and thank everyone for coming today. Congressional oversight of the Federal Government is one of those—this Committee's most important duties. This includes, among other things, ensuring that taxpayer dollars are used effectively and for their intended purposes. There's no such thing as government-funded programs. These are only taxpayer-funded programs.

And those hard-working taxpayers deserve to know how their money is being spent. Like other industries, the pandemic caught

higher education flat foot. We did not understand this was coming and there was not much of a response that we had before then. In response, Congress provided colleges and universities over \$70 billion in relief funding on top of over the \$100 billion in grants, loans, and other student aid appropriated by Congress each year.

Well, this support was a lifeline to many institutions of higher education. Many schools were previously already struggling prior to this once-in-a-generation or hopefully more than that pandemic. COVID-19 only accelerated the need for those institutions to rethink their business models if they're to survive in the future and shed further light on the issues that have plagued our higher education system.

Regardless, despite what some think, as major recipients of taxpayer dollars, institutions of higher education are not exempt from congressional oversight and accountability. As it stands, 40 percent of all students now fail to graduate from a college or university within 6 years. Let me read that again. Forty percent of students fail to graduate from a college or university within 6 years.

For those students who do complete their degree, they often find themselves ill-prepared for the workforce and worse off financially than they would have been if they had not attended that college or university. Yet many of my colleagues suggested the solution to double, is to double-down on the ill-conceived and misguided idea that more money always means better outcomes. When colleges spend exorbitant amounts of taxpayer dollars on administrative salaries and administrative bloat, instead of innovating funding ways to improve student outcomes., more money will result in much more of the same and poor student outcomes.

It is Congress and this Department's responsibility to ensure that colleges and universities spend taxpayer dollars in a way that helps students, not hire more administrators and grow more non-academic programs, which is why I'm happy that we are having this hearing today. Unfortunately, however, I share the concern of many of my colleagues that the Department is too focused on implementing their progressive wish list and attacking colleges based upon their tax status, to carry out their necessary oversight of the \$280 billion in pandemic relief funds the Department is responsible for.

That said, I'm looking forward to hearing from Mr. Kvaal and Ms. Marten, whom I hope will provide some clarity regarding the numerous tasks they are responsible for overseeing at the Department.

Last, I would just like to point out something and express a concern of mine regarding witness testimony. Our ability to provide sufficient oversight is hindered when witnesses don't have the courtesy to provide their testimony in a timely manner, as what's happened here. My hope that this does not become a pattern and our witnesses today do a better job of respecting the very busy schedule of this Committee in the future. Thank you, Madam Chairman. I will now yield back.

[The prepared statement of Mr. Murphy follows:]

STATEMENT OF HON. GREGORY F. MURPHY, RANKING MEMBER, SUBCOMMITTEE ON
HIGHER EDUCATION AND WORKFORCE INVESTMENT

Congressional oversight of the Federal Government is one of this committee's most important duties. This includes, among other things, ensuring taxpayers dollars are being used effectively and for their intended purposes.

There is no such thing as 'government funded' programs; there is only 'taxpayer funded' programs, and those hardworking taxpayers deserve to know how their money is being spent.

Like other industries, the pandemic caught higher education flat footed. In response, Congress provided colleges and universities over \$70 billion in relief funding on top of the over \$100 billion in grants, loans, and other student aid appropriated by Congress each year.

While this support was a lifeline to many institutions of higher education, many schools were already struggling prior to this once in a generation pandemic.

COVID-19 only accelerated the need for those institutions to rethink their business models if they are to survive in the future and shed further light on the issues that have long plagued our higher education system.

Regardless, despite what some think, as major recipients of taxpayer dollars, institutions of higher education are not exempt from congressional oversight and accountability.

As it stands, 40 percent of all students fail to graduate from a university or college within 6 years. For those students who do complete their degree, they often find themselves ill-prepared for the workforce and worse off financially than they would have been if they had not attended that college or university.

Yet, many of my colleagues suggest the solution is to double down on the misguided idea that more money means better outcomes. When colleges

spend exorbitant amounts of taxpayer dollars on administrative salaries and administrative bloat instead of innovative ways to improve student outcomes, more money will result in much more of the same and poor student outcomes.

It is Congress and this Department's responsibility to ensure colleges and universities spend tax dollars in a way that helps students-which is why I'm happy that we are having this hearing today.

Unfortunately, however, I share the concern of many of my colleagues that the Department is too focused on implementing their progressive wish list and attacking colleges based upon their tax status to carry out their necessary oversight of the \$280 billion in pandemic relief funds the Department is responsible for.

That said, I am looking forward to hearing from Mr. Kvaal and Ms. Marten—whom I hope will provide some clarity regarding the numerous tasks they are responsible for overseeing at the Department.

Last, I'd just like to express a concern of mine regarding witness testimony. Our ability to provide sufficient oversight is hindered when witnesses don't have the courtesy to provide their testimony in a timely manner as what's happened here. My hope is that this does not become a pattern and that our witnesses today do a better job of respecting this committee in the future.

Chairman SABLAN. Without objection, all other Members who wish to insert written statements into the record may do so by submitting them to the Committee Clerk electronically in Microsoft Word format by 5 p.m. on December 1st. I will now introduce our witnesses.

Ms. Cindy Marten is currently Deputy Secretary of the Department of Education. Before joining the Department, Ms. Marten served as the superintendent of the San Diego Unified School District. She has spent 32 years as an educator holding various roles of increasing responsibility as a teacher, literacy specialist, vice principal, and principal.

Mr. James Kvaal is currently Undersecretary of the Department of Education. He most recently served as the president of the Institute for College Access and Success in Research and Advocacy, a non-profit dedicated to affordability and equity in higher education. Mr. Kvaal also served in the Obama administration as the deputy

domestic policy advisor of the White House and Deputy Undersecretary of the Department.

He also served as a staffer on the Committee. We appreciate the witnesses participating today and look forward to your testimony. Let me remind the witnesses that we have read your written statement and they will appear in full in the hearing record. Pursuant to Committee Rule 8(d) and Committee practice, each of you is asked to limit your oral presentation to five minutes summary of your written statement.

Before you begin your testimony, please remember to unmute your microphone, and during your testimony staff will be keeping track of time and the light will blink when time is up. Please be sensitive to the time and wrap up when your time is over and remute your microphone.

If any of you experience technical difficulties during your testimony or later in the hearing, you should stay connected on the platform, make sure you are muted, and use your phone to immediately call the Committee IT's director, whose number was provided to you in advance. We will let all witnesses make their presentation before we move to Member questions. When answering a question, please remember to unmute your microphone. The witnesses are aware of the responsibility to provide accurate information to the Committee, and therefore we will proceed with their testimony. I will first recognize Ms. Marten. Ms. Marten, you have five minutes please.

**STATEMENT OF CYNTHIA M. MARTEN, DEPUTY SECRETARY,
DEPARTMENT OF EDUCATION**

Ms. MARTEN. Thank you very much. Good morning Chair Sablan, Chair Wilson, Ranking Member Owen, Ranking Member Murphy and Chair Scott and Ranking Member Foxx, and distinguished Members of the Subcommittees, I'm honored to be here alongside Undersecretary James Kvaal, to speak about the important progress the Department of Education is making in supporting our schools and students as they recover from the COVID-19 pandemic.

I thank this body for the important investments you have made to the Education Stabilization Fund, to get our children safely back in school, and to address the impact of the pandemic on students' social, emotional, mental health and academic needs. The pandemic has both shined a light on and exacerbated the existing challenges in our education system.

Since the beginning of the administration, President Biden and the Department have had a clear objective: Getting students back in school in-person, full-time, and building back better to inspire our Nation's educators to turn the pandemic's lessons into a more equitable experience for all students. We cannot go back to the status quo. We know that students learn and develop best socially, emotionally, and academically at school, and early in the administration we built an infrastructure to support states and districts in tackling this goal.

We continue to develop and refine resources, guidance, and support mechanisms to meet the needs of students, families, and educators around the country. These support systems are working. In

January, only 46 percent of schools around the country were open for fully in-person instruction. Today, that number is 99.2 percent, representing 99.6 percent of all students. We know more about the COVID-19 virus than we did in early 2020, and we know more about the science that is effectively keeping our students safe in schools.

Using layered mitigation strategies tailored to the needs of local communities, schools can now effectively plan for a healthy, in-person learning, ensuring minimal disruption and consistently safe in-person experiences for all students. The funding provided to the Education Stabilization Fund, including through the American Rescue Plan Act, is helping schools around the country implement these strategies and institutionalize evidence-based, creative and innovative approaches to meet students' social, emotional, mental health, and academic needs.

To date, all 52 ARP ESSER State plans for every State, the District of Columbia, and Puerto Rico have been submitted to the Department, and 46 plans have been approved. These resources make it possible for students to get what they need, when they need it, and in ways that help them thrive in the classroom and in their lives. Educators are able to teach and lead from a place of opportunity and innovation, rather than one of scarcity. At the Department, we are committed to maintaining a high level of service to all stakeholders working to keep students learning safely, and to ensuring that every dollar of these funds benefits students as Congress intended.

The next step in fulfilling our promise of a high-quality education for every student is the Built Back Better agenda. By implementing the core tenets of this agenda, we can engage young minds by investing in universal pre-kindergarten and creating clear pathways between the early years of brain development and outcomes of literacy, skills competency, and articulation into elementary school and beyond.

We can strengthen the relationship among pre-K and K-12 education, higher education, workforce, and our Nation's long-term economic health. We can ensure the Department of Education continues to meet the needs of students, educators, and leaders with the resources, expertise, guidance, and support they need to succeed in the 21st century.

Last month, I had the opportunity to meet with the National Teachers of the Year. D.C. Teacher of the Year, Alejandro Diaz Granados, said something that has stuck with me since then and that inspires my work every day. He said we as teachers, administrators and staff worked to open schools in the fall, but it's students' love of learning that is keeping them open.

We owe it to our students to create educational experiences that are safe, healthy, inspiring, and that they can connect to. We have more work to do, but the progress made is evident and enjoy the experiences of teachers and the students around the country sitting in their in their classrooms right now. We're eager to continue to support them and to Build Back Better together. Thank you, and I look forward to answering your questions.

[The prepared statement of Ms. Marten follows:]

PREPARED STATEMENT OF CYNTHIA M. MARTEN

Statement by Cindy Marten

Deputy Secretary of Education

Education and Labor Committee

Joint Hearing

Subcommittee on Early Childhood, Elementary, and Secondary Education and
Subcommittee on Higher Education and Workforce Investment

“Examining the Implementation of COVID-19 Education Funds”

November 17, 2021

Chair Sablan, Chair Wilson, Ranking Member Owen, Ranking Member Murphy, and Chair Scott and Ranking Member Foxx and distinguished Members of the Subcommittees:

Thank you for the opportunity to share the Department of Education’s (the Department’s) critical work putting Elementary and Secondary School Emergency Relief funds to work supporting our schools and students as they recover from the COVID-19 pandemic.

The pandemic has both shone a light on and exacerbated the existing challenges in our education system. Since the beginning of the Administration, President Biden and the Department have had a clear objective: getting students back in school, in-person full time and “building back better” to inspire our nation’s educators to turn the pandemic’s lessons into a more equitable experience for all students.

There are many lessons learned and best practices derived from the innovation and ingenuity that teachers, school leaders, school staff, districts, and states implemented at the height of the pandemic including ensuring connectivity – from increased access to Wi-Fi and broadband, to meeting parents on their schedules and communicating in their preferred languages. We know, though, that students learn and develop best, socially, emotionally, and academically, at school. Early in the Administration, we built an infrastructure to support states and districts in tackling this goal. And we continue to develop and refine resources, guidance, and support mechanisms to meet the needs of students and educators around the country.

Our commitment extends beyond simple reopening. We continue to invest and support localities in: keeping schools open and uninterrupted in an effort to provide continuous high-quality education; addressing the impact of lost instructional time, especially on the students most impacted by the pandemic; reintegrating students into the social and emotional experiences that come from being with peer groups and in-person instruction; and reinvigorating the love of learning for so many students, and passion for so many educators, that had been missing.

We have more work to do, but the progress made is evident when we compare where students and districts are now to where they were on January 20th.

In January 2021, only 46 percent of schools were open for fully in-person instruction; today, that number is 99 percent, representing 99 percent of all students. Using layered prevention strategies and with support from the Department's guidance and funding, schools can minimize, plan for, and contain outbreaks, ensuring minimal disruption to learning and in school experiences for all students.

Reopening Support from the U.S. Department of Education

Funding

We want to thank Members for investing critical resources under the CARES Act as well as the Coronavirus Response and Relief Supplemental Appropriations Act of 2021. The Department is focused on the effective use of these funds as well as the vital \$122 billion American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) fund investment in education recovery provided by Congress. Just thirteen days after President Biden signed the American Rescue Plan Act, we disseminated \$81 billion to states in the first release of this critical funding and now over 95% of the fully allocated \$122 billion has been disbursed to support safe reopening, COVID prevention, accelerated learning efforts, and addressing the social, emotional and mental health needs of students, particularly those most impacted by the pandemic.

To address the disproportionate impact of the pandemic on historically disadvantaged communities the Department also distributed \$800 million in American Rescue Plan (ARP) funding to help states and school districts identify students who are experiencing homelessness and provide wraparound services to support their full participation in school activities. The Department also released more than \$3 billion under the ARP Act to support children with disabilities, helping more than 7.9 million infants, toddlers, and students with disabilities across the country.

The Department has been diligently working with state education agencies (SEAs) since March 2021 to support states in allocating ARP ESSER funds to local education agencies (LEAs) in a timely manner and approve state-based plans. All state plans must:

- Address the state's current status and needs in addressing the COVID-19 pandemic;
- Address the state's plans for safely reopening schools and sustaining their safe in-person operations;
- Planning and coordination on the use of ARP ESSER funds;
- Make clear how the state will maximize state-level funds to support students;
- Support LEAs in planning for and meeting students' needs;
- Include strategies to support the educator workforce; and
- Provide clear metrics for monitoring and measuring progress.

SEAs were required to consult with diverse and representative stakeholders in formulating their ARP ESSER State plans, including families, students, school and district administrators, teachers, principals, school leaders, other educators, and school staff. Additionally, each state had to provide several important assurances, including civil rights protections, transparency, and compliance with ARP ESSER statutory requirements such as uses of funds, maintenance of effort, and maintenance of equity. **All 52 ARP ESSER State plans have been submitted to the Department, and we have approved 46 plans as of early November.**

States and school districts have until September 30, 2022, to obligate their ESSER I funds; until September 30, 2023, to obligate ESSER II funds; and until September 30, 2024, to obligate ARP ESSER funds. These timelines reflect both the urgency of addressing health and safety and

meeting students' heightened needs resulting from the pandemic, and the recognition that the pandemic has had an unprecedented impact on the social, emotional, mental health, and academic well-being of the nation's students that will take years to address. The flexibility of these timelines will promote effective long-term planning, minimize damaging funding "cliffs," and ensure schools overcome the inevitable bumps on the way to a stronger, more sustainable and more equitable educational system.

For updates on spend-downs and updated information on ESSER and other Federal Pandemic Recovery fund spending, we regularly update the [Department's Education Stabilization Fund Transparency Portal](#), which is available to the public. The Department will continue to improve and update this portal to effectively serve the needs of the public, SEAs, Congress, and others in providing clarity and transparency around emergency fund spending.

The Department will continue to work with all recipients of emergency funding including Coronavirus Aid, Relief, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), and American Rescue Plan (ARP) funds to ensure that funds are used expeditiously and effectively to address the tremendous education needs arising from the COVID-19 pandemic. We recognize that circumstances will continue to evolve over time, and SEAs and LEAs have the flexibility to continue to adapt their strategies based on students' social, emotional, mental health, and academic needs. We also continue to monitor spending patterns closely, work with grantees to identify any impediments to the effective use of funds, respond to specific questions regarding allowable uses of funds, and make available comprehensive technical assistance through regular updates of FAQ documents; publication of the COVID-19 handbook volumes designed to support grantees in optimizing the use of federal funds to address the wide-ranging needs of students, families, teachers, leaders, schools, school districts, and postsecondary institutions; and webinars on topical issues that are top of mind for SEAs and LEAs such as the impact of lost instructional time, labor shortages, and facilities upgrades. In addition, annual reporting provides important transparency about how resources across all of the emergency funding sources are being used to support students and respond to the pandemic.

COVID-19 Prevention Strategies

Science-based guidance from the Centers for Disease Control and Prevention (CDC) reinforces the importance of layered prevention strategies that can keep our children safe and our schools safely open. Federal pandemic recovery funds are available to continue to support states and localities in their efforts to target and layer strategies that are effective and implementable in their communities, and we at the Department remain prepared to provide any needed support.

Vaccines: Vaccines remain the leading strategy to keep children safe and get us safely through the pandemic. Across the country, 60 percent of all students 12-17 have received their first shot, and as of the middle of last week, just under 1 million children aged 5-11 received their first vaccine dose. With the vaccine now recommended for all students older than five, it will be more critical than ever to ensure easy and equitable access to these life-saving vaccines and allow us to build on the extraordinary progress we've made over the last 10 months. We know many parents are trying to decide what is right for their child and their family, and we're working to provide families and educators with the information everyone needs to feel comfortable since the vaccine is the best way to keep children safe.

The Administration made vaccination for school and childcare staff a high priority, requesting in our first 100 days that all states classify teachers as essential personnel, and making them eligible for vaccination in March. This resulted in 80 percent of all school staff having received at least one shot by March of this year, a huge step forward in building the confidence and safety environment needed to get teachers back in the classroom. Today, more than 90 percent of educators are fully vaccinated, providing not only peace of mind to individuals but important leadership to communities about the safety and efficacy of vaccines within broader efforts to get and keep schools open and students safe.

On-site vaccination clinics at schools and in local community centers have proven effective, trusted, and efficient resources for students and families looking to be vaccinated in quick and convenient locations and have contributed to the successful vaccination rates among 12-18-year-olds. These strategies have helped to keep schools open, athletic teams on the field and the court,

and students in the classroom. With the recent authorization of vaccinations for children ages 5-11-year-olds, we will support the Administration's efforts to provide convenient, easily accessible and equitable access to the vaccine and schools are an important part of that strategy. Upon CDC recommendations, the COVID-19 vaccine for 5-11-year-olds started to become available at pediatrician and family practitioners' offices, children's hospitals, school-based clinics, and pharmacies. Secretary Cardona and Secretary Becerra sent a joint Dear Colleague letter to district and school leaders; together, we're encouraging schools to help provide access to the vaccine and encourage families to get their shot. Specifically, we're asking schools to (1) host clinics -- we created a toolkit to help them establish clinics and can match them with pharmacies to administer shots, (2) hold conversations with families and the community about the safety and efficacy of the vaccine, and (3) distribute information to families about the vaccine. Schools recognize the important role they play in keeping kids safe and healthy and are moving quickly to set up clinics.

Masking: The CDC recommends that schools require universal and correct masking for students, staff and others in kindergarten through grade 12. In a recent [analysis](#) from the CDC of about 3,000 public school districts, counties without school mask requirements experienced larger increases in pediatric COVID-19 case rates after the start of school than counties that adopted school mask requirements. Another [analysis](#) from the CDC of schools in Maricopa and Pima counties in Arizona, which together account for 75 percent of Arizona's population, shows that the odds of a school-associated COVID-19 outbreak were 3.5 times higher in schools with no mask requirement than in those with a mask requirement implemented when school started. It is clear that masks work and are an important part of layered mitigation strategies to prevent the spread of COVID-19 in schools.

COVID-19 Screening: Testing is another highly recommended mitigation practice in K-12 school settings. We continue to support LEAs and States that are interested in implementing testing systems as part of their approach. ARP ESSER funds may be used to support costs associated with testing and creating education campaigns around testing and outcomes. The Department is also working closely with HHS, which has released \$10 billion in discretionary spending to support schools in implementing COVID-19 surveillance testing.

Ventilation: Clean air is essential for living and learning, and effective ventilation is an important part of COVID-19 prevention. We know that even before the pandemic, some schools had, and some continue to struggle with, poor indoor air quality. With the help of ARP funds, many school and district leaders worked to address this issue as they reopened schools and sustained safe operations for in-person learning over the course of the last year. The Department works in coordination with the Department of Energy and the Environmental Protection Agency, among others to ensure technical assistance reflects the most sustainable methods to improve indoor air quality and held a joint webinar with these agencies to ensure education leaders could access expertise and resources across the Federal Government. Some of the strategies allowable under ARP spending guidelines and being implemented in schools around the country include:

- Inspection, testing, and maintenance of current ventilation systems and approaches;
- Purchasing portable air filtration units, such as HEPA air filters, MERV-13 (or higher) filters for HVAC system and ACs, and conventional fans;
- Repairing windows and/or doors so that they can open to let fresh air in;
- Purchasing equipment to run outdoor classes;
- Servicing or upgrading HVAC systems consistent with industry standards;
- Purchasing carbon dioxide (CO₂) monitors, air flow capture hoods, and anemometers for custodians and building personnel to assess ventilation;
- Paying for increased heating/cooling costs due to increased use of heating/cooling systems; and
- Other spending that supports inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities.

Evidence-Based Interventions

One of the most important elements of the ARP Act is the requirement that states invest at least 25 percent of their overall ARP ESSER funds, totaling nearly \$30.5 billion, to address the impact of lost instructional time through evidence-based interventions. This set-aside consists of the requirements that states invest at least 5 percent of their ESSER funds to address the impact of lost instructional time, at least 1 percent for summer learning and enrichment, and at least 1

percent for comprehensive afterschool programs, and that LEAs invest at least 20 percent of their allocation to address the impact of lost instructional time.

All of these resources must be used for interventions that:

- Are evidence-based;
- Address students' social, emotional, mental health, and academic needs; and
- Target the students most impacted by the pandemic.

We are seeing examples across the country of these critical evidence-based investments. For instance:

- One such evidence-based investment is Connecticut's Learner Engagement and Attendance Program (LEAP). Through this initiative, the State deployed a wave of social workers into 15 of the neediest districts in the State to reach families struggling with absenteeism and to support enrollment. LEAP will support enrollment and work with families to transition back to school in the fall.
- Another evidence-based investment is New Mexico's Public Education Department's joint internship in Tribal, county, or municipal governments and local municipalities to reengage youth for the 2021-22 school year using \$6 million in ARP ESSER funding. The program specifically targets teen students who are struggling to re-engage with school due to the pandemic. This program is designed to support economic recovery and the social and emotional resilience of youth, and to re-engage students to return to school.
- Detroit is using ARP dollars to expand their Detroit Parent Teacher Home Project. In this evidence-based investment, teachers engage caregivers of students who were chronically absent or late to build a bridge for the students to return to school. Last year, teachers conducted 5,567 such visits.
- North Carolina is seeking to address the impact of lost instructional time through evidence-based investments such as \$30 million for high-impact tutoring statewide, \$19 million for updated assessment tools and new testing platforms, and \$35 million for a competitive grant program for summer school and after-school extensions.

- Another evidence-based investment made possible by ARP funding is the Kentucky Department of Education’s use of ARP ESSER funds to offer professional development in literacy instruction for educators and staff and increase access to instructional resources. The state education agency has also provided guidance and offered technical assistance to implement accelerated learning summer programs last summer with integrated social-emotional learning, high-intensity tutoring, and vacation academies.
- The Virginia Department of Education’s evidence-based investment will use some of its ARP ESSER to help districts support students by reducing class size, hiring tutors and paraprofessionals, providing literacy and numeracy kits to families, purchasing instructional resources, and providing professional development to teachers.
- The New York City Department of Education announced plans to hire 500 social workers this year and has already hired more than 90 percent of them. City officials say this evidence-based investment will infuse new mental health support staff — including school psychologists — to ensure every school has at least one full-time social worker or mental health clinician.
- Another example of an evidence-based investment is Dayton, Ohio’s use of ARP ESSER funds to hire two times as many teachers in classrooms for grades 1-3 and pursue other interventions such as math specialists for grades 4-6 to help students catch up more quickly.

Stakeholder Engagement and Education

The Department believes that the best investment decisions will be made when the individuals most impacted by funding decisions are at the table. That is why we required that all state and LEA ESSER use of funds plans specifically include robust, diverse, and representative stakeholder engagement, including with families.

In addition, through ongoing stakeholder engagement, including listening sessions, the Department has identified effective strategies and provided multiple resources that highlight evidence-based practices to support safe school reopening as well as students’ social, emotional, mental health, and academic needs that the ARP can fund, including the:

- [COVID-19 Handbook Volume 1: A Roadmap to Reopening Safely and Meeting All Student Needs;](#)
- [COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs;](#)
- [COVID-19 Handbook, Volume 3: Strategies for Safe Operation and Addressing the Impact of COVID-19 on Higher Education Students, Faculty, and Staff;](#)
- [Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time;](#)
- [Frequently Asked Questions: Using American Rescue Plan Funding to Support Full-Service Community Schools & Related Strategies;](#)
- [Safer Schools and Campuses Best Practices Clearinghouse;](#)
- And [other guidance.](#)

Most recently the Department released guidance on [Supporting Child and Student Social, Emotional, Behavioral, and Mental Health](#). This guidance examines real world challenges that schools, LEAs, and SEAs have experienced as they reopen. The guidance additionally provides corresponding recommendations for each identified challenge including rising mental health needs and disparities among children and student groups, perceived stigma as a barrier to access, ineffective implementation of practices, fragmented delivery systems, policy and funding gaps, gaps in professional development, and lack of access to usable data.

We also worked with the National Parent Teacher Association (PTA) to host **community conversations with pediatricians on vaccines**. The PTA called on its 22,000-member PTAs and community leaders to host conversations in their communities about getting vaccinated at Back-to-School meetings as communities returned to school. The National PTA also partnered with the American Academy of Pediatrics to deploy local pediatricians to join these meetings, so parents could have their questions answered by doctors who know how to treat their children. With the vaccine now recommended for 5-11-year-olds, Secretary Cardona and Secretary Becerra recently issued a joint Dear Colleague letter to school leaders asking them to continue hosting these conversations for parents and caregivers so they can ask questions, learn more and feel comfortable getting their children vaccinated.

The Department conducted **outreach to Governors and State Chiefs** to support education, awareness, and outreach efforts to parents and school communities and offered resources and support to stand up school-based vaccination clinics.

The Return to School Roadmap, released by the Department on August 2, 2021, includes three “Landmark” priorities that schools, districts, and communities are encouraged to focus on to ensure all students are set up for success in the 2021-2022 school year. These include: (1) prioritizing the health and safety of students, staff, and educators; (2) building school communities and supporting students’ social, emotional, and mental health; and (3) accelerating academic achievement.

During the Return to School Road Trip to support the Roadmap, I had a chance to speak to a variety of school administrators, teachers, parents, superintendents, and early learning specialists across Wisconsin and Michigan. There, we found patterns amongst education leaders: the need to institutionalize the gains made via ARP and other funding; the need for social, emotional, and mental health support for students and teachers alike; the need to curb learning loss; and the need for long-term equity planning. The bright spots and gains from the last year were also evident during this tour: COVID gave teachers an opportunity to connect with students and families in a way they never had before and to engage with students by name and need. The Department is committed to continuing these conversations and supporting teachers, administrators, and education leaders as they innovate and implement creative solutions to meet the needs of all students.

Build Back Better

ARP has helped us reopen schools and institutionalize evidence-based, creative, and innovative approaches to learning and student and teacher engagement. Fundamentally, the Department is a service agency, and we are using ESSER funds to serve our constituents: our students, families, and educators. Students are getting what they need, when they need it, and in ways that help them thrive in the classroom and in their lives. Educators are able to teach and lead from a place of opportunity and innovation, rather than one of scarcity.

Sustainability and investment create opportunities to build a truly equitable, accessible, and high-quality education system in every ZIP code, so that students of every race, ethnicity, religion, gender identity, sexual orientation, income, disability status, age, or background is seen, valued, and set up for success.

Conclusion

To fully recover from the pandemic effectively and to build on the hope and promise of American education we must listen to educators, localities, and states and meet their needs for the long term. We know that if we follow the science and implement CDC guidelines, we can provide safe and healthy learning environments for students and educators and keep schools safely open. We will continue to support states and districts in these efforts through recovery and beyond.

Thank you for the opportunity to share the Department's K-12 priorities, accomplishments to date, and commitment to a long-term vision that effectively serves all students and our economy.

I look forward to answering your questions.

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Chairman SABLAN. Yes, thank you Ms. Marten, and we will now hear from Mr. Kvaal. Mr. Kvaal, you have five minutes sir.

**STATEMENT OF JAMES KVAAL, UNDERSECRETARY,
DEPARTMENT OF EDUCATION**

Mr. KVAAL. Good morning Chair Sablan, Chair Wilson, Ranking Member Owen, Ranking Member Murphy, Chair Scott, Ranking Member Foxx, and distinguished Members of the Committee. I commend you for your wisdom and foresight in creating the higher education emergency relief fund, which we call HEERF. It has made a tremendous difference for college students struggling with the devastating health, economic, and academic impacts of the pandemic and national emergency.

HEERF has been a lifeline for students facing economic losses due to the pandemic, including many who are homeless or do not have enough to eat. It helps students afford new technology needs, stay enrolled in college, and helps colleges meet urgent public health needs and slow the spread of the pandemic, and save the jobs of faculty and staff.

In early 2020 as the pandemic swept the country, college students faced the same sudden and severe challenges as other Americans, and yet students were ineligible or most students were ineligible for much of the financial assistance provided to other Americans, such as the one-time cash payments under the CARES Act.

As colleges shifted from in-person to remote instruction overnight, the magnitude and stark inequities of the digital divide were immediately apparent. One student in five reported technology barriers to online learning, and many faculty felt unprepared. Colleges also faced unprecedented financial challenges. Falling enrollments, the potential for State budget cuts, and steep declines in revenue coincided with new pedagogical and public health expenses such as COVID-19 testing, personal protective equipment, and new or transformed facilities and technology.

Past economic recessions have driven up tuition and student debt, doing lasting harm to students. Public colleges and universities, which serve three out of four students, entered the pandemic with historically low per-student funding. Recognizing the severity of these challenges, Congress quickly passed bipartisan economic recovery legislation, the first ever to provide relief specifically for colleges, universities, and the students they serve.

The third and final law, President Biden's American Rescue Plan, was enacted in March 2021 and contributed more than half of the total \$76 billion investment in HEERF. HEERF has had a real impact on students and their colleges. For example, I recently received a letter from President Daniel Phelan of Jackson College in Michigan, describing how HEERF helped pay for student tuition and fees, food, housing, course materials, medical and mental health care, and childcare. According to a recent survey of college presidents, 93 percent said it funded emergency scholarships and helped retain students at risk of dropping out. 88 percent said it helped them meet urgent public health needs, and 70 percent said it helped them continue to employ faculty and staff.

In 2020, more than seven million students received emergency scholarships worth an average of \$850 each. Students tell us these dollars had a great impact on their ability not only to survive the pandemic, but to stay in school and remain engaged with their studies. HEERF also helped stabilize the perilous finances of many colleges. Earlier this year, Moody's Investor Services cited HEERF as a factor in its decision to raise the higher education outlook to stable after years of negative projections.

Although we are almost 2 years into the fight of COVID-19, students still face a long road ahead. Enrollment has fallen by 700,000 students, threatening to leave a permanent dent in our country's educational attainment. Many returning students face continuing financial needs, academic gaps and mental health challenges. Colleges face revenue losses of between 75 billion dollars and 115 billion dollars over the next 5 years, as well as new costs for evolving public safety, pedagogical, and workforce needs.

The Department of Education staff has worked harder to provide clear, comprehensive guidance to colleges and universities and establish strong internal controls to ensure funds are spent appropriately. We continue to monitor spending patterns, clarify allowable uses of funds, and work with grantees to maximize the impact of these funds. Driving an equitable recovery from the pandemic is a key part of President Biden's vision to Build Back Better.

It is the foundation of his strategy to tackle the student debt crisis and build a stronger more inclusive system of higher education that serves the goals of equity and upward mobility. Working together, we can, and we will, heal, learn, and grow through this challenging time. I am committed to work collaboratively with Members of this Committee, to strengthen our colleges and universities and help students from all backgrounds earn college degrees and certificates that lead to better jobs and better lives.

Thank you for the honor of appearing before you, and I look forward to our conversation.

[The prepared statement of Mr. Kvaal follows:]

PREPARED STATEMENT OF JAMES KVAAL

Statement by James Kvaal

Under Secretary of Education

Education and Labor Committee

Joint Hearing

Subcommittee on Early Childhood, Elementary, and Secondary Education and
Subcommittee on Higher Education and Workforce Investment

“Examining the Implementation of COVID-19 Education Funds”

November 17, 2021

Chair Sablan, Chair Wilson, Ranking Member Owen, Ranking Member Murphy, and Chair Scott and Ranking Member Foxx and distinguished Members of the Subcommittees:

I commend you for your wisdom and foresight in creating the Higher Education Emergency Relief Fund, which we call HEERF.¹ Thank you for the opportunity to describe the tremendous difference it has made for college students struggling with the devastating health, economic, and academic impacts of the COVID-19 pandemic and national emergency.

HEERF has been a lifeline for students facing economic losses due to the pandemic, including many who were homeless or did not have enough to eat, and helping them stay enrolled in college. It aided colleges in meeting urgent public health needs and avoiding mass layoffs of faculty and staff. Some public and private non-profit colleges say HEERF supported their continued survival.²

The Challenges Facing Students and Colleges

Even before the pandemic, state investment in public higher education never recovered from the Great Recession of 2007 to 2009. As a result, public colleges and universities – which serve

¹ HEERF broadly refers to the higher education grant programs included in the three emergency packages passed by Congress: (1) the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), passed on March 27, 2020, which provided \$14 billion for aid to institutions of higher education; (2) the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSAA), passed on December 27, 2020, which provided \$23 billion for aid to institutions; and (3) the American Rescue Plan (ARP) Act, passed on March 11, 2021, which provided \$39.6 billion for aid to institutions.

² <https://www.acenet.edu/Research-Insights/Pages/Senior-Leaders/Presidents-Survey-HEERF.aspx>

three out of four students enrolled in postsecondary education – entered the pandemic with historically low per-student funding.³ Many inclusive colleges, that are successfully creating opportunities for all students, like community colleges and Historically Black Colleges and Universities (HBCUs), continued to experience historical funding inequities.

In early 2020, as the pandemic swept the country, college students faced the same sudden and severe challenges as other Americans did. A survey done in March through May 2020 found that 66 percent of students were reporting more financial stress.⁴ One survey of nearly 200,000 college students in 42 states found that nearly 58 percent of students faced food or housing insecurity or homelessness, with the highest rates among community college students.⁵ Despite these needs, many students were ineligible for financial assistance provided to other Americans, such as the cash payments under the CARES Acts.⁶

As colleges shifted from in-person to remote instruction overnight, the magnitude and stark inequities of the digital divide were immediately apparent. One student in five reported technology barriers to online learning, such as lack of laptops or high-speed internet, particularly low-income students, students of color, and students in rural communities.⁷ Meanwhile, many faculty members felt unprepared for teaching online; nearly one-half had never taught online before.⁸

Colleges also faced unprecedented financial challenges. Falling enrollments, the potential for threats of state budget cuts, and steep declines in revenue from housing, food service, and other auxiliary operations threatened deep drops in revenue, even as colleges faced new public health expenses such as additional testing, cleaning, personal protective equipment, and different educational facilities and technology.

The Impact of the Higher Education Emergency Relief Fund

³ <https://shef.sheeo.org/>

⁴ https://healthymindsnetwork.org/wp-content/uploads/2020/07/Healthy_Minds_NCHA_COVID_Survey_Report_FINAL.pdf

⁵ <https://hope4college.com/wp-content/uploads/2021/03/RCReport2021.pdf>

⁶ <https://fortune.com/2020/05/05/stimulus-checks-college-students-debt/>

<https://www.forbes.com/sites/wesleywhistle/2020/07/23/college-students-might-be-left-out-of-stimulus-checks-again/?sh=2bd901622d98>

⁷ https://www.mhec.org/sites/default/files/resources/2021The_Digital_Divide_among_College_Students_1.pdf

⁸ <https://www.insidehighered.com/news/survey/professors-slow-steady-acceptance-online-learning-survey>

Recognizing the severity of these challenges, Congress, on a bipartisan basis, quickly passed economic recovery legislation in March and December of 2020 specifically for colleges, universities, and the students they serve. In March of 2021, President Biden's American Rescue Plan, was enacted and contributed more than half of the total \$76 billion investment in HEERF. HEERF is intended to support students through the economic challenges of the pandemic and ensure their basic needs are met; help colleges take necessary precautions to reduce the risk of COVID-19 transmission; mitigate the negative consequences on learning and educational attainment; and support colleges' fiscal stability and role as major employers.

HEERF has had a significant impact on students and institutions. According to a recent survey of college presidents conducted by the American Council on Education⁹, HEERF enabled:

- 93 percent of colleges to provide emergency scholarships to students at risk of dropping out;
- 88 percent of colleges to purchase COVID-19 tests, conduct health screening, and meet other urgent public health needs;
- 80 percent of colleges to provide students with electronic devices and Internet access, helping them stay enrolled;
- 70 percent of colleges to continue to employ faculty, staff, and other employees otherwise at risk of unemployment; and
- 18 percent of colleges, otherwise at risk of closing, to continue operating.

By law, most postsecondary institutions must spend approximately half of their funds on emergency aid to students and must prioritize students with exceptional financial need in distributing the aid.¹⁰ The institutions can spend the remaining portion on institutional expenses and lost revenue related to the pandemic or additional aid to students. In 2020, more than 7

⁹ <https://www.acenet.edu/Research-Insights/Pages/Senior-Leaders/Presidents-Survey-HEERF.aspx>

¹⁰ Approximately 50 percent of CARES funds, at least as much as spent from CARES under CRRSAA, and approximately 50 percent under ARP

million students received a total of \$6 billion in emergency financial grant aid, an average of \$850 per student.¹¹

Among institutional funds, colleges chose to provide an additional \$2 billion to students in the form of emergency scholarships; reimbursements for tuition, room and board; and other help for living expenses. For example:

- San Joaquin Delta College in Stockton, California provided \$6 million in emergency aid to its lowest income students, many of whom had family members who were sick or lost employment.
- Amarillo College hired case managers and social workers to connect students with basic needs supports on campus and in their communities.

Students from across the Nation have shared the meaningful impact that these dollars have had on their ability to stay in school and remain engaged with their studies.

- A nursing student at Mt. San Antonio College in California shared that her emergency aid helped to pay for rent, groceries, and other living expenses so she could continue her education.
- A student from the University of Central Florida, experienced some of the most debilitating effects of the pandemic when she caught COVID herself. As a result, she was unable to work for three weeks, which meant that she had no income and was unable to cover basic living costs, like food and rent. Her emergency grant helped her pay for transportation costs to get to work, but also covered the cost of books for her summer classes.
- CUNY erased outstanding student balances and ended their longtime practice of withholding transcripts to allow 50,000 students to return to school, transfer to another college, or find a job.¹²

¹¹ <https://content.govdelivery.com/accounts/USED/bulletins/2fb56e2>

¹² <https://www1.cuny.edu/mu/forum/2021/08/11/cuny-will-stop-long-held-practice-of-holding-transcripts-for-students-with-outstanding-debt-will-lift-financial-holds-for-students-impacted-by-the-pandemic/#:~:text=Colleges,CUNY%20will%20stop%20long%20held%20practice%20of%20holding%20transcripts%20for,Students%20impacted%20by%20the%20pandemic>

- Florida A&M, Dallas College, and many other institutions that educate vulnerable students, have also discharged outstanding institutional debts.

Other colleges have used HEERF to provide comprehensive supports to students who are at risk of not completing and other adults who need to update their skills for an evolving labor market.

- Compton College's Tartar Completion Grant helps displaced workers and students who need less than 20 units to complete a credential.
- The City Colleges of Chicago launched their Future Ready program, which supports former students returning to school and provides short-term credentials to students at no cost.

Colleges also used HEERF funds to make significant investments in technology, including laptops and Internet service for students; campus safety and public health measures; and retaining faculty and staff.

- East Carolina University expanded course offerings to help students catch up on classes that they may have missed because of the pandemic.

Last, but not least, HEERF has helped stabilize the perilous finances of many colleges. The evidence of HEERF's impact is becoming more apparent. In March 2021, Moody's Investors Services raised the higher education outlook to stable after years of negative projections, attributing the change to factors such as returning to on-campus and in-person learning and federal relief funds offsetting revenue losses.¹³

Despite its size, HEERF did not fully eliminate colleges' budget shortfalls. According to a University of North Carolina analysis published last February, it probably fell \$146 billion short of colleges' revenue losses and additional expenses in 2020 and 2021.¹⁴

Continuing Challenges of an Equitable Recovery

¹³ <https://www.insidehighered.com/quicktakes/2017/12/06/moodys-downgrades-higher-educations-outlook>;
<https://www.insidehighered.com/quicktakes/2021/03/23/moodys-raises-higher-ed-outlook-stable>

¹⁴ <https://www.insidehighered.com/quicktakes/2021/02/09/colleges-could-lose-183-billion-during-pandemic>;
<https://www.chronicle.com/article/how-to-fight-covids-financial-crushh>

As my colleagues at the Department of Education and I work to ensure that higher education experiences an equitable recovery, we are very aware that our work is not yet over. The economic impacts of the pandemic persist. Students and institutions are still in survival mode, struggling to meet basic needs and sustain regular operations.

Enrollment has fallen by 700,000 undergraduate students, with particularly steep drops at community colleges and among students of color.¹⁵ In spring 2021, for example, the National Student Clearinghouse showed Native American undergraduate enrollment had declined by 13 percent and Black student enrollment by almost 9 percent. Fall enrollment analyses by the National Student Clearinghouse are showing further declines; for example, Black student enrollment was down by more than 11 percent. Fewer students, and especially students of color, are completing the Free Application for Federal Student Aid (FAFSA), suggesting that depressed enrollment will continue.¹⁶ One legacy of the pandemic could be a permanent depression in educational attainment that exacerbates inequities.

The higher education sector employs nearly half a million fewer people than it did in February 2020.¹⁷ A recent research study from the Federal Reserve Bank of Philadelphia estimated that the pandemic could still lead to revenue losses of between \$70 and \$115 billion dollars over the next five years.¹⁸ Some small colleges and HBCUs could lose more than half of their pre-pandemic revenue, leading to college consolidations and closures.¹⁹

The COVID-19 pandemic has also heightened feelings of uncertainty, anxiety, and isolation. For many students, faculty, and staff, the pandemic appears to have led to new or exacerbated mental health challenges. A national survey found that one-half of college students in 2020 screened

¹⁵ <https://nscresearchcenter.org/current-term-enrollment-estimates/>

¹⁶ <https://www.ncan.org/news/573024/FAFSA-Completion-Delays-Nearly-5-Nation-Loses-270K-FAFSAs-Since-2019.htm>.

¹⁷ Based on analysis of Bureau of Labor Statistics Current Employment Statistics data by industry. Employment in the 'higher education' sector is approximated by adding employment from state government in the education sector, private-industry colleges and universities, and several smaller private industry higher education categories (e.g., technical and trade schools, fine arts schools, etc.).

¹⁸ The Lingering Fiscal Effects of the COVID-19 Pandemic on Higher Education (philadelphiafed.org).

¹⁹ The Lingering Fiscal Effects of the COVID-19 Pandemic on Higher Education (philadelphiafed.org).

positive for anxiety and/or depression and 83 percent of students said their mental health had negatively impacted their academic performance.²⁰

Given these challenges, it is reassuring that colleges are managing their HEERF resources prudently. As of November 12, , colleges have spent 57 percent or more than half their available total HEERF student and institutional funds (65 percent and 54 percent, respectively). These figures rise every week, and it is important to note that, because institutions must spend funds within days of drawing down funds, colleges have made additional plans and commitments for remaining HEERF dollars that are not captured in these figures. (For example, colleges have committed to retain staff for the full academic year, but they only draw down federal funds when needed to make payroll.)

Helping Colleges Use HEERF Quickly, Responsibly, and Equitably

For the Department, HEERF created the monumental task of carrying out Congress' vision for one of the largest single investments ever made in students and colleges quickly and responsibly. We worked hard to provide clear, comprehensive guidance to institutions; actively engage with key stakeholders, particularly from institutions themselves; and strengthen internal controls in monitoring the program.

We continue to monitor spending patterns closely, work with grantees to identify impediments to the effective use of funds and clarify allowable uses of funds whenever necessary. We have conducted dozens of listening sessions with higher educational institutions and college associations representing thousands of institutions, hosted webinars, and published new guidance and frequently asked questions (FAQs) documents. We also facilitated over 60 partnerships between community colleges and the Department of Health and Human Services to create vaccination sites for students, faculty, staff, and community members, and providers in the Federal Retail Pharmacy Program have provided many more on-site clinics for colleges and universities of all types across the country.

²¹ The Department's Education Stabilization Fund transparency portal provides the public with consistently updated information on HEERF and other Federal pandemic recovery funding. The portal can be found at: <https://covid-relief-data.ed.gov/>.

The Department has adopted a primarily risk-based approach to ensuring that funds are spent appropriately. We have prioritized oversight of institutions such as those that have been placed on heightened cash monitoring by the Federal Student Aid office, are new grantees that may be unfamiliar with compliance obligations, where existing data indicates a higher chance of compliance risks. The G5 grants management system allows us to monitor the rate at which grantees withdraw funds and ensure that their spending patterns are consistent with the allowable uses of funds for the HEERF grant program.

We collaborate across the agency to monitor institutions, improve internal controls, and ensure compliance. We hired 24 staff specifically dedicated to HEERF in the emergency response unit to centralize oversight, standardize processes, provide technical assistance, and monitor internal controls. Additionally, we require colleges and universities to complete quarterly and annual reports on the use of HEERF funds.²¹ We are currently enhancing existing questions required on the annual report to provide more detail on HEERF grantee activities and performance especially as it relates to information on equitable distribution of funding.²²

Audits are a critical component of proper oversight of grant programs. The Department has worked with the Office of Management and Budget to designate HEERF and other emergency grant programs as “higher risk” for single audit purposes, ensuring that institutions’ independent auditors prioritize HEERF requirements in their annual reviews.²³ We also consulted with the Office of the Inspector General in introducing new audit requirements to proprietary institutions not subject to Single Audits.

In carrying out our responsibilities, the Department knows that the pandemic has had a devastating impact on many Americans, especially those from low-income families, working parents, and communities of color. Our goal is to help institutions serving all students build back better through an equitable recovery.

²¹ The Department’s Education Stabilization Fund transparency portal provides the public with consistently updated information on HEERF and other Federal pandemic recovery funding. The portal can be found at: <https://covid-relief-data.ed.gov/>.

²² Colleges and universities have already completed one annual report on CARES Act spending, covering the period of the national emergency from March 13 through December 31, 2020.

²³ <https://www2.ed.gov/about/offices/list/ope/heerfauditletter.pdf>

In May 2021, we issued new rules making it clear that emergency financial aid can support all students who are or were enrolled in an institution of higher education during the COVID-19 national emergency.²⁴ Students are eligible for emergency financial aid grants regardless of whether they completed a FAFSA or are eligible for Pell Grants or federal loans.

In July 2021, the Department announced \$3.2 billion in additional emergency grants under HEERF.²⁵ The funds will support students who attend over 1,800 institutions of higher education and provide resources to help these institutions recover from the impacts of the pandemic. This included \$2.97 billion from the American Rescue Plan (ARP), which will provide \$1.6 billion to HBCUs, \$143 million to Tribally Controlled Colleges and Universities (TCCUs), and another \$1.19 billion to minority-serving institutions (MSIs) and under-resourced institutions eligible for the Strengthening Institutions Programs, many of which are community colleges.

Conclusion

Due to the decisive, historic actions by Congress and the President, HEERF has made an immeasurable difference in the lives of college students and the postsecondary institutions that serve them. It has met the emergency needs and basic living expenses of struggling students. It has helped students stay enrolled by removing financial obstacles and meeting their new technology needs. It helped colleges reduce the damaging consequences of the pandemic by meeting public health needs, keeping faculty and staff employed, and – in some cases – possibly keeping the colleges themselves operating.

Driving an equitable recovery from COVID-19 for college students is a key part of President Biden's vision to "build back better." We are making historic new investments in Pell Grants and college affordability. We are helping student loan borrowers by forgiving more than \$12.5 billion in loans for nearly 640,000 borrowers who were cheated by their colleges, became totally disabled, had their college close, or were otherwise eligible for forgiveness programs designed by Congress through the Public Service Loan Forgiveness (PSLF) Emergency Waiver. The PSLF actions alone provided around \$2 billion in forgiveness for 30,000 public servants without

²⁴ <https://www.federalregister.gov/documents/2021/05/14/2021-10190/eligibility-to-receive-emergency-financial-aid-grants-to-students-under-the-higher-education>

²⁵ <https://www.ed.gov/news/press-releases/us-department-education-announces-32-billion-additional-higher-education-emergency-relief-funds-support-students-historic-and-under-resourced-institutions>

any further action on their part. And it brought 600,000 public service workers an average of nearly 2 years closer to loan forgiveness. We are making new investments in HBCUs, TCUs, MSIs, community colleges, and other inclusive institutions that are dedicated to providing equitable opportunities for graduation, careers, and upward mobility.

Thank you. I look forward to answering your questions.

Chairman SABLAN. Thank you, Mr. Kvaal. So, under Committee Rule 9(a), we will now question witnesses under the five-minute rule. After the Chairs and Ranking Members, I will recognize

Members of both Subcommittees in the order of their seniority on the full Committee. Again, to ensure that the Members' five-minute rule is adhered to, staff will be keeping track of time and blinking light will show when time has expired. Please be attentive to the time, wrap up when your time is over, and re-mute your microphones.

As Chairman, I now recognize myself for five minutes, and I now—at this time I seek unanimous consent to insert into the record a letter to the two Subcommittees from Dr. Galvin Deleon Guerrero, president of the Northern Marianas College. Without objection, so ordered.

Chairman SABLAN. Mr. Kvaal, under the CARES Act, 50 percent of funds received by institutions from the primary allocation formula were required to be spent on emergency financial aid grants to students. The CARES Act also prohibited institutions from helping HEER Funds of contracted recruitment services, endowments, and capital spending related to athletics, sectarian instruction, and religious worship.

How is the Department monitoring and overseeing institutions' compliance with this requirement?

Mr. KVAAL. Well, thank you for the question Chair Sablan, and we have worked very hard to make sure that all colleges are spending funds within the allowable uses outlined by Congress. Let me mention a couple of things. First, we published clear, comprehensive guidance through letters, webinars, and associations. We have created quarterly and annual reporting requirements. We have worked with OMB to designate these funds as high risk, which means their auditors will prioritize them in the annual audit.

We've imposed additional oversight for colleges that are financially risky or once known as Heightened Cash Monitoring 2. We've imposed additional audit requirements on some grantees that are not current—were not otherwise required to conduct audits, and finally we required for public colleges, presidents, and major owners to sign certification forms indicating that they're aware of all the requirements of these funds.

Chairman SABLAN. Thank you for that and let me go now to Ms. Marten. Ms. Marten, I'm encouraged by the Department's administration of the American Rescue Plan, and today all 50 states plus the Northern Mariana Islands, District of Columbia, and Puerto Rico, have submitted ARP ESSER State Plans to the Department in line with the agency's interim final requirements.

Further, the Department has approved 46 ARP ESSER State Plans and awarded approximately 91 percent of the ARP ESSER funds to State educational agencies. So, my two questions is how is the Department ensuring that State funds are consistent with the law, and what is the Department's plan for ongoing monitoring of states and districts implementing their plans, to ensure continued compliance with the law?

Ms. MARTEN. Thank you so much for your question Chair Sablan and recognizing also that your area has that investment and that plan has been approved for the 52 State plans being submitted, and that 46 are approved, and it's so important that these funds are being used in the way intended, which is first of all the immediate needs, health and safety needs, social, emotional, mental

health needs, and academic needs that include learning loss. We know students need access to those kinds of programs.

So, the way we ensure that through monitoring the State plans, first of all as they come in, to ensure that the State plans include the efforts that were intended by the law that you all enacted. And so, to make sure that as we look at the plans, we're looking at it through those lenses. And then through the monitoring, it's ongoing monitoring. We are both focused and targeted monitoring that's looking at specifically an area that needs to be addressed, that certain states will look at that.

We also have comprehensive monitoring, where we're looking at full programmatic areas, and then consolidated monitoring. This is super-important to us that the updates are done in a way that we have a transparency portal in the Ed Stabilization Fund, transparency portal that provides a clarity on transparency for everybody to be able to access that and make sure that the dollars are being used in the intended manner.

Chairman SABLAN. Thank you, thank you. Just as a courtesy, as the senior Member from the outlying areas of the five insular jurisdictions, would you please provide, under separate cover, provide the Committee with the status of plans submitted by these outlying areas, and also the status if the Department hasn't given its approval to those plans. Thank you.

Ms. MARTENS. Yes, yes sir. We'd be happy to provide that.

Chairman SABLAN. So, I now recognize Ranking Member Owens for five minutes of questions. So, Mr. Owens please.

Mr. OWENS. Thank you again, Mr. Chair, and for the witnesses for being here today. Deputy Secretary Marten, earlier this year the Department proposed grant priorities—just a second, hold tight. Hang on, sorry. Earlier this year, the Department proposed grant priorities under the American History and Civics Education Program, that would have promoted a curriculum aligned with Critical Race Theory.

The Department partially backed off of the worse aspects of this proposal. Still, that move from the agency kicked off a firestorm of parents concerned about the racist indoctrination in America's public schools. Deputy Secretary Marten let's agree that the actual academic theory called Critical Race Theory is not likely being taught in any K through 12 schools. I do not dispute that.

However, the curriculum, the teacher strategies, professional development inspired by the Critical Race Theory worldview, has without question, invaded our Nation's classrooms. What is that worldview? Thomas Chatterton Williams summarized the Critical Race Theory view of the world in an essay a few years ago.

He said and I quote, "Though it is not at all morally equivalent, it is nevertheless in synch with the toxic premise of white supremacists. Both sides easily reduce people to abstract color categories, all the while feeding off of and legitimizing each other, while those of us searching for gray areas and common ground get devoured twice. Both sides mystify radical identity, interpreting it as something fixed, interpreting it as almost supernatural. It is a dangerous vision of life that we should refuse no matter who is doing the conjuring."

Deputy Secretary Marten, will you reject the dangerous and divisive vision of the life embodied in Critical Race Theory as you implement your policies at the Department of Education?

Ms. MARTEN. Thank you, Mr. Owens, but allow me to have a conversation about this. I want to make clear that the Department is not involved in any curriculum decisions. Curriculum decisions are made at the State and the local level, and we trust educators to make those decisions in that context, and it's made based on what students are learning.

Mr. OWENS. OK. Well, I'm going to disagree in that one area. Professional Development is being pushed at the Federal level, so that's a conversation we'll have at another time. Deputy, one other question here. The Defense of Freedom Institute recently released a report titled "Teacher Union Resistance to Reopening Schools: An Examination of the Law Against U.S. School Districts."

That report included, and I quote, "The record in several large school districts demonstrates that the teacher unions' response to school reopening plans differ only in degree, regardless of whether the local union was affiliated with NEA or AFT or independent. It also did not matter if the State or local policies were union friendly or not. In no instance did the teachers' union advocate that schools reopen with in-person classroom instruction. On the contrary, they were classroom instruction's primary opponents during the pandemic."

In a separate study from the Annenberg Institute at Brown University found out, and I quote "Large school districts, where unions were undoubtedly stronger, on average are far more likely to heed the preference of the unions to keep in-person schooling closed and rely on fully remote models of teaching and learning." Ms. Marten, what efforts are you willing to take to protect students from the undue interference of teacher unions in our education?

Ms. MARTEN. Thank you for your question. I'm happy to point out now at this point 99.2 percent of our schools are open for full in-person learning, and that is so important because we know that's where students learn best is in-person, following all of the layer mitigation strategies that we know work, as well as allowing not only our schools to be open, but to stay open, and doing that in a way that keeps everybody safe, including the educators, the full school staff, the students, and the community in which those schools exist.

That's always critical and the path forward. It's one that's aligned with safety and evidence of what works for schools and the communities in which they exist.

Mr. OWENS. All right, I appreciate that. Just a real quick question. Obviously, that's where we are moving forward. My question is how we make sure that this influence of the unions are not part of our future process moving forward, because obviously it was part of our past. So how do we make sure that doesn't happen again?

Ms. MARTENS. All decisions around our schools are definitely made at the local level, and local communities having the critical conversations. What I know is that when stakeholders, including the employees and the parents and the students and everybody in the community at large in which the school exists, the more robust the conversation and inclusive of the people doing the work and the

people that are impacted by the work is where we make the best decisions.

I think we see that at the local level and local school districts make decisions that are inclusive of all important stakeholders.

Chairman SABLAN. Thank you.

Mr. OWENS. Thank you. Thank you so much. I yield back.

Chairman SABLAN. Thank you, Mr. Owens. I'd now like to recognize Ms. Wilson please for five minutes of questioning.

Chairwoman WILSON. Thank you, Mr. Chair. Mr. Kvaal, even before the pandemic, we knew that many students aspiring to attend institutions of higher education were having trouble meeting their basic needs such as housing, food, and transportation. These challenges have grown substantially due to the pandemic. So, we used taxpayer dollars to uplift taxpaying families who needed it.

Have you heard from colleges and students about how the relief funding provided by Congress has helped them? What lessons have we learned from the pandemic about what students need to not only survive, but thrive in a college environment and to what extent could institutions and students use additional funds to ensure that their basic needs are not an obstacle to completing their higher education?

Mr. KVAAL. Chair Wilson, thanks so much for this important question, and it's absolutely the case that even before the pandemic, disturbingly large numbers of students were struggling with homelessness or with food insecurity. And in part of course the President is working toward doubling the Pell grant. That's a really critical part of it.

But colleges also need additional resources to meet the needs of students as they arise. The Pell grant is based on your financial circumstances at the time you're applying for financial aid. It may not help you if you lose a job, your parent loses a job, or you face other emergency circumstances.

Chairwoman WILSON. Thank you very much. We also know—this is for Ms. Marten—under the American Rescue Plan, Congress required State educational agencies to really reserve at least 5 percent of their total ARP ESSER allocation to address learning loss and the disproportionate impact of the pandemic on underserved student groups.

Likewise, the law requires that districts preserve at least 20 percent of their ARP ESSER allocation for the same purpose. How is the Department monitoring it, overseeing this? Can you tell us more about how states and districts are using their ESSER funds and let us know what we can do to make Governors like Governor DeSantis release money that he's holding up, withholding critical ESSER funding for our state?

Ms. MARTEN. Thank you, Chairwoman Wilson for the opportunity to talk about this. As you mentioned, the focus on learning loss was intended and it's part of how we review and approve the State plans looking for what we talked about the 20 percent being dedicated to that. In just 13 days after the ARP was signed, we sent out \$81 billion to states in that first release of funds, and now 95 percent of the \$122 billion of those funds have been released.

And as you mentioned, 25 percent, which is 3.5 billion, is directed toward learning loss. We're monitoring that State by State

and LEA by LEA, and we're seeing the ways that we're addressing learning loss. For example, almost 6,000 districts were using educational technology that was needed for some students to continue their learning. We saw almost 6,000 LEAs and local districts spending \$377 million just on cleaning and supplies, which was important to get schools open. We know that 99 percent of the schools being open is critical.

But then we got into the most important thing you're talking about, the learning loss, the summer programs. We're seeing summer learning programs, 851 LEAs with 51 million. All of this is available in our trans—at the Transparency Portal, and we're monitoring specifically the learning loss because health and safety, as that was important to get schools open, now we need to begin to address the learning loss, in other words, the mental health needs, examples as in New York, putting 500 social workers in place to make sure students' social and emotional needs are met, because we know that is helpful in addressing their learning needs, is making sure their social, emotional, and mental health needs are addressed, as well as their academic needs.

So, State by State plans are being monitored, with the intent of understanding that these dollars are being applied in the way intended, especially around learning loss and that focus.

Chairwoman WILSON. Thank you so much, and I happen to be in a State with a Governor that does not understand that and refuses to release the moneys to our school districts. And I hope that the Department of Education will help us with that issue, and the Secretary of Education is in lockstep with him. So please help Florida with Governor DeSantis, who has withheld our ESSER funds.

I will try to get this one in. We're going to have an onslaught of kindergarteners coming into our schools because of universal pre-K. Have schools been notified or have states getting—what are they doing to prepare for these kindergarteners? Full day, universal kindergarten. Not half day.

Chairman SABLAN. Ms. Marten, maybe you could provide Ms. Wilson that, an answer to that question please? We're going to move; we're going to move on.

Chairwoman WILSON. Thank you.

Ms. MARTEN. Yes sir, thank you.

Chairman SABLAN. Thank you, Chairwoman Wilson. Dr. Murphy, sir, you have five minutes for questioning please.

Mr. MURPHY. Thank you, Mr. Chairman, and I want to thank the witnesses for coming today. One of the things that has troubled me for many years since being on the college, the board of college trustees at my alma mater was the problem with free speech on campus. We've actually been told in this Committee that free speech, the free speech issue is not a problem or a problem on college campuses.

Yet we held a roundtable a couple of weeks ago with institutions like Princeton, Yale, William and Mary, Davidson and we had a plethora of students and other individuals that talked about episodes that occur on campuses daily, bullying, canceling, etcetera that goes on regarding the abuses and attacks that occur, that students are not able to have free speech.

So, Mr. Kvaal, I'd like to ask you, do you agree that public institutions of higher education should abide by the First Amendment?

Mr. KVAAL. Yes. Thank you, Dr. Murphy for the question. My understanding is that is the law.

Mr. MURPHY. That is the law, but do you agree that's—that should be done by colleges and institutions of higher learning?

Mr. KVAAL. I do. I think the free speech is an incredibly important concept in our society and our democracy. It's a foundational value, I think it is particularly important on college campuses and we need to support free inquiry, while also maintaining spaces that make everyone feel safe as well.

Mr. MURPHY. Yes. It's always troubling to me to hear that there are "free speech zones" on campuses. It's just—I mean I shake my head. Why isn't everywhere on campus a free speech zone? Do you agree that we should do anything possible to protect, to protect free speech, whether a student or a professor likes to hear what the person is saying or not?

Mr. KVAAL. Well again, I do think that maintaining free speech is really important on college campuses, and we need to do that within a safe and welcoming environment. The Department of Education does not set policy regulating speech on college campuses. If there were a case where, you know, a court were to determine that a college had violated the First Amendment, then we would certainly look at that. But that is our—that's what our role is in the area of free speech.

Mr. MURPHY. All right well thank you, because I think you know there's been a large swell of alumni groups now in the country, because seemingly this is—a lot of college presidents, universities, and other faculty Members are tone deaf to the screaming that many students are seeing on college campus, that they're being canceled or that they cannot exhibit their true opinions in class for fear they'll have their grades altered or being condemned by other students.

Because anybody that says that's not a problem is not living in the real world. So, I think that colleges and universities are going to see a swell, and we actually saw a group that was published in the Wall Street Journal of five universities. That has now swelled to over 90 universities, where alumni are actually walking away with their feet and with their resources because of the lack of free speech on campus.

My particular alma mater, in my opinion, is giving lip service to that such. So it's very—it's going to be very interesting, because I think is going to be a First Amendment issue that goes on, on college campuses. So let me ask you another question. I know that you guys don't "enact the policy," but do you believe that students should have the right to sue their college or university if they feel their First Amendment rights are being violated?

Mr. KVAAL. Well, Dr. Murphy, I have to say I haven't studied that question. It's clear to me that you've thought a lot about this and you're very well informed, and I'd welcome the opportunity to have further conversations with you about it.

Mr. MURPHY. And that's fine. I mean I'll take that as a yes. But because it is a free speech issue, you know. We want everybody to speak, whether they be Communists, whether they be the other

side of the political spectrum or not. It is not a cancel place to go on campus. This is where you're supposed to grow your mind. You're supposed to not be told what to think; you're supposed to be taught how to think.

And it comes, leadership comes from the top down, and it comes from you guys as the Department of Education, that you should espousing that free speech should not have zones on campuses. It should actually have every classroom and every step and place on the campus. So, I appreciate your leadership in that matter. It's going to be a big deal and I think it's going to be a bigger and bigger deal as we saw that parents and everybody else see what's going on in classrooms as we move forward in this country. With that, Mr. Chairman, it looks like my time's up, and I will yield back.

Chairman SABLAN. Thank you. Let me now recognize Mr. Courtney. Mr. Courtney, you have five minutes for questioning please.

Mr. COURTNEY. Great. Well, thank you, Mr. Chairman and thank you for—to the witnesses for being here today to, you know, really dive into a really important topic. You know, across my district seeing the American Rescue Plan funding deployed in school districts like the Town of Enfield, which put a lot of its—a chunk of its money toward a summer program to address learning loss which I attended, and you can feel the energy, positive energy in the room with kids who were together again, and who again were there, really, I think very engaged in their classwork.

In the Town of Salem, one of my favorite programs was a Parent Academy that was stood up to again, help connect parents to their kids' school issues. I think all of us can agree that's the healthiest way for school districts to engage parents as an important stakeholder in terms of making sure kids succeed. In the Town of Vernon, they boosted, where I live, their social worker staff to again help kids deal with the social-emotional fallout from the pandemic.

But one other aspect of the Rescue Plan, Ms. Marten, which I wanted to talk about with you for a moment, was that, you know, as long as I've been in Congress, there's been a hue and cry about the fact that special education has been underfunded. It has not matched the mandate when Gerald Ford, President Gerald Ford signed it into law.

Those three billion new dollars that was put into the special ed funding, which now in Connecticut is going to be, you know, helping every single district. Maybe you could just talk a little bit about that, particularly that population which took a real hit during the pandemic in terms of keeping them engaged with their schoolwork.

Ms. MARTEN —around some of the things that you highlighted, and specifically the \$3 billion of the ARP funds that are identified for nearly eight million students with disabilities. Part of what's baked into our approach and the funding streams here is to address those who are most disproportionately impacted by what they've been through. And so specifically students with disabilities, we understand what they've experienced and some of the State plans have to specifically address those needs.

We focus on everything has to be evidence-based. It has to address the social, emotional, and mental health needs of students,

as well as if there's a disproportionate impact like we saw with students with disabilities. So, we're seeing State by State the plans are intended to address those. I'm seeing, I can say from a personal level, I'm a sibling of a person with developmental disabilities. It's my older brother, and I understand as states develop with the specific intention, I think it was smart that we set, made sure that \$3 billion were allocated, because there's eight million students with disabilities that were disproportionately impacted.

So the kinds of things that they need are decided school by school, State by State with a student in mind and we say we need to know our students by name and by need, and design what's going to best help them individually recover what's been missing for them.

Mr. COURTNEY. So, I hope the Department, because again you described it, you know, perfectly in terms of the value of that priority. It's just that, you know, we can maybe get the, you know, sort of analysis of the impacts, because again this has been a, just a persistent nagging issue about the fact that for school districts who again don't dispute the need for helping kids with special learning plans, but you know again, it can get real expensive to make sure that we understand how this really worked in terms of Washington, you know, really living up to the mandate that was created.

And again, I know in the Fiscal Year 1922 budget that the President sent over, there was an increase in special ed which again, has basically flatlined for decades. So anyway, kudos to the Department for working on that.

Mr. Kvaal, it's great to see you again. Congratulations on, you know, being back in the saddle. You know, as we look at the Rescue Plan money and the other, you know, higher ed funding which again, some of it went directly to students, has there been any sort of, you know, sort of data in terms of what that's done in terms of student borrowing?

Because clearly this was direct cash grant money that, you know, colleges were able to get out to kids. You know whether or not that, you know, is going to show up in terms of any reduced borrowing for the last 18 months, 2 years, because you know again as we talk about the Pell grant initiative and Build Back Better, I mean that's obviously part of the benefit, which is to reduce student loan borrowing.

Mr. KVAAL. Mr. Courtney, thanks so much for the question. I know you're a long-time leader and have some ambitious proposals in the area of student debt. We don't have data yet to suggest what impact this has had on borrowing levels. Obviously, students had a lot of additional expenses, lost jobs, new technology needs, new housing costs.

So, we'll have to wait and see until the numbers come in, whether that was a net positive or negative on student debt.

Mr. COURTNEY. Great. Well, thank you. I yield back, Mr. Chairman.

Chairman SABLAN. Thank you. I would now like to recognize Mr. Allen. Mr. Allen, you have five minutes of questioning please.

Mr. ALLEN. Thank you, Mr. Chairman, I want to thank both Secretary Marten and Undersecretary Kvaal for being with us today.

In my home State of Georgia, both K through 12 schools and our university system did an excellent job of reopening schools in 2020 and have been trying to get COVID funds out the door as quickly as possible.

I want to give a break or credit to the administration and all those who worked tirelessly to get our schools open under a difficult situation. There are remaining questions that need to be answered by the Department, and I am submitting several questions for the record for—from our institutions. And I would like both of you to commit to responding to these questions in a timely manner. Would you agree to do that, yes or no?

Mr. KVAAL. Yes.

Ms. MARTEN. Yes.

Mr. ALLEN. OK, all right great. Deputy Secretary Marten, earlier this year our Committee heard testimony from parents of children with disabilities harmed by their states and school districts' refusal to provide adequate in-person instruction. One parent testified about her family's experiences in Oregon and said "My middle daughter is Lizzie, age nine in the third grade, and Lizzie has Down's Syndrome. She is a hidden victim of pandemic policies and prolonged school closures. She has been denied services mandated by the IEP."

Another parent testified about his experiences in Virginia and said quote, "Our son is diagnosed with autism spectrum disorder and ADHD. Before school closed due to the pandemic, he was a very happy boy who loved school, especially being around his friends. But things changed quickly after schools closed. During the fall as we watched him deteriorate before our very eyes, and not be able to engage in virtual learning, we pleaded with school administrators to open schools for in-person learning for students with disabilities, which aligned with the guidelines by the Virginia Department of Health."

Ms. Marten, how many investigations has the Department launched of school districts that refuse to provide students with disabilities the education and services they are entitled to under Federal law?

Ms. MARTEN. Thank you for bringing up the important topic of students with disabilities and making sure that their needs are being met as required by law.

Mr. ALLEN. And how many investigations have you launched into this problem?

Ms. MARTEN. I don't know the answer to the number of investigations, but I'm happy to have staff followup with you on the exact number of investigations.

Mr. ALLEN. OK, all right. I would appreciate that, and the extent of those investigations. On the other hand, the Department initiated investigations of nine states into alleged violations of Section 504 of the Rehabilitation Act of 1973 due to those states' masking policies. Committee Republicans sent Secretary Cardona a letter on September 1st asking substantive questions about the legal interpretation underpinning those investigations.

It's now two and a half months later, and we still have not received a response. However, in an interview with Axios in October, Secretary Cardona said that it was unlikely any Federal funds

would be withheld from states or school districts over mask mandate. Was that an admission from the Secretary that these investigations were political, and would that be a yes or a no?

Ms. MARTEN. So, thank you sir for the question. It's a little bit more complicated than a simple yes or no. But what I will say is that a safe path to reopening and following all of the guidance that we know gives students access to in-person learning, as you pointed out is so important. And so we're going to continue to support looking at safe paths to reopening and implementing the best protocols that are recommended by the CDC. When those are not being used, we will investigate.

Mr. ALLEN. OK. So how would I interpret that?

Ms. MARTEN. I'm sorry sir. Sometimes it's not as simple as yes or no, but I do—

Mr. ALLEN. Was that an admission from the Secretary that these investigations were political?

Ms. MARTEN. Well sir, it's important that we have the safest path forward, and that this is not about political; it's about safety for our schools, our students, and their communities.

Mr. ALLEN. OK, Ms. Marten. I have just one more question, thank you. Why is the Department been more—why has the Department been more aggressive over masking policies than it has been—than it has been over school districts' refusal to serve students with disabilities?

Ms. MARTEN. It's about a safe path for all students, and it's not a difference between students with disabilities or safety around masking, or the mitigations. We're following the science and the recommendations that when mitigations are put in place, students have access to their learning, schools can open and stay open, and that's what we want for all children in our country.

Mr. ALLEN. Yes, but we have seen the results of this issue with students with disabilities. But anyway, I'm out of time. Thank you so much and I yield back, Mr. Chairman.

Chairman SABLAN. Thank you, thank you Mr. Allen. I now recognize Ms. Bonamici for five minutes of questioning please.

Ms. BONAMICI. Thank you so much to the Chairs and Ranking Members and thank you to our witnesses from the Department of Education. We know that the COVID-19 pandemic has been an unprecedented public health crisis, and in response the country took steps to mitigate the spread of the virus. That included closing schools and transitioning students to remote learning. Congress created the Education Stabilization Fund through the CARES Act at the beginning of the pandemic, and then this past March we passed the American Rescue Plan and additional robust investment in our K through 12 system.

These funds have helped districts reopen schools safely, keep schools open, and make up for lost instructional time. The resources have really been a lifeline for our Nation's schools, providing critical supports. For example, in Oregon's 1st congressional District, which I'm honored to represent, the Tigard-Tualatin School District was able to create a K-12 virtual school for families who were not ready to have their students return to the classroom in person.

Funding was used to hire the additional teachers and support staff to serve more than 600 students, and in the Hillsboro School District, funds were used to expand their very successful bilingual and math summer intervention programs that helped address unfinished learning among their students with the highest needs.

So, I want to ask this, Ms. Marten. What data has the Department collected about how states and districts are using or plan to use the American Rescue Plan funds and can you point to any best practices for programs and investments that have been the most successful?

Ms. MARTEN. Yes, thank you. You actually started to answer the question with some of the best practices that you've seen in your State, and that's what we want to do, is lift up those practices that address how these funds are intended. The programs in the State plans, they give us a great window into what states are doing and how they're using the funds as intended. The programs and the actions and services need to be evidence-based. They need to address social and emotional needs of students; they need to address those that are most disproportionately impacted by the pandemic.

All of those State plans when you start to unpack them and have great programs that you just uplifted, give us a whole data base of what we're seeing out there. There's a clearinghouse where we're able to share best practices, provide technical assistance, hold webinars so that we can share across the country what we hear people doing using the funds in the ways that are intended.

Ms. BONAMICI. Now that's really helpful. I just wanted to note too is that what we all know is that the pandemic did not affect all communities and school districts the same way. I had conversations with school districts with high populations of Latino students and many of their students have lost family Members. They weren't ready to come back to school at the same time as the students in other communities.

I want to use the rest of my time to ask questions to Mr. Kvaal. It's really nice to see you again. Congratulations on your position at the Department of Education. Now because the pandemic required a move to depend upon remote learning, in so many instances educational technology providers and online program managers have seen an increase in the number of contracts with school districts and institutes of higher—institutions of higher education.

So how is the Department monitoring both education technology providers OPM and is the Department planning to issue guidance to school districts and colleges about how to approach these relationships and really guarantee the quality of education?

Mr. KVAAL. Thanks, Ms. Bonamici. I really appreciate the question and your long-term leadership on higher education issues. Of course, there has been I a big trend toward online education, especially for working adults in recent years, and then over the course of the pandemic, a big sudden shift to online for everybody else.

In my conversations with college presidents, it doesn't sound like they're planning to go back to traditional classroom, at least to the full extent that it was before, but they're exploring hybrid and other options. You're absolutely right, that a big part of this trend has been private companies called online program managers who work with colleges to put those programs online.

This is real interest of ours. We're working very hard to highlight the good practices in the areas of online and try and make the most out of it, and where online is not serving students well, we're going to be very aggressive. Rich Cordray has set up a new enforcement unit, and I imagine that will be an area that he is looking at. We're also starting a new regulatory process in just a couple of months that will look at some related issues.

Ms. BONAMICI. I think obviously there are significant equity issues. One of the reasons I was so excited to help pass the bipartisan infrastructure bill is because of that broadband investments that will be made, and that's just one of the inequities that the pandemic exposed and highlighted. Online learning doesn't work if people don't have the connectivity.

Mr. Kvaal, I also want to ask you, I know in Oregon enrollment is down particularly at community colleges, and I'm concerned about—as a graduate of a community college myself, I'm concerned about the declining enrollment and how that will affect our community colleges. I just want to ask how will the Build Back Better Act, particularly the community college and industry partnership grants that will help create those paths to a good job for so many across the country as we transition to a clean energy economy, how will that help enrollment with the decline in enrollment?

Chairman SABLAN. Mr. Kvaal, maybe you could provide that answer—

Ms. BONAMICI. Oh goodness. I see I'm over time. If you could please submit that for the record. I apologize, Mr. Chairman. I look forward to receiving that answer on the record. Thank you.

Chairman SABLAN. I now recognize the Member from Indiana Mr. Banks. You have five minutes of questioning sir.

Mr. BANKS. Thank you, Mr. Chairman. I want to discuss the reporting requirements for institutions who receive gifts or donations from foreign entities. The Chinese Communist Party's influence on college and university campuses across the country through indoctrination and coercion, using Confucius Institutes and the theft of sensitive information and research by way of that coercion and other tactics is alarming, to say the least.

Mr. Kvaal, the Trump administration took steps to ensure schools were following statutorily mandated reporting requirements with respect to foreign gifts and donations, while also making public on a regular basis these disclosures. I bring this up because it appears that for whatever reason, schools have reported significantly less foreign gifts and donations since President Biden took office.

In fact, between July 1, 2020, and January 2021, U.S. schools reported \$1.6 billion in foreign gifts. Since January 20th, however, schools have reported just \$2.2 million in gifts over a much longer period of time. Moreover, it is my understanding that this administration has not launched a single new investigation into foreign funding in universities. Mr. Kvaal, has the Department continued President Trump's approach to enforcing these requirements?

Mr. KVAAL. Mr. Banks, thanks for raising this very important issue, and I agree that there is real reason for concern about Federal Governments seeking to inappropriately or secretly access U.S. research and technology. When it comes to Section 117, my belief

is that most universities want to comply with these requirements. I talked to college presidents who are confused about what requirements are.

So, we're committed to working with them to make sure that they fully and completely follow the law, and of course if they willfully refuse to follow the law, there will be consequences.

Mr. BANKS. What do you make of that discrepancy?

Mr. KVAAL. Say it again.

Mr. BANKS. \$1.6 billion in foreign gifts reported between July 1, 2020, and January 20, 2021, but since you've been—and since you've been in your role, only \$2.2 million has been reported. Now what do we make of that discrepancy?

Mr. KVAAL. Well, I hadn't heard those numbers before. Assuming those numbers are accurate, I agree with you. Those raise some questions, and I'd be delighted to look into them with and get back to you on them.

Mr. BANKS. Has the Department launched any new investigations into schools' compliance with Section 117 since Biden had taken office?

Mr. KVAAL. I'm not familiar with that answer, but I'd be—I'd be glad to get back to you and talk to you more about that.

Mr. BANKS. Has the Department continued any existing investigation from the previous administration?

Mr. KVAAL. I don't know the answer to that, but I do know that, you know, I agree with you. This is an important challenge. We're committed to working with colleges and universities to make sure they comply with Section 117, and I'd be glad to work with your office to make sure that we have whatever tools we need to enforce the law.

Mr. BANKS. Well, since you're not informed about any new investigations, any old investigations, or discrepancies between the drastic difference between what was reported last year and this year, would you commit to getting back to us on the record to answer those questions?

Mr. KVAAL. Yes, I'd be delighted to.

Mr. BANKS. And will you commit to following up with my office and the Committee over the next week and provide detailed answers as to the status of Section 117 reporting and investigations, including the number of cases pending and ongoing investigations?

Mr. KVAAL. Yes.

Mr. BANKS. Another subject, according to the American Academy of Pediatrics, between .01 percent and 2 percent of COVID cases in children resulted in hospitalization. Between 1 and 4 percent of total COVID hospitalizations were children. Despite these shockingly low numbers, students from kindergarten to college have been shuttered inside their homes and forced to participate in learning online for what would be 2 years or more.

According to a study by the Northwest Evaluation Association, reading scores for students in grades 3 through 8 were 6 percentile points lower and math scores have dropped by 12 percentage points. Ms. Marten, what metric is your department using to determine success versus failure of COVID relief programs?

Ms. MARTEN. Thank you so much for that question, and for looking at specifically the way we're implementing these dollars, to

make sure students are able to be in-person learning, because we know that is the best chances for them to learn, and the safe path to reopening is to put in place all of the mitigation strategies, including masking, testing, ventilation, air circulation—

Mr. BANKS. Ms. Marten, how can parents know that COVID relief funds have had a net positive impact on their children?

Ms. MARTEN. Through our ongoing monitoring of those funds, we'll be able to provide them through the Transparency Portal.

Chairman SABLAN. Thank you.

Mr. BANKS. My time has expired.

Chairman SABLAN. Thank you. I'll now recognize Ms. Hayes. Ms. Hayes, five minutes. Oh, hold on, Mr. Takano. Mr. Takano, you have five minutes of questioning. My apologies.

Mr. TAKANO. Well, thank you. I forgot that my camera was not turned on. Thank you, Mr. Chairman. Mr. Kvaal, Congress has provided three large infusions of money into higher education through the CARES Act, CRRSA and the American Rescue Plan, totaling more than \$76 billion. Can you tell us more about how HEER funds, H-E-E-R funds have been used to support students and ensure the health and safety of the campus community?

Mr. KVAAL. Mr. Takano, thanks so much for that question, and you know, we've seen HEER funds make a tremendous difference for students in the area of emergency scholarships and technology needs that help them survive the pandemic and stay enrolled. We've seen them help colleges keep staff and faculty employed during difficult challenges, and we see colleges using the funds to institute public health measures that slow the spread of the pandemic both upon campus and in their communities.

So, for example, Amarillo College has used HEER funds to hire case managers that help students connect to the resources in the broader community, to make sure that they're not left homeless or needing food and security. Fort Lewis College, which is a Native American-serving college, has used these resources to help deal with the mental health challenges facing their students, especially Native American students. And of course colleges are investing in things like testing, contact tracing, PPE, new facilities, new educational equipment. So, these funds are making a tremendous difference every day on college campuses across the country.

Mr. TAKANO. Well, thank you, Mr. Kvaal. Ms. Marten, Title I of the Elementary and Secondary Act of 1965 or ESEA requires that only students with the most significant cognitive disabilities may take an alternative assessment and provides that no more than 1 percent of all students in the grades assessed can be assessed using an alternative assessment.

This requirement was first in effect for the 2017–2018 school year, and at that time, most states were exceeding this percentage. The Department recently created guidance regarding alternative assessments that indicates that given the disruption caused by COVID–19, states following procedures outlined in the letter can expect to receive a waiver of this requirement.

Now this flexibility may be necessary under the circumstances, but in real terms it means more students with disabilities will not be—will not be assessed, may lose access to the general education curriculum, and will be on track to receiving a certificate of comple-

tion rather than a standard diploma. Given the need for flexibility this year, how do we ensure that students with disabilities receive the appropriate services and supports they need to make academic progress in the general curriculum and graduate with a standard diploma?

Ms. MARTEN. Thank you for bringing up this very specific issue that's incredibly important for students with disabilities, especially more severe disabilities. I can say that the Department's very committed to supporting these states, so that they will fulfill the requirements that are in ESEA, that only students with the most significant cognitive disabilities can take the alternative assessment.

And that's totally normal the 1-percent of students, as you mentioned, in the grades that are assessed. So, the alternate assessment is based on the alternate achievement standards, and that's designed to be appropriate only for students that have a significant cognitive disability. So, we need to make sure we're staying within what it was designed for.

Students with other disabilities that might represent the vast majority, they represent the vast majority of students with disabilities who receive special education services, should not be assessed to that standard. It's a different standard that was meant for students with the most severe disabilities. That's not changed and that has not been waived, nor will it be.

Mr. TAKANO. Thank you so much for the response. Mr. Kvaal, I want to go back to build on your response. Is it fair to say that the HEER funds have actually, in terms of facilitating the purchase of PPE, testing capacity, that those HEER funds have been really critical in terms of schools being able to open up safely, that universities and colleges have been able to safely open up because of these Federal funds?

Mr. KVAAL. Yes, sir, Mr. Takano. That's what I hear from college presidents, that it's made a tremendous ability in their efforts to keep students and faculty and staff safe on their campuses.

Mr. TAKANO. So really, it's, you know, the Federal assistance has really been critical in terms of educational institutions, whether it's K through 12 or higher ed. This has been essential in order for them to be open?

Mr. KVAAL. Yes.

Mr. TAKANO. Well, thank you, Mr. Chairman. I yield back.

Chairman SABLAN. All right, thank you. I'd now like to recognize the Ranking Member of the full Committee, Ms. Foxx, for five minutes of questioning. Ms. Foxx.

Ms. FOXX. Yes sir. Thank you, Mr. Chairman.

Chairman SABLAN. All right, thank you.

Ms. FOXX. I appreciate it. Mr. Kvaal, my staff received an email last night from the Department that seems to indicate that the Department is finally willing to release the unredacted copy of the student loan value report with us. Can you confirm we'll receive a copy of FSA's report, as well as other accompanying reports and relevant documents within the next month?

Mr. KVAAL. Yes.

Ms. FOXX. It is a shame you stonewalled this Committee, but more importantly taxpayers for over 6 months. So, with your 11th hour response, I'd like to discuss your role as it relates to congress-

sional oversight more broadly. Mr. Kvaal, at your confirmation hearing before the Senate HELP Committee, on April 21, 2021, Ranking Member Burr asked if you would commit to providing Senator Burr and his staff with quote “The information that he or the minority Members of the Committee request from you or the Department of Education in the requested timeframe.”

To which you responded, “I do.” The Committee has sent several letters to the Department that pertained to issues under your portfolio, including several with Senator Burr. While the Department has raced to provide responses to some of those, before this hearing and the hearing with Mr. Cordray, the responses are hardly worth the time it took to send them.

Many of them provided zero information or responses to the questions asked. That is hardly in line with the commitment you made that day during your hearing. You also committed to providing Government Accountability Office with information in documents when they are requested. Have you ensured your office and those you oversee are providing all documents requested by GAO? Is there any request your office or those you oversee has not—have not provided the requested document, and if so, why?

Mr. KVAAL. Ms. Foxx, thank you so much for the question. I absolutely do appreciate Congress’ appropriate role in overseeing the work of the Department of Education, and I think it is incumbent upon us to answer your questions.

Ms. FOXX. Just answer the question, yes. Have you given everything to the GAO?

Mr. KVAAL. Well, I have. I regularly meet with the Office of the General Counsel and the others who work with the GAO on those inquiries, and my understanding is we’re working with the GAO to fully satisfy their request.

Ms. FOXX. OK. Well, we agree on the critical aspect of making this Republic work because of oversight that Congress has. So, will you commit to us today to ensure timely, responsive replies to our request from this point forward?

Mr. KVAAL. I do.

Ms. FOXX. Will you please provide a followup on how you communicate this to your team and the offices you’re charged with overseeing, including how you intend to ensure compliance with your directives?

Mr. KVAAL. Yes, I’d be glad to.

Ms. FOXX. We can resend our request, or you can go back and answer our questions. Will you provide answers to every outstanding question the Committee has sent to the Department, as well as any and all documents requested prior to this hearing by the end of next week?

Mr. KVAAL. Well, we will provide them to you as quickly as possible.

Ms. FOXX. OK. So that’s a no. So, Deputy Secretary Marten, earlier this year the Department sent letters to Texas and Florida implying that the Department could impose new requirements on COVID aid related to states masking policies. I wrote a letter to Secretary Cardona asking for clarification on the Department’s policy.

Secretary Cardona sent a response letter, but that letter did not answer the questions. Let me ask you those questions, and I'd appreciate a forthright answer. First, are states required as a condition of State receipt of ARP ESSER funds, to allow school districts to mandate the use of masks, yes, or no?

Ms. MARTEN. We're following the science on masks, and we can't compromise student health and safety with masking. When it comes to masking—

Ms. FOXX. That's not a yes or no. So, then it must be a no. Second, under Section 2001(i) of the American Rescue Plan Act, school districts were required to make a publicly available plan for the safe return to in-person instruction. Has the Department required those plans to include policies mandating the universal wearing of masks in schools, yes, or no?

Ms. MARTEN. Safely reopening schools includes wearing masks. That is proven to help.

Ms. FOXX. And will you share with us the science that backs up what you're saying, since you say you're following the science? We know that you all are selective in following science. So, we want to see the science you're following. Mr. Chair, I yield back.

Chairman SABLAN. Thank you, Ms. Foxx. I now recognize the Chairman of the full Committee, Mr. Scott, for five minutes of questioning. Ms. Hayes is next; I mean will come. Mr. Scott, please.

Mr. SCOTT. Thank you, Mr. Chairman and I apologize. The lights went out in this part of the Rayburn Office Building, so we're sitting here in the dark. And I think as I was getting back on my phone rather than the computer, that Ms. Marten was explaining the total costs and why it was so expensive to open schools safely, keep them open safely and make up for learning loss.

I would ask her if those costs, Ms. Marten, included the cost of ventilation?

Ms. MARTEN. Yes sir, thank you. I'm sorry that you're in the dark right now, but we'll try to answer the questions for you. Yes, absolutely. Safely reopening schools is the path forward, and initially schools being able to spend dollars for the physical safety of the schools, whether that was protective equipment or ventilation or filtration systems, the dollars were absolutely intended for what local needs would be for the physical structures to safely reopen, and absolutely we saw including ventilation.

Mr. SCOTT. And did that include mental health and health care?

Ms. MARTEN. Yes. The second aspect that's critically important, and it's hard to put them in order, but the physical safety of the schools and implementing all mitigation efforts was No. 1, and second, right in line with it was the social, emotional, and mental health needs of our students, and all of the State plans that have been submitted must show how they were going to be implementing and addressing student social, emotional, and mental health needs. And I think I'll tell you what the third one is, but you're probably about to ask it.

Mr. SCOTT. Well, go ahead.

Ms. MARTEN. Another very important aspect—exactly, yes sir. The very important, the third important aspect of the way these funds need to be directed and the way that the State plans need to indicate is evidence-based ways that we are addressing learning

loss and giving students opportunities, whether that's through summer programs or extensive tutoring programs, where we're seeing some districts have changed class sizes to give smaller student-teacher ratios.

Each local LEA is deciding how to address the needs of specifically a learning loss, where those who are most significantly and disproportionately impacted, the plans need to show how those students who are most significantly impacted, especially have plans in place to address their learning losses. We're seeing that all across the states, that built into their plans as required.

Mr. SCOTT. Thank you. The American Rescue Plan had a provision that required maintenance of equity. Can you tell me what that is and why it's important?

Ms. MARTEN. That's another part of the learning loss approach to it. Maintenance of equity was specifically built into this because we wanted to make sure that those that were most disproportionately affected were going to be able to have the resources that they need to improve and to recover.

And this pandemic has been—is worldwide, but the disproportionate impacts, this maintenance of equity is intended to make sure that we are addressing students by name and by need, and where there's greater need, there must be greater investment, and we must maintain an equitable approach. So that when districts are designing their plans, they're understanding those who are most negatively or significantly impacted, the dollars are being directed to them and the maintenance of equity approach is designed to do that.

Mr. SCOTT. Thank you, and I'm running out of time, but I just assume that you're providing localities with best practices, and for those that are wasting the money, you're getting the names in the paper?

Ms. MARTEN. Yes, sir. The law is very clear on what these funds are intended for and they're clear for a reason. So that is our job, is to have technical assistance, guidance we've just released, guidance, multiple documents around the best use of the funds. And so, there is a plethora of resources for states and districts to know how to direct the funds in the ways intended, and that's our job, is to provide those resources and best practices.

Mr. SCOTT. Thank you, and Mr. Kvaal, in the reconciliation plan, we couldn't get into much discussion about how to separate good for-profits and bad for-profits, and so the decision was made not to let the—any for-profits benefit from the increase in Pell grants. Can you commit to working with us so we can separate the good from the bad, so that the good for-profits can benefit?

Mr. KVAAL. Yes, I commit to working with you on that.

Mr. SCOTT. OK, and what is being done to prepare students for the resumption of student loan payments, to make sure that they're prepared, and they are getting into the appropriate repayment plans like public service loan forgiveness and others, and are you working on what authority you can exercise in terms of combining loans, refinancing loans, and reducing interest rates?

Mr. KVAAL. Mr. Scott, the answer is we are doing quite a bit of work. We consider this to be one of the most significant challenges that we have faced in the history of the student aid programs.

We've already begun reaching out to students. We've already begun exploring everything we can do within the authority provided by Congress, and we'd be delighted to share additional information with you either in the record or in a briefing.

Chairman SABLAN. Thank you.

Mr. SCOTT. Thank you. I think a briefing would be, would be good, and thank you Mr. Chairman, I yield back.

Chairman SABLAN. Thank you, Chairman Scott. I now recognize the gentlelady, the Member from New York, Ms. Stefanik for five minutes please.

Mr. STEFANIK. Thank you very much. When Congress passed the bipartisan CARES Act in March 2020, New York State received over \$1 billion to help K through 12 schools, address the many unprecedented challenges they faced during the early months of the pandemic.

Yet New York State quickly offset this funding to fill a pre-existing hole in the State budget, and then moved to withhold even more funding from schools. This left many schools in my district under-resourced as they strived to keep students on track and began returning to in-person learning in the fall of 2020, which was ahead of many schools across the country.

With this unprecedented amount of taxpayer funding Congress has since provided to K through 12 schools, it is critical that this funding reaches the local level without being offset, and that it is used as intended by Congress to address learning loss and advance student success. My question is for Ms. Marten. How is the Department enforcing the maintenance and effort requirements that accompany the COVID-19 relief funds, to ensure funding is not captured by states like New York, seeking to solve their self-made fiscal problems?

Ms. MARTEN. Thank you for this important question. The implementation of the law as written is critical to us. We understand the law and it's our job to make sure the states are following it as we provide monitoring and oversight of that, and we will work with your State as well as every other State closely. Our staff works with each State to ensure that they're following as intended. It's critical.

Ms. STEFANIK. And my followup to that Ms. Marten would be that the Department is not going to consider waivers to these fiscal requirements and let states displace the education funding like New York did. Is that accurate? Did you hear that question? Hello? Hello?

[No response.]

Chairman SABLAN. OK. Can the timer be paused—, so at this time please in fairness to Ms. Stefanik.

Ms. MARTEN. The screen froze for a moment, and can you hear us?

Ms. STEFANIK. Yes, I can hear you. Can you hear me?

Ms. MARTEN. You froze for a moment. I apologize. You were right in the middle of a really important question, but you're—I can hear you now and you can finish the question.

Ms. STEFANIK. Great. My question was the Department does not intend to issue waivers to states like New York that are displacing this education funding. Is that accurate?

Ms. MARTEN. To my knowledge, that is accurate.

Ms. STEFANIK. OK, and then my second question is Section 1116 of ESSA, as updated by this Committee in 2015 with a bipartisan passage, requires schools in districts that accept over \$16 billion in annual Federal assistance through the Title I program to have a parental engagement policy. Specifically, schools must hold an annual meeting with parents to explain their rights to be involved, provide parents with a description and explanation of the curriculum being taught, and provide parents opportunities for regular meetings to participate in decisions relating to the education of our children.

Ms. Marten, how is the department ensuring schools and districts are upholding these obligations under Section 1116 to involve parents in educational decisionmaking?

Ms. MARTEN. Thank you for the important question about parents being involved in the decisionmaking, and part of all of the State plans that have been submitted specifically for the ARP funds require that there was engagement with parents and other stakeholders, and that's baked into when we review the plans, if that's missing, we have to be in dialog with the states to ensure that they've followed that expectation.

As one example, we absolutely believe that parents play a critical role and it's baked into what you've just—what you've just shared for a reason, and it's our job to make sure it's being followed.

Ms. STEFANIK. And if it comes to the Department's attention that the school does not have a parental engagement policy, what are the steps the Department takes? Did this freeze again?

Chairman SABLAN. Ms. Kvaal, Ms. Marten? Hello?

Ms. STEFANIK. Can you hear me Mr. Chair?

Chairman SABLAN. Yes, I can.

Ms. STEFANIK. OK. I will submit that for the record, Mr. Chair, while we wait for the technical issues to be worked out. Thank you, yield back.

Ms. MARTEN —back again. So, I heard you say you're going to submit a question for the record. I'll be happy to answer that. I'm sorry that the technology froze.

Ms. STEFANIK. I yield back.

Chairman SABLAN. Well, thank you. Thank you. Thank you very much. I'd like to now recognize—well, I think Mrs. Hayes was very patient. Oh, let me see. Mrs. Hayes. All right. So I now Ms. Teresa—Ms. Leger Fernández, who knows timing very well. For five minutes, please.

Ms. LEGER FERNÁNDEZ. Thank you so very much Chair, and it's wonderful to see you here in D.C. I can't wait to see you on the floor and thank you so much Deputy Secretary Marten and Undersecretary Kvaal for joining us today, in your important work to bring the much-needed aid to our American students.

You know, this pandemic laid bare pre-existing inequities in every aspect of our society, but perhaps most notably in our schools and in the schools, we have in New Mexico, which include so many Title I schools. You know students who are already struggling because of lack of access to technology or broadband were shut out, right. They didn't have access to remote learning. They received lesson plans from a bus.

Jemez Valley Public Schools is an example. 25 percent of our students, especially in Jemez and Zio Pueblos, did not have access to the Internet. My State of New Mexico has struggled to administer education equitably in the past. Native American, Latino and students with disabilities actually sued and won a lawsuit, to say that the State was not providing an adequate education. That's the Yazzie/Martinez lawsuit. There was reference to it earlier in the testimony.

So, you know, we are now faced with an opportunity as the new funding comes in, to address things like the Yazzie/Martinez lawsuit, and I'm really glad to see that there were set aside requirements for the underserved student groups, because this is exactly for the Yazzie/Martinez students. So, I do—wanted to have some discussion about how these funds could be used to address those kinds of discrepancies, and given that the Department of Education is aware of that lawsuit and those discrepancies, how you think that—how you think that might, you know, how that could happen?

So, Ms. Marten, what tools does the Department of Education have to assist or encourage New Mexico to address the Yazzie deficiencies?

Ms. MARTEN. Thank you for highlighting some of the really significant disparities that were, like you said, laid bare during this pandemic, that we were all in the same storm but not all in the same boat. And as we're addressing—as we're addressing the pandemic, there's specific—the funds are available in ways to meet the needs at the community level, and community by community, school by school, in neighborhood by neighborhood, the needs are different.

So, we're not intending to pretend like we know the answer for every community. I can say that specifically the plans are including ways to address the things that are laid out in that suit that you mentioned, but specifically being able to purchase educational technology, hardware/software connectivity is one of the ways that we're spending, that we're seeing the dollars being spent and directed.

But they're decided. Locally what is standing in the way of a student accessing their education, and what kinds of barriers need to be removed and how can the funding address those barriers. And we're providing the technical assistance, the guidance, and nationwide webinars so people can tune in with each other and help each other with some of the smart and innovative, wise actions they're taking to use the funds to address the disparities that frankly were there before the pandemic, but definitely the funds are intended to interrupt and change.

Ms. LEGER FERNÁNDEZ. Well, I look forward to having discussions with you about the Yazzie/Martinez suit and how, what progress we're seeing in ways in which the Department can assist in that. I'm also, you know, concerned about the learning loss. So, all of our students who are already behind, it simply increased. We also have a thousand teacher shortfall, right, and we know that we need to have our students catch up. We know we need to put those additional resources there.

But I mean the truth is, teachers are already overworked and underpaid. So are there ways in which you see across the country, that we can address learning loss in ways that don't add unmanageable work and unmanageable burdens on our teachers. Like, you know, when I met with Teachers of the Year and other amazing teachers from New Mexico in my office, they pointed out that they'd love to see, you know, tutoring, interventionists, where we're bringing in additional resources rather than asking the stressed and dedicated, dedicated teachers to do even more, right, to go beyond, and they've already gone beyond during this pandemic.

So, what are your thoughts and what are some of the examples you've seen across the country?

Ms. MARTEN. You just listed some of the examples. The tutoring programs. It's a whole community approach and we're seeing best practices of communities coming together to address the overarching needs that our students have, and it's not just the classroom teacher that will address the learning loss needs. It's a whole school, whole community, whole neighborhood approach and the funds that we're seeing being used in that way.

Chairman SABLAN. Thank you.

Ms. LEGER FERNÁNDEZ. Thank you. My time is expired, I yield back.

Chairman SABLAN. All right, thank you. I now recognize Ms. Miller-Meeks for five minutes of questioning please.

Mrs. MILLER-MEEKS. Thank you, Chair Sablan. I thank our witnesses for their testimony and the comments of the other Members. But as a physician and a former director of the Iowa Department of Public Health, certainly we want to keep kids in safe in school, children safe in school, teachers and all those who work within the school system.

But we also know the tremendously detrimental effects of how we responded to the pandemic in closing schools. We know that there has been a loss of learning and that's especially affected our minority and low-income populations. It's affected rural areas where there may not have been access to broadband in order to do virtual learning. But we also know that it's had a very deleterious effect to the mental health of children, and this also includes the masking.

I know it's been mentioned by other Members but, you know, I think it bears witness that the American Academy or American Journal of Pediatrics had published last August that transmission rates in children were very low to minuscule, a little bit different with the delta variant, however. But we know that in other countries, other European countries, Scandinavian countries, UK, that they are not requiring masking of children in elementary levels, nor from under age 11 and certainly not in kindergarten.

And I think to—if you watch how children wear masks, that they probably are contaminating themselves and their masks if in fact they're infected, then if they were wearing no mask at all, and better hand-washing might be a mitigation strategy that would be extraordinarily helpful.

Having said that however, one of the things I found as Director of Public Health is when we talked about evidence-based programs. Deputy Secretary Marten, you had mentioned several critical evi-

dence-based investments in programs in your written testimony, and I'm just going to list several of them. One is the Connecticut Learner Engagement and Attendance Program (LEAP), and you talked about the initiative and that LEAP will support enrollment and work with families to transition back to school.

You also mentioned New Mexico's Public Education Department. You also mentioned Detroit Parent-Teacher Home Project, and that teachers have conducted 5,567 such visits. I have the same issue with this that I had when I was director of the Department of Public Health and as a physician. An evidence-based program isn't evidence-based because there's one study or one article that mentions that it's something that may be helpful.

What is lacking are outcomes. So, making visits or having people have access or having a program available doesn't have any outcome results for us, whether that's an improvement in mental health or that's a decrease in visits to a mental health provider, whether that's a decrease in disruptive behavior within the classroom.

So, in any of the programs that you listed in your written testimony, do we have any outcome data for any of those, and are you requiring outcome data, and if so, what is the outcome data? Thank you.

Ms. MARTEN. Thank you for lifting up some of the programs that are being implemented, and as the funds are going out as quickly as possible so that we can get to the recoveries that are intended by these dollars, the outcomes are coming in as the work is being implemented and understanding the specifics around the programs people are using.

Some of them are programs that have been used at a smaller scale. So, teacher visits, for example. I forgot what State but the one that you just mentioned, is something that we do have evidence. I can give you some examples of evidence of that but wasn't done at scale. Now that we have investment to do some of the best practices or promising practices that may have been done on a smaller scale before there was this large investment, now we're able to take these to scale and replicate them and collecting evidence as we go about doing that.

Mrs. MILLER-MEEKS. So would you be willing to share with this Committee and in a timely fashion, meaning you know not late next year but hopefully by the end of the year or end of January, what outcomes measures you have for the programs that are listed in your document, so that we know what outcomes are being anticipated and then when you expect to have those outcome measurements available to you so that as we look at funding, we can address whether or not we're funding programs that are successful and have true outcomes, or whether it's an outcome that is just a number of visits or a number of children reached.

I think it's important to have those metrics so that we can make accurate appropriations of funds to programs that are successful, especially in our minority communities.

Ms. MARTEN. I couldn't agree with you more, and yes, I do commit to following up with you and working with you on that. Outcomes matter, as much as programs. How are they actually impacting the children that they're intended to serve is critical.

Mrs. MILLER-MEEKS. Thank you so much. Thank you, Chairman. I yield back my time.

Chairman SABLAN. All right, thank you very much. I now recognize Ms. Hayes. Ms. Hayes, you have five minutes please.

Mrs. HAYES. Thank you, Mr. Chair. Congress has made significant investments in K-12 schools through the CARES Act and the American Rescue Plan, to help them address and recover from this pandemic. There was no question about the absolute need for these funds. Chronic disinvestment in education had already burdened our system before COVID-19, and then districts were forced to transition to virtual learning and take measures to ensure student and teacher safety, and faculty safety.

I also strongly agree with my colleagues that we must ensure that we remain good stewards of taxpayer dollars. As a Member of Congress, we have a duty to make sure that funds we appropriate are used appropriately, and that we understand areas of improvement in future legislation. As a teacher, I was thrilled to see these significant investments in things that I had championed my entire career, things that I know educators and school districts need, things that I know that have been chronically underfunded for years.

So, I have a particular interest in making sure that these funds are not misused, so that could then be used as an excuse against future investments. Again, before I start my questions, I just want to thank teachers everywhere who took on the Herculean task of ensuring that our students returned to school safely and had a welcoming environment.

So, my question is for you, Ms. Marten. You talked a lot about the Transparency Portal, and I have a series of questions that I understand you may not have the answers to all of that. So, if you could just followup and I trust that the Department follows up as soon as they have the information available. In the last administration, it took me sometimes 15 to 20 months to get a response on things, and I just take it on good faith that was the earliest that you could get the information to me.

So, I don't think that anyone is looking to hide any information, but what safeguards are used to prevent the misuse of Education Stabilization funds, and have you identified any states or localities where these funds have been misused or have been subject to fraud, and what percentage of overall funds that have been disbursed can be identified as having been misused or misappropriated?

Ms. MARTEN. Thank you for that very specific question that's about the oversight and use of these funds because we understand in historic investment, we want to see the outcomes that are intended, and as you mentioned being a teacher, we know how important this is. But I can get, I can have staff get back to you on the specific percentages. We're engaged in ongoing monitoring, and the ongoing monitoring is sometimes focused and targeted.

When we hear an example of a misuse, we will go in and better understand what's happening. But then there's comprehensive monitoring of full programmatic decisions that are happening, and then there's some more consolidated monitoring that we're doing, and that's across programs and across states. And so those are

some levels that we're doing. As you mentioned, in the Education Stabilization Fund Transparency Portal is intended to provide clarity and transparency, because the importance of these dollars can't be understated. The monitoring and following up is critical, and we're happy to followup with you on the very specific questions and important questions you just asked.

Mrs. HAYES. Absolutely, thank you. There was an incident of misuse in my own State that was identified promptly by local leaders, and action has been taken. But I just feel just incredibly invested in making sure that we are good stewards over this money because these are historic investments that are long overdue, and I do not want misuse, as I stated, to be a barrier for future investments.

My next question is about ESSER funds. Local education agencies were required to report on funds in six broad categories, including purchasing technology, addressing the unique needs of vulnerable student populations, mental health services, sanitation, summer, after school or supplemental learning, and other. According to ProPublica, just over half of what has been expended has been categorized as "Other." Does the Department plan on making public more granular data and information on how these funds, specifically those categorized as Other, have been used, and how can the Department help to improve LEA transparency and good governance when it comes to spending relief dollars?

Ms. MARTEN. Yes. Thanks for pointing that out. That's very important. That's part of why we have the Transparency Portal, so that the dollars are very clear on how they're being spent in each of those categories a more granular level. We're regularly updating the Education Stabilization Fund Portal and can get more granular about the category of Other as you recommended.

Mrs. HAYES. I think that will be very important because again, it cannot be overstated these funds have been long overdue. For many districts, these massive investments just brought them back to zero, because they had been disinvested for decades. So, we have to get this right, and we have to make sure that this money is used in the way in which it was intended. That's all I have, Mr. Chair. I yield back.

Chairman SABLAN. Thank you, thank you. I now recognize Mr. Grothman for five minutes of questions please.

Mr. GROTHMAN. A couple of questions. First of all, I'm kind of concerned that this program is a little loosey-goosey. In Wisconsin, \$3 billion were allocated. So far, 650 million's been spent. So, I don't know if that was the intent or if that was common for other states around the country, but I'd like to have the panelists comment on that, what you expect to do with the money is this typical around the country.

Ms. MARTEN. I can begin, and if my colleague wants to continue, I'm happy to do that as well. The dollars, the ability to spend the funds, they have—states and districts have until September 30th, 2024, to spend the dollars, and that was very intentional in the way that you all put the funding together. The initial funding that went out the ESSER 1 dollars, they have until September 30th, 2022. What happens is you're making very strong plans for first addressing the physical needs in the campuses making them safe,

and some of the expenditures that we see happen right away is what allowed us to have 99.2 percent of our schools open across the country.

As for funds, the next amount of funding schools and districts have till September 30th, 2023, and then the final amount is till 2024. So, we're seeing a thoughtful, engaged approach to how to spend the dollars, and remember we've also baked in the requirement that there's stakeholder involvement and stakeholder engagement in developing the plans for spending those dollars.

Mr. GROTHMAN. I mean it looks to me like you've spent about 22 percent of what's out there. You don't feel that's a sign that it was kind of wildly overfunded in the first place, that's what you would expect at this point?

Ms. MARTEN. Specifically, the—the overall ESSER dollars that have gone out, the first pot of money that was available to obligate through September 30th, 2022, 81 percent of those dollars have been expended, and we know districts and LEAs are working, and State agencies are working on the comprehensive plans over time. We know the dollars were needed in these—in these areas around the safety mitigations, social-emotional and mental health needs and then learning loss.

Some of the learning loss dollars and social-emotional needs are being expended on staff. When we expend and allocate dollars on staffing, the dollars are not spent immediately upon allocating them. It's over time and over a school year and over the next 3 years those dollars will be spent. It's not, it's about recovering but it's about long-term sustainable investment, and when you put staffing into it, the roll out—the spending of those dollars does take time.

Mr. GROTHMAN. OK, seems kind of loose to me. I'll give you another question. While the effects of COVID-19 may result in permanent closure of some colleges and universities, a lot of these—at any given time, a lot of schools were struggling financially prior to the pandemic, to a certain extent for demographic reasons or just they were in trouble. According to Federal data compiled by the Hechinger Report, more than 500 institutions showed signs of problems prior to 2020, and more than 50 institutions have closed or merged in the last 5 years.

According to the Department of Education's Inspector General, several funds drew down their funds just days before their closure. So, in other words just to pay some bills on the way out the door, not to keep things open. I don't believe that was Congress' intent, and even giving this money was not enough to stop the coming consolidation.

Rather than waiting for the abrupt closure of institutions, should Congress be more proactive in the future and do a little bit more to prevent the disruption on the kids' college careers, and what can we do to anticipate this and make sure that this money doesn't go just to close an institution, and more be targeted toward helping people with their education?

Mr. KVAAL. Well thank you so much for the question. I would note in the area of higher education, colleges are now drawing down funds at a rate of close to a billion dollars a week, and the funds that they have remaining are relatively small compared to

the financial losses that they're expected to incur over the coming years.

With respect to closed schools specifically, you know, I note that it's not necessarily inappropriate. It's possible that they had eligible expenses under the laws passed by Congress. But it is very, very important to us and we have focused on those closing schools specifically, including new internal controls to frequently monitor the status of schools. We are making sure that schools that are in the process of closing need prior approval in order to draw down funds. We are requiring even closed schools to complete audits, to make sure that the funds were spent in accordance with Federal law.

And the Inspector General said that if we do follow through on the steps that we've committed, that would address their concerns. So, we are taking that problem very seriously.

Chairman SABLAN. Thank you. OK, so I'm—

Mr. GROTHMAN. Thank you.

Chairman SABLAN. Thank you, Mr. Grothman. I understand our witnesses were asking for a five-minute break at 12:15, but right now I see Ms. Manning

[inaudible], the last questioner hopefully. But so, we'll continue. We're almost done here. Ms. Manning please, you have five minutes of questions.

Ms. MANNING. Thank you, Mr. Chairman. Thank you. I so appreciate it. Thank you to our witnesses for bearing through the next couple of minutes. Mr. Kvaal, in your written testimony you noted that many of the colleges which have been successful at creating opportunities for all students, including HBCUs, entered the pandemic with historically low funding, largely due to historical inequities.

In my district, North Carolina's 6th congressional District, we're home to three outstanding HBCUs that are using the Higher Education Emergency Relief funds to make critical investments in addressing students' hardships due to the pandemic. For example, North Carolina A&T announced a series of major investments, including \$250 housing and dining scholarships for students, need and merit-based tuition support, and several programs designed to help students complete their degrees at reduced cost.

And Winston-Salem State University has made similar investments in its students through a series of initiatives including funding for summer school, free and reduced cost textbooks, and assistance with clearing student debt for the fall 2019 and the spring 2020 semesters. Noting the historical funding challenges that many HBCUs faced prior to the pandemic, can you tell us how the emergency relief funds have particularly supported HBCUs during the pandemic?

Mr. KVAAL. Thanks so much for your question, and it's really important to the President and the Secretary that we honor those colleges that are committed to inclusivity, that are working toward equity, and of course historically black colleges and universities are at the forefront of that.

You're absolutely right, that the HEER funds provided additional relief to those institutions and helped them make investments. Delaware State is another one that has cleared institutional debts

that allowed students to re-enroll, or if they've already graduated to access their transcript in case, they need one to get a job. Those types of investments are really, really important in unlocking opportunity and trying to support those really important institutions.

Mrs. HAYES. And I'd just like to add that UNCG, another school in my district, is using the funds, which is a minority-serving institution that's using the funds similarly, and they did find that there were a significant number of students that when the pandemic hit, they couldn't afford food, they didn't have any place to live. They certainly were unable to bear many of the normal costs of life, and so there was great appreciation that there were these kinds of funds to use.

Deputy Secretary Marten, many students have experienced significant trauma. As we've heard over and over from some our Members, trauma as a result of the pandemic, as a result of staying home and having their learning disrupted, and especially students in economically distressed communities, which have been disproportionately impacted. And of course, research shows that trauma significantly impacts academic success.

I hear it from people in my district, frankly from all economic backgrounds. According to a 2019 GAO study, schools that adopt a trauma-sensitive approach report many positive outcomes, including improvements in school climate and better relationships between and among teachers. In North Carolina, addressing the social and emotional health and well-being of children has been one of my top priorities for the use of the American Rescue Plan, Elementary and Secondary School Emergency Relief, the ESSER funds.

This funding is specifically being used to expand an existing model that provides elementary schools with access to health care professionals via telehealth technologies. Early indications have shown that this telehealth option reduces barriers to care for students, resulting in reduced chronic absenteeism, improved health outcomes for children and a decrease in health-related costs for parents and caregivers.

Can you tell us more about how states and school districts are using the ESSER to implement trauma-informed practices and support students' social and emotional needs?

Ms. MARTEN. Thank you for talking about one of the most important parts of this recovery that we've all intended from the start, that the State plans that are being turned in include specific plans for addressing social and emotional mental health needs. Just as recently, looking at what we have, 879 of the LEAs in 42 states have \$20.9 million in the subgrant funds to provide mental health supports and services, and you just highlighted a great example of the wise actions that localities are coming up with.

For example, working with the mental health professionals. The dollars are intended for those local decisions around the priority that matters, around mental health services.

Chairman SABLAN. Thank you. Thank you.

Mrs. HAYES. Thank you. I yield back.

Chairman SABLAN. All right. So I've been informed that there will be additional Members who ask questions, so we'll go to Mr.

Good, and after Mr. Good we'll take a five-minute break. Mr. Good, you have five minutes please.

Mr. GOOD. Thank you so much Chairman and thank you to our witnesses and everyone else involved with the hearing. Throughout the spring, the Biden administration and Democrats in Congress said that schools couldn't reopen without passage of the American Rescue Plan, and yet here we are a quarter of the way through the school year with most schools open, almost all the Rescue Plan's core K to 12 education funding has not been touched. In fact, only 2 percent of the \$111 billion that was awarded in COVID relief funding has been used for its intended purpose, to help elementary and secondary schools.

In addition, Department of Education reported as of October 31 that of our 11,000 school districts, 99 percent are fully opened for in-person instruction. Only 87 school districts in the country are still stuck in the hybrid, with just one school district being reported as fully remote. I realize that you were not here in the spring Secretary Marten, but was the Biden administration and their Democrat allies in Congress, were they deliberately lying when they claimed that schools couldn't reopen with the American Rescue Plan funds, or did they simply not know what they were talking about?

Ms. MARTEN. Specifically speaking about the path to reopening, which was everybody's goal, that schools—students learn best when they're in-person physically in the brick-and-mortar buildings on their campuses and what it would take to reopen, State by State, school by school, neighborhood by neighborhood was very different. Each community had different needs—

Mr. GOOD. OK, my time is short. I'm going to stop you there. So, we were told that we couldn't reopen without all the hundreds of billions of dollars that were allocated, and yet we've reopened anyway, and that money has not been sent. Since schools have reopened without the money being spent, how will future funding decisions be made regarding schools in states that do or don't stay open, God forbid that we've got people trying to close the schools again, or they do or don't have vaccine mandates, or they do or don't require masks to be worn. Will funds be withheld from school districts or states in any of these situations under these bases?

Ms. MARTEN. I understand—yes sir. Understanding they have to reopen starting with the physical safety, expending the rest of the dollars on addressing the learning losses, the disparate impacts that students experience, the social, emotional, and mental health needs. That's where the rest of the dollars are being implemented now, and districts are making those plans going forward.

The goal is not only that we are open, but we want to stay open, implementing the mitigation strategies that we know work. When those—

Mr. GOOD. OK, thank you. If I may reclaim my time. We can all see that American students are falling behind, and the COVID shutdowns just made that much worse, and of course many parents have started to look for alternative education. That's why I've introduced a bill this Congress called the Children Have Opportunities in Classrooms Everywhere Act. It's called the Choice Act, and it would give parents the ability to deposit Federal funds into a 529

savings account to follow their students to the public school, private school, or home school of their choice.

As we've recently seen in the election results in my home State of Virginia, parents are rightfully demanding choices and input regarding their children's education, and my Choice Act would help in that regard. Now back to another question, given the policies of this administration, and given the previously mentioned 98 percent of COVID-related school funds that are unspent, will prioritizing illegal immigrants be part of that funding for how those funds are eventually spent?

Ms. MARTEN. The path forward is implementing the dollars as they were intended, and that's our job is to make sure we understand the State plans reflect the requirements as written into this law.

Mr. GOOD. If I may interject, my concern arises because back on June 17 of 2020, the outstanding former Secretary DeVos published a rule clarifying the definition of student to those eligible for student aid until Title IV of the Higher Education Act, in restricting international students and non-citizens from receiving assistance under the Higher Education Emergency Relief Fund or HEERF.

However, on May 24 or excuse May 14 of this year, your department published a rule updating guidance for the student portion of HEER funds under the CARES Act and the COVID Supplemental Appropriations bill, to remove the restriction and allow illegal immigrants, undocumented students, asylum seekers, and others previously ineligible to receive these grants.

This is not surprising given this administration's interest in redistributing up to \$450,000 to illegal immigrant families. Do you think that illegal immigrants should have the same eligibility for these precious education funding as needy American families do?

Mr. KVAAL. Mr. Good, I'm happy to take a crack at that question since it's in the area of higher education. It is true that this administration published a regulation clarifying that all students are eligible for financial support under the HEER funds for those emergency scholarships. We believe that's consistent with the statute and it makes students eligible regardless of whether or not they've included a FASFA, and that would include—

Mr. GOOD. My time has expired, so I'll yield back. But here we go again putting Americans last and here we've got illegal immigrants being put ahead of Americans.

Chairman SABLAN. Thank you, Mr. Good.

Mr. GOOD. Thank you so much.

Chairman SABLAN. Thank you. At this time, the Chair's going to declare a five-minute recess. We'll be back at—it's now 12:22. We'll be back at 12:27. Thank you.

[Recess.]

Chairman SABLAN. Hello everyone, the hearing is reconvened. I'd like to recognize Mr. Bowman. Sir, you have five minutes of questioning.

Mr. BOWMAN. Thank you, Mr. Chairman. My first question goes to Ms. Marten. Thank you for joining us today. Like you, I'm a former educator, so I know how important these emergency funds have been in helping schools support their students during the pandemic. When schools are equipped to meet the needs of the

whole child, they see not only better academic outcomes for students but also better mental health, which is so important, physical health and economic outcomes for students, families, and the entire community.

This is why I founded a public community school in the Bronx, and why I'm a huge advocate of expanding the full-service community schools model to as many neighborhoods as possible. Earlier this year, the Department released a helpful FAQ for how states and school districts could use funding to adopt a full-service community school model to better meet the needs of the whole child.

For many schools, the community school model is brand new, so technical assistance is critical for getting started successfully. Based on the technical assistance ED as provided on this thus far, what have some of the biggest hurdles been for schools trying to adopt the community school model for the first time during COVID?

Ms. MARTEN. Thank you for bringing—lifting up a really important model, the community schools approach, and the technical assistance that we've provided. Specifically, some of the impediments, I couldn't speak to what those exact are community by community, but what I know is the reason why we provided the technical assistance as well as collaboration from districts that are doing it well, lifting up best models, is so that people can learn from each other. With this historic investment, schools and communities that are implementing these kinds of practices that we've known for a long-time work, we need to be able to share those.

That's why we have the programs like webinars and clearing-houses and reconvening, so people can actually learn from one another. So, I'd be happy to work with you more to understand some of the best practices and any impediments you may be hearing from the field. That's our job is to help people understand how to best use in the way intended.

Mr. BOWMAN. Absolutely. Definitely looking forward to working more together on this issue. I want to drill down a little bit on mental health and social-emotional learning. One of the most important aspects of supporting the whole child, as you know, is focusing on mental health. But we also know that far too many schools do not have enough counselors, social workers, and mental health professionals to support their students' social-emotional needs when we are in the midst of a global pandemic.

Even prior to COVID, this was needed, and schools did not have the resources or the perspective in my opinion. This is why I coled the Counseling Not Criminalization in Schools Act with Congresswomen Presley and Omar. I am also pleased to see that the Department put out a new resource in October for supporting mental health during COVID, to emphasize how COVID relief could be used to hire more high-quality trauma-informed staff.

Ms. Marten, are you finding that schools and districts are choosing to use ESSER funds to hire more mental health staff and implement social-emotional learning programs? How many more school-based mental health staff have been hired as a result of COVID relief? Let me just add, in New York City it's been a real struggle to get money out the door into the hands of districts and schools, to hire personnel in these areas. That's what I'm seeing in

New York City. I'm wondering if you're seeing it in different places across the country?

Ms. MARTEN. You're exactly right, that the mental health needs are very important and a clear path forward for a recovery and what recovery really will look like, and that was why it's part of the plans. The plans that are being submitted must require or require that they put in what they're planning to do to address students' social-emotional and mental health needs, and specifically we are seeing districts working with—hiring more mental health professionals.

For example, in New York, they hired 500 social workers, ensuring each school has at least one school-based social worker and one mental health professional, and they've already hired 90 percent of them. That's one example. We're see the funds being used as intended. When they turn in their State plans if there is not a plan for mental health needs, that plan is continued to be worked on until it is addressed. It must be addressed because frankly our students need it.

Mr. BOWMAN. Awesome. Thank you so much. I yield back the balance of my time.

Chairman SABLAN. Thank you, Mr. Bowman. Mr. Keller, you have five minutes for questioning please. I think you need to unmute, Mr. Keller.

Mr. KELLER. Yes, I had it on my mute and getting my mask off and everything else.

Chairman SABLAN. OK.

Mr. KELLER. So, thank you Mr. Chairman. Mr. Kvaal, in July the Wall Street Journal published a report about many students' challenges after graduating from elite institutions with graduate degrees in Fine Arts programs. Recent film program graduates of Columbia University, who took out Federal student loans, had a median debt of \$181,000. Yet 2 years after earning their master's degrees, half of the borrowers were making less than \$30,000 a year.

Further, the Wall Street Journal published another story of a highly regarded private institution that knowingly encouraged parents to take out Plus loans that they knew they could not afford. These types of reports underscore the need for Congress to bring accountability to higher education based on student outcomes. Unfortunately, many have suggested that accountability measures should be focused exclusively on the proprietary sector.

Yet the Wall Street Journal story highlights that the problem is much broader, and that any solution should be applied evenly across all sectors of higher education. So, Mr. Kvaal, do you think that all students in all sectors should be protected from this type of behavior, including those at elite institutions?

Mr. KVAAL. Thank you for the question, Mr. Keller. I think it is fair to say that there are challenges with student loan affordability at all types of colleges for a lot of reasons, that we should not—we need to work very hard to make sure that student loans are a good investment and a path to upward mobility, and not something that pulls people down, and that no college and no program should routinely leave students with debts they can't afford to repay.

Like I said, historically the biggest problems that we have seen have been in the for-profit sector, and that's something I think we

need to all be aware of as we're thinking about how we address this problem.

Mr. KELLER. I'll just jump in there. I think there's problems all across. It shouldn't matter, and with that, I guess I'll get to my next question, Mr. Kvaal. It was about 5 months ago, we had the Secretary here at a hearing and Secretary Cardona basically came to the same conclusion that I believe, but he actually said it to the Committee, that he believes that all institutions should be treated the same regardless of their filing status, whether not-for-profit or public.

My question is that was 5 months ago. Has the Secretary talked to you about any plan to implement how we measure institutions and bring them all to the same playing field?

Mr. KVAAL. Well thanks for the question. I talk of course to the Secretary very regularly. I don't want to get into the details of those conversations, but I know that he shares the view that you and I have, that all institutions should serve students and taxpayers well, and that no institution should routinely leave students with unaffordable debts.

Mr. KELLER. OK. So, my question is on measuring outcomes, have you—has he talked to you. I mean I know we were here; it was 5 months ago. Is there any plan to get started on making sure that everybody's measured the same way?

Mr. KVAAL. It's very, very important to us to make sure that colleges and universities are routinely helping students graduate, and then move on, whether it's to further education or directly into a career.

Mr. KELLER. No, I'll take my time back. My question is we agreed that everybody should be measured under the same metrics.

Mr. KVAAL. Right.

Mr. KELLER. What is the plan or has a plan been started or is there a timetable when we can expect to see the work on a plan that will be measuring the outcomes for students based upon the student, and making sure that we measure every educational institution in the same way?

Mr. KVAAL. Well, we are beginning a rulemaking on institutional eligibility issues early next year, and we'll be taking public comment and working with colleges from all sectors and all types of colleges and universities, including the for-profit sector, to try to design a new set of rules around institutional eligibility including potentially student outcomes.

Mr. KELLER. Well, it should be based on that. On October 8th, the Department announced a new enforcement unit at FSA to ensure that schools adhere to the Federal student aid program rules and deliver quality education to their students. If the reporting by the Wall Street Journal is correct, it appears these actions warrant further investigation. Can you confirm that this new enforcement unit will look into all schools, public, private and for-profit alike, who are alleged to have misled their students and their parents?

Mr. KVAAL. Well, I would say I think we're very fortunate to have Rich Cordray leading Federal student aid, and he is going to put students and taxpayers first. I know his vision for that unit is going to be looking wherever the problems are, not limited to any one sector.

Mr. KELLER. OK. I just want to make sure that the commitment we got from the—or the recognition from the Secretary that everybody should be measured the same, we take action on that sooner rather than later, because it's that important to our students. Our students deserve that.

Chairman SABLAN. Thank you, Mr. Keller.

Mr. KELLER. Thank you, I yield back.

Chairman SABLAN. Thank you, sir. Thank you, appreciate it. Mr. Jones, you're now recognized for five minutes of questioning please. Mr. Jones, I think you need to unmute.

Mr. JONES. Can you hear me now?

Chairman SABLAN. Yes.

Mr. JONES. All right. Well thank you Mr. Chairman and thank you to Chairwoman Wilson for convening this important hearing. Of course, thank you to Undersecretary Kvaal and Deputy Secretary Marten, for your commitment to helping schools reopen safely and address learning loss.

A quality education is a right, not a privilege. It shouldn't be based on the zip code of a family or based on how much money that family has in its bank account. The American Rescue Plan made critical investments in our Nation's K through 12 education system, and it's the Education Department's responsibility to ensure that these funds have the effect that the House Education and Labor Committee intended.

The funds must be spent properly, and in accordance with the statutory requirements in the American Rescue Plan. That's why we're here today.

As a proud product of the East Ramapo Central School District in Rockland County, New York, which was so overwhelmed and under-resourced in January of this year that it was talking about cutting 32 teaching and other staff positions mid-year, in the midst of a pandemic, getting this right is personal for me. I was proud to deliver over \$240 million for K through 12 public schools in New York's 17th District through the American Rescue Plan, including \$150 million for the East Ramapo School District.

But again, this money will only be effective if properly invested. Now my office has worked to impose oversight and community input through the formation of an advisory task force, which worked to develop recommendations for school district staff on how to best use this historic funding. Oversight from the State Department of Education in New York will further strengthen our efforts to ensure that this funding is used as effectively as possible.

Anticipating potential abuses, my colleagues and I wrote a provision in the American Rescue Plan that requires all \$9.4 billion in K through 12 funding that New York State receives go to public schools, and it mandates that the distribution of those funds be overseen by the Department of Education.

Undersecretary Kvaal, during the previous administration, certain schools were eligible for and took advantage of two sources of funding administered through the CARES Act, specifically the Education Stabilization Fund and the Small Business Administration's Paycheck Protection Program. To prevent this, Congress prohibited schools from participating in both ESF and PPP at the same time,

and they placed additional restrictions on the use of ESF money by for-profit schools.

How is the Department monitoring the allocation of funds to ensure that schools are not able to access multiple sources of funding in violation of the law?

Mr. KVAAL. Well thank you for that question, Mr. Jones, and we are working very hard to make sure that institutions are eligible for whatever funds that they draw down. That includes close collaboration with our colleagues across the Department and the government, and we have imposed audit requirements on additional for-profit colleges that unlike their non-profit peers were not subject to Federal auditing requirements before.

And we've required signatures by executives and principal owners of for-profit colleges to ensure that they're familiar with all the terms and conditions of accepting HEER funds, and of course that includes the eligibility that you mentioned.

Mr. JONES. Thank you. Deputy Secretary, do you have anything to add?

Ms. MARTEN. No. I appreciate the level of sincerity that you understand how important it is that these funds are spent in the way intended. That's why we have our—the Department of Education Stabilization Fund Transparency Portal. That's around clarity and transparency, and we're providing a detailed annual reporting that at the end of each Federal fiscal year, that you'll be able to see how those funds are being allocated in the way that they were intended and following the law as written, including student social-emotional needs, mental health needs, addressing learning loss and any of the physical things that were needed to change in our schools so that we can safely reopen.

The oversight of those dollars in the funds matter to us, monitoring those on an ongoing basis and then providing clear annual reports through a portal that has the transparency that's required.

Mr. JONES. Thank you. Finally, what information-sharing, and cooperation has occurred between the Department, the Small Business Administration and other agencies to ensure compliance?

Mr. KVAAL. Well, I would want to give you a more complete answer. So perhaps we can followup with that. But again, both the auditors and the executives and owners of for-profit colleges are fully aware of Federal requirements, and we've taken steps to make sure that they are enforcing all of the rules, including the overlap with the PPP programs that you mentioned.

Chairman SABLAN. Thank you.

Mr. JONES. Thank you. I look forward to that additional information. Mr. Chairman, I yield back.

Chairman SABLAN. Thank you, Mr. Jones. Ms. McClain. Ms. McClain you have five minutes of questioning please. Thank you.

Mrs. MCCLAIN. Thank you, sir, and thank you to all of our witnesses today. Obviously, education is extremely important to the future of our country and our progress, and I appreciate your time today. Ms. Marten, my first question is for you. School districts have until, if I'm correct, September 2024 to use their ESSER funds for new HVAC systems and other pandemic-related needs. So first of all, is that the correct time, September of '24?

Ms. MARTEN. Yes, that's the correct time for the third pot of money for the ARP ESSER funds. The first timeline does expire September 30th, 2022. Then the next pot of money was September 2023—

Mrs. MCCLAIN. Thank you. Some of the concerns or issues that I'm hearing from not only school systems in my district but also in the surrounding Metro Detroit districts is they have this pot of money and they're extremely grateful because they can use this pot of money for clearly infrastructure needs that they need to complete to make their school systems safer and better for learning and what-not.

The issue comes down to this. We are having some supply chain issues and some workforce shortages. Their concern to me is what, what happens if because of the supply chain issues and the workforce shortages, if we can't get all of those projects completed, are we going to lose those funds? Can we talk about perhaps—I mean these are funds that we're actually using for good projects, but because of the other situations that we're in, is there anything we can do, or have you thought about any extensions to these timelines, so we don't just hurry up and use the money for something, so we use it, and we actually use it for proper educational tools? Does that make sense?

Ms. MARTEN. Thank you. Yes, that makes sense. That is something that we're hearing, not just from your area and I understand that. So, we're back to the original intent of these dollars, which is our job to implement and follow the law as we're using the funds and approving the plans.

And so, we have to follow the law at this point. There is no extension on the timelines, but understanding what you're saying, that's something that maybe is going to be discussed in the future. But I'm not aware of those discussions at this point.

Ms. MCCLAIN. Would you be opposed to that?

Ms. MARTEN. Well, the focus is on safely reopening the schools, and knowing that schools might need things like infrastructure. The dollars can be used for infrastructure. So, I'd like to know more about particular issues. Our staff has worked very closely State by State with any of the issues around implementation and compliance that they're facing. But we will always continue to do that is work closely with states. I would think—

[Simultaneous speaking.]

Mrs. MCCLAIN. So, you're open—you're open to it? I'm just concerned. I'm concerned for these schools, and that they're actually trying to do the right thing. So OK, let me switch. My second question is for Mr. Kvaal. Inflation has reached obviously the highest point in 3 years, and Americans seem to be paying more for everything. On the higher education front, tuition over the past 30 years has increased over 130 percent, and yet we're giving more and more money in Federal aid to colleges and universities that are still raising their prices. So, my question for you is what are you and the administration going to do to stop the rising cost of tuition?

Mr. KVAAL. Thank you for that question. First and foremost, the single biggest reason for rising tuitions at public colleges and universities, which enroll three-quarters of the students—

Mrs. MCCLAIN. I'm talking about public and private, so let's not segregate because I mean the college is the college.

Mr. KVAAL. Fair enough. But the biggest factor at public colleges, which is where three-quarters of students are, has been State budget cuts over time. And so that is one reason why the bipartisan action to invest in colleges during this recession and prevent tuition spikes will hopefully help us avoid a repeat of past experiences.

I think there are other things that we can do to help colleges and universities help students earn college degrees as quickly as possible, and we want—and important part of the—

Mrs. MCCLAIN. So, hang on 1 second. I want to make sure I understand you. Shorten, you know, where the average student takes four and a half maybe 5 years, try to get them to graduate on time? So run, run our college programs more efficiently? Is that what you're saying?

Mr. KVAAL. Graduating on time is one important factor. We also want to invest in things that help students complete, because as you know our national completion rate is only about 60 percent, and that will make investments in college. We can bring down the cost per graduate by helping many more students complete.

Mrs. MCCLAIN. Thank you. Thank you all and I'm out of time, so I yield back. Thank you.

Chairman SABLON. Thank you, Ms. McClain. Mr. DeSaulnier, DeSaulnier. Sir, you have five minutes of questions.

Mr. DESAULNIER. Thank you, Mr. Chairman. Excellent French pronunciation. I have two questions and I'll give them both to you and let you both decide who should best answer them. One that's sort of a more macro one, and one is specific to the disability community.

The first question is I come from a big State, California. The Superintendent of Public Instruction is a friend and constituent, Tony Thurmond, I have had meetings with him and with my county superintendent, just to make sure that within my district we know we don't want a one-size-fits-all in a big, diverse country. But we want these funds to be spent as efficiently and appropriately as possible.

And then we have hopefully, not hopefully. We're going to have this new, very significant investment in education, a historic one. So, my concern is just the infrastructure, of providing that oversight to the Federal and State to local level, and how we do that in a responsible way, not overprescribe. Sort of core question is what is the right temperature, and what can we do either within our districts to help your department to work with our State education departments and our local departments to have a good conversation about the best practices to get these investments out appropriately and efficiently?

And then the second question is specific to the disability community. Individual Education Plans, IEPs have been very difficult for this community. How do you see us being able to facilitate these funds being spent with the disability and special needs community? So those two questions? I'll leave it to you to give us guidance and respond.

Ms. MARTEN. I can begin because anybody who uses an elementary fairy tale reference of Goldilocks and the porridge example, you want to get this just right. Not too hot, not too cold, and get it just right in the oversight. It's an incredibly important and serious topic, though I make light of it because you made a literacy reference.

But it's very important that the oversight of not just the plans as the plans are coming in, that they address specifically what they're intended to address, the physical, health and safety needs, social-emotional, mental health needs, and the learning loss needs, and then that they're designed for students that were most negatively or disparate impacts of the pandemic, and there's very specific funds specifically for students with disabilities, and the nearly eight million students with disabilities and \$3 billion that were in the ARP funds.

This very clear intention, and so in the way that we implement here at the Department of Education, to follow the law, follow the good strong intentions that were meant, that were designed to meet the needs of kids that were most disproportionately impacted, and the oversight begins with the Transparency Portal that we've put up.

There will be annual reporting on it, but there's also not waiting for the annual reporting, there's ongoing monitoring, focused and targeted monitoring as we hear of hot spots that might be coming up across the country. So, I'll answer, and I'll let my colleague address that as well.

Mr. KVAAL. I don't have anything to add to that.

Mr. DESAULNIER. And if you could maybe help us just for all of us, how can we help within our districts and in our communities? Most of us, all of us I probably assume, have relationships with our county education departments in our State, in our districts. So, what's appropriate for us to interact with you, appropriate, so that we're all providing as much resources as possible and oversight?

Ms. MARTEN. Well, I would—thank you. I believe I would lift up the example of how you're working with your State Superintendent, Tony Thurmond, you're working with your county superintendent. You're providing a lot of what, how that could look like. This is a whole of government and whole of community approach that it's not just one silver bullet or one answer on how we're going to recover from this pandemic. It's all of the funds being used in the ways that they're intended and creating the very specific plans for how you're going to work together in communities.

I would also point everybody to the multiple resources that this Department has published, the mental health resources, the resources for students with disabilities, the webinars that we've been putting on for staffing shortages or ways to address learning loss. Or we did a program this summer for summer learning. So, we're putting clearinghouse-type documents out and if you want to work with us on that, help us with—to put out the—to disseminate the materials that the Department has been publishing, specifically with the kinds of guidance that we know people are hungry for, that best decisions are made local. But we also know that we can provide good examples that show how to use the funds as intended.

Mr. DESAULNIER. That's terrific. Thank you, Mr. Chairman. I yield back.

Chairman SABLAN. All right, thank you. I now recognize Mrs. Miller. Mrs. Miller, you have five minutes please.

Mrs. MILLER. Thank you. Deputy Secretary Marten, the Department of Justice issued a memo directing the FBI to investigate parents who show up at school board meetings. Does the Department of Education believe the FBI should be used to intimidate and scare parents out of showing up for the school board meetings?

Ms. MARTEN. Thank you for that question. Rather than mention or weigh in on what the Department of Justice has done, I can talk about the importance of parents being involved in their child's education, and what it looks like.

Mrs. MILLER. But what do—the FBI though, investigating. We now have evidence that the FBI was using counter-terrorism tools against parents in response to the DOJ's school board memo. Do you agree with this practice by the DOJ and the FBI?

Ms. MARTEN. I'd rather not weigh in on what other agencies have done, and what they're choosing to do. That's something that they choose, and that's their decision.

Mrs. MILLER. OK. Did you or anyone at the Department of Education have conversations with the DOJ, FBI, or the White House while the memo was being written?

Ms. MARTEN. I am not aware of that, no.

Mrs. MILLER. So, neither you nor anybody at the Department of Education had conversations with the DOJ, FBI, or the White House while the memo was being written, is that right? You're saying no, they did not?

Ms. MARTEN. I did not. I can speak to what I know, and my experience is that I did not.

Mrs. MILLER. OK. So, do you know of anyone in the Department of Education that had conversations with the DOJ, FBI, or the White House while this memo was being written?

Ms. MARTEN. Thank you. Thank you for the question. I am not aware of that myself. What we know is that it's been a very difficult year for parents around our country.

Mrs. MILLER. Right. Did you or anyone at the Department of Education have any conversations with the National School Board Association while they were writing their September letter to the DOJ, because we know Members of the National School Board Association spoke with the DOJ and the White House Office while they were crafting the letter? Were you involved in any of these conversations, or was anybody at the Department of Education?

Ms. MARTEN. I'd be happy to have our staff followup with you on that, because I'm not aware of the specific details of the question that you're asking at this point.

Mrs. MILLER. OK, and Deputy Secretary Marten, when Secretary Cardona testified before this Committee, I asked him about the Department's guidance to schoolteachers, that they could be charged with harassment if they say that there are only two genders, male and female. I asked the Secretary how many genders there are, and he couldn't answer. Could you please tell me how many genders are there?

Ms. MARTEN. Well, I'd rather talk about the bigger value around our students being able to learn—

Mrs. MILLER. Under your guidance, under your guidance, you are saying that teachers could be investigated for harassment if they State the biological fact that there's two genders.

Ms. MARTEN. What's most important is that all—

Mrs. MILLER. Are you saying that teachers could lose their job over this, but you can't actually say how many genders there are?

Ms. MARTEN. We don't make decisions at the local level about teachers—

Mrs. MILLER. This isn't local. This came from the Department of Education. This is not local. If it was local, I assure you regular Americans, including rank and file Democrats, are furious that the Department of Education is promoting the teaching of gender identity in schools. It's a made-up concept that's going to have significant implications. Every human is either a male or female. That's a biological fact.

Ms. MARTEN. Thank you.

Mrs. MILLER. So, you still can't say how many genders there are?

Ms. MARTEN. I can tell you that the Department is committed to student safety and all students' right to access education in all of the—

Mrs. MILLER. What about the teachers that teach Biology or Genetics, and they say that there's two genders, male and female. It's—your department's guidance is saying that they could be subject to investigation for harassment. What do you say about that?

Ms. MARTEN. At the end of the day, I know that—

Mrs. MILLER. I know it's hard to come up with an answer that could satisfy parents in our country.

Ms. MARTEN. Thank you for your questions.

Mrs. MILLER. Yes. Did you have an answer for that because teachers could be losing their jobs over this, over saying that—stating a biological genetic fact that there's two genders. It's your department that put this guidance out.

[Simultaneous speaking.]

Mrs. MILLER. You're making teachers vulnerable, and even students perhaps that don't feel safe in the locker rooms or bathrooms, and they go in and, you know, communicate that to perhaps a principal or a teacher, perhaps then they're accused of harassment also. This has really got significant implications. So, I hope next time you could tell us how many genders there are. Thank you, and I yield back.

Chairman SABLAN. Yes, thank you. And now finally I recognize the distinguished gentlelady from Minnesota, Ms. Omar. You have five minutes for questions please.

Ms. OMAR. Thank you, Chairman, and I just want to thank the witnesses for their testimonies and Ms. Marten for your ability to stay the course while you're faced with a non-sensical line of questioning. In response to the unprecedented challenges caused by COVID-19, Congress provided a historic investment in our Nation, to our Nation's educational system, helping schools reopen safely and provide extra support to their students.

As of this month, approximately \$23 billion of the ESSER funds have been drawn down by states and school districts. According to

a recent survey from the School Superintendent's Association, 75 percent of district leaders are using the American Rescue Plan funding to address lost instructional and extracurricular time by offering robust summer learning and enrichment programs.

66 percent of district leaders are hiring more counselors, social workers, and reading specialists, and 62 percent of district leaders are purchasing digital devices and addressing connectivity issues. Ms. Marten, how is the Department ensuring these programs address the disproportionate impact of the pandemic, that the pandemic has had on underserved student groups?

Ms. MARTEN. Thank you so much for highlighting some of the wise actions that you've just outlined that people are taking, to spend the dollars as they were intended. The intentions around spending this money in a way that gives schools a chance to reopen and reopen safely and stay open to address the mental health and social-emotional needs, to address learning loss, and to design the plans in ways that ensure that those that were disproportionately impacted get a good chance of recovery and being stronger in terms of us identifying students by name and by need and developing the programs that will help them most significantly.

I think that State plans give us the kind of window into the very detailed programs, actions and services that states are coming up with, to address the needs that you just outlined. You know, specifically in your State, you had an effort. One of the—some of the ways they were spending the dollars was a roll up your sleeves campaign to connect public health departments to the LEAs, to provide the onsite vaccination clinics.

That's just one of the health and safety mechanisms, because we know kids can't learn if they're not in-person or they learn better when they're in-person. And so, we're seeing these wise plans and actions coming State by State and developed with the local community voices. That was part of the intention of the dollars being spent.

Ms. OMAR. Wonderful, and Ms. Marten, the American Rescue Plan also includes an unprecedented \$800 million to support the specific needs of children and youth experiencing homelessness. State and local educational agencies must use these funds to provide homeless students and use with wrap-around services to address challenges that have been exacerbated by COVID-19. Can you tell us more about how these funds are being used to serve these vulnerable students?

Ms. MARTEN. Yes. I'll point people to some of the guidance and supports that the Department's putting out as great examples of what local districts and states are putting into their plans, and I think that it's very significant. This is my 32d year in education, and it's very significant for me to be able to witness the intentions that were put into this, the fact that we put \$800 million specifically in students experiencing homelessness. There are districts and states and localities that have come up with good plans to serve students experiencing homelessness, but they haven't been able to scale those.

And with this investment that we're making now, we can actually bake in long-term programs, actions, and services to address students who experience homelessness, whether it was because of

the pandemic or even before the pandemic. I think we can continue to lift up the best practices that we're seeing around the country with the dollars that have such specific intention, and the fact that it was designed at the outset to meet those needs says a lot about what we're going to do to meet the needs of our students.

Ms. OMAR. Thank you for the thoughtful responses. I look forward to us engaging and Mr. Chairman before I end, I want to say that our school environments are supposed to be more inclusive in addressing the needs of our children, and that's what this Committee should be committed to, the fact that there are people on this Committee that are constantly trying to find ways to create environments that are hostile for our students is really disheartening, and I do hope that we go back into the business of trying to make sure that our school environments are welcoming and inclusive for all of our children. I say that as a mother and someone who represents one of the youngest districts in Congress. With that, I yield back.

Chairman SABLAN. Ms. Omar, I also agree with you as a father of two teachers. I can't agree with you anymore. Thank you. Mr. Cawthorn. Sir, you have five minutes of questioning please.

Mr. CAWTHORN. Thank you, Mr. Chairman. Deputy Secretary Marten, since this is the first opportunity, we've had to speak with you since you assumed your current role, I want to hear your thoughts on some of the controversies you experienced in San Diego, and how you might see these issues playing out for you at the Department of Education.

First, your nomination was opposed by the San Diego Chapter of the NAACP, largely because of your perceived opposition to charter schools. The NAACP in San Diego was apparently rightfully concerned about the extensive achievement gaps between white and black students in your city and were concerned with your participation in some statewide initiatives to limit the growth of charter schools as a means for providing better educational opportunities to those students.

Second, you invited a Critical Race Theorist named Bettina Love to provide professional development to your teachers in San Diego. According to press reports, her presentation included strong elements of Critical Race Theory, greatest hits if you will, including the idea that white teachers "spirit murder" black students. Mrs. Marten, do you believe like Ms. Love's talk that white teachers, and I quote "spirit murder" black students, and do you believe as she asserted that black students' achievements are dependent upon the actions of non-black students?

Ms. MARTEN. Thank you for your question. I'm pointing out that this is the first time we've had a chance to meet one another, so it's nice to meet you and thank you for putting up a couple of questions. The work that we did in San Diego was critical around addressing the long-standing disparities and the achievement outcomes that we saw in San Diego is work that I was dedicated to and committed to.

32 years in education and 8 years as Superintendent, that was the work that we put in place to address long-standing disparities and to give students access to the kinds of supports and resources that they needed to achieve.

Mr. CAWTHORN. OK. So, by taking away charter schools, you were giving them the assets that they needed. That doesn't make much sense to me, but Deputy Secretary, research shows that 74 percent of voters supported School Choice, including 73 percent of black voters, 69 percent of Hispanic voters and 70 percent of Democrats. That's not surprising. Americans value choice and low-income families deserve the same freedom to pursue the educational opportunities their wealthy neighbors enjoy.

The failures of many public schools to be responsive to families shows the need for increased opportunities. And yet in the President's Fiscal Year 2022 budget proposal, the Department proposed eliminating the D.C. Opportunity Scholarship Program. This program has been a lifeline for thousands of low-income students to escape the underperforming schools. In April 2019 this Committee held a hearing examining the legacy of *Brown v. Board of Education*.

Virginia Walden Ford, a parent advocate and driving force behind the creation of the D.C. Choice Program, wrote the Committee saying, and I quote: "The same schools that we fought hard to get into the 1960's after the *Brown v. Board of Education* decisions, have become the schools we must diligently find a way to get minority children out of. These schools and programs that our children are now forced to attend are creating environments where our kids cannot get the education they deserve."

Deputy Secretary, why are you proposing to take away the educational freedom that so many parents have fought so hard to achieve?

Ms. MARTEN. School matters so much for every student. During my 32 years, I could see the importance of everybody having access to a school that meets their needs. That is critically important, and I can see the difference that public education provides for our students. It's about bringing people together and giving them learning conditions that allow them to live their best life and achieve their academic potential.

It's not about dividing one another but coming together and give schools and students access to the kinds of learning communities and conditions that are best for them.

Mr. CAWTHORN. So, Deputy Secretary, I find it interesting that you said you find the necessity and how beneficial it is for public education for students, yet you mention nothing about charter schools and school choice. Do you oppose charter schools and school choice?

Ms. MARTEN. Charter schools are public schools, and the work that I did in San Diego reflects our investment, our commitment to charter schools. We passed some successful local bond measures that invested over \$350 million in improving charter school facilities and worked closely with our charter school partners to make sure that every student in San Diego had access.

Mr. CAWTHORN. Deputy Secretary, I hate to interrupt, but then why did the NAACP resist your nomination to be in that position in San Diego because of what they said as extensive achievement gaps between white and black students in your city, and they were concerned with participation in some statewide initiatives, to limit

the growth of charter schools. Why did the NAACP think that you're limiting charter schools?

Ms. MARTEN. I would be happy to followup with you with a more extensive conversation on the details of the achievement as recognized by the Learning Policy Institute, how we closed achievement gaps for black and brown students, and were distinguished as a positive outlier district, and was able to prove results for students of color. I could get into more detail about the work we did specifically with charter schools and the local concerns, and happy to have a further followup questions if you'd like to submit them.

Chairman SABLAN. Thank you.

Mr. CAWTHORN. All right, Deputy Secretary I'm out of time. With that Mr. Speaker or Mr. Chairman, I yield back.

Chairman SABLAN. Thank you. Thank you for the elevation to speaker also Mr. Cawthorn. Mrs. Steel, you have five minutes of questioning please.

Mrs. STEEL. Thank you very much Mr. Chairman. I have a question to Deputy Secretary Marten. I understand that in many states, emergency assistance to non-public school funds are helping private schools meet the extraordinary needs of students caused by the pandemic. I am also told that there are a few states like California and Maryland that have still not delivered any services under this program to the students.

What is the Department doing to ensure that those states comply with the law and begin delivering services to non-public students, and what are you doing to ensure as many non-public education students as possible are receiving emergency relief services?

Ms. MARTEN. Thank you for the question. It's our job to implement the law as it was designed and written, and as of—I believe it was as of Wednesday, at least 27 of the plans will be approved and we'll continue to work with all of the remaining states if their plans aren't in or working with them on what they need to do to get their plans finished.

Mrs. STEEL. OK. So, they're going to get it soon, or you are actually asking that these states what they are doing?

Ms. MARTEN. We're in active conversation with each State. If their plan has already come in and we're still in dialog with them, we're actively working with each State as we see their plans come in and make sure that we're continuing to work with any of the remaining states that do not have plans.

Mrs. STEEL. OK, thank you. Under the American Rescue Plan, Congress limited eligibility to private schools with "significant" percentage of low-income students. The Department defined the term "significant" to mean 40 percent of the children in a non-public school. However, Hawaii submitted an application that defined the low-income threshold at 47.5 percent, not 40 percent, which cutoff services to private school students who need them.

At the same time, you have pushback on some states who have sought to reduce the threshold in order to provide services to a greater number of low-income private school students. Why did you approve Hawaii's application which further limits access to services for non-public schools?

Ms. MARTEN. Thank you for your question. This is important that we're implementing as it was written and as expected, and

you talked about specifically the significant percentage. There were 14 plans that adopted the 40 percent threshold of significant percentage of students from low-income backgrounds, and then there were 13 plans that have approved the alternative threshold. They approved alternative thresholds so far as range between 20 and 47 percent. But we're going to continue to work with any of the remaining states to problem solve this.

Mrs. STEEL. OK. So, the next one is the rollout of the non-public education provision was rocky and maybe or slow in the hand full of states where their own State legislatures or procurement rules held up the process. What kind of flexibility can be offered in these states to ensure that the State can fully meet needs of students in non-public schools, and what is the Department doing to ensure the money is used to address the needs of non-public school community within the confines of the statute?

Ms. MARTEN. And that is our role, is to ensure that we're meeting the needs of non-public schools and stay in compliance with the statute, and while we're hearing some different kinds of rollouts where the timelines may not have been met, we're working with those states to ensure that these dollars get to the students as intended by the statute.

As we learn about states that may have been stopped or the timelines may have been compromised, we're going to work with them to ensure that we're implementing with fidelity to the intent of this—of the statute.

Mrs. STEEL. Mr. Chairman, do I still have more time, because I have about the charter school question.

Chairman SABLAN. You have 45 seconds, Mrs. Steel.

Mrs. STEEL. Then you know what? I'm going to submit this, that last question regarding charter school question then.

Chairman SABLAN. All right, yes.

Mrs. STEEL. Thank you.

Chairman SABLAN. You yield back?

Ms. MARTEN. Thank you.

Mrs. STEEL. I yield back, I yield back.

Chairman SABLAN. All right, thank you Mrs. Steel. Thank you everyone. Now I remind my colleagues that pursuant to Committee practice, materials for submission for the hearing record must be submitted to the Committee Clerk within 14 days following the last day of the hearing. So, by close of business on December 1st, preferably in Microsoft Word format.

The materials submitted must address the subject matter of the hearing. Only a Member of the Committee or an invited witness may submit materials for inclusion in the hearing record. Documents are limited to 50 pages each. Documents longer than 50 pages will be incorporated into the record via an internet link that you must provide to the Committee Clerk within the required timeframe. But please recognize that in the future that link may no longer work.

Pursuant to House rules and regulations, items for the record should be submitted to the Clerk electronically by email transmissions to edandlabor.hearings@mail.house.gov. That's edandlabor.hearings@mail.house.gov. Again, I want to thank our witnesses for their participation today. Members of the Committee

may have some additional questions for you, and we ask the witnesses to please respond to those questions in writing.

The hearing record will be held open for 14 days in order to receive those responses. I remind my colleagues that pursuant to Committee practice witness questions for the hearing record must be submitted to the Majority Committee Staff or Committee Clerk within 7 days. The questions submitted must address the subject matter of the hearing.

I now recognize Chairwoman Wilson for a closing statement.

Chairwoman WILSON. Before I—oh shucks. Before I close—

Chairman SABLAN. Please proceed.

Chairwoman WILSON —from the Association of Public and Land Grant Universities about the importance of HEER funds, and I would like to submit it for the record.

Chairman SABLAN. Without objection, so ordered.

Chairwoman WILSON. Thank you for hosting this important hearing, and I want to thank our amazing witnesses. You were absolutely great. Your leadership and testimonies helped America understand what we do on the Education Committee and what happens in the Department of Education. Thank you so much for being with us today.

Today we reflected on the historic investments Congress and President Biden delivered to institutions of higher education through three COVID relief packages, including the American Rescue Plan. It's clear that the relief we provided has been critical to helping both institutions and students weather this pandemic. It is crucial that we continue to conduct strong oversight to ensure that institutions are using these funds responsibly to support their students, faculty, and staff.

And as our witnesses testified, the Education Department has a clear plan to do so, and we appreciate those efforts. I look forward to continuing to work with my colleagues to help all students access the life-changing benefits that come with high college degrees. Thank you again to our witnesses, and I just want to make this statement.

Critical Race Theory is not taught in any K through 12 school in this Nation. Critical Race Theory is a specialized curriculum that is taught in law schools and in specified colleges and universities that want to offer it as an elective. Critical Race Theory is not taught, not written or is appropriate, not offered in any K–12 school in the United States of America. This is a talking point that is being used by the Republican Party to divide races in our Nation, divide people and they need to stop. It is very dangerous, and we need to stop doing this now.

We're not on, in Congress to divide the country. We have to work together as a Nation, not divide black against white and color with all kinds of ideas to do that. It is—Mr. Chair, I yield back.

Chairman SABLAN. Thank you. Thank you, Madam Chair. I appreciate your thoughts. Thank you, Undersecretary Kvaal and Deputy Secretary Marten, for briefing the Subcommittees this morning and this afternoon, to ensure states, school districts and institutions of higher education are all using the Education Stabilization Fund, including—included in President Biden's American Rescue Plan as Congress intended.

The Education Stabilization Fund is the largest single Federal investment in K through 12 schools in our Nation's history, and in the midst of the pandemic, congressional Democrats and the President included the funding in the CARES Act, the CRRSA and the American Rescue Plan because we knew states and districts needed this help to reopen schools safely and because we wanted students back in the classroom.

The Committee plans to continue checking in with the Department of Education to make sure these historic investments in our schools and our children remains on track, and I am confident that under Secretary Cardona and the leadership of your witnesses today, of our witnesses today, the Education Stabilization Fund will not only help schools and students recover from the pandemic but will also affirm the importance of investing in public education.

Again, to our witnesses, thank you very much for the insight you provided to us, and also for your patience in today's hearing. I thank you again and if there's no further business, without objection the Committee stands adjourned. Have a good night or good afternoon.

[Additional submission by Chairman Sablan follows:]



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November 16, 2021

NMC Corr No. 21-057

The Honorable Gregorio Kilili Sablan
Chairman
Early Childhood, Elementary and Secondary Education Subcommittee
U.S. House of Representatives
2267 Rayburn HOB
Washington, DC 20515

and

The Honorable Frederica S. Wilson
Chairperson
Higher Education and Workforce Investment Subcommittee
U.S. House of Representatives
2176 Rayburn House Office Building
Washington DC 20515

Hafa Adai Chairman Sablan and Chairwoman Wilson:

We are writing to communicate the tremendous impact that the emergency funding provided through the U.S. Federal Government related to COVID-19 assistance has had on the students, employees, and stakeholders of the Northern Marianas College (NMC). We hope this communication can be made part of the record for the upcoming hearing: ***Examining the Implementation of COVID-19 Education Funds.***

Northern Marianas College is able to continue its mission of providing high quality educational programs and services to the people of the Commonwealth of the Northern Mariana Islands (CNMI) with the emergency funds allocated by the U.S. Department of Education through the Coronavirus, Aid, Recovery, and Economic Security (CARES) Act, Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, and American Rescue Plan (ARP) Act.

Further, the funds have allowed the College to help prevent the spread of the COVID-19 disease by providing the institution with resources for preventive equipment and supplies, and have also enabled the migration of instructional delivery to an online platform in an accelerated manner.

Northern Marianas College students were able to earn their degrees without significant delay because of the continuation of programs and services and are now contributing to the economic

recovery and growth of the CNMI. Some the specific expenditures made using the Higher Education Emergency Relief Funds (HEERF) include:

- The emergency funds were utilized to develop safer cleaning, sanitizing, and disinfecting strategies to reduce and prevent COVID-19 transmission on the NMC campuses.
- NMC purchased a variety of technology equipment associated with the transition to distance education and remote learning. Laptops, tablets, accessories, and video conferencing platform subscriptions were expanded in order to provide faculty and staff adequate equipment for effective distance learning.
- The College was able to procure high-quality air purification units for classrooms, offices, and all other indoor spaces. These certified medical devices are capable of killing airborne bacteria and viruses (including influenza, coronaviruses, norovirus, measles, and tuberculosis) as well as airborne mold and fungi.
- NMC integrated face-to-face science labs entirely online by purchasing biology starter kits, multi-level skills kits, online subscription for UNE i-Human Patients, medical/surgical bundles, and pediatric bundles to provide nursing students with a safe, repeatable, clinical patient encounter experience through an online learning environment.
- NMC was able to provide faculty and staff with professional development opportunities to enhance their skill sets to meet evolving student needs in the COVID-19 Pandemic.

Perhaps most importantly, each semester since Spring 2020, NMC has distributed direct, emergency aid grants to eligible students impacted by the COVID-19 pandemic. These funds have gone a long way to assist our students to pay for critical yet unplanned expenses that arose as a result of the COVID-19 Pandemic, all while continuing to meet other financial obligations related to their education.

We want to again convey our appreciation and gratitude for these funds on behalf of our College community. If you need additional information, please do not hesitate to contact us.

Sincerely,



Galvin Delson Guerrero, EdD
President

[Additional submissions by Chairwoman Wilson follow:]



November 15, 2021

The Honorable Bobby Scott
Chairman
Committee on Education and Labor
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515

The Honorable Frederica S. Wilson
Chairwoman
Subcommittee on Higher Education and
Workforce Investment
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Gregory F. Murphy
Ranking Member
Subcommittee on Higher Education and
Workforce Investment
U.S. House of Representatives
2101 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Scott, Ranking Member Foxx, Chairwoman Wilson, and Ranking Member Murphy:

In light of today's House Education and Labor Joint Subcommittee Hearing, **Examining the Implementation of COVID-19 Education Funds**, I write on behalf of the Association of Public and Land-grant Universities (APLU) to offer perspective on the U.S. Department of Education's implementation of Higher Education Emergency Relief Fund (HEERF) grants and the work of public research universities to responsibly and effectively steward these funds to navigate the continued effects of the pandemic.

As you know, APLU is a research, policy, and advocacy organization dedicated to strengthening and advancing the work of public universities. Annually, APLU's 201 U.S. member campuses enroll 4.2 million undergraduates and 1.2 million graduate students, award 1.2 million degrees, employ 1.1 million faculty and staff, and conduct \$46.8 billion in university-based research.

As the nation continues to recover from the dual public health and economic crises precipitated by the pandemic, the COVID-19 education funds provided by Congress are a critical lifeline for public universities and their students. We are deeply grateful for the nearly \$77 billion in support Congress has provided to institutions of higher education and students, and to the Department for disbursing these emergency funds as quickly as possible. These funds helped financially stabilize public universities facing an unprecedented crisis, supported institutions in prioritizing the health and safety of campus communities, and extended emergency resources to struggling students.

Background on HEERF Implementation

Over a year and a half ago when the COVID-19 pandemic reached America's shores, our nation's public colleges and universities took immediate action to protect the health of students, faculty, staff, and surrounding communities. While closing campuses and moving to remote instruction was necessary to slow the spread of the virus, those shifts caused massive disruption to students, campus operations, and institutional finances. The personal toll for many students was immense both financially and emotionally, exacerbating existing challenges faced by campuses to support student basic needs and mental health. Institutions also faced massive lost revenues and expenses.

The 116th Congress worked quickly to pass the CARES Act in March 2020, which provided \$14 billion in support for colleges and universities through HEERF grants. The Department distributed these funds throughout spring and summer 2020, but it took time for the aid to reach campuses. At the time, the higher education community expressed the critical need for "as much flexibility as possible for distributing these funds on campus, both for emergency grants to students and to help cover institutional refunds, expenses, and other lost revenues."¹ Unfortunately, guidance to campuses—in particular, the limitation of funds to only Title IV-eligible students—created implementation challenges that delayed the distribution of these critical funds.

In fall 2020, as many campuses prepared for the new academic year, APLU wrote with the higher education community to the Senate Committee on Health, Education, Labor, and Pensions that "colleges and universities face a complicated, constantly-shifting environment as they plan for the fall semester."² While every institution faced a different set of circumstances and had different timelines for campus reopening, all had to put in place plans regarding logistics surrounding COVID-19 testing, implementing contact tracing, procurement of personal protective equipment and cleaning supplies, and putting into place social distancing plans. At the same time, institutions were grappling with how to help students returning to campus who were experiencing unprecedented levels of financial need.³

In December 2020, nine months after the start of the pandemic and the passage of the CARES Act, Congress passed the Coronavirus Response and Relief Supplemental Appropriations Act of 2021 (CRRSAA) and provided an additional \$23 billion in higher education relief funding. Initially, guidance from the Department limited the use of these funds to expenses incurred after the passage of CRRSAA, preventing APLU member institutions from using funds to cover expenses incurred throughout fall 2020 while campuses reopened. Further, questions still had not been resolved regarding the use of HEERF emergency financial aid dollars to support different

¹ Higher Education Stakeholders Urge Secretary DeVos for Quick Release of HEERF Grants, American Council on Education, April 2, 2020, <https://www.aplu.org/members/councils/governmental-affairs/CGA-library/stakeholders-urge-secretary-devos-for-quick-release-of-the-higher-education-emergency-relief-fund/file>.

² Higher Education Letter to Senate HELP Committee on Campus Reopening Costs, American Council on Education, July 2, 2020, <https://www.aplu.org/members/councils/governmental-affairs/CGA-library/letter-to-senate-help-on-campus-reopening-costs/file>.

³ Higher Education Stakeholders Call for \$120 Billion in Additional COVID-19 Education Funds, American Council on Education, December 2, 2020, <https://www.aplu.org/members/councils/governmental-affairs/CGA-library/associations-support-letter-for-covid-19-120b-request/file>.

student populations on campus, particularly international and undocumented students. Adding to the challenge, the change in administrations meant further delays in clarifying guidance to institutions.

After passage of CRRSAA, APLU worked to survey our members to provide an estimate of the financial toll of the pandemic on campuses and guide further conversations about COVID-19 education funds in Congress. Based on survey data, APLU estimated that our member institutions alone faced a \$20.8 billion financial hit due to the pandemic, not considering potential state budget cuts. Considering funds received from the CARES Act and CRRSAA, APLU members still faced unmet need in the ballpark of \$15.1 billion.⁴

In March 2021, the 117th Congress provided \$40 billion in additional HEERF grant aid through the American Rescue Plan (ARP) Act with a substantial portion of funds directed to students. As the Department worked to award this third round of emergency relief, Department officials also worked to clarify guidance and ensure institutions had the information necessary to move forward with planning for and spending down these supplemental emergency funds. In particular, the Department helpfully clarified that all HEERF grant aid could be used for expenses incurred since the beginning of the pandemic and specified that all students were eligible for HEERF emergency aid.

As of late summer 2021, the Department had allocated the vast majority of all HEERF grant aid to institutions of higher education. With the widespread availability of vaccines, the 2021-22 academic year has been a tremendous step forward for the health and safety of students and campuses. Moving into this fall and winter, however, as the Delta variant has continued to spread in different regions of the country and we move toward distribution of COVID-19 booster shots, campuses continue to navigate challenging public health planning and logistics. Further, the economic impacts of the pandemic, including pressures on state budgets and rising inflation continue to provide financial challenges to public universities.

As of fall 2021, most colleges and universities have spent down the first and second rounds of HEERF grants and are strategically planning for the use of the third round of funds provided through ARP. As we continue down the road to recovery into 2022, HEERF grants for student emergency aid, institutional support, and additional aid to Historically Black Colleges and Universities and other Minority-Serving Institutions continue to be a critical resource for public universities and those we serve.

Status of HEERF Grant Expenditures

Throughout the pandemic, APLU members worked quickly to implement HEERF grants on campus, developing methodologies for distributing billions in emergency financial aid to students and making use of institutional aid to help offset their immense financial losses. Though the pandemic began in March 2020, it is important to keep in mind that \$63 billion of the \$77 billion in HEERF grant aid provided by Congress, well over two-thirds of funds, did not reach

⁴ "Public Universities Request Additional Pandemic Relief Funding," Association of Public and Land-grant Universities, January 2021, <https://www.aplu.org/members/councils/governmental-affairs/CGA-library/aplu-97b-heerf-request-and-justification/file>.

campuses until calendar year 2021, more than half within the last six months. This is particularly true of additional HEERF grants awarded to HBCUs and MSIs, which were consistently amongst the last funds to be awarded—more than half of all additional HEERF grants specifically awarded to HBCUs and MSIs were not available until July 2021. Further, publicly available data on HEERF spending is only available at this point through August 31, 2021, before the current academic year began, leaving us with only a partial picture of how funds have been spent down so far this year.⁵

That said, institutions of higher education have worked quickly to distribute emergency aid to college students as each round of HEERF grants have been made available. At the beginning of the pandemic, campuses did not have systems or methodologies in place to collectively award billions of dollars in emergency grant aid to students. APLU members worked rapidly to develop these systems and processes, even amidst the changing guidance from the Department on student eligibility. In fall 2020, APLU published a brief that looked at the distribution of CARES Act emergency aid to students, highlighting the variety of methodologies used and some of the distinct implementation challenges.⁶ Many of the lessons learned and recommendations made in that brief have been addressed by the Department, significantly improving distribution of the second and third rounds of HEERF student emergency aid.

While campus spend-down rates for emergency student aid vary, at this point most APLU institutions have spent between two-thirds and three-quarters of student emergency aid provided through HEERF I, II, and III.⁷ The increased stressors of the pandemic have impacted not only students, but their families and support systems. Feedback from students offers insight into how beneficial these resources have been. One APLU-member student shared their story, saying that “Due to coronavirus, my father has experienced reduced hours at work, as well as my mother being furloughed, leading to financial hardships with covering my expenses such as rent, food and textbooks for my courses. I have picked up more hours at my job to remedy this situation, but that is making it extremely difficult to focus on my coursework.” Emergency grants have helped students afford these kinds of basic needs such as rent and food, as well as course materials, transportation costs, and medical expenses.

Looking at the use of institutional aid, at this point most APLU institutions have spent all HEERF I and II grant dollars and are in the process of spending down HEERF III grants.⁸ Early in the pandemic, we understand that much of the institutional funds were used by APLU member institutions to offset lost revenues, including reimbursements for room and board. In a survey of APLU members, institutions reported a significant range of additional sources of lost revenue including cancellation of events; closure of on-campus parking, dining, and other auxiliary services; cancellation of external professional development workshops and other programming; and more.

⁵ Education Stabilization Fund database, U.S. Department of Education, <https://covid-relief-data.ed.gov/>.

⁶ “CARES Act—Lessons Learned: Affordability Fellows’ Insights on Emergency Funding, Student Need, and the Impact of the CARES Act,” Association of Public and Land-grant Universities and TIAA Institute, March 2021, <https://www.aplu.org/library/financial-aid-innovations-for-college-affordability-and-mitigating-student-debt/file>.

⁷ APLU analysis based on Education Stabilization Fund database, U.S. Department of Education, <https://covid-relief-data.ed.gov/>.

⁸ *Ibid.*

Public universities also collectively spent billions of dollars in public health and safety measures. One APLU member campus shared the range of expenditures campuses have been making, from additional custodial services to clean classrooms and residence halls to the procurement of air filters and purifiers, disinfectants, outdoor furniture to move courses outside and support social distancing, additional signage to share public health information, and other public health measures. Projected costs for campuses climbed as high as \$6 million for some of the largest public university campuses, and many of these costs have been recurring as the pandemic continues.

Moving into 2021, APLU members have also made use of institutional aid to support students in a variety of ways, providing additional student emergency aid, awarding housing and dining scholarships to low-income students, investing in student completion efforts, and clearing institutional debts owed by students. One APLU member institution reported using the third round of HEERF institutional grant aid to discharge over \$2 million in student debts prior to the beginning of academic year 2021-22, communicating to students that their institutional account balances had been paid and offering them support to stay on track toward their degree. Campuses have also looked to other comprehensive supports for students, including investments to support the mental health and wellbeing of their students and communities.⁹

Additional information will be available as institutions complete their second annual reporting in early 2022. In the meantime, APLU will continue working with our members and the higher education community to understand the different ways campuses have leveraged these funds and highlight the benefits of this support to the higher education community.

As APLU member campuses plan for the rest of this academic year and the transition to the next, a great deal of uncertainty remains. While conditions have improved, the public health costs and considerations raised by the pandemic have not fully receded. Troubling economic effects of the pandemic continue to impact students and campus communities. APLU institutions are committed to managing HEERF grant dollars responsibly and are also committed to ensuring that students and institutions do not face an aid cliff as the recovery continues. Responsibly reserving some funds consistent with the statute and Department guidance is critical, particularly since additional emergency education funding is not planned.

I want to conclude by thanking you again for your support in providing education funding to help our nation's public universities and those we serve during this unprecedented crisis. As Congress continues exercising necessary oversight on the implementation of COVID-19 education funds, and the Department moves forward with collecting and analyzing its second annual report on HEERF grants, APLU is eager to be a partner in this work.

Sincerely,



⁹ Examples submitted by APLU member institutions.

Peter McPherson

Cc: Members of the House Subcommittees on Early Childhood, Elementary, and Secondary Education and Higher Education and Workforce Investment



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November 18, 2021

The Honorable Bobby Scott
Chairman
Committee on Education and Labor
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Virginia Foxx
Ranking Member
Committee on Education and Labor
U.S. House of Representatives
2176 Rayburn House Office Building
Washington, DC 20515

The Honorable Frederica S. Wilson
Chairwoman
Subcommittee on Higher Education and
Workforce Investment
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, DC 20515

The Honorable Gregory F. Murphy
Ranking Member
Subcommittee on Higher Education and
Workforce Investment
U.S. House of Representatives
2251 Rayburn House Office Building
Washington, DC 20515

Dear Chairman Scott, Ranking Member Foxx, Chairwoman Wilson, and Ranking Member Murphy:

On behalf of the nation's private, nonprofit colleges and universities, I write to have comments included in the record for the House Committee on Education and Labor, Joint Subcommittee Hearing on Examining the Implementation of COVID-19 Education Funds, held on November 17, 2021.

The National Association of Independent Colleges and Universities (NAICU) serves as the unified voice of private, nonprofit higher education. NAICU's membership reflects the diversity of private, nonprofit higher education in the U.S. Our member institutions include major research universities, faith-based colleges, Historically Black Colleges and Universities, Minority-Serving Institutions and Tribal Colleges, art and design colleges, traditional liberal arts and science institutions, women's colleges, work colleges, two-year colleges, and schools of law, medicine, engineering, business, and other professions. With more than 5 million students attending 1,700 independent colleges and universities in all 50 states, and more than 1 million employees, the private sector of American higher education has a dramatic impact on our nation's larger public interests.

NAICU greatly appreciates that Congress immediately recognized the needs of students and institutions when the coronavirus emerged and provided nearly \$77 billion in Higher Education Emergency Relief Funding (HEERF) to help weather the unprecedented pandemic. We applaud the Department of Education for its ability to distribute student funds quickly and provide flexibility for institutions to meet campus needs. This flexibility has allowed students to continue their education and institutions to function safely throughout the pandemic.

We are now in the third academic year of the pandemic and expect the ripple effects of the virus to extend into a fourth at least. Most institutions of higher education have fiscal years that run from July 1-June 30, meaning COVID has had an impact on three fiscal years as well. We are deeply grateful that, collectively, the three legislative efforts for COVID relief have allowed institutions to properly plan for using these funds and to draw them down throughout this period.



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Feedback from NAICU members reflects the sense that recovery will not be immediate, despite the influx of federal funds. Institutions are still concerned about fiscal sustainability; projected enrollment declines; the learning gap from the disruption to instruction at the high school level and the disruption of a year of online college instruction; and the continued need for increased student aid because of pandemic economic changes. In particular, private, nonprofit colleges and universities have had to worry that some of the financial steps taken to protect students and ensure institutional stability will actually count against them when their federal financial responsibility scores are released.

There is no question that college students and the institutions they attend have been helped by the federal COVID relief. NAICU members participated in a recent survey that our colleagues at the American Council on Education conducted, which shows the following for all of higher education:

- 80% of institutions agreed that HEERF funds allowed them to keep students enrolled by providing them with electronic devices and internet access.
- 88% of institutions agreed that HEERF funds enabled their institutions to purchase COVID-19 tests, health screenings, and the health care needed to help students and faculty.
- 70% of institutions agreed that HEERF funds enabled their institutions to keep faculty, staff, employees, and contractors at full salary levels who were at risk of unemployment due to pandemic-related factors.
- 18% of institutions agreed their institutions were at risk of closing due to pandemic-related factors and HEERF funds enabled their institutions to continue operating.
- 46% of institutions agreed that HEERF funds enabled their institutions to continue offering planned programs (i.e., programs of study) that were at risk of discontinuation due to pandemic-related factors.

As you know, virtually all of the CARES Act funds and most of the CRRSAA funds have been spent. Data is not available in "real time" as colleges report on a quarterly basis, thus the federal database information lags. The availability of American Rescue Plan (ARP) funds this summer has made it possible for institutions to develop specific plans for drawdowns throughout this academic year, until the conclusion of the spring semester. Institutions are grateful for this flexibility as it is still unknown how the pandemic will play out and what future student emergency needs will be between now and May 2022, the traditional close of the spring semester.

Throughout the past 18 months, student funds have been distributed quickly, as the need has been great. These funds have made it possible to ensure students have a safe environment to continue their studies, access to the technology needed for online instruction and learning, and the resources to cover basic needs to survive an unprecedented national health crisis. In particular, our members indicate that Pell Grant recipients have needed emergency funds to support their most basic needs.

The initial institutional funds in the CARES Act assisted in the immediate and pressing need to transition to online instruction and to implement safety measures. I think we should take great pride as a nation in how quickly colleges and their faculty moved in the spring of 2020 to keep the semester going at the outset of the pandemic.



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Since the fall of 2020, the institutional funds have been used more systematically to plan for the continuing costs throughout the 2020-21 and current academic years, including reserving some of these funds for future student emergencies (since institutional funds can be used for student purposes as well). Nationwide, college instruction and college life has resumed mostly in-person, which means colleges continue to have costs associated with purchasing personal protective equipment, continuous facility cleaning, and providing additional space to ensure social distancing or quarantining. Colleges are now making plans to protect against a possible "winter-wave" of COVID cases and anticipating the costs that would accompany this unfortunate event, should it occur.

With the ARP funds being made available at the beginning of the 2021-22 academic year, the latest reports only reflect use of funds through August 31, 2021. As of that date, across all sectors of higher education, about 45% of the ARP funds had been spent. Comparatively, private, nonprofit colleges and universities had spent about 55% of their ARP funds. This is a remarkable draw down rate since we were only 1-2 weeks into this academic year when that report was submitted. We are confident that the next report will show an increased draw down percentage that will continue throughout the 2021-22 academic year.

We are a nation of college towns. It is indisputable that America is better off because of the economic opportunity and societal impacts of our colleges and universities. These impacts ripple through to nearly every sector of the cities and communities private, nonprofit colleges call home. The influence of a college or university goes far beyond the campus. The critically important relief our colleges and their students have received has also helped sustain the communities we serve. We are both proud and fortunate to be playing a role in America's economic recovery from the pandemic.

Before closing, I would like to thank the members of the House Committee on Education and Labor in both parties who worked tirelessly throughout the COVID relief legislative process to ensure that the acute needs of college students were addressed, and that institutions could provide the support students have needed to get through the pandemic.

Thank you for the opportunity to provide the private, nonprofit sector perspective on behalf of the NAICU membership.

Sincerely,

A handwritten signature in cursive script, appearing to read "Robert K. Disher".

President

[Additional submissions by Ranking Member Owens follow:]



EdWorkingPaper No. 20-304

Politics, Markets, and Pandemics: Public Education's Response to COVID-19

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Boston College

Leslie K. Finger
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The COVID-19 pandemic presents a unique opportunity to examine how local governments respond to a public health crisis amid high levels of partisan polarization and an increasing tendency for local issues to become nationalized. As an arena that has, in recent years, been relatively separate from national partisan divides, public schools provide a useful window into these dynamics. Leveraging the fact that all of the nation's school districts had to adopt a reopening plan for the fall, we test what factors best predict whether a district chose to return students to the classroom or educate them remotely. Contrary to the conventional understanding of school districts as localized and non-partisan actors, we find evidence that politics, far more than science, shaped school district decision-making. Mass partisanship and teacher union strength best explain how school boards approached reopening. Additionally, we find evidence that districts are sensitive to the threat of private school exit. Districts located in counties with a larger number of Catholic schools were less likely to shut down and more likely to return to in-person learning. These findings have important implications for our understanding of education policy and the functioning of American local governments.

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Politics, Markets, and Pandemics: Public Education's Response to COVID-19

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October 1, 2020

Word count: 10,400

Abstract: The COVID-19 pandemic presents a unique opportunity to examine how local governments respond to a public health crisis amid high levels of partisan polarization and an increasing tendency for local issues to become nationalized. As an arena that has, in recent years, been relatively separate from national partisan divides, public schools provide a useful window into these dynamics. Leveraging the fact that all of the nation's school districts had to adopt a reopening plan for the fall, we test what factors best predict whether a district chose to return students to the classroom or educate them remotely. Contrary to the conventional understanding of school districts as localized and non-partisan actors, we find evidence that politics, far more than science, shaped school district decision-making. Mass partisanship and teacher union strength best explain how school boards approached reopening. Additionally, we find evidence that districts are sensitive to the threat of private school exit. Districts located in counties with a larger number of Catholic schools were less likely to shut down and more likely to return to in-person learning. These findings have important implications for our understanding of education policy and the functioning of American local governments.

Keywords: Local politics, education policy, COVID-19

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Motivation

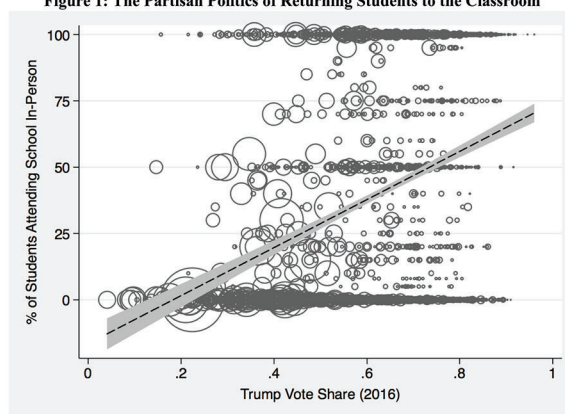
During the COVID-19 pandemic, perhaps no American institution has been more burdened than the humble public school. Functioning as childcare for parents, employer to nearly 7 million adults, and the primary provider of schooling for 90% of children ages 5 to 17 (NCES 2018), America's education system has been challenged to adapt and respond like never before to meet the needs and preferences of diverse stakeholders (Chubb and Moe 1990). With the fall school-year beginning alongside the continued spread of the virus, parents have been torn between wanting to keep their children and families healthy, on the one hand, and the practical need to ensure that their children are learning and cared for during work hours, on the other (Hirt, Nichols, and Brugal 2020). Not surprisingly, most American families desire some form of in-person instruction (Horowitz 2020), yet education employees have raised important concerns about the potential health risks of returning to school buildings. Teachers unions have vigorously resisted putting their members back in the classroom, filing lawsuits and issuing strike threats to compel school districts to delay the return to in-person learning (Richards 2020).

Districts have had to navigate these unprecedented challenges while remaining sensitive to the fact that they risk losing students to the competitive forces of exit – to private schools or even homeschooling – should they fail to provide a high-quality learning experience. In fact, some reports indicate that the number of private school applications have soared (Reilly 2020), and many affluent families have turned to “pandemic pods” where multiple families pool their resources to employ private instructors (Meckler and Natanson 2020). Policymakers and equity advocates are concerned that these developments will leave the most disadvantaged children, including many students of color, farther behind their well-to-do peers (Gross and Opalka 2020).

Of particular interest to political scientists is the fact that the battle over re-opening schools has occurred in a highly polarized political environment, where public health decisions – including whether and when to send children back into classrooms – appear to be wrapped up in partisanship and sentiment toward the president (Horowitz 2020).

President Trump has directly politicized the issue, publicly threatening to withhold funding to schools that fail to hold in-person classes and arguing that Democrats want schools remote for their electoral benefit (Baker, Green, and Weiland 2020). This is a major shift for school districts, which historically have been highly localized and divorced from the partisan rancor accompanying national political disputes. Decisions on building use, school schedules, and school sports, for instance, have hardly been matters of partisan interest, while more substantive education issues, like teacher salaries and hours, student discipline, and curriculum, may have been contentious in negotiations with teachers unions or in state policymaking but have been largely unrelated to national partisan divides. Yet, public education's response to the COVID-19 crisis appears to have become another manifestation of technocratic decision-making being swallowed up by our polarized and nationalized political debates (Hopkins 2018). School board meetings, ordinarily mundane affairs that tend to suffer from a lack of intense community engagement, have in certain instances become hostile arenas for fights over mask mandate policies (e.g., Huber 2020). Moreover, the most critical decision facing the nation's school boards – whether or not to re-open in person and to what degree – appears to be closely related to the partisanship of a local school district. As Figure 1 shows, the decision to return students to in-person classes this fall was strongly correlated with the county-level share of the vote won by Donald Trump in 2016.

Figure 1: The Partisan Politics of Returning Students to the Classroom



Note. Figure shows the descriptive county-level relationship between the percentage of K-12 students attending school in-person this fall and support for President Trump in 2016. The size of each bubble corresponds with the population size of each county and the line shows the best fit (with 95% confidence). School reopening data taken from Burbio's school opening tracker (available at: <https://cai.burbio.com/school-opening-tracker>) and elections data taken from MIT's Election Data and Science Lab (available at: <https://electionlab.mit.edu/data>).

This study examines whether partisan polarization across the U.S. has become so intense that it shapes pandemic and public health policy in one of the most localized, nonpartisan arenas of local government: public education. Schools are a tough test for the relative influence of public health needs and politics, since they are (mostly) non-partisan governmental agencies, and their core constituency are kids, who are not partisan actors. Yet we know that local politics has been increasingly nationalized (Hopkins 2018), with partisan polarization creeping into virtually every aspect of American life (Iyengar and Westwood 2015). To what extent has this nationalization and polarization dominated local school districts' responses to COVID-19? Has it

overwhelmed or simply complemented the influence of local political players like teachers' unions and the presence of private school competition?

To answer this question, we examine a dataset of over 10,000 (or ~75%) of the nation's public school districts and their re-opening plans. We combine this data with information on Trump vote share, teachers union strength, the presence of private school exit options, and measures of virus intensity taken from the COVID-19 Pandemic Vulnerability Index from Johns Hopkins University (see Dong, Du, and Gardner 2020; Marvel et al. 2020) to consider the extent to which science, market forces, or politics are driving school re-opening plans. We find strong, consistent evidence that politics - both union strength and district partisanship - are the two strongest and most substantively powerful predictors of whether a school district holds in-person classes or not. We also find that the presence of private school competition increases the likelihood that districts open in-person, but little consistent relationship between the acuity of the pandemic and district responses.

Beyond examining how much partisan polarization has come to shape local, community-level policymaking, this study informs what we know about local government and education politics and policy. According to Chubb and Moe (1990), local control and technocratic student-centered efforts to improve school quality do *not* drive school policymaking. Instead, school boards, as democratically elected agencies, respond to the preferences of heterogeneous stakeholders. Chubb and Moe famously made the case that the way to get around these political forces was to allow markets to determine where children and money go; school choice, meaning the availability of funds to send children to whatever school parents wish - private or public - should govern how schools function, thereby improving the entire system and removing it from the grip of interest groups, they suggest. To some extent, scholars have found that aspects of

Chubb and Moe's theory bears out, showing that competition from private schools can benefit public schools (e.g., Figlio and Hart 2010). The COVID-19 pandemic presents a unique opportunity to test longstanding theories about the political economy of schooling because all districts needed to deal with the same basic policy dilemma in the fall of 2020: how to balance the pandemic with the political and competitive pressures to reopen schools.

The remainder of the article proceeds as follows. We first review the relevant literature and lay out our basic theoretical expectations concerning how politics, market competition, and public health concerns are likely to influence the approach that local school district governments take to re-opening America's public schools. We then discuss our data and empirical approach to theory testing, after which we present our results. The paper concludes with a brief discussion of the implications of our findings for the study of education politics and policy and our understanding of local governments in the increasingly "united" United States (Hopkins 2018).

Relevant literature and theoretical expectations

Politics

One might argue that politics should not play much of a role in school reopenings. Historically, owing to Progressive era reforms at the turn of the century, education was placed outside of "normal" politics (Iannaccone 1967). The widespread use of oddly timed, non-partisan, staggered school board elections, for example, are thought to insulate local education officials from the electoral pressures that confront state and federal political authorities. However, while the Progressives succeeded in altering the structure of education governance, scholars have long since debunked the myth that their reforms divorced education from politics

(Kirst 2004; Tyack 1974). Politics did not go away; it simply went elsewhere.³ In other words, public schools are “open systems” - agencies of government that are responsive to the environmental demands placed upon them by democratic politics (Chubb and Moe 1990; Meier, Polinard, and Wrinkle 2000; Smith and Meier 1994). In *Politics, Markets, and America's Schools*, John Chubb and Terry Moe remind us that, even though schools remain outside of “normal” partisan politics, because they are public governmental agencies, schools face tremendous pressure to appease a diverse group of stakeholders (e.g. families, taxpayers, homeowners, employees, religious and racial minority groups, to name just a few). Parents and students, they explain (1990, 31-32), are just one *small* constituency in public education:

“The myth that parents and students are uniquely special in all this—that the schools are somehow supposed to be what parents and students want them to be—goes hand-in-hand with the myth of local control, and it is equally misleading. The proper constituency of even a single public school is a huge and heterogeneous one ... Parents and students are but a small part of this constituency.”

Since public school districts serve “huge and heterogeneous” constituencies, we should expect that those groups that are the most highly organized and politically active will have the greatest influence on school districts’ decision-making, including the decision on when and how to reopen schools during the COVID-19 pandemic. Based on both theory and prior research, one group that is sure to matter then are organized teacher interests, whose activism in local district politics tends to far outpace other groups like parents, business, and reform coalitions (Hess and

³ As Chubb and Moe (1990, 5) explain: “The winners [of Progressive era reforms to education] were elements of business, the middle class, and education professionals—especially the latter, for they would be running the new bureaucratic system.”

Leal 2005; Moe 2011). In short, we expect that districts with stronger teachers unions will, all else equal, tend to be more sensitive to the demands of unions to use remote-only instruction.

Beyond interest group politics, we might expect mass partisanship to infiltrate and influence the decision-making of non-partisan local school district governments. Some evidence suggests that school districts will not be wholly immune to nationalized political disputes. Henig (2013), for example, has shown that not only is the public school system shaped by local democratic forces, but that changes like mayoral control and increased state involvement have taken education policy beyond localism and into “general purpose” political arenas, like states legislatures, mayor’s and governor’s offices, and the courts. Still, until recently, these developments were relatively separate from the broader polarized, partisan U.S. context. The main forces driving education politics had been state and local entities, like state teachers unions, local teachers union affiliates, local businesses groups, community activists and school boards (Henig et al. 1999). To the extent that more nationalized interests had gotten involved in education politics, it had been in the form of philanthropists, education nonprofits, or national affiliates of local groups (e.g., Reckhow 2013).

Importantly, education policy appeared to be moving in an increasingly bipartisan direction up through the Obama presidency, with the two parties converging in their support for standards and accountability, charter schools, and teacher quality reforms (Wolbrecht and Hartney 2014). Yet there has been a shift in more recent years. The election of Donald Trump brought Betsy DeVos into the administration as Secretary of Education. A major Republican donor and fervent advocate for private school choice policies, DeVos’ appointment has resulted in school choice becoming “toxic on much of the progressive left” (Petrilli 2018, 2). The bipartisan coalition for education reform that endured during the Obama years has frayed

(DiSalvo and Hartney 2020) with the politics of education re-polarizing and becoming every bit as nationalized as traditional issue cleavages in the American politics (Hopkins 2018).

In sum, partisan politics should matter in local education decision-making today, more than ever. There has been evidence that COVID policies, an arena that we might expect would be removed from politics due to the primacy of public health considerations, has itself been infected with politics. Adolph et al. (2020), for example, find that the strongest predictor of state mask mandates is governor partisanship, not COVID death rates. Building on Dan Hopkins work (2018) that shows an increasingly nationalized local politics as well as mounting evidence that COVID has itself been politicized, we expect that partisanship will influence school reopenings.

Markets

An important factor that shapes public schools and which we might think would affect COVID responses is competition from private schools. The choice to leave one's public school for a private school represents a real threat to public schools during the pandemic. In normal times, exit from the public school system is costly because citizens that forgo public schooling have to pay twice (taxes plus private tuition) which is economically infeasible for the average American family (Hirschman 1970). However, the pandemic changes that equation by reducing what public school parents in districts that are fully remote get access to. There is evidence that parents respond to the schooling market. Parents have been shown to respond to lagging school performance by exiting failing schools (Holbein 2016). We also know that more school choice among public schools makes parents less likely to choose private schools (Hoxby 2000). These findings suggest that where public schools are less available or their instruction is less desirable, private schools become increasingly attractive. This need not be the case for all parents to affect

public schools. Competition can kick into gear even if only a small portion of informed parents exit (Teske et al. 1993).

There is evidence that exit to private schools impacts public schools (Figlio and Hart 2010; Hoxby 1994, 2003). While existing work has looked at how the exit threat influences student achievement in public schools, it seems equally plausible that the threat of losing students would likewise cause public school districts to think twice about shuttering their doors and going to remote-only learning in response to the pandemic. The simple fact is that many private schools are in an easier position to re-open because they are not restricted by the same bureaucratic protocols and labor contracts. Moreover, privates are often in a better position to provide a safe environment to students and teachers since they have “the advantage of small class sizes and large outdoor spaces that make social distancing easier, in addition to endowments and donations that have made it possible to upgrade air filtration systems, revamp nurses’ offices, set up tented classrooms outside, secure COVID-19 testing and hire more staff” (Reilly 2020). Indeed, some previously committed public school families have opted for private options or turned to homeschooling and COVID pods. Some private schools have also reported an increase in student applications, mostly coming from public school families (Reilly 2020).

How have school districts dealt with these pressures? Some school districts have crafted new programs to ensure children stay in the public system, like by offering supplemental “pods” for low-income children (Schimke and Aldrich 2020), or by providing childcare for the children of essential workers and others who need it (Chang et al. 2020). In a handful of cases, states and counties have restricted private school re-opening. This has occurred in New Jersey, California, and Milwaukee, WI. In one extreme example, the county health officer of Montgomery, MD, where the public schools will be remote until the end of 2020, mandated that private schools

could not open at the start of the school year. The response of parents to this order made clear the threat private schools pose to remote-only districts. A Facebook group formed, gaining 4,000 members and organizing parent protests. Thousands of letters flooded into the governor's office. Six families with kids in private schools filed a lawsuit. A protest organizer explained why the parent reaction was so severe, "One of the reasons that, as parents, we chose to send our kids to independent or religious schools, is because they are smaller, more nimble, and they don't have to abide by the rules of a public state school" (Gerber 2020). Parents further asserted that this was a direct effort to keep children in the public school system through the state's enrollment deadline at the start of October, since the enrollment numbers are used to determine funding. While officials have pointed to health risks of school openings, critics have called these kinds of actions an attack on private schools and an effort to stem competition (Adhikusuma 2020; "School-Opening Extortion" 2020). The reaction in Montgomery was telling. Here we saw wealthy, largely white parents prioritizing getting kids in school over the health risks of the virus. It suggests that competition could be a real threat to keeping the most privileged families in public school districts if they remain remote.

We would expect that Catholic schools might be the lowest level entry market for families exiting the public school system since they are widespread. They enroll just over 37% of all children attending private schools, making Catholic schools the most popular religious private schools (NCES 2019a). They are also cheaper than other private school alternatives (NCES 2019b). This may explain why Catholic schools exert the largest competitive pressures on public schools (Hoxby 1994). There is evidence to suggest that Catholic schools may currently be exerting such pressures: in Nashville, enrollment in Catholic schools increased during the first few weeks of the school year, while public schools were online (Zimmermann 2020). In the

greater Boston area, Catholic schools, most of which are offering fully in-person instruction, have seen enrollment skyrocket. According Boston Archdiocese school superintendent, when the Massachusetts Teacher Association began calling for remote-only classes, “our phone(s) started ringing off the hook all across all of our 100 schools...I joke that we should send a thank you note to the school districts, because of their tone deafness, in terms of what the parents were looking for” (Jung 2020). Because private schools generally, and Catholic schools in particular, offer a viable alternative to parents wanting to get their kids in school, we expect public school districts in areas with more Catholic schools to be more likely to remain open.

Science (Public Health)

Science has become increasingly polarized. Hart and Nesbit (2011) find people react to news on controversial science issues differently based on partisanship. However, they examine climate change, which has been polarized since at least the early 2000s (Tesler 2018). Since COVID is a new and dire issue, we might think that the science would be less polarized and matter more in policymaking decisions, especially given the scale of the health crisis, and the fact that crises are often key to getting policies on the agenda (Kingdon 2003). Indeed, scientists have quickly set their sights on understanding COVID and helping policymakers proceed accordingly. For example, scholars have modelled various school reopening scenarios to determine which approaches would be most successful at preventing another outbreak (Panovska-Griffiths et al. 2020). The Center for Disease Control (CDC) has offered guidelines to schools and districts to ensure safe school re-openings, though these guidelines are suggestive and do not tie specific actions to specific numbers of COVID cases. Indeed, some school superintendents have complained that they are not receiving clear guidance from health authorities (Simpson 2020). Still, the scientific community has offered various suggestions,

suggesting, for example, that school officials take into account the share of cases and the proportion of tests coming back positive (Simpson 2020).

Public opinion suggests that people *want* expert voices involved in decision-making. Pew data from early August indicated that when considering what factors should be taken into account when making school re-opening plans, respondents were most likely to say that the coronavirus risks to teachers and students should be considered, though there were differences by party. Within parties, however, respondents living in coronavirus hotspots were more likely than their co-partisans to indicate that schools should be completely remote (Horowitz 2020). While getting back to school is important because of the potential for learning loss, we might hope that decisions about reopening would be guided by public health concerns. And although many scientific issues are increasingly polarized in the U.S., public opinion and the depth of the crisis suggest that COVID policy might be guided, at least partly, by science and the advice of experts. To the extent that public health decisions drive policy, particularly in times of crisis, we would expect there to be a relationship between the intensity of the COVID outbreak and school re-opening policy.

Research design

To test our theoretical expectations and examine how politics, markets, and public health concerns simultaneously influenced school districts' responses to the pandemic, we draw on a massive database monitoring school reopening plans provided by MCH Strategic Data entitled, "COVID-19 IMPACT: School District Status Updates." The MCH database is impressive. It includes detailed reopening plan data for over 10,000 (or ~75%) of the nation's 13,000+ public school districts, classifying each district's approach to reopening into one of three potential categories: (1) traditional in-person learning (2) hybrid learning (3) or fully remote learning. The

majority of schools in the sample (53%) offer hybrid instruction, with a mix of remote and in-person learning. Among the rest, 24% of districts were remote, while 23% were fully in-person.⁴

Using this MCH data, we estimate a series of regression models that take the following form:

$$Plan_{ds} = \mu_s + Politics_{ds}\beta_1 + Markets_{ds}\beta_2 + Science_{ds}\beta_3 + X_{ds}\beta_4 + \varepsilon_{ds} \quad (1)$$

Where $Plan_{ds}$ denotes an outcome of interest (a particular reopening decision) made by district d located in state s . We then model a school district's choice of reopening plan as a function of (1) local political conditions ($Politics_{ds}$), (2) the supply of private schooling alternatives available to families living in a district ($Markets_{ds}$), and finally, (3) the intensity of the COVID pandemic in a district ($Science_{ds}$). In addition to these key predictors of interest, we include X_{ds} which represents a vector of district-level control variables that account for community resources and other district-level demographic factors that may influence a school district's choice in reopening plan. Specifically, we include measures of (log) per-pupil spending, (log) median family income, and the percentage of white students to account for the expectation that, on average, wealthier and whiter communities enjoy resource advantages that may enable them to make adjustments to their buildings, like better ventilation and the use of outdoor space for social distancing, enabling students in advantaged districts to return to traditional (in-person) schooling more quickly.⁵ Finally, we include dummy variables to account for the specific geographic locale that the National Center for Education Statistics (NCES) has assigned to each school district, since the

⁴ These and other descriptive statistics are provided with more detail in Table A1 of the Supplementary Appendix.

⁵ To hold in-person classes safely, many districts needed to make unanticipated facilities expenditures such as upgraded ventilation systems in old buildings (Burnette 2020).

relative urbanicity of a district is closely related to population density, which should impact the feasibility of social distancing within a district. Below, we discuss the specific indicators that we use to measure our three key explanatory variables of interest – politics, markets, and science.

We consider two different types of political conditions in our analysis, both of which we expect to influence districts' reopening decisions. First, we examine the degree to which the partisan politicization of the COVID-19 pandemic has influenced the ostensibly apolitical reopening decisions of what are (mostly) non-partisan school district governments. Specifically, we use the share of the vote won by President Trump in a school district's parent county in 2016 to measure the general partisan political orientation of each local district. Second, we examine whether the dominant organized interest group in US education politics – teachers unions – impact the type of reopening plan chosen by a district. We measure the strength of a district's local union in two ways. Our first measure of union strength is district size (student enrollment), as prior studies find that unions are significantly stronger in larger districts (Moe 2005; Rose and Sonstelie 2010). We prefer this measure, only because our second measure of union strength – whether the district bargains collectively – is available for fewer than 20 percent of the districts in our sample.⁶ Nonetheless, we run and report separate models using each measure of union strength and find similar results irrespective of measure.

⁶ According to the US Department of Education's National Center for Education Statistics (NCES), larger school districts are much more likely to engage in collective bargaining with teachers unions. NCES' most recent *Schools and Staffing Survey* (SASS0, for example, found that districts with fewer than 250 pupils bargain less than 30 percent of the time. Conversely,

Since we anticipate that market forces and the fear of student exit will create incentives for some public school districts to reopen as quickly as possible (Hirschman 1970), our models include measures of the prevalence of private school options available to families in each district. More specifically, in measuring exit threat, we focus on the number of Catholic schools (per-capita) located in each district's parent county. Catholic schools are the most affordable private school option (e.g., Garnett 2010) and should therefore represent the most realistic threat to public schools if families seek to avoid remote learning by pursuing a private exit option.⁷ Conversely, we do not expect that private non-religious schools, where tuition prices are typically much higher, will present much of an exit threat to local public school districts since all but the wealthiest families will be unable to afford this type of private school option. Therefore, as a placebo test, we include the same per-capita measure of secular private schools alongside our Catholic school measure under the term *Markets_{ss}* in equation 1.

There are many potential ways to measure the intensity of the public health crisis arising from COVID-19 in a local community. Most measures can be divided into two types of indicators: (1) measures of the cumulative effects of the pandemic on a community and (2) recency indicators that measure the real-time acuteness and/or intensity of the spread of the virus within a community. We prefer to focus on the latter type of measure, specifically the “average

roughly 6 out of every 10 large districts (enrollments above 1,000) engage in bargaining. SASS survey available at: https://nces.ed.gov/surveys/sass/tables/sass1112_2013311_d1n_007.asp

⁷ The NCES provides detailed data on enrollment and tuition figures for Catholic and secular private schools in its annual *Digest of Education Statistics*. See, for example, Table 205.5, which is available at: https://nces.ed.gov/programs/digest/d19/tables/dt19_205.50.asp.

daily case rate” in the 14-day period prior to the time (late August) when school districts needed to issue an official reopening decision for parents and the general public. The acuteness of the pandemic in the last two weeks of August should be more theoretically relevant to policymakers (including school district officials) tasked with making decisions about the safety of returning students to in-person instruction at the start of the fall school year.⁸ Our measure of the average daily case rate in a county during the 14-day period preceding August 31st was obtained from the COVID-19 Pandemic Vulnerability Index, a project which relied on data compiled by public health researchers at Johns Hopkins University (see Dong, Du, and Gardner 2020; Marvel et al. 2020).⁹ While we prefer to focus on the average daily case rate per 100,000 residents, our findings are fully robust to substituting cumulative measures of the pandemic’s net impact on a local community at the time (late August) when school districts had to issue a formal reopening decision. In fact, we find no evidence that the number of cumulative cases or total deaths per-capita predict the type of reopening plan districts chose to pursue.¹⁰ Instead, to the extent that we

⁸ Focusing on the acuteness of the pandemic rather than cumulative case/death counts ensures that we are taking account of the most relevant real-time public health considerations that school districts confronted when they had to make a reopening decision at the end of August. Because certain communities were hit harder by the pandemic early on (e.g. New York City) but recovered far sooner than other regions of the country (e.g. Florida), it could be misleading to rely on cumulative case counts that accrued mostly at earlier points in the pandemic.

⁹ All data is publicly available for download at: <https://covid19pvi.niehs.nih.gov/>

¹⁰ In Table A3 of the supplementary appendix, we show that all of our results are robust to using either the total (cumulative) number of COVID cases or deaths (per 100,000 residents) in a

do uncover any statistically significant relationships between the intensity of the pandemic in a locality and school district behavior, those relationships are confined to the acuteness in the case rate in the two weeks preceding September 1, the traditional “back to school” month across nearly all of the United States.

Empirical strategy

By far, the most important feature of our analytic approach is the inclusion of state fixed effects, or state dummies represented by μ_s in equation 1 above. These unit fixed effects account for any time-invariant state-level characteristics that may simultaneously influence local school district governments’ choice of reopening plans. The inclusion of state fixed effects is an essential element of our research design because it enables us to isolate the within-state differences across school districts that are associated with a district’s choice in reopening plan. Without this important step, we would essentially be estimating cross-state differences in school district reopening rates. Such cross-state differences, although interesting in their own right, tell us very little about the relative influence of political, market, and scientific forces on government decision-making in response to the COVID-19 crisis. Although state political conditions are undoubtedly a relevant factor shaping local government decision-making to the pandemic, the market for K-12 private schooling options and the intensity of the pandemic itself play out at the local community (district) level.

county as of August 31, 2020 (in lieu of our preferred measure: the number of *new* cases that arose in a county (per 100,000 residents) in the two weeks preceding August 31, 2020.

Results

We begin with a series of four separate regressions based on equation 1 above the results of which are displayed in Columns 1-4 of Table 1 (below). Column 1 estimates the probability that a school district's reopening plan consists entirely of traditional (in-person) classes (1=yes, 0=no, either hybrid or fully remote learning). In Column 2 the outcome of interest is reversed so that the probability being estimated is that of a school district chose a reopening plan that consists entirely of "fully remote" classes (1=fully remote, 0=either hybrid or in-person learning plans). Column 3 estimates an ordered probit model where these three possible outcomes are turned into an ordinal variable where the highest value 2=fully-in person learning and the lowest value 0=fully remote learning (with a value of 1 indicating a district chose hybrid learning). All three estimations (Columns 1-3) include the same set of control variables on the right-hand side of the model.

We find, that politics – far more than “markets” or “science” – appear to drive the tone and direction of school districts' reopening plans. Both the percentage of the vote earned by Donald Trump in the 2016 general election in school district's parent county along with the size of a school district (a proxy of teacher union strength) are the two most consistent and powerful predictors of a district's choice in reopening strategy. Consistent with the partisan politicization observed in national political debates surrounding the optimal level of aggressiveness that governments should adopt to address the pandemic, local school board governments that represent citizens in heavily Republican school districts were, all else equal, far more likely than boards in Democratic-leaning districts to adopt traditional in-person classes at the start of the fall school year. These effects, which are both statistically ($p < .01$) and substantively meaningful cannot be explained by mere differences in the intensity of COVID case rates, district

demographics or urbanicity, or the range of resources available to district leaders in Republican versus Democratic-leaning school districts, as all of these potential cofounders are controlled for in each of the regression models presented in Table 1. Moreover, our inclusion of state fixed effects in these models mean that the robust association we uncover between partisanship and school district reopening decisions cannot be driven by unobserved cross state differences in state-level political or economic factors that may impact a district's decision-making. In other words, the finding that Republican districts are significantly more likely to choose in person classes (Column 1) and Democratic districts are significantly more likely to choose fully remote learning (Column 2) are based on within-state estimates of how districts that must follow the same state regulatory reopening restrictions and guidelines behave on account of their differences in partisanship.

In addition to finding a strong relationship between district partisanship and school reopening plans, we also find evidence that another type of political factor explains district decision-making: the strength of organized teacher union interests in a school district. Recall that, based on prior literature, teachers unions in larger school districts tend to be far stronger than unions in smaller districts. Even after controlling for district urbanicity, partisanship, and the COVID case rate in a district, we find that larger districts where unions are more likely to be powerful in politics and collective bargaining are far less likely to hold in-person classes (Column 1) and far more likely to remain remote at the start of the fall school year (Column 2).

Table 1: Effects of Politics, Markets, and Science on School District Decision-making

	(1) In-person classes	(2) Fully remote classes	(3) Ordinal	(4) Ordinal (<i>IV</i>)
District size	-0.252*** (0.031)	0.152*** (0.035)	-0.203*** (0.031)	-0.068*** (0.015)
Per-pupil spending	0.182* (0.105)	0.039 (0.153)	0.139* (0.082)	0.053 (0.035)
Median income	0.374*** (0.104)	-0.324** (0.129)	0.397*** (0.107)	0.144*** (0.038)
Percent white	0.683*** (0.137)	-1.332*** (0.155)	1.053*** (0.139)	0.384*** (0.057)
Partisanship (Trump vote)	2.511*** (0.439)	-3.337*** (0.324)	2.785*** (0.226)	1.071*** (0.088)
COVID case rate	-0.002** (0.001)	0.003 (0.002)	-0.003* (0.001)	-0.001** (0.001)
Catholic schools	0.043*** (0.012)	-0.028* (0.017)	0.037*** (0.011)	0.033* (0.019)
Priv. (secular) schools	0.009 (0.011)	-0.007 (0.028)	-0.003 (0.013)	-0.002 (0.005)
Constant	-5.853*** (1.253)	3.811* (2.080)	--	-1.508*** (0.479)
Locale Effects?	Yes	Yes	Yes	Yes
State Effects?	Yes	Yes	Yes	Yes
Cut Point #1	--	--	4.771*** (1.323)	--
Cut Point #2	--	--	7.222*** (1.355)	--
<i>N</i>	9,092	9,158	8,949	8,902
Pseudo R ² or R ²	0.31	0.49	0.34	0.48

Note: Dependent variable listed above each column. Cell entries are probit (Columns 1-2), ordered probit (Column 3), and OLS regression coefficients (Column 4) with standard errors clustered by state reported beneath in parentheses. All measures are two-tailed tests. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

The finding that districts with stronger unions are less likely to re-open, even after accounting for the intensity of the pandemic itself, is entirely consistent with the strong public positions taken by the nation's two largest teachers unions and their affiliates in opposing districts' efforts to push them back into the classroom at the start of the fall school year. Although we are confident that district size does an adequate job proxying the likely strength of teachers unions across

school districts, we acknowledge that the size of a school district itself is also likely to present different logistical challenges which itself may shape a district's practical choice in a reopening plan. Consequently, we perform an additional test with a different measure of union strength later in the paper to ensure the robustness of this finding.

How important are market forces and public health concerns relative to politics in shaping school districts' reopening plans in response to the pandemic? The indicator for COVID intensity – the county case rate per 10,000 residents – is a significant predictor for whether a district chooses to begin the year in-person (Column 1), but it is not a significant predictor for whether a district chose to begin the year entirely in an online/remote setting (Column 2). Moreover, the magnitude of the coefficient for COVID intensity is miniscule, compared to the aforementioned political factors. In contrast to the strong relationship between district politics and the decision to rely on fully remote learning, the intensity of the spread of the disease in a local community is divorced from a district's decision-making as it pertains to entirely remote learning.

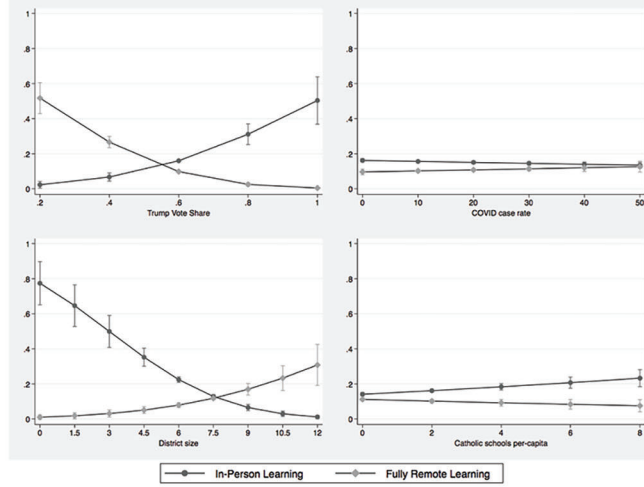
Finally, what role do market forces play in shaping the decision of local school district governments in selecting a reopening plan? Recall that we measure market forces by examining the exit options available to parents in the form of the density of two types of private schooling options in a local county: catholic schools and secular private schools. Because of the relative affordability of parochial schools and the expense of private secular schools, we hypothesized that – to the extent market forces incentivized public schools to avoid closures and reopen as quickly as possible – Catholic schooling options would drive this competitive response behavior. That is precisely what we find. Specifically, we find a statistically significant relationship between the number of Catholic schools per student and the likelihood that the local public

school district fully reopens (Column 1) and avoid turning entirely to fully online/remote learning (Column 2). In contrast, and consistent with our expectations about the political economy of exit surrounding school choice for the average American family, we find no relationship between the density of private secular schooling options in a locality and public school district reopening behavior. In Column 4, we test the robustness of our finding that Catholic school market competition in a local community influences the behavior of public school district officials in deciding whether (or not) to reopen schools for in-person learning.

Since the number of Catholic schools that are geographically proximate to a public school district may correlate with other unobserved factors that influence school districts' reopening behavior, we follow Hoxby's (1994) approach to addressing a similar endogeneity problem by instrumenting for the prevalence of Catholic schools in a county using historical data on the number of Catholic churches (per-capita) in the same county in much earlier decades of the 20th century. The assumption behind the instrument is relatively straightforward: there should be no relationship between the number of Catholic churches in a US county in 1952 and the decision of a school district that overlaps with that county in 2020 (nearly 70 years later) to choose a particular reopening plan in response to the COVID-19 pandemic, other than through the path dependent historical artifact that more Catholic schools were established in communities where there was a geographical surplus of Catholic churches to help fund school construction in the early and mid-20th century. Our IV results, which are presented in Column 4 of Table 1, confirm the findings in Columns 1-3, uncovering a positive and statistically significant relationship between Catholic school density and a public school district's tendency to vote for an in-person reopening over fully-remote learning in the fall of 2020.

Setting aside statistical significance, just how substantively important are these competing political, market, and public health (scientific) factors in shaping the decision of districts in how to reopen schools? Figure 2 (below) graphs the marginal effects of the four main explanatory factors on the likelihood that a school district elects to fully reopen (black dot markers) or remain closed (gray diamond markers). In each of these figures, changes in the explanatory variable are shown on the x -axis for values that (roughly) represent a standard deviation increase from one hash mark to the next while setting all other variables in the model at their mean value. In other words, the visual representation of the effects of politics and markets on district decision-making in Figure 2 *control for the intensity of COVID* in each local community and therefore can be interpreted as the separate effect that politics and markets have on the decision-making of school district governments beyond the public health crisis itself. Beginning with partisanship in the upper left-hand quadrant of Figure 2, we can see that the percentage of the vote won by Donald Trump in a county in 2016 has a substantively powerful effect on school reopening behavior. Moving from a district where Trump won just 40 percent of the vote to a district where he won a strong majority (60 percent) is associated with a decrease in the likelihood that a school district shuts its physical doors and chooses remote learning by 17 percentage points (27 versus 10 percent probability of fully remote learning). Conversely, that same shift from 40 to 60 percent support for Trump is associated with a 9-percentage point *increase* in the likelihood that a school district elects to return to in-person schooling in the fall (16 versus just 7 percent probability).

Figure 2: Marginal effects of politics, markets, and science on school districts' reopening decisions



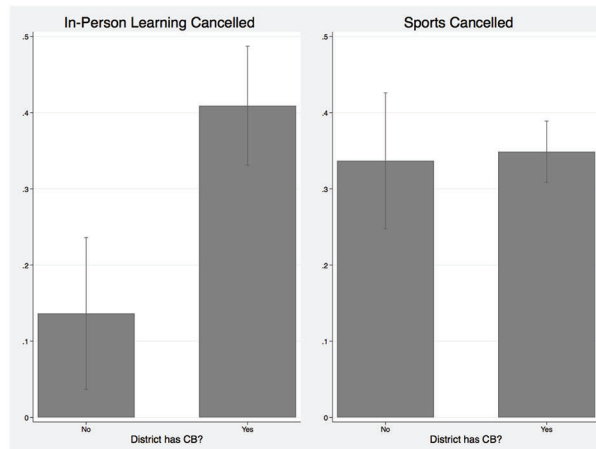
Note. Each figure plots the marginal effects of separate explanatory variables of interest on the likelihood that a local school district opted for fully in-person or fully-remote schooling. These effects are derived from the regression models presented in Columns 1 and 2 of Table 1 in the paper. In each instance, all other variables in the model are set at the mean value.

What about the political power of organized teacher union interests? Do they also have a substantively powerful independent effect on district reopening behavior? The answer is a clear yes. As the bottom left-hand quadrant of Figure 2 shows, larger school districts where unions are undoubtedly stronger on average are far more likely to heed the preferences of unions to keep in-person schooling closed and rely on fully remote (online) models of teaching and learning. The smallest districts in the sample – where unions have few members and tend to be less of a power broker in school board politics (Moe 2005; Rose and Sonstelie 2010) have a near 80-percent probability of conducting classes in-person, despite the protestations by unions against such a course of action. Conversely, even after controlling for the relative urbanicity of a district (population density), we estimate that the largest school districts– those where unions are more likely to have large membership rolls and bigger resources to compete in politics – have a roughly 30 percent probability of starting the year off remotely (as preferred by the unions).

To ensure that these findings are not simply an artifact of our decision to use district size as a proxy for union strength, we take an additional step of re-estimating the likelihood that a district cancelled in-person classes as a function of whether the local school district engages in collective bargaining with their local teachers union (or not). Using this more finely grained measure of teacher union strength in a district, we are able to confirm that union power is associated with an increased likelihood of remote learning. Figure 3 displays the marginal effects of moving from a non-bargaining district to a bargaining district conditional on the same set of controls in our baseline specification of equation 1 presented earlier in Column 2 of Table 1. As can be seen in Figure 3, districts with collective bargaining are 40 percent likely to remain in remote learning whereas non-CB districts are less than 15 percent likely to reopen in a fully remote setup. As a placebo test, we examine MCH data on whether a school district voted to

cancel athletics in the fall since unions (and the majority of the employees they represent) are far less likely to have a direct stake in after school extracurricular compared to classroom teaching. If we were to find that unions affected athletic decisions too, it is far more likely that the relationship we have uncovered between union strength and district decision-making is spurious, rather than an accurate assessment of the power of organized political interests to influence COVID reopening plans. As the near equal bars in the right-hand quadrant of Figure 3 indicate, the results of this placebo test are null. The full results of these estimations are available in Table A2 of the supplementary appendix.

Figure 3: Marginal effects of unions/collective bargaining on reopening decisions



Note. Each figure shows the marginal effect of collective bargaining (teacher union strength) on the likelihood that a local school district cancelled in-person classes and athletics in the fall of 2020. The full regression models can be found in Table A2 of the Supplementary Appendix.

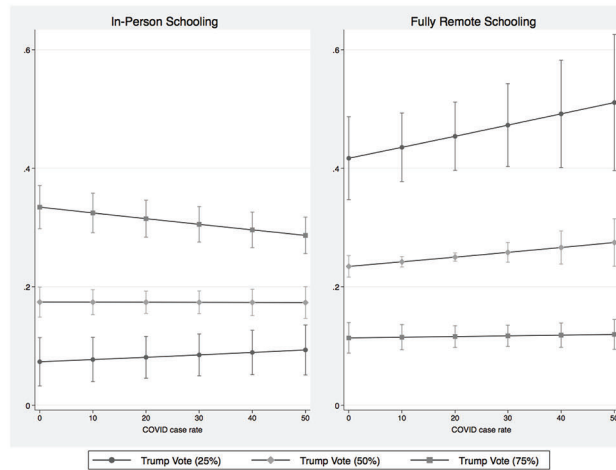
Returning to Figure 2, we can proceed to examine the substantive effects of market forces (private school exit options) along with public health considerations (the intensity of the pandemic) on districts' reopening decisions. As the very flat lines in both visuals on the right-hand side of Figure 2 makes clear, markets and science are far *less* substantively important factors than politics in shaping the reopening decisions made by local school district governments. The COVID case rate, while statistically significant, is substantively trivial in its effect on a district's course of action. For example, leaping from a district where there are approximately zero new COVID cases per 10,000 residents to a district that has seen an average of 20 new cases per 10,000 residents over the previous two weeks is associated with a paltry 1-percentage point increase in the likelihood of a district reopening remotely.

While less powerful than politics, the market forces associated with additional Catholic schools per-capita are a non-trivial factor in predicting how public school districts will respond. As the bottom right hand portion of Figure 2 reveals, moving from a school district anchored in a community where there are no Catholic schools to one in which there are four Catholic schools per 10,000 students is associated with a 4-percentage point increase in the likelihood that the local public school district reopens in full with in-person classes. By the same token, school districts are 3-percentage points less likely to close schools and resort to fully remote online learning when there are the same robust supply of Catholic schooling options available to families in their district. These findings suggest that, at least at the margins, public school districts are sensitive to the market forces induced by affordable private school options, at least when public schools are subjected to the possibility of having to remove all forms of in-person learning and families are in a different position to reconsider the relative advantages of exercising exit to obtain in-person schooling.

So far, we have told a story in which politics looms larger than any other factor in predicting how ostensibly non-partisan government agencies – public schools – responded to the COVID-19 pandemic. However, it is worth pushing our analysis further to consider the extent to which politics and public health considerations clash with one another. More specifically, we might want to know whether partisanship yields to public health concerns (i.e., yields to science) at a point when the pandemic becomes especially acute in a local community. Moreover, we can also ask whether the conditional relationship between partisan politics and scientific public health concerns operate asymmetrically with Republican and Democratic-leaning communities responding differentially based on the acuteness of the public health crisis in their community.

To investigate these possibilities, we re-estimated the models predicting whether a district reopened (Column 1) or whether a district opted for fully remote learning (Column 2 presented earlier in Table 1). However, in the present analysis we include a new variable that interacts district partisanship (Trump vote share) with the acuity of the public health crisis as measured by the 14-day new COVID case rate per capita. If this interaction variable is positive and significant for the fully open outcome, it would indicate that when the acuity of the crisis also grows more intense, partisanship becomes more influential in shaping district decision-making - pro-Trump areas are even more likely to keep schools open while anti-Trump areas are not. Such a result for the fully remote outcome would indicate that with more COVID intensity, the effect of partisanship attenuates. In neither model do we find a statistically significant relationship (though the model for fully opening is close, $p=.11$). For ease of interpretation, we graph these conditional relationships in Figure 4 below. The plain takeaway from the figure is that both Democratic and Republican districts appear, for the most part, to be wholly unmoved by the severity of the pandemic in their community.

Figure 4: Effects of partisan politics not mitigated by intensity of public health crisis



Note. Each figure shows the marginal effect of COVID case rates in a given community on the likelihood that the local school district selected fully in-person or fully-remote schooling, separately for districts that are strongly Democratic, politically competitive, or strongly Republican. The full results of these regression models are available in Table A4 of the Supplementary Appendix.

In the strongest and the most anti-Trump districts, there is little movement toward the reopening decision that would be consistent with the public health conditions on the ground (i.e., reopening more in communities with few cases and reopening less in communities with more cases). In sum, we find clear and convincing evidence that mass partisanship tends to translate into divided policymaking from school districts irrespective of the public health facts on the ground. The largely (flat) lines in Figure 4 denoting (separately) strongly Democratic (anti-Trump) districts, competitive districts, and strongly Republican (pro-Trump) districts are indicative of two

politicized approaches to school reopening in America, where scientific facts about the severity of the pandemic in one's local community is largely divorced from school policymaking.

Discussion and conclusion

"All politics is local." -Former House Speaker Tip O'Neill

There may not be a Democratic or Republican way to "clean the streets," but, according to our findings, there are two distinctly partisan approaches to reopening America's schools. Altogether, we find little evidence that the reopening plans adopted by the nation's 13,000+ school boards were linked to the public health conditions on the ground in their local community. This is a starkly important finding that has large implications, both for education policy and the nationalization of local politics in the US more generally. Though no one disputes the reality that schools have always been subject to democratic forces (Chubb and Moe 1990), nonpartisan local school district governments are far more institutionally insulated from partisan and nationalizing influences and freer to make policy decisions based on the best scientific evidence and public health concerns than are public officials in many other political institutions.

As such, one might expect that in communities where the pandemic has been well-managed and new case rates remains low, schools would be more likely to resume traditional modes of learning. Similarly, school districts in communities where case rates remain stubbornly high and public health conditions poor should be more likely to take a cautious approach, relying on fully remote learning to start the fall school year. The simple fact that we *do not* find any strong and consistent evidence of a relationship between public health conditions on the ground and school district policymaking – *but we do find a clear and substantial connection between politics and district re-opening plans* - upends much conventional wisdom about local education politics and policy in the United States. Nearly all of America's public schools are governed by

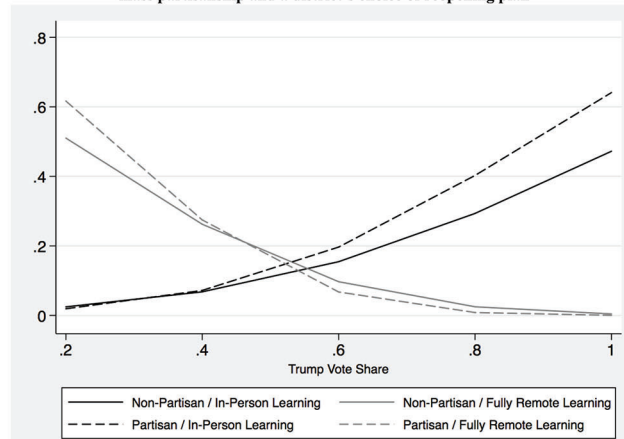
lay boards (essentially volunteers) that run for office in low-turnout, nonpartisan elections. These single purpose nonpartisan governments almost always rely on a professional expert (superintendent) to manage the most important day-to-day operational decisions about how to best educate and guard the safety and welfare of their community's children. And yet, even in the face of an unprecedented pandemic, the decision-making of our least nationalized, and least partisan governments is utterly dominated by partisanship (Trump vote share) and special interest group politics (union strength).

What are the broader implications of local education governance being absorbed into national and partisan disputes? On the one hand, our findings represent something of a Rorschach test. Critics will argue that partisan politics are weakening our nonpartisan local political institutions, leading these actors to shun expertise and avoid the best available scientific evidence in favor of making partisan appeals anchored in national debates that are divorced from the specific needs of their local community. On the other hand, to the extent that Republicans and Democrats in the electorate are themselves strongly divided over the optimal policy approach to managing the pandemic, including schools (Horowitz 2020), the fact that school district governments appear to be highly responsive to their constituents' partisanship suggests that democratic accountability – for better or worse - is alive and well in the nation's "ten thousand little democracies" (Berkman and Plutzer 2006). Similarly, advocates of school choice can point to the role played by private schools to argue that markets can, in certain communities, bring important pressure to bear on public schools, by ensuring that public schools are meeting the needs and desires of families to offer a high quality learning experience. Yet, just as the threat of exit has appeared to push school districts to not be cavalier about shuttering their doors and relying to much on remote learning, the pandemic has also illustrated that exit is highly unequal.

By all accounts, the largest, most racially diverse, and lowest-income school districts kept their doors closed to students this fall, leaving the most vulnerable families unable to find alternative forms of exit to supplement their children’s educational loss (Gross and Opalka 2020).

One final and more general implication for local politics in the US pertains to the type of institutions that Americans use to govern their local communities. In the case of education, the vast majority of schools are governed by nonpartisan elected school boards. But there is a handful of states, including two – Georgia and North Carolina – where there is considerable within-state variation in the use of partisan versus nonpartisan school board elections. We wondered whether institutional differences tend to exacerbate our finding that mass partisanship trumped public health considerations in response to COVID-19. To find out, we re-estimated the main models presented earlier in Table 1 of the paper, but added a dummy variable for whether a district elects boards using partisan elections. We then interacted this variable with our measure of mass partisanship (Trump vote share) to see whether partisan elections exacerbate the degree to which school re-opening decisions are linked to politics. Figure 5, below, which is based on the statistical model shown in Table A5 of the Supplementary Appendix, reveals that partisan school board elections *do* in fact exacerbate the degree to which school boards make reopening decisions on the basis of politics versus public health. As the dashed black upward sloping line in the figure indicates, the relationship between support for Trump and the likelihood of a school board voting to hold in-person classes is much stronger in districts that elect their boards on a partisan basis. Notably, these models include state fixed-effects, which means that they are relying on variation within states, to tease out the degree to which local electoral institutions incentivize a Republican or Democratic way to “address a pandemic.”

Figure 5: Partisan school board elections strengthen the relationship between mass partisanship and a district's choice of reopening plan



Note. Figure shows the marginal effect of district (mass) voter partisanship on the likelihood that the local school board chooses fully in-person or fully-remote schooling, separately for districts that have partisan school board elections and non-partisan board elections. The full results of these regression models are available in Table A5 of the Supplementary Appendix.

While there is hardly a groundswell of support for returning to the type of partisan school board elections that existed prior to the Progressive era in the US, these findings do suggest that in other arenas of local government (e.g., county and municipal governments), policymakers may find that electoral institutions can create incentives that make it harder for local officials when they are confronted with issues where technocratic expertise clashes with nationalized, partisan disputes. Though neither type of school board – partisan or nonpartisan – is immune from these forces, it does appear that partisan elections are an important institution that can further politicize and nationalize policymaking in American local government.

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Supplementary Appendix for:
Politics, Markets, and Pandemics: Public Education's
Response to COVID-19

Table A1: Descriptive Statistics

<i>Variable</i>	N	Mean	Std.Dev.	Min	Max
Fully Remote Learning	10,585	.24	.42	0	1
Fully In-Person Learning	10,585	.23	.42	0	1
District cancelled sports	8,291	.35	.48	0	1
District size (log enrollment)	10,392	7.0	1.56	0	13.1
District has collective bargaining	1,513	.69	.46	0	1
Log per-pupil spending	10,289	9.4	.34	6.2	11.7
Log median family income	9,544	10.9	.31	9.8	12.3
Percent white students	10,378	.68	.28	0	1
Trump vote share	10,541	.57	.17	.08	.96
COVID Case Rate (per 100k pop.)	10,273	17.603	17.1	0	283.6
COVID Total Deaths (per 100k pop.)	10,580	40.164	48.2	0	461.6
COVID Total Cases (per 100k pop.)	10,580	1,395.5	1,063.1	0	14,295.9
Catholic private schools (per 10k students)	10,585	1.0	1.7	0	27.8
Catholic churches in 1952 (per 10k pop.)	10,488	1.5	1.5	0	21.6
Secular private schools (per 10k students)	10,585	.95	1.7	0	39.5

Table A2: Full Regression Results for Figure 3
District Collective Bargaining Status and School Reopening Plans

	(1) Fully remote classes	(2) Athletics cancelled
District size	0.168*** (0.062)	-0.170 (0.108)
Per-pupil spending	0.774** (0.359)	0.548 (0.456)
Median income	-0.394 (0.308)	-0.164 (0.312)
Percent white	-1.243*** (0.358)	-1.030*** (0.386)
Trump vote	-3.529*** (0.609)	-1.573** (0.673)
COVID case rate	0.003 (0.004)	0.011*** (0.004)
Catholic schools	-0.058 (0.047)	-0.062 (0.053)
Priv. secular schools	0.038 (0.075)	0.065 (0.067)
Collective bargaining	0.867*** (0.334)	0.055 (0.307)
Constant	-2.741 (4.805)	-1.228 (5.948)
Locale Effects?	Yes	Yes
State Effects?	Yes	Yes
Cut Point #1	--	--
Cut Point #2	--	--
<i>N</i>	1,357	967
Pseudo R ²	0.47	0.40

Note: Dependent variable listed above each column. Cell entries are probit regression coefficients with standard errors clustered by state reported beneath in parentheses. All measures are two-tailed tests. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A3: Results of main models in Table 1 are fully robust to different measures of COVID Intensity

	(1)	(2)	(3)	(4)	(5)	(6)
	In-person classes	Fully remote classes	Ordinal (0-2)	In-person classes	Fully remote classes	Ordinal (0-2)
District size	-0.256*** (0.032)	0.160*** (0.035)	-0.203*** (0.030)	-0.257*** (0.032)	0.160*** (0.035)	-0.203*** (0.030)
Per-pupil spending	0.218** (0.109)	0.044 (0.157)	0.135 (0.084)	0.215* (0.110)	0.046 (0.156)	0.131 (0.084)
Median income	0.346*** (0.105)	-0.391*** (0.122)	0.403*** (0.100)	0.358*** (0.110)	-0.403*** (0.126)	0.409*** (0.100)
Percent white	0.713*** (0.136)	-1.284*** (0.139)	1.054*** (0.133)	0.680*** (0.148)	-1.247*** (0.162)	1.037*** (0.140)
Partisanship (Trump vote)	2.498*** (0.430)	-3.356*** (0.334)	2.775*** (0.234)	2.486*** (0.422)	-3.356*** (0.318)	2.779*** (0.222)
COVID deaths per 100k	-0.000 (0.001)	0.001 (0.001)	-0.001 (0.001)	--	--	--
COVID cases per 100k	--	--	--	-0.000 (0.000)	0.000 (0.000)	-0.000 (0.000)
Catholic schools	0.041*** (0.012)	-0.022 (0.015)	0.035*** (0.011)	0.042*** (0.012)	-0.022 (0.015)	0.036*** (0.011)
Priv. (secular) schools	0.015 (0.011)	-0.003 (0.024)	-0.001 (0.012)	0.014 (0.011)	-0.002 (0.023)	-0.001 (0.012)
Constant	-5.874*** (1.211)	4.462** (1.989)	--	-5.953*** (1.233)	4.520** (2.092)	--
Locale Effects?	Yes	Yes	Yes	Yes	Yes	Yes
State Effects?	Yes	Yes	Yes	Yes	Yes	Yes
Cut Point #1	--	--	4.771*** (1.323)	--	--	4.826*** (1.336)
Cut Point #2	--	--	7.222*** (1.355)	--	--	7.279*** (1.359)
N	9,352	9,419	9,109	9,352	9,419	9,109
Pseudo R ²	0.31	0.49	0.34	0.31	0.49	0.34

Note: Dependent variable listed above each column. Cell entries are probit (Columns 1-2, 4-6) and ordered probit (Columns 3 and 6) regression coefficients with standard errors clustered by state reported beneath in parentheses. All measures are two-tailed tests. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A4: Full Regression Results for Figure 4
Effects of District Partisanship Not Mitigated by Pandemic Intensity

	(1)	(2)
	In-person classes	Fully remote classes
District size	-0.252*** (0.031)	0.152*** (0.035)
Per-pupil spending	0.178* (0.105)	0.038 (0.153)
Median income	0.376*** (0.104)	-0.317** (0.127)
Percent white	0.689*** (0.138)	-1.330*** (0.157)
Trump vote	2.790*** (0.514)	-3.106*** (0.438)
COVID case rate	0.007 (0.006)	0.010 (0.008)
Catholic schools	0.043*** (0.012)	-0.028* (0.017)
Priv. secular schools	0.010 (0.011)	-0.006 (0.028)
Trump vote*COVID case rate	-0.014 (0.009)	-0.011 (0.013)
Constant	-5.982*** (1.274)	3.622* (2.062)
Locale Effects?	Yes	Yes
State Effects?	Yes	Yes
<i>N</i>	9,092	9,158
Pseudo R ²	0.311	0.494

Note: Dependent variable listed above each column. Cell entries are probit regression coefficients with standard errors clustered by state reported beneath in parentheses. All measures are two-tailed tests. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Table A5: Full Regression Results for Figure 5
Effects of District Partisanship Not Mitigated by Pandemic Intensity

	(1) In-person classes	(2) Fully remote classes
District size	-0.253*** (0.031)	0.153*** (0.035)
Per-pupil spending	0.180* (0.104)	0.042 (0.153)
Median income	0.374*** (0.104)	-0.325** (0.128)
Percent white	0.676*** (0.136)	-1.322*** (0.154)
Trump vote	2.468*** (0.456)	-3.253*** (0.346)
COVID case rate	-0.002** (0.001)	0.003 (0.002)
Catholic schools	0.043*** (0.012)	-0.029* (0.017)
Priv. secular schools	0.009 (0.011)	-0.009 (0.027)
Trump vote*Partisan elections	0.661 (0.862)	-1.182** (0.537)
Constant	-5.817*** (1.245)	3.745* (2.061)
Locale Effects?	Yes	Yes
State Effects?	Yes	Yes
<i>N</i>	9,092	9,158
Pseudo R ²	0.31	0.49

Note: Dependent variable listed above each column. Cell entries are probit regression coefficients with standard errors clustered by state reported beneath in parentheses. All measures are two-tailed tests. * $p < 0.1$, ** $p < 0.05$, *** $p < 0.01$

Teacher Union Resistance to Reopening Schools:

An Examination of the Largest U.S. School Districts

By Mike Antonucci



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Introduction

Since the COVID-19 outbreak that led to the closure of most of America's public schools in March 2020, there have been numerous efforts to reopen schools for in-person instruction. Although successful in some places, every reopening attempt had to confront the power and influence of public-school employees, usually expressed through their labor unions.

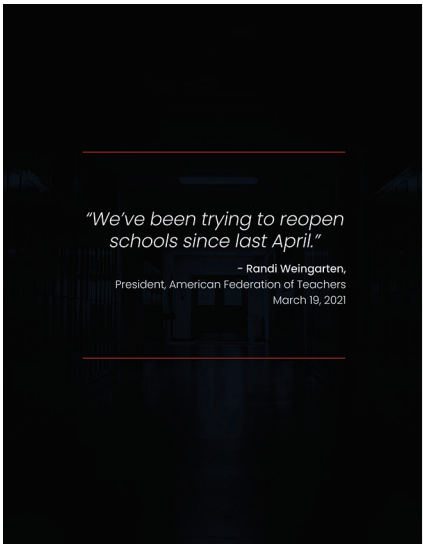
Unions were naturally concerned with the health and safety of their members, but the conditions they set on a return to the classroom seemed to many observers to be excessive and opportunistic.

Union officers look to the airwaves to denounce the perception as unfair. Randi Weingarten, president of the American Federation of Teachers (AFT), raised some eyebrows on March 19, 2021, during an interview on the Black News Channel.¹ When Weingarten said AFT had been "trying to reopen schools since last April," the average American could be forgiven for wondering what she was talking about.

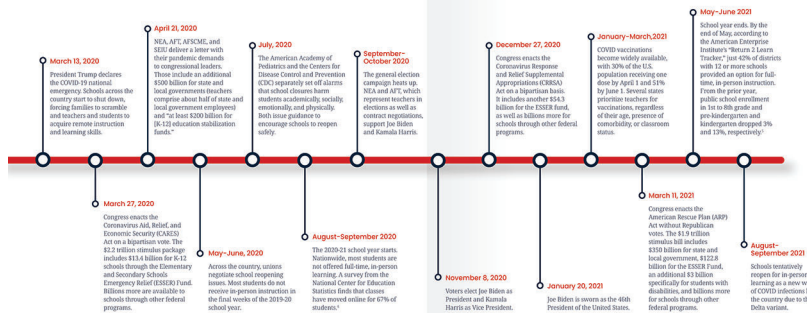
Her claim referred to the AFT's public release of its report, *A Plan to Safely Reopen America's Schools and Communities*, on April 29, 2020 — a mere six weeks after public schools began closing in response to the COVID-19 outbreak.²

Before publishing that report, AFT, along with the other major government employee unions—the National Education Association (NEA), the Service Employees International Union (SEIU), and the American Federation of State, County and Municipal Employees (AFSCME)—signed a letter to Congress dated April 21, 2020, that outlined their reopening wish list.³

Teacher union officers across the country repeatedly professed that they wanted U.S. public schools to reopen more than anyone. This report documents their positions and actions on school reopenings in seven large school districts from the first closings in March 2020 to the start of the 2021-22 school year.



National School Reopening Timeline



6 Teacher Union Resistance to Reopening Schools

The national teacher unions, their state affiliates, and their locals have each issued various recommendations, requirements, and demands before their members would agree to return to the classroom. This report examines these issues, with a particular focus on seven of the country's 11 largest K-12 public school districts and their associated teacher unions. They are (in order of enrollment size):

- 1) New York City and the United Federation of Teachers (UFT)
- 2) Los Angeles Unified School District and United Teachers Los Angeles (UTLA)
- 3) Chicago Public Schools and the Chicago Teachers Union (CTU)
- 4) Miami-Dade County Public Schools and the United Teachers of Dade (UTD)
- 5) Clark County (Nevada) Public School and the Clark County Education Association (CCEA)
- 6) Houston Independent School District and the Houston Federation of Teachers (HFT)
- 7) The Fairfax County (Virginia) Public Schools, the Fairfax Education Association (FEA) and the Fairfax County Federation of Teachers (FCFT)

To ensure geographic diversity this report includes the Miami-Dade school system but excludes four other Florida school districts that rank in the top 11 in terms of student enrollment: Broward, Hillsborough, Orange, and Palm Beach counties.

The choice of school districts and unions is not based solely on size. The unions vary in philosophy and environment, which greatly influenced how they reacted to the COVID outbreak and how much of their agenda they were able to accomplish.

This report examines two questions: whether the teacher unions in these seven school systems have actually supported and worked to reopen schools since the initial closures in March 2020; and whether their recommendations concerning reopening policy were vital necessities for the health and well-being of students and employees or simply a wish list of desirable policy and funding outcomes unrelated to the virus.

The answers to these questions are crucial, as a generation of American students will pay the price for the extensive, degraded educational experience brought on by the pandemic. They will pay not only in lost learning and opportunities but also in actual dollars for the deficit spending fueling a multitude of recovery plans, mitigation efforts, and new programs.

7 Teacher Union Resistance to Reopening Schools

The National Plans

Although there was broad public agreement on several mitigation measures the unions requested, including making masks and other personal protective equipment available to employees, physical distancing, and quarantining procedures, national teacher union recommendations for reopening schools went well beyond these safety measures.

The AFT plan noted that "COVID-19 has exacerbated the deep inequalities in our society and underscored the need for additional public investments to combat this inequity." This combat required a list of ammunition:

- Smaller class sizes (AFT recommended 12 to 15 students per class)
- Additional staff with expertise in mental health to provide trauma and sensitivity training for all staff, students, and parents
- A limit on student testing
- A suspension of teacher performance evaluations
- At least \$750 billion in federal aid to state and local governments

"It is not the time to be concerned about deficits," AFT stated. "And the federal government should be prepared to raise taxes."

8 Teacher Union Resistance to Reopening Schools

The April 21, 2020, letter from the four major public employee unions to Congress had similar demands for “bold investments at the federal level”:

- At least \$1 trillion in state stabilization funds
- At least \$200 billion in public education stabilization funds
- Increased Medicaid funds
- Inpatient cost sharing and co-payments for COVID-19 treatment
- COBRA premium relief for federal, state, and local public employees
- Paid sick leave for all workers

“We can’t simply return to the way things were before the pandemic hit, just as the New Deal wasn’t about simply getting back to life before the 1929 stock market crash,” the letter read.

Congress enacted the American Rescue Plan on March 11, 2021, and the NEA and AFT still did not push for schools to reopen.

The unions had to wait almost a year, but after the swearing in of a new Congress and President, they saw many of their demands enacted into law, including at least another \$230 billion for K-12 schools, on top of the \$70 billion received under the CARES and CRSSA Acts. Congress enacted the American Rescue Plan on March 11, 2021, and the NEA and AFT still did not push for schools to reopen.

10 Teacher Union Resistance to Reopening Schools

“Even a district that decides to do nothing will invoke safety concerns that the chapter can and should bargain over, such as providing necessary Personal Protective Equipment (PPE) if the district has no plan to do so,” read the advisory.

CTA told its locals to “ensure they have proposals to get something in exchange for concessions.”

CTA told its locals to “ensure they have proposals to get something in exchange for concessions.”

“When exercising a ‘got for the give’ approach to bargaining concessions, locals should consider strengthening or implementing consultation procedures language in the [collective bargaining agreement],” CTA advised. “Now is the time to secure contract language improvements that we have wanted for some time.”

CTA also lobbied the state legislature and the governor for multiple protections in the 2020 state budget. The union was successful in winning a ban on teacher layoffs, a substantial reduction in required instructional minutes, and the elimination of public accountability data collections for 2020, including those for academics, absenteeism, graduation and suspension rates, and college readiness.

CTA lobbying secured a statewide ban on teacher layoffs, a substantial reduction in instructional minutes, and the elimination of accountability data.

9 Teacher Union Resistance to Reopening Schools

State Affiliate Strategy

State affiliates may follow the lead of the NEA and AFT, but they also tailor their approaches to the realities of their individual states. Surveying them is well beyond the scope of this report, but the approach taken by one, the California Teachers Association (CTA), is worth a closer examination. More than one out of every ten NEA members belongs to CTA.

Just a few weeks after the government of California closed schools and locked down businesses in March 2020, CTA issued a “bargaining advisory” to its 981 local affiliates. It explained in detail what tactics to use in negotiations with school districts about reopening.

Some of CTA’s recommendations were defensive in nature. Any concessions should be temporary, with a sunset date, and made as a side-agreement, not included in the contract itself. The union also advised that districts “may attempt to implement [budget] cuts as soon as possible, before all the facts are known.”

CTA also saw the crisis as an opportunity, particularly as a means to expand the scope of collective bargaining.

“During the pandemic, district decisions and/or planned actions that would otherwise be considered outside the mandatory scope of bargaining may be within reach because of their impact on safety,” the advisory stated. CTA then listed a number of reopening proposals—staggered start times and school years, limiting the number of students on campus, distance learning, and more—and explained how each item was a mandatory subject for bargaining.

Even if a district decided to do nothing, that inaction should be a mandatory subject of bargaining, according to CTA.

11 Teacher Union Resistance to Reopening Schools

Local Union Actions

The national and state unions have a great deal of influence over their local affiliates, but they do not control them. Although AFT President Weingarten may support a policy, her ability to turn that support into action in Chicago, Los Angeles, Miami, or elsewhere is limited. The local unions are very powerful in their cities and regions. If they wanted schools opened, it would be difficult—if not impossible—to deny them their wish.

New York City and the United Federation of Teachers

When Governor Andrew Cuomo shuttered schools in May 2020 for the remainder of the 2019-20 school year, UFT released a statement supporting his decision.

“Through the summer, there was no real movement on reopening NYC schools for the 2020-2021 school year. UFT’s public statements were pessimistic. In August 2020, the union asked, “Will any parents be willing to put their children in a school whose principal believes the building is not ready to open because it is not safe?”

At the end of that month, the UFT executive board prepared a strike authorization vote if a satisfactory reopening deal was not reached with New York City Mayor Bill de Blasio.” Both parties soon settled, and the agreement led to a partial reopening. Pre-K and students with special needs would return on September 21, 2020, other elementary students by September 25, and middle and high school students by October 1.

This was easier than most other large school districts, but it was a half-measure. Students were in classrooms only two or three days a week and attended remote classes on the other days. Fewer than one-third of the city’s public-school students returned to school.”

Under the agreement reached between the mayor and UFT, if the seven-day average COVID positivity test rate in the city reached three percent, in-person school was to be suspended. This occurred when the district shut down all schools on November 19, even though the positivity rate among students and teachers was less than 0.2 percent.

Reopening did not resume until December 7, 2020, for pre-K through grade 3; February 25, 2021, for middle schools; and March 22, 2021, for high schools.

United Federation of Teachers released a series of recommendations for post-pandemic schooling, including spending more than \$1 billion to address learning loss caused by the very school closures that the union demanded.

UFT tested their negotiated protocols as being responsible for schools being "the safest public spaces in New York City," though in-person learning had not returned for a majority of students, United Federation of Teachers released a series of recommendations for post-pandemic schooling, including spending more than \$1 billion to address learning loss caused by the very school closures that the union demanded.¹¹

Adding 11,500 new staff would increase the number of potential union members by more than nine percent.

UFT asked for teams of academic intervention specialist, social workers, and psychologists for each of the city's 1,800 public schools. For the average New York City public school, UFT demanded three to four teams, a total of six to eight professionals, or roughly one team for every 200 students, according to the union.

The union estimated it would cost \$1 billion to hire the estimated 10,000 new employees needed for this new program. Additionally, the union wanted smaller class sizes in 100 of the neediest schools, requiring the hiring of 1,500 or more teachers, at a cost of \$150 million annually (for about \$100,000 each).

UFT did not provide any information on how to measure the effectiveness of adding 11,500 more school employees, however, this hiring would increase the number of potential union members by more than nine percent.

- Class sizes of no more than 12 students
A nurse in every school
No standardized tests
At least \$500 billion in Federal support
Medicare for All
Preage of the union-backed Schools and Local Communities Funding Act (California voters rejected this proposal in November 2020)
A wealth tax
A millionaire tax
Defending the police
A charter school moratorium

"As it stands, the only people guaranteed to benefit from the premature physical reopening of schools amidst a rapidly accelerating pandemic are billionaires and the politicians they've purchased," the UTLA report concluded.

It is thus not surprising that the Los Angeles Unified School District made no progress to reopen schools in 2020 and very little in early 2021. Once vaccines became available, Governor Gavin Newsom announced a statewide reopening plan in March 2021. It received the support of UTLA's state parent union, the CTA.¹²

UTLA was not moved. President Cecily Myers-Cruz called the plan "a recipe for propagating structural racism."¹³

On March 10, 2021, however, the union announced it had reached a tentative agreement¹⁴ with the district on reopening for the remainder of the 2021-22 school year. The provisions dealt with safety and health protocols and procedures. There was no mention of class size, nurse staffing, standardized tests, charter schools, or most of the other items on UTLA's list.

UTLA's president blamed "reactionary forces" for being responsible for the move to reopen schools.

Despite this, UTLA congratulated itself on its victory. "Union-negotiated safety protocols have kept their students and families safe," Myers-Cruz told members in a May 28, 2021, video update.¹⁵ UTLA's president blamed "reactionary forces" for being responsible for the move to reopen schools.

Mayer de Blasio announced in May 2021 that all students would return to five-day-a-week in-person school, with no remote options. He added in July that all school district employees would be required to be fully vaccinated (or tested weekly) and masked on campus.

UFT was generally supportive but still had some qualifications. "This approach puts the emphasis on vaccination but still allows for personal choice and provides additional safeguards through regular testing," a press statement read.¹⁶ "There are still many things to do before we are prepared to safely open our schools in September (2021)."

From the time UFT released that statement until September 2021, the number of COVID cases in New York City had doubled and was higher than in November 2020 when schools were shut down.

Amidst its qualms, UFT reached an agreement to reopen schools for some students before most other big city teacher unions did so. Still, it was only a relative success, as hundreds of thousands of New York City students remained in remote schooling. By January 2021, more than 2,000 students had disappeared from the school system.¹⁷

All New York City public schools reopened for classroom instruction on September 13, 2021.

Los Angeles Unified School District and United Teachers Los Angeles

UTLA leaders pride themselves on being proponents of "social justice unionism." They believe that the power of their labor union should be used not only to improve the wages, benefits, and working conditions of their members but also to move public policy to the left.

This philosophy was in evidence soon after Los Angeles schools were shuttered. In July 2020, UTLA released a 17-page report listing the union's recommendations for restarting in-person schooling.¹⁸ It received national media attention due to how far afield it ranged from education policy.

"The COVID-19 pandemic in the United States underscores the deep equity and justice challenges arising from our profoundly racist, intensely unequal society," it read. "Unlike other countries that recognize protecting lives is the key to protecting livelihoods, the United States has chosen to prioritize profits over people."

UTLA's requirements for restarting school included core progressive policies:

- Testing of 100% of symptomatic individuals in the community
Decreasing or stable infection and hospitalization rates in Los Angeles County for 14 days and an absolute case number that indicates community spread has stopped
Paid sick leave for parents with symptomatic children at home

Myers-Cruz then turned her attention to the new funding flowing into the district from state and federal sources. The union's top priority would be to lower class size. "The most powerful way we can impact students is to have more caring adults on campus," she said.

Next would be salary increases. She informed members, "rallies and news conferences are in the works" in support of them.

In June 2021, the union reached agreement with the LAUSD on guidelines for the 2021-22 school year. There were only minor changes to the previous agreement. With COVID procedures apparently settled, the union could return to lobbying for more school employees earning more money.

In contract negotiations,¹⁹ UTLA asked for a six percent pay increase and a three percent bonus, plus a \$2,000 technology stipend. The union also demanded a student vaccine mandate and for an entire classroom to quarantine from pre-K to grade 6 due to a single positive COVID-19 case. It quickly walked those ideas back after a public uproar.²⁰

They also demanded that, for the 2021-22 school year, the district not evaluate permanent UTLA members and forgo any student standardized tests not required by state or federal law. What this will mean for the students of Los Angeles is unknown, but Myers-Cruz seems unrepentant.

"Our kids didn't lose anything, it's OK that our babies may not have learned all their times tables. They learned resilience. They learned survival. They learned critical-thinking skills. They know the difference between a riot and a protest. They know the words insurrection and coup."

UTLA president Cecily Myers-Cruz

"There is no such thing as learning loss," she said recently.²¹ "Our kids didn't lose anything, it's OK that our babies may not have learned all their times tables. They learned resilience. They learned survival. They learned critical-thinking skills. They know the difference between a riot and a protest. They know the words insurrection and coup."

LAUSD schools reopened on August 17, 2021.

Chicago Public Schools and the Chicago Teachers Union

In December 2020, the Chicago Teachers Union tweeted, "The push to reopen schools is rooted in sexism, racism and misogyny."

The leaders of the CTU share a progressive ideology with those of UTLA. Chicago Mayor Lori Lightfoot made no headway in negotiations to reopen the city's schools during 2020. In December 2020, the Chicago Teachers Union tweeted, "The push to reopen schools is rooted in sexism, racism and misogyny."

Public outrage soon followed, and CTU deleted the tweet.¹⁶

As in Los Angeles, the post-election availability of vaccines seems to have had a positive effect on bargaining. In February 2021, the city and the union had reached an agreement. Unlike UTLA, the Chicago union did not tout its achievement. On the contrary, union leaders went out of their way to criticize it.¹⁷

"Let me be clear: This plan is not what any of us deserve. Not us. Not our students. Not their families," said CTU President Jesse Sharkey.

When the city developed a follow-on plan to reopen high schools, CTU again balked and asked for a delay, claiming "national health experts are raising concerns about the push to reopen schools, bars and other businesses as new variants drive a spike in cases."¹⁸

CTU had its own list of demands for COVID relief funding, which included more staff and resources for bilingual, homeless, and special needs students. The union demanded a raise and literacy in every school, an additional 500 social workers and counselors, and more restorative justice coordinators. CTU also recommended "ending any non-required standardized assessment."¹⁹

Class size reduction was also high on its priority list, although the city's schools have been keeping enrollment for two decades, losing another 15,000 students during the pandemic.²⁰

In July 2021, the CDC issued guidance for K-12 schools.²¹ The guidance included language "on the importance of offering in-person learning, regardless of whether all of the prevention strategies can be implemented at the school." CTU immediately responded that the guidance "raises more questions than answers."²²

"Resumption of in-person education was not associated with a proportionate increase in COVID-19 among school-aged children." There were only 101 hospitalizations and no deaths among an estimated 2.8 million K-12 students.

Among more than 33,000 Miami-Dade school district employees, there were 219 hospitalizations and 13 deaths, with nine of the deaths including other risk factors. Although all of these are tragic and regrettable, the researchers concluded that their findings "add to a growing body of evidence suggesting that COVID-19 transmission does not appear to be demonstrably more frequent in schools than in noneducational settings."

UTD was unable to effect any significant change in the district's stance on in-person schooling. The union's actions were primarily on the communications front, raising the alarm about infected staff and students and organizing a letter-writing campaign for the school board to hear teachers' safety concerns.²³

Despite the union's efforts, about 89 percent of students returned to school on January 4, 2021. The union claimed the schools were "in a public health crisis with no end in sight."

Though schools had been open for months, UTD pushed to delay reopening until after winter break.²⁴ Despite the union's efforts, about 89 percent of students returned to school on January 4, 2021. The union claimed the schools were "in a public health crisis with no end in sight."²⁵

While the UTD wanted that the schools were unsafe, it also applauded itself, stating "unionized educators are playing a critical role in clarifying potentially deadly misinformation."²⁶

In May 2021, the union began negotiations with the district over the use of federal funds.²⁷ Miami also has declining enrollment, so the union sought to use the new money to increase per-pupil spending and, like the other teacher unions, reduce class sizes while hiring more counselors, psychologists, and social workers.

Miami-Dade schools reopened for classroom instruction on August 23, 2021.

In August 2021, two weeks before all Chicago schools were scheduled to reopen for the 2021-22 school year, CTU claimed Mayor Lightfoot "continues to stall on agreeing to even the minimum safety standards landed last spring."²⁸

The school district saw things differently. "It is disappointing that the CTU is rejecting science for their own gain and continues to second-guess health experts and express their own unscientific opinions about health-related matters," said a statement from Chicago Public Schools spokesman James Cheraieff.²⁹ "The CTU appears to be committed to spreading doubt instead of preparing for the upcoming school year after the past year's immense disruption to learning."

Chicago Public Schools reopened for classroom instruction in stages during August 2021.

Miami-Dade County Public Schools and the United Teachers of Dade

Unlike New York, California, and Illinois, the political environment in Florida is not as friendly to teacher union interests. This limited what UTD was able to achieve, but its tactics and recommendations were very similar to other unions.

In July 2020, UTD joined its state union, the Florida Education Association. In using the state to pressure the "reckless and unsafe reopening of schools" in the fall of 2020,³⁰ the union dropped the lawsuit that December.³¹

Most K-12 schools in Florida reopened for in-person instruction in August of 2020. The Miami-Dade schools began a staggered return to school that October. As students resumed classes, the union raised the heat on its rhetoric.

"Lives are going to be lost," said UTD President Karla Hernandez-Mart in September.³² She was joined by Dana Funes, president of the Broward Teachers Union, who asked, "what will you do when the deaths start happening?"

Recent research demonstrates that this view was unnecessarily alarmist. CDC researchers studied the Florida reopening and published their findings for the summer that ran from August through November 2020.³³ They found that fewer than one percent of students developed school-related COVID and that

CDC researchers studied the Florida reopening and published their findings for the semester that ran from August through December 2020. They found that fewer than one percent of students developed school-related COVID and that resumption of in-person education was not associated with a proportionate increase in COVID-19 among school-aged children. There were only 101 hospitalizations and no deaths among an estimated 2.8 million K-12 students.

Clark County Public Schools and the Clark County Education Association

The Clark County School District in Nevada encompasses cities in the Greater Las Vegas area and has a unique labor situation with its employees.

The CCEA was one of the largest local affiliates of the NEA until 2018, when a dispute over class distribution led CCEA to withdraw from both national and Nevada state unions.³⁴ It is now the largest independent teacher union in the United States.

Considering this recent history, it is perhaps not surprising that CCEA demonstrated some traditional teacher union traits, as well as some uncharacteristic flexibility.

In March 2020, CCEA supported statewide school closures, adding that Nevada's governor needed to ensure that the school district "has the funds to pay all employees while the schools are not in operation."³⁵

When the district presented a reopening plan four months later, CCEA announced its opposition, again citing the need for more resources. The union stated it would "support every educator and parent who chooses not to participate in the reopening."³⁶

School began an remote-only in August 2020, and by the next month, the union signaled ever so lightly that it would support a reopening plan, provided it contained a series of safety and health procedures.³⁷ In October, John Vellardita, the union's executive director, told the Las Vegas Review-Journal that he did not believe distance learning was sustainable for an entire school year and that he wanted to see schools reopen.³⁸

The next month saw another gradual step forward as the district released a plan to shift students to a hybrid remote-in-person model beginning in December 2020.³⁹ CCEA did not immediately agree to the plan but indicated optimism about a deal.

In late December 2020, the district and the union reached an agreement to a slow return of pre-K through third grade students to the classroom; however, by mid-January 2021, increased community spread of COVID-19 caused the district plan to be "dramatically scaled back."⁴⁰

The CCEA and the school district agreed to a comprehensive timeline in late February 2021 that introduced hybrid learning for all grades in a staggered schedule, beginning with pre-K through grade 3 on March 1 and ending with secondary students on April 6. On April 6, pre-K through grade 5 students would also return to the classroom five days a week.

During summer 2021, when the district instituted a mask mandate and a weekly COVID testing requirement for all employees, CCEA lent its support. As for a vaccine mandate for employees: "If it becomes a mandate and it's legally defensible, we're not gonna stand in the way of that," said Vellardita.⁴¹

Reopening Clark County schools proceeded at a glacial pace, but it appears union demands were not the primary cause for delay. The district and the union seemed to agree on most measures, accounting for the relative lack of inactivity.

Clark County schools reopened for classroom instruction on August 9, 2021.

Houston Independent School District and the Houston Federation of Teachers

Along among the states reviewed in this report, Texas does not allow collective bargaining by public school employees.¹³ Unions are limited to conferring with district officials, and they have to rely on their lobbying and public relations skills to enact their policies.

After closures in March 2020, Houston school district officials announced in June that the 2020-21 school year would begin on schedule on August 24, 2021. The HFT called the district's plan "astonishingly inadequate" and charged that the district was "in no way, shape or form prepared" to reopen in the fall.¹⁴

In collaboration with "stakeholders," which consisted mostly of other unions and the Houston Democratic Socialists of America, the union released its own plan.¹⁵ The recommendations deemed "essential for reopening" revolved around familiar demands:

- A decline in the number of new COVID cases for at least 14 consecutive days
- The closure of nonessential businesses
- Funding schools on enrollment instead of average daily attendance
- A "massive investment in public schools"
- Adding racial and economic justice equity assessments to reopening plans
- Suspension of high-stakes testing
- Suspension of teacher and staff evaluations
- Funding for additional staff
- Free universal access to the internet
- Individual teachers and staff cannot be required to return to in-person instruction
- A nurse at every school
- Maximum class size of 15 students
- Hazard pay for custodial staff

The school district deflected HFT's demands, but by July 2020, the district had relented on the fall reopening. Classes would start remotely, with a tentative classroom reopening date of October 19, 2020. The unions applauded the decision.

Fairfax County Public Schools, the Fairfax Education Association, and the Fairfax County Federation of Teachers

Effective May 1, 2021, Virginia authorized counties and municipalities to recognize labor unions as bargaining agents of public sector employees and to negotiate collective bargaining agreements. Notwithstanding this lack of recognition and collective bargaining power prior to May 1, the NEA and the AFT maintained affiliates in Fairfax County: the Fairfax Education Association (FEA) and the Fairfax County Federation of Teachers (FCFT) that jockeyed for influence during the pandemic. Notably, a majority of the district's school employees do not belong to the FEA and the FCFT.

Neither the FEA nor the FCFT was shy about expressing opinions on Fairfax County Public Schools (FCPS) reopening for the 2020-21 school year:

"Our educators are overwhelmingly not comfortable returning to schools," said FCFT President Tina Williams in June 2020. "They fear for their lives, the lives of their students and the lives of their families."¹⁶

FCFT demanded 100 percent virtual learning, stating that implementing even a hybrid plan by September 8, 2020, was "unrealistic."¹⁷

Kimberly Adams, FEA president, had a very specific benchmark in mind. "We believe our community as a whole should not return to in-person learning until a vaccine or treatment is widely available for COVID-19," she said.¹⁸

FCPS acquiesced and did not reopen schools at the start the 2020-21 school year.

When FCPS wanted to phase in reopening for 650 employees in October 2020, Adams said she was expecting teacher resignations by the hundreds, if not the thousands.

When FCPS wanted to phase in reopening for 650 employees in October 2020, Adams said she was expecting teacher resignations by the hundreds, if not the thousands.¹⁹ Her union then organized a petition online that called for virtual-only school for the entire 2020-21 year.²⁰

"We don't believe allowing individual parental choice is the right way to go. It is the job of the public education system to make the best decision for all students."

HFT President Zeph Capco

Zeph Capco, HFT president, even called the district's plan one of the better ones he had seen. "I think the district did a really good job of listening to stakeholders and ultimately making the decision to do their best to keep everyone safe," he said. Regarding the transition back to classrooms, he added, "We don't believe allowing individual parental choice is the right way to go. It is the job of the public education system to make the best decision for all students."²¹

The positive feeling did not last very long. Just before reopening day, HFT organized a caravan to circle district headquarters. Some vehicles sported signs that read, "I cannot teach from a carseat."²²

Schools reopened on schedule, but within a few days teachers had staged a sick-out protest.²³ They demanded capping class sizes at 15 students, serving meals outside instead of in classrooms, and adding mask policies to the student and staff code of conduct.

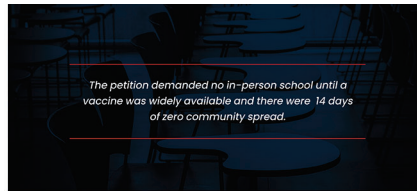
By the second week, the union was spreading alarm. "The teachers right now are absolutely at the brink," said HFT Executive vice president Andrew Dewey. "They are overwhelmed with work. They're overwhelmed with fear for their own safety."²⁴

The union soon called on the district to return to online-only school after the Thanksgiving break through the end of the semester.²⁵ The district continued with in-person instruction.

The availability of vaccines in early 2021 diminished much of the back-and-forth between the district and the unions, and the vast majority of Houston teachers provided classroom instruction to the end of the school year.

Houston school district officials later announced that the 2021-22 school year would begin entirely in-person, prompting skepticism from the unions. "Frankly, we're asking the same questions we were asking a year ago," said HFT's Dewey. "It's depressing."²⁶

Houston ISD schools reopened for classroom instruction on August 23, 2021.



The petition demanded no in-person school until a vaccine was widely available and there were 14 days of zero community spread.

The petition demanded no in-person school until a vaccine was widely available and there were 14 days of zero community spread.

"We are urging FCPS to delay reopening until there is a clear plan in place to keep everyone safe and the district adopts our 11 pillars of a safe reopening," said FCFT President Tina Williams.²⁷

In October 2020, the FCPS superintendent outlined a plan that would return students in stages two days a week from November 2020 through late January 2021. In response, FEA urged teachers to call in sick, taking a "mental health day."²⁸

FCPS managed to return a small percentage of students to the classroom in November but delayed its schedule for adding more amid growing community spread of the virus. By that time, FCFT had its own online petition seeking to delay reopening.²⁹

"It isn't safe for anyone to be in our buildings right now," said Williams.³⁰

When the vaccine became available in January 2021, teachers were put on the priority list, but when the district wanted to phase in a February return to the classroom, Adams made a new demand. "We think all students need to be vaccinated before in-person instruction resumes full time," she said.³¹

By March 2021, FCPS offered all students a hybrid option, but full in-person school was postponed until the fall of 2021. Both unions approved vaccination mandates, as long as they were coupled with weekly COVID testing for those remaining unvaccinated.

Fairfax County schools reopened for classroom instruction on August 23, 2021.

Conclusion

The record in seven large school districts demonstrates that the teacher union response to school reopening plans differed only in degree, regardless of whether the local union was affiliated with the NEA or the AFT or independent. It also did not matter if state or local politics were union-friendly or not. In no instance did teacher unions advocate for schools to reopen with in-person classroom instruction. On the contrary, they were classroom instruction's primary opponents during the pandemic.

In no instance did teacher unions advocate for schools to reopen with in-person classroom instruction. On the contrary, they were classroom instruction's primary opponents during the pandemic.

AFT President Wilgarten uttered the remark cited at the opening of this report in March 2021. How do teacher unions today see their current and past stances on reopening?

The Atlantic published an interview with NEA President Becky Pringle on August 20, 2021, that illustrates their current positioning:

"When we shut down on a dime in the spring of 2020, no one wanted to be back to in-person learning more than educators," she said. "It's why we worked so hard for schools to reopen." She added, "The schools that stayed open were school districts that worked directly with educators and with their unions to make decisions that were best in terms of keeping students and all of the people in that population healthy."

Mike Antonucci

DfI contributor Mike Antonucci is an investigative reporter and Director of the Education Intelligence Agency.

Mike has covered the education beat since 1993. Education Week called him "the nation's leading observer — and critic — of the two national teachers' unions and their affiliates." Mike's writings have appeared in *The Wall Street Journal*, *Forbes*, *Investor's Business Daily*, *The American Enterprise*, and many other periodicals, and his work has been favorably cited in the *Washington Post*, *Boston Globe*, *Philadelphia Inquirer*, *New York Post*, and a host of other prominent daily newspapers. He currently writes a weekly column called Union Report for *The 74*.

Mike's background in research stems from his previous writing of military history. His article on the diplomacy of the Byzantine Empire is included in *Annual Editions: Western Civilization*, Volume 1 by William Hughes, published by Dubuque/McGraw Hill. His article on codebreaking in the Civil War was published as a cover story by *Civil War Times Illustrated* and in *Spirit and Secret Missions: A History of American Espionage*. He has had feature articles published in *Military History*, *The Foreign Service Journal*, *History Today*, *Command*, *World View* and many others.

Mike has a Bachelor of Fine Arts in Communications from the School of Visual Arts in New York City and a Master of Arts in International Affairs from California State University at Sacramento. A veteran of the U.S. Air Force, Mike logged more than 2,200 flying hours as an instructor navigator of C-130 transport aircraft and T-43 training aircraft.

Defense of Freedom Institute

The Defense of Freedom Institute for Policy Studies, Inc. (DFI) is a nonpartisan, nonprofit organization focused on providing thoughtful, conservative solutions to challenges in the areas of education, workforce, labor, and employment policy.

Through a unique blend of policy and legal expertise, we fight to expand school and work opportunities for all Americans to limit the power of federal agencies and government sector unions, and to defend the civil and constitutional rights of all Americans in the classroom and the workplace.

Among its initiatives, DFI highlights the activities of government-sector labor leaders that conflict with the best interests of families, students, teachers, and taxpayers.

This is simply untrue. Researchers from Boston College and the University of North Texas examined the effect of union power on school reopening decisions.¹ They concluded that "larger school districts where unions are undoubtedly stronger on average are far more likely to heed the preferences of unions to keep in-person schooling closed and rely on fully remote (online) models of teaching and learning."

After controlling for other factors, they found that "districts with collective bargaining are 40 percent likely to remain in remote learning."

This is entirely consistent not only with media accounts from around the United States, but also with the situation in several European countries.² Teacher union opposition to in-person schooling has been the rule throughout the length of the pandemic, not the exception.

This stance benefited the unions. They were able to position themselves as the defenders of their members' health and safety while they and their members received full salaries and benefits. "The unions always going to say that we're safer remote," said Columbus Education Association President John Conroy. "Our teachers are safer and our students are safer when we're in remote learning."³

This was a simple argument designed to appeal to teachers, and it worked. There was little internal union member opposition to remote-only schooling in several districts, the unions saw the pandemic as an opportunity to fulfill items on their wish lists. The massive influx of federal funding flowing from the CARES Act, the ESSA Act, and the ARP will fulfill many of these policy dreams.

Where the unions miscalculated was on the reaction of the parents of schoolchildren and the public, who correctly saw the teacher unions as being the main obstacle to reopening schools. Scouring their public image, the unions have responded with the message that they actually fought to reopen schools and are the main reasons that schools reopened safely for the 2021-22 school year.

Indeed, the NEA and the AFT and their affiliates are a combined annual enterprise of more than \$2 billion.⁴ They employ large numbers of highly paid communications professionals to ensure their point of view works its way into the eyes and ears of the American public. Their officers are mainstays on television and social media.

Whether teachers are good, bad, or neutral is an individual judgment. Similarly, it is for each individual to decide whether union representation of classroom teachers in district negotiations best serves the interests of students, schools, and society; however, teacher unions are undeniably an interest group, and parents and other members of the public should consider their statements and communications like any other self-interested advertisement or promotional message.

When the teacher union message conflicts with objective facts, it needs to be rejected.

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[Questions submitted for the record and the response by Ms. Marten follow:]

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November 30, 2021

The Honorable Cindy Marten
 Deputy Secretary
 U.S. Department of Education
 400 Maryland Ave. SW
 Washington, DC 20202

Dear Deputy Secretary Marten:

I would like to thank you for appearing before the Subcommittee on Early Childhood, Elementary, and Secondary Education and the Subcommittee on Higher Education and Workforce Investment joint hearing entitled "*Examining the Implementation of COVID-19 Education Funds*," held on Wednesday, November 17, 2021.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than **Monday, December 13, 2021**, for inclusion in the official hearing record. Your responses should be emailed to Rasheedah Hasan (Rasheedah.Hasan@mail.house.gov), Mariah Mowbray (Mariah.Mowbray@mail.house.gov), and Manasi Raveendran (Manasi.Raveendran@mail.house.gov) of the Committee staff. They can be contacted at 202-225-3725 should you have any questions.

Once again, I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT
 Chairman

Enclosure:

Subcommittee on Early Childhood, Elementary, and Secondary Education and Subcommittee on
Higher Education and Workforce Investment Joint Hearing
“Examining the Implementation of COVID-19 Education Funds”
Wednesday, November 17, 2021
10:15 a.m. (Eastern Time)

Chairman Robert C. “Bobby” Scott

1. In October 2020, I wrote a [letter](#) to then-Inspector General of the Department. In this letter, I, along with my colleagues, Chair DeLauro and Senator Murray, wrote to request an audit of the previous Administration’s oversight and states’ and local education agencies’ compliance with the equitable services provisions of the CARES Act. What steps has the current Administration taken to improve oversight of the equitable services provisions under the CARES Act and the subsequent EANS funds to ensure that school districts and states are in compliance with the law?
2. In October 2020, I joined Chairman James E. Clyburn of the Select Subcommittee on the Coronavirus Crisis in writing a [letter](#) to then-Secretary of Education Betsy DeVos about South Carolina’s potential misuse of GEER Funds to develop a voucher scheme which appeared to violate the plain text of the CARES Act¹ as well as the Department’s related guidance.² Fortunately, the South Carolina Supreme Court struck down the state’s voucher program, which would have repurposed money the state received from the CARES Act to pay for tuition costs at private schools.³ How is the Department monitoring the use of GEER allocations and ensuring that states spend GEER funds in compliance with the law?

Representative Joseph D. Morelle (D – NY)

1. Congress appropriated approximately \$2.7 billion for the American Rescue Plan (ARP) Emergency Assistance to Non-Public Schools (EANS). The Department of Education awarded funds to Governor’s with an approved application based on the State’s relative share of children aged 5 to 17 who are with at family at or below 185 percent of the poverty level. As the funds continue to be disbursed and used, what are the Department’s plans on monitoring and oversight of the Funds?
2. Since the American Rescue Plan of 2021 was passed, state officials were asked to submit a plan of how the funds would be used, with allowable provisions including returning to a safe in-person environment, implementing COVID-19 mitigation strategies, offering summer learning, providing social, emotional, and mental health as well as addressing the academic impact of lost instructional time. Was there clear guidance provided on how

¹ Id.

² U.S. Department of Education, Governor’s Emergency Education Relief Fund; Frequently Asked Questions about the Governor’s Emergency Education Relief Fund (GEER Fund) 3, <https://oese.ed.gov/files/2020/05/FAQs-GEER-Fund.pdf> (last visited Sept., 23, 2020) (Question A-7).

³ <https://www.live5news.com/2020/10/07/sc-supreme-court-strikes-down-gov-mcmasters-safe-grants-program/>

these states and school districts would be able to implement the funds in order to be approved?

3. According to the Department, a Governor must apply for the ARP EANS program by September 9, 2021. The Department would then follow with distributing the award to a Governor within 15 days of receiving an approvable application. Were the Governors of the States notified in a timely matter?

Representative Joaquin Castro (D – TX)

1. Deputy Secretary Marten, how have elementary and secondary schools used the supplemental funding to address disparities in resources, access and opportunities for low income and minority students?
2. For both witnesses, what have we learned about the impact of the resources available to address the social-emotional learning challenges students have experienced in the past year?

Representative Elise M. Stefanik (R – NY)

1. *ESEA Section 1116 – Parental Engagement*

Section 1116 of the Elementary and Secondary Education Act, as updated by this committee in 2015 with the bipartisan passage of the Every Student Succeeds Act, requires schools and districts that accept the over \$16 billion in annual federal assistance through the Title I program to have a parental engagement policy. How is the Department ensuring schools and school districts are upholding their obligations under section 1116 to involve parents in educational decision-making? If it comes the Department's attention that a school does not have a parental engagement policy, what are the steps the Department takes?

2. *Emergency Assistance to Non-Public Schools*

I've heard examples of non-public schools trying to purchase science textbooks and science kits using their Emergency Assistance to Non-Public Schools (EANS) funding, yet they were told by their State Education Association (SEA) that it was not an allowable use of federal funds. Isn't a science textbook a pretty straightforward purchase for a school? Wouldn't a science kit, which is typically used in small group settings, help combat COVID in the classroom by keeping group instruction limited to smaller cohorts of students? What can the Department of Education do to remedy this situation and provide additional guidance to SEAs to ensure fundamental learning supplies like textbooks are approved?

Representative Rick W. Allen (R – GA)

1. What is the timeline for the EANS Funds that will be rerouted to GEER funds and what would be the deadline to spend those funds?
2. When will Georgia receive information about the EANS II application?
3. How will ED interpret the Maintenance of Equity requirement for GEER and ESSER Funds?
4. Can ED provide clearer definitions about the types of capital expenditures for which have already been granted prior approval? Can this clarification be added to guidance, ideally with examples?
5. Given institutions' need to address longer-term effects of COVID, particularly on lost revenue, how will ED be approaching the current summer of 2022 deadlines and requests for no-cost extensions?

Representative Julia Letlow (R – LA)

1. Later this week, I will be introducing the Parents Bill of Rights Act, legislation that strengthens parents' rights in education by ensuring that school districts are transparent with parents on what their children are being taught in schools and consider parents' concerns and feedback when making educational decisions. Parents want to be heard. They want a say in their children's education. This is a reasonable and simple expectation.

At a recent hearing before the Senate HELP Committee, Secretary Cardona would not commit to the statement that parents should be considered the primary stakeholder in their kid's education. As a parent of two and former classroom educator myself, I find that take extremely concerning.

Deputy Secretary Marten, do you believe that parents are the primary stakeholder in their child's education?

Subcommittee on Early Childhood, Elementary, and Secondary Education and Subcommittee on
Higher Education and Workforce Investment Joint Hearing
“Examining the Implementation of COVID-19 Education Funds”
Wednesday, November 17, 2021
10:15 a.m. (Eastern Time)

Chairman Robert C. “Bobby” Scott

1. In October 2020, I wrote a [letter](#) to then-Inspector General of the Department. In this letter, I, along with my colleagues, Chair DeLauro and Senator Murray, wrote to request an audit of the previous Administration’s oversight and states’ and local education agencies’ compliance with of the equitable services provisions of the CARES Act. What steps has the current Administration taken to improve oversight of the equitable services provisions under the CARES Act and the subsequent EANS funds to ensure that school districts and states are in compliance with the law?

The Department under the current Administration has issued guidance on the Emergency Assistance to Non-Public Schools (EANS) Program (i.e., Frequently Answered Questions (FAQs) See: [EANS FAQ](#) (March 2021 and September 2021)), to address funding and other changes resulting from the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act and the American Rescue Plan (ARP) Act of 2021. The updated guidance includes FAQs distinguishing the EANS Program from equitable services under the CARES Act.

Additionally, in May 2021, the Department addressed concerns with respect to how some states determined the proportional share available for providing CARES Act equitable services provisions following legal challenges to the Department’s interim final regulations. This included working closely with one state to ensure that it was correctly implementing those provisions. The Department has worked closely with states to work through Education Stabilization Fund (ESF) program implementation questions and challenges. As these are new programs, states have the ability to ask questions and work through challenges with the Department. We have spoken to every state about the implementation of its EANS programs and have approached administration of this program through a technical assistance lens.

2. In October 2020, I joined Chairman James E. Clyburn of the Select Subcommittee on the Coronavirus Crisis in writing a [letter](#) to then-Secretary of Education Betsy DeVos about South Carolina’s potential misuse of GEER Funds to develop a voucher scheme which appeared to violate the plain text of the CARES Act¹ as well as the Department’s related guidance.² Fortunately, the South Carolina Supreme Court struck down the state’s voucher program, which would have repurposed money the state received from the CARES Act to pay for tuition costs at private schools.³ How is the Department monitoring the use of GEER allocations and ensuring that states spend GEER funds in compliance with the law?

The Department is acting to support states’ compliance with the law in several ways. First is through ongoing support of grantee performance, which happens through regular

communication between program officers and grantees. Second, the Department formally monitors engagements with grantees. This includes focused or targeted monitoring, comprehensive monitoring, and consolidated monitoring events. Focused monitoring events address specific topics and included a focus on states' cash management practices. In the near future, focused monitoring events will also address how SEAs oversee and monitor district uses of funds. Comprehensive monitoring is a full programmatic and fiscal review and grantees are selected for comprehensive monitoring engagements based on the Department's assessment of risk. Consolidated monitoring is a cross-program review of programs administered by the Office of Elementary and Secondary Education, including ESSER, GEER, and EANS. Third, the Department collects annual performance data that includes how grantees and their subrecipients have used these funds. Data from the year one collection (March 13, 2020 – September 30, 2020) can be found on the [ESF Transparency Portal](#). The Department will collect fiscal year two data for all awards under the ESSER, GEER, and EANS programs in the spring of 2022. Finally, the Department provides routine technical assistance to its colleagues in the Office of the Inspector General who conduct annual audits for compliance with statutory and regulatory requirements.

Representative Joseph D. Morelle (D – NY)

1. Congress appropriated approximately \$2.7 billion for the American Rescue Plan (ARP) Emergency Assistance to Non-Public Schools (EANS). The Department of Education awarded funds to Governor's with an approved application based on the State's relative share of children aged 5 to 17 who are with at family at or below 185 percent of the poverty level. As the funds continue to be disbursed and used, what are the Department's plans on monitoring and oversight of the Funds?

Informal monitoring of EANS grantee performance happens on a weekly basis between program officers and grantees. The Department has held video calls (and in many cases, multiple calls) with all states to understand how they are implementing their CRRSA EANS programs and how they are implementing or will implement their ARP EANS programs. Given that this is a new program for State Educational Agencies (SEAs) to administer, the Department has emphasized technical assistance as well as formal monitoring. The Department also has formal monitoring engagements with grantees and those include focused (or targeted) monitoring, comprehensive monitoring, and consolidated monitoring. In addition, the Department collects annual performance data that includes how grantees and their subrecipients have used these funds. Data from the year one collection can be found on the [ESF Transparency Portal](#). The fiscal year two collection will include EANS data for the first time and will include expenditures for the applicable reporting period of October 1, 2020, until the end of the state fiscal year 2021.

2. Since the American Rescue Plan of 2021 was passed, state officials were asked to submit a plan of how the funds would be used, with allowable provisions including returning to a safe in-person environment, implementing COVID-19 mitigation strategies, offering summer learning, providing social, emotional, and mental health as well as addressing the academic impact of lost instructional time. Was there clear guidance provided on how

¹ Id.

² U.S. Department of Education, Governor's Emergency Education Relief Fund; Frequently Asked Questions about the Governor's Emergency Education Relief Fund (GEER Fund) 3, <https://oese.ed.gov/files/2020/05/FAQs-GEER-Fund.pdf> (last visited Sept., 23, 2020) (Question A-7).

³ <https://www.live5news.com/2020/10/07/sc-supreme-court-strikes-down-gov-mcmasters-safe-grants-program/>

these states and school districts would be able to implement the funds in order to be approved?

In April of 2021, the Department released a template, outlining the responsibilities of each State Education Agency (SEA) to articulate how ARP ESSER funds would be used to address the impact of lost instructional time as a result of the COVID-19 pandemic and meet the other requirements of the American Rescue Plan Act and the Department's interim final requirements. These plans ensure transparency for the use of ARP ESSER funds and promote strong stakeholder engagement in their development. The Department provided technical assistance to states around their plans, particularly in areas such as the uses of funds to ensure compliance with the law. The Department also released a new resource to help states share their progress deploying ARP ESSER funds. Known as ARP PATHS, states and districts will be able to more effectively and transparently communicate their efforts and share promising practices.

3. According to the Department, a Governor must apply for the ARP EANS program by September 9, 2021. The Department would then follow with distributing the award to a Governor within 15 days of receiving an approvable application. Were the Governors of the States notified in a timely matter?

Under the ARP EANS program, the Department determined through final requirements published in the Federal Register that states could either use a threshold of 40 percent to identify schools that serve a significant percentage of low-income students or propose an "alternate significant poverty percentage." For states that submitted an application that opted for the 40 percent threshold, the Department approved applications and the states received their awards within 15 days of the Department receiving the application. Forty-one states proposed an "alternate significant poverty percentage," which required the Department to clarify with each state its proposed percentage was significant within the state's context. In doing this, the Department began the 15-day timeline after ensuring each application was complete. All ARP EANS applications have been approved.

Representative Joaquin Castro (D – TX)

1. Deputy Secretary Marten, how have elementary and secondary schools used the supplemental funding to address disparities in resources, access and opportunities for low income and minority students?

All ESSER state plans have been approved. As seen in the ARP ESSER state plans, the funding provided to states by ARP ESSER has allowed for states and LEAs to implement and expand practices and programs designed to address disparities in resources, access, and opportunities, including:

- In Rhode Island, the State is using ARP ESSER funds to support partnerships between districts and community-based organizations with a specific focus on effective reengagement and reenrollment for students that have been disconnected from their school communities as a result of the pandemic.
- In New Hampshire, ARP ESSER funds will be used to partner with community-based organizations and schools to provide wraparound services such as digital

literacy and joint family instruction to low-income students and English language learners.

- The California Department of Education will use a portion of ARP ESSER funding to expand afterschool programs for students in low-income communities that have been most affected by the COVID-19 pandemic.
- LEAs have used ARP funding to address the disparities central to their district and communities. Several examples are:
 - Dayton, OH: A double teaching model was implemented in grades 1-3, and math specialists are now in grades 4-6. These changes provide class size reduction, which allows teachers to address learning gaps more quickly and provide more one-on-one support to students when needed.
 - Maine School Administrative District 11 is addressing gaps in learning opportunities by using ARP ESSER funds to hire nine new teachers and implement a new math, language arts, and social studies program. The additional teachers permitted the district to reduce class sizes from 22-24 students to an average of 14-16 students. The district has provided external and internal coaching, ongoing professional learning, and additional support to educators and staff.

Additional strategies are described in Department resources including:

- *Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time*, available at: <https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>.
- *COVID-19 Handbook Vol. 2: Roadmap to Reopening Safely and Meeting All Students' Needs*, available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.
- *Using ESSER and GEER Funds to Prevent, Prepare for, and Respond to the COVID-19 Pandemic*, available at: https://oese.ed.gov/files/2021/12/Fact-Sheet_COVID_connection_12.29.21_Final.pdf.

2. For both witnesses, what have we learned about the impact of the resources available to address the social-emotional learning challenges students have experienced in the past year?

States and LEAs are continuing to use critical ARP ESSER funding to implement and to expand practices and programs designed to address the social-emotional impacts of the COVID-19 pandemic on students across the country:

- In Oklahoma, ARP ESSER funding is being used to hire new school counselors, mental health professionals, and recreational therapists due to an identified shortage in the state. The Oklahoma State Department of Education has awarded grants for 222 school counselors, 94 licensed mental health professionals, and 42 contracts for services.
- The Ohio Department of Education is partnering with other State offices to expand school-based services and increase behavioral and physical health supports for students across the State.
- The Hawaii Department of Education is providing funding for school counselors and social workers to expand much-needed services to students, designed to monitor student progress, identify needed support, provide professional development, and connect community resources.

- LEA's have also utilized funds to address the social-emotional learning challenges. Some examples are--
 - Plymouth-Canton Community Schools in Michigan hired three full-time high school counseling staff to decrease counselor caseloads with ARP ESSER funding. Counselors are now able to dedicate more time to individual student meetings, attend meetings with assistant principals and deans to review academic progress and other needs of students, and develop a wellness center at each campus.
 - The New York City Department of Education announced an investment of \$10 million to expand the district's research-based community schools initiative from 266 to 406 sites citywide using ARP ESSER funding. These schools provide integrated student support services to students and the surrounding community, such as mental health care, adult education courses, community violence intervention programs, and nutrition support.
 - San Antonio ISD has spent around \$16 million of the \$25 million it allocated to address the social emotional needs of students by establishing SEL development teams at each high school which consists of counselors and behavior analysts, professional development centered around mental health for staff and expanding Communities in Schools to 30 additional schools.

Representative Elise M. Stefanik (R – NY)

1. *ESEA Section 1116 – Parental Engagement*

Section 1116 of the Elementary and Secondary Education Act, as updated by this committee in 2015 with the bipartisan passage of the Every Student Succeeds Act, requires schools and districts that accept the over \$16 billion in annual federal assistance through the Title I program to have a parental engagement policy. How is the Department ensuring schools and school districts are upholding their obligations under section 1116 to involve parents in educational decision-making? If it comes the Department's attention that a school does not have a parental engagement policy, what are the steps the Department takes?

Parents are our first and most important educators – and we all want the same thing: to work together to create better opportunities for students. This commitment is evidenced by the Department specifically including parent and family engagement as a requirement for the ARP ESSER State Plan and for LEA plans for use of ARP funds. [See: IFR.](#)

To help ensure SEAs and LEAs comply with applicable requirements, the Department conducts a full review of the parent and family engagement requirements in ESEA section 1116, including the requirement that schools and districts that accept Title I, Part A funds have a parental engagement policy (the Title I, Part A monitoring protocols can be found at: <https://oese.ed.gov/offices/office-of-formula-grants/school-support-and-accountability/performance-review/>). For example, the Department asks each SEA how it ensures that the school district's parent and family engagement policy provides opportunities for the participation of all parents and family members (including parents and family members who have limited English proficiency, parents and family members with disabilities, and parents and family members of migratory children) and provides information and school reports in a format and, to the extent practicable, in a language that

parents understand. If the Department finds non-compliance with any requirement, it will require the SEA to implement a corrective action to address the area of non-compliance as quickly as possible.

2. *Emergency Assistance to Non-Public Schools*

I've heard examples of non-public schools trying to purchase science textbooks and science kits using their Emergency Assistance to Non-Public Schools (EANS) funding, yet they were told by their State Education Association (SEA) that it was not an allowable use of federal funds. Isn't a science textbook a pretty straightforward purchase for a school? Wouldn't a science kit, which is typically used in small group settings, help combat COVID in the classroom by keeping group instruction limited to smaller cohorts of students? What can the Department of Education do to remedy this situation and provide additional guidance to SEAs to ensure fundamental learning supplies like textbooks are approved?

The allowable services or assistance under the EANS program are identified under Section 312(d)(4) of the CRRSA Act. This list is exhaustive. Notably, the statutory list of EANS services or assistance is more limited than the allowable uses of funds under the ESSER and GEER programs. As with all uses of EANS funds, the context matters since the funds are intended to address educational disruptions resulting from the COVID-19 emergency. Further information about allowable services and assistance can be found in section D of the [EANS FAQ](#) document. Any questions about allowable uses of funds should be directed to the appropriate State mailbox (State.oese@ed.gov).

Representative Rick W. Allen (R – GA)

1. What is the timeline for the EANS Funds that will be rerouted to GEER funds and what would be the deadline to spend those funds?

Once a state has demonstrated its compliance with the requirements of the EANS program and has funds remaining unobligated, then the Department has advised the state to communicate to the Governor's Office of the availability of such funds for allowable uses under GEER. These unobligated CRRSA EANS funds are available for obligation by the Governor's Office for allowable uses under GEER through September 2023. Unobligated ARP EANS funds will be available for obligation by the Governor's Office for allowable uses under GEER through September 2024.

2. When will Georgia receive information about the EANS II application?

Georgia's EANS application was approved on February 18, 2022. They received an award of \$75,408,050.

3. How will ED interpret the Maintenance of Equity requirement for GEER and ESSER Funds?

Maintenance of Equity (MOEquity) is a set of new fiscal equity requirements in sections 2004(b) and (c) of the ARP Act and applies to ARP ESSER funds. GEER funds do not have an MOEquity requirement. Specifically, MOEquity ensures the following:

- An SEA does not disproportionately reduce per-pupil state funding to high-need LEAs.
- An SEA does not reduce per-pupil state funding to the highest-poverty LEAs below their FY 2019 level.
- An LEA does not disproportionately reduce state and local per-pupil funding in high-poverty schools.
- An LEA does not disproportionately reduce the number of full-time-equivalent (FTE) staff per-pupil in high-poverty schools.

Specifically, under section 2004(b) of the ARP Act, as a condition of receiving ARP ESSER funds, an SEA may not, in each of FY 2022 or 2023—

- Reduce the per-pupil amount of state funding for any high-need LEA by an amount that exceeds the overall per-pupil reduction in state funding, if any, across all LEAs in the state.
- Reduce the per-pupil amount of state funding for any highest-poverty LEA below the per-pupil amount the SEA provided to such LEA in FY 2019.

Additionally, under section 2004(c) of the ARP Act, as a condition of receiving ARP ESSER funds, an LEA may not, in each of FY 2022 or 2023—

- Reduce combined state and local per-pupil funding for any high-poverty school by an amount that exceeds the total reduction, if any, of combined state and local per-pupil funding for all schools in the LEA.
- Reduce the number of FTE staff per-pupil in any high-poverty school by an amount that exceeds the total reduction, if any, of FTE staff per-pupil in all schools in the LEA.

Guidance that the Department provided to states and LEAs regarding the Maintenance of Equity requirements is [available here](#).

4. Can ED provide clearer definitions about the types of capital expenditures for which have already been granted prior approval? Can this clarification be added to guidance, ideally with examples?

Under 2 CFR § 200.407 of the Uniform Guidance, the Department is required to provide states prior written approval for certain costs, such as the purchase of real property; equipment and other capital expenditures; entertainment costs; and travel costs. The Department has only received a handful of requests from states for prior approval of ESSER funds and has granted it for such activities as broadband expansion and the installation of cameras at state-operated schools to provide security and monitor health standards.

Under 2 CFR § 200.407, SEAs must provide prior written approval to local educational agencies for certain costs. The [Department's ESSER and GEER Use of Funds FAQs](#) provide states with information on allowable costs, including capital expenditures, that may require SEA prior approval (see FAQs A-16 and B-6). In addition, on June 17, 2021, the Department held an [Office Hours](#) for state grantees where more information was shared on using ESSER funds for construction and HVAC improvements.

Finally, the Department conducted a [webinar](#) on September 2, 2021, for all grantees that

addressed using COVID-relief funds for facility upgrades, renovations, and construction. The recorded webinar can be [found here](#) and the slides can be [found here](#).

5. Given institutions' need to address longer-term effects of COVID, particularly on lost revenue, how will ED be approaching the current summer of 2022 deadlines and requests for no-cost extensions?

The Department is committed to helping states comply with the statutory requirements that govern the pandemic relief funds. Funds appropriated under the CARES Act are available for obligation through September 30, 2022. The Department does not have the authority to waive or extend this statutory deadline. Funds appropriated under the CRRSA Act are available for obligation through September 30, 2023. Funds appropriated under the ARP Act are available for obligation through September 30, 2024. Please see section E of the [ESSER FAQs](#) for more information.

In general, under the Uniform Guidance, state-administered program grantees have 120 days after the applicable deadline to complete liquidations for the obligations they incurred by the applicable September 30 date. Upon written request of a grantee, the Department, with appropriate documentation from the grantee, can approve liquidation extension requests for a maximum of 18 months pursuant to 2 C.F.R. §200.344(b) and the Department's established procedures. This applies to all the COVID relief funds including CARES, CRRSAA, and ARP.

Representative Julia Letlow (R – LA)

1. Later this week, I will be introducing the Parents Bill of Rights Act, legislation that strengthens parents' rights in education by ensuring that school districts are transparent with parents on what their children are being taught in schools and consider parents' concerns and feedback when making educational decisions. Parents want to be heard. They want a say in their children's education. This is a reasonable and simple expectation.

At a recent hearing before the Senate HELP Committee, Secretary Cardona would not commit to the statement that parents should be considered the primary stakeholder in their kid's education. As a parent of two and former classroom educator myself, I find that take extremely concerning.

Deputy Secretary Marten, do you believe that parents are the primary stakeholder in their child's education?

Both the Secretary and I have stated many times that parents are their child's first and primary educator. This Department is committed to listening to parents and has worked to ensure parent and school community engagement is at the forefront of our education system. Students benefit when parents and educators have strong, trusting, and collaborative relationships. Schools should work continually to create welcoming environments for students and their families, including through ongoing engagement and opportunities for open and respectful dialogue between educators and parents.

The importance of parent engagement is evidenced by our work in implementing ARP ESSER. Stakeholder engagement is a core element of the State and LEA planning process for the use of ARP funds. The [Interim Final Rule](#) published by the Department on April 22, 2021, as well as the ARP ESSER State Plan template includes families amongst the list of stakeholders with which an SEA or LEA are required to consult.

Additionally, on December 21, 2021, the Department announced \$5 million in grants under the Statewide Family Engagement Centers program to provide financial support to organization that offer technical assistant and training to state educational agencies and school districts in the implementation of effective family engagement policies, programs, and activities that lead to improvements in student development and academic achievement. In announcing this grant competition, the Secretary noted that, "Parents' voices are critical to the success of our education system. They are our children's first and most influential teachers. Our commitment to parent and family engagement and collaboration has been embedded in our work at the Department since Day One of the Biden-Harris Administration."

[Questions submitted for the record and the response by Mr. Kvaal follow:]

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November 29, 2021

The Honorable James Kvaal
 Under Secretary
 U.S. Department of Education
 400 Maryland Ave. SW
 Washington, DC 20202

Dear Under Secretary Kvaal:

I would like to take a moment to thank you for appearing before the Subcommittee on Early Childhood, Elementary, and Secondary Education and the Subcommittee on Higher Education and Workforce Investment joint hearing entitled "*Examining the Implementation of COVID-19 Education Funds*," held on Wednesday, November 17, 2021.

Please find enclosed additional questions submitted by Committee Members following the hearing. Please provide a written response no later than Monday, December 13, 2021, for inclusion in the official hearing record. Your responses should be emailed to Rasheedah Hasan (Rasheedah.Hasan@mail.house.gov), Mariah Mowbray (Mariah.Mowbray@mail.house.gov), and Manasi Raveendran (Manasi.Raveendran@mail.house.gov) of the Committee staff.

Once again, I appreciate your time and continued contribution to the work of the Committee.

Sincerely,

ROBERT C. "BOBBY" SCOTT
 Chairman

Enclosure:

Subcommittee on Early Childhood, Elementary, and Secondary Education and Subcommittee on
Higher Education and Workforce Investment Joint Hearing
"Examining the Implementation of COVID-19 Education Funds"
Wednesday, November 17, 2021
10:15 a.m. (Eastern Time)

Representative Joaquin Castro (D – TX)

1. Under Secretary Kvaal, how have colleges used the relief funds provided by Congress to increase access and opportunities for students of color?
2. For both witnesses, what have we learned about the impact of the resources available to address the social-emotional learning challenges students have experienced in the past year?

Representative Julia Letlow (R – LA)

1. In March 2020, Congress passed the CARES Act which provided assistance for institutions of higher learning and students impacted by COVID-19. While the Department has distributed some helpful material on implementation of CARES Act funds, often universities have additional questions on use of funds outside of the provided documents and frequently asked questions.

Unfortunately, the Department has been extremely slow at responding to inquiries made by schools, Members of Congress on behalf of these schools, and the Committees of jurisdiction which have oversight on the implementation of federal funding. This is quite disappointing.

My office has had firsthand experience on the Department's response time. My office put in a request on behalf of an institution in my District to ensure proper use of the institution's CARES Act funds. Regrettably, it took over two months to get an answer from the Department. While I appreciate attention to detail, this is an extraordinary long response time considering that the CARES Act was passed well over a year at the time my office requested the information.

Under Secretary Kvaal, with institutions having less than a year left to obligate CARES Act funds, how will the Department improve response times to requests for information from schools, Members of Congress, and Committees of jurisdiction?

Subcommittee on Early Childhood, Elementary, and Secondary Education and Subcommittee on
Higher Education and Workforce Investment Joint Hearing
"Examining the Implementation of COVID-19 Education Funds"
Wednesday, November 17, 2021
10:15 a.m. (Eastern Time)

Representative Joaquin Castro (D – TX)

1. Under Secretary Kvaal, how have colleges used the relief funds provided by Congress to increase access and opportunities for students of color?

Colleges and universities have used the Higher Education Emergency Relief Fund to provide equitable access to emergency aid grants, eliminate barriers to student achievement, and promote student retention and completion, which are barriers for underserved students that have long existed and were exacerbated by the pandemic.

Colleges have used HEERF for additional student financial aid grants that prioritize students with the greatest needs, discharging unpaid student account balances and eliminating transcript holds, helping students transition to online learning, and supporting students' academic, mental health, and basic needs, including housing, food, and healthcare. For example, over 150 institutions and counting, and particularly community colleges and Historically Black Colleges and Universities (HBCUs), have used HEERF grant funds to discharge unpaid student account balances.

Many other institutions have taken steps to eliminate unnecessary practices -- like transcript withholding -- that hinder student completion, transfer, and employment and which benefit students of color. Recent studies¹ show that these 'stranded credits' disproportionately affect students of color and those from low socioeconomic backgrounds. Transcript withholding impacts students' academic and career trajectories, which can mean the difference between stopping out and dropping out. It also affects financial aid eligibility and has a detrimental impact on students' psychological well-being. These practices have prevented students from taking advantage of the financial and career opportunities that could help settle their institutional debt.

- Ivy Tech Community College recently announced it would make transcripts available to all students, regardless of whether the student owes a balance to the college, noting that existing research suggests students who are most in need are disproportionately affected by transcript hold policies.
- In addition to providing funds to students for emergency financial aid, the University of Texas San Antonio used its institutional support funds to provide student refunds, specialized grants and more emergency aid. Institutional funds were also used on a wide variety of student success initiatives to help with remote learning, technology needs, mental health, and physical infrastructure for in-person learning activities.
- The City University of New York announced \$125 million in relief committed toward discharging unpaid balances of at least 50,000 students. In addition, they are stopping their long-held practice of holding transcripts so students can better transfer to new programs or gain employment. They also announced a suspension of

¹ <https://sr.ithaka.org/publications/stranded-credits-a-matter-of-equity/>

their rules on barring re-enrollment for unpaid balances.

- Trinity Washington announced it would use \$1.8 million in HEERF grant funds to clear balances for 400 students, suspended its policy barring students with balances over \$4000 from re-enrolling, and is reconsidering its policy on stranded credits after an analysis showed the college lost 200-300 students a year due to unpaid balances.

HBCUs lead the field in using HEERF funds to discharge outstanding institutional debt or unpaid balances, which has been shown to result in students staying in college and has helped their ability to transfer or get a job. For example, Florida Agricultural & Mechanical University cancelled \$16 million in student debt.

HBCUs have also used HEERF to support students' basic needs, such as childcare, food, housing, transportation, and healthcare. North Carolina Agricultural & Technical State University used HEERF aid to establish a housing scholarship for students to afford on-campus housing.

A number of institutions have used HEERF to support retention and completion by providing tuition subsidies and free community college programs. Examples show that some of these institutions have seen their enrollment increase as a result, particularly for underserved students.

- Spartanburg Community College is providing free tuition to anyone who lives or works full-time in South Carolina and who is taking classes that amount to at least six credits. Spartanburg is using HEERF to cover tuition after federal student aid and other available scholarships and grants are exhausted. Enrollment has increased by 47 percent compared to fall 2020 and by 32 percent from before the pandemic. Enrollment of adult learners increased about 66 percent compared to fall 2019, African American enrollment increased by 55 percent, Hispanic enrollment increased by 44 percent, and Asian enrollment increased by 10 percent compared to before the pandemic.
 - Community College of Baltimore County, where nearly 55% of the enrollment is composed of students of color, saw almost a third of its students withdraw at the start of the pandemic. Using HEERF grant funds combined with state and institutional funds, the college worked to make classes tuition-free for as many students as possible and added more in-person classes since students indicated they did not want to take courses online. Enrollment is currently at about the same enrollment as last fall and 6% above enrollment-to-budget.
2. For both witnesses, what have we learned about the impact of the resources available to address the social-emotional learning challenges students have experienced in the past year?

For many students, faculty, and staff, the pandemic appears to have led to new or exacerbated existing mental health challenges. A national survey found that one-half of college students in 2020 screened positive for anxiety and/or depression and 83 percent of students said their mental health had negatively impacted their academic performance. It is also a top concern we have heard from students and college presidents. In response to concerns about the mental health of students, the Department released several [resources](#) to support child and student social, emotional, behavioral and mental health. Additionally, the Department released a [report](#) on the Disparate Impacts of COVID-19 on America's students in June of 2021 in response to the

President's Executive Order on Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers.

Given this growing need, colleges are using their HEERF money to support the growing social-emotional learning challenges students have and continue to experience as a result of the pandemic. For example, the University of Central Florida used HEERF dollars to fund four new clinical staff to meet the expected increase in mental health needs of students who didn't seek services during COVID because of remote learning. Foothill-De Anza Community College used funding to establish a Mental Wellness Ambassador program aimed at promoting mental health services, reducing stigma surrounding mental health disorders, creating community, and fostering an inclusive and non-judgmental campus culture. University of Texas at San Antonio used HEERF grants to provide students with 24/7 access to both academic and mental health supports to increase engagement and retention.

The Department noted in its HEERF FAQs that emergency financial aid grants may be used by students for any component of their cost of attendance or for emergency costs that arise due to coronavirus, such as tuition, food, housing, health care -- including mental health care -- or child care. Students determine how they may use their emergency financial aid grant within the allowable uses.

Representative Julia Letlow (R – LA)

1. In March 2020, Congress passed the CARES Act which provided assistance for institutions of higher learning and students impacted by COVID-19. While the Department has distributed some helpful material on implementation of CARES Act funds, often universities have additional questions on use of funds outside of the provided documents and frequently asked questions.

Unfortunately, the Department has been extremely slow at responding to inquiries made by schools, Members of Congress on behalf of these schools, and the Committees of jurisdiction which have oversight on the implementation of federal funding. This is quite disappointing.

My office has had firsthand experience on the Department's response time. My office put in a request on behalf of an institution in my District to ensure proper use of the institution's CARES Act funds. Regrettably, it took over two months to get an answer from the Department. While I appreciate attention to detail, this is an extraordinary long response time considering that the CARES Act was passed well over a year at the time my office requested the information.

Under Secretary Kvaal, with institutions having less than a year left to obligate CARES Act funds, how will the Department improve response times to requests for information from schools, Members of Congress, and Committees of jurisdiction?

Ensuring institutions have the information they need to use their relief funds has remained a top priority. The Department has taken steps to automate processes and supplement our existing personnel to proactively manage the HEERF program. This includes conducting 15 sector- and issue-specific briefings on allowable uses and other topics, reaching more than 3,000 colleges and 75 federal or state associations. The Department has also hired 24 staff in the Emergency Response Unit (ERU) to

standardize processes, provide technical assistance, streamline communication, and provide dedicated attention to grantees. Importantly, the Department updated its written guidance to provide a useful compendium of 'frequently asked questions' for institutions.² This document is updated to reflect evolving statutory provisions associated with the release of additional federal funds and responding to new issues that arise. In addition, the Department conducted a webinar for institutions to guide them through the HEERF Quarterly Reporting requirements, maintained a robust Safe Schools and Campuses Best Practices Clearinghouse,³ and provided technical assistance to institutions from program analysts in the ERU and email to HEERF@ed.gov.

² <https://www2.ed.gov/about/offices/list/ope/arpfaq.pdf>

³ <http://bestpracticesclearinghouse.ed.gov/colleges-and-universities.html>

[Whereupon, at 1:27 p.m., the Subcommittees were adjourned.]

