CAPE | Council for American Private Education

May 14, 2020

Dear Member of Congress:

On behalf of the more than 5 million students enrolled in private elementary and secondary schools (10% of all students and 33% of all schools), we are writing to express our extreme disappointment with the education provisions in the HEROES Act introduced on May 12. If passed, these provisions would eliminate from eligibility for aid almost all students enrolled by their parents in private schools. This would represent a stark departure from 55 years of precedent under federal education programs such as the Elementary and Secondary Education Act (ESEA) and the Individuals with Disabilities Education Act (IDEA), and rejects the approach taken by Congress during all emergency relief efforts in memory. To approve such policies would be to send a message that the House of Representatives is only concerned with the safety of some of America's students and teachers, not all.

The Education Stabilization Fund in the original CARES Act was designed to provide essential aid to enable schools to ensure continuity in education for America's students, and to prepare for a time when all students would return to schools that are safe and healthy learning environments. ALL students, and their teachers, need and deserve the essential services authorized by that legislation. Fortunately, the CARES Act did not target groups of students to be excluded from the benefits of its relief programs. After all, these federal dollars are generated by the taxpaying parents of all students, not just those in public schools.

However, the HEROES Act not only excludes almost all private school students from eligibility for its emergency services – including students with disabilities whose parents chose the private school option of their own volition, rather than having been directed to a private school by the local school district – but it also reopens the CARES Act to restrict which private school students will be eligible for the relief voted on by Congress, and signed by the president, over a month ago.

As a practical matter, the proposed restrictions are unworkable: will only the desks of those precious few eligible students be sanitized to protect against coronavirus, while the rest of the desks in the same classroom are not? As a message to private school students and their hard working, taxpaying parents, this is shocking and unprecedented.

Congress has traditionally responded to emergencies such as hurricanes and wildfires by emphasizing the needs of students – all students – in its education relief efforts. By contrast, the HEROES Act's education provisions are an exercise in exclusion. We urge members of the House of Representatives to reject this approach and to return to the normal practice in times of emergency, by providing a fair and equitable

Voice of America's Private Schools

distribution of relief funds for all children who have been impacted by the coronavirus pandemic.

Thank you for your consideration.

Sincerely,

Michael Schuttloffel
Executive Director