

The New York Times

DeVos Demands Public Schools Share Pandemic Aid With Private Institutions

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May 27, 2020

Education Secretary Betsy DeVos, defiant amid criticism that she is using the coronavirus to pursue a long-sought agenda, said she would force public school districts to spend a large portion of federal rescue funding on private school students, regardless of income.

Ms. DeVos announced the measure in a letter to the Council of Chief State School Officers, which represents state education chiefs, defending her position on how education funding from the Coronavirus Aid, Relief and Economic Security Act, or CARES Act, should be spent.

“The CARES Act is a special, pandemic-related appropriation to benefit all American students, teachers and families,” she wrote in the letter on Friday. “There is nothing in the act suggesting Congress intended to discriminate between children based on public or nonpublic school attendance, as you seem to do. The virus affects everyone.”

A range of education officials say Ms. DeVos’s guidance would divert millions of dollars from disadvantaged students and force districts starved of tax revenues during an economic crisis to support even the wealthiest private schools. The association representing the nation’s schools superintendents told districts to ignore the guidance, and at least two states — Indiana and Maine — said they would.

Ms. DeVos accused the state education chiefs of having a “reflex to share as little as possible with students and teachers outside of their control,” and said she would draft a rule codifying her position to “resolve any issues in plenty of time for the next school year.” The proposed rule would need to go through a public comment process before it could take effect.

Private school leaders, who serve about 5.7 million of the nation’s children, say they, too, are in crisis. Enrollment and tuition revenues are plunging along with philanthropic donations and church collections that help some religious schools operate. Many of those schools serve low-income students whose parents have fled failing public schools. Private school groups say 30 percent of the families they serve have annual incomes below \$75,000, and those families are most at-risk without federal aid.

“I don’t understand why we have to pick winners and losers when everything we’re asking for is targeted at helping children and families,” said Jennifer Daniels, the associate director for public policy for the United States Conference of Catholic Bishops.

Under federal education law, school districts are required to use funding intended for their poorest students to provide “equitable services,” such as tutoring and transportation, for low-income students attending private schools in their districts. But Ms. DeVos maintains the coronavirus rescue law does not limit funding to only poor students, and her guidance would award private schools more services than the law would normally require.

Last week, leaders from education committees in the House and Senate, including Senator Lamar Alexander, Republican of Tennessee, said Ms. DeVos's interpretation was flawed.

Democratic leaders called on Ms. DeVos to revise her guidance, which they said would "repurpose hundreds of millions of taxpayer dollars intended for public school students to provide services for private school students, in contravention of both the plain reading of the statute and the intent of Congress."

Carissa Moffat Miller, the executive director of the Council of Chief State School Officers, said the organization believed the secretary's guidance "could significantly harm the vulnerable students who were intended to benefit the most from the critical federal Covid-19 education relief funds Congress has provided."

Ms. DeVos has been unabashed in her use of coronavirus funding to further her decades-long effort to divert public dollars to private and parochial schools. In a radio interview last week, first reported by Chalkbeat, the Roman Catholic archbishop of New York, Cardinal Timothy M. Dolan, asked Ms. DeVos if she was using "this particular crisis to ensure that justice is finally done to our kids and the parents who choose to send them to faith-based schools." She responded "Absolutely."

In her letter, Ms. DeVos said "a growing list of nonpublic schools have announced they will not be able to reopen, and these school closures are concentrated in low-income and middle-class communities."

At least 26 schools, the vast majority of them Catholic, have announced closings caused by or attributed to the pandemic, according to the Cato Institute, a libertarian research organization that is tracking such announcements. The National Catholic Educational Association said that at least 100 of its member schools were at risk of not reopening. More than 40 groups that support private schools wrote to House and Senate leaders this month asking for tuition aid, tax credits for families, and other measures to prevent "massive nonpublic school closures."

Leaders in some religious communities say they cannot fall back on public education.

"It is unthinkable for us not to give our children a Jewish education, in the same way it is unthinkable for us not to keep the Sabbath or the kosher dietary laws — it is fundamental to Jewish life," said Rabbi Abba Cohen, the vice president for federal affairs at Agudath Israel of America, one of the groups that signed the letter.

This month, the Archdiocese of Newark announced it would close 10 schools. While the organization said a plan to consolidate had already been underway, Cardinal Joseph W. Tobin, the archbishop of Newark, wrote in a letter to the community that "this historical moment presents crucial challenges to the sustainability and ongoing success of our schools."

Among the closed schools was Cristo Rey Newark High School, part of a network of 37 Catholic college-preparatory schools across the country that exclusively serves low-income students.

"My concern is that people are painting this with a very large brush stroke that's based on an assumption that Catholic and private means fancy and expensive, and that is not the case," said Elizabeth Goettl, the president of the Cristo Rey Network.

Of the network's 12,000 students, 98 percent are students of color, and all of them are from a financially disadvantaged family, Ms. Goettl said. Only 10 percent of the schools' operational revenue comes from tuition, and every family pays what they can on a sliding scale, on average about \$900 a year, though some pay as little as \$20 a month.

Fifty percent of the school's operational revenue comes from a corporate work-study program that could be affected by the economic fallout from the pandemic. Companies employ students in entry-level jobs, and students assign their wages to their tuition.

"They're literally earning their education at age 14, which is remarkable in itself," she said. "For the federal government to say we're not going to help your kids sanitize, or do whatever Covid-related things that need to be done, seems reprehensible."

A recently passed House bill would limit private schools from obtaining any new emergency relief funding, including equitable services. But private school leaders have begun an aggressive campaign to lobby Congress and the White House.

"When all is said and done, people are going to try to do the right thing and not try to pick which students we're not going to keep safe," said Michael Schuttloffel, the executive director of the Council for American Private Education.

Private school groups lobbying Congress say that mass closings would also hurt public schools. If 20 percent of private school students have to be absorbed into the public school system, it would cost the public system about \$15 billion, according to estimates from those groups.

Public school groups said that the argument proved their point.

"I think it's more proof that we need to be focused on public education, because if public education is not fully funded, there is no fall back," said Maggie Garrett, a co-chairwoman of the National Coalition for Public Education, which represents more than 50 national organizations that oppose private school vouchers.

Ruth Arias, an Amazon warehouse worker and single mother of five in New York City, said moving her children back to their neighborhood school would mean taking them "out of a place where they feel their best, and putting them into a school system where they fall apart."

With the help of an organization called the Children's Scholarship Fund, Ms. Arias said she enrolled her children in a private Christian school to "believe in something better."

Ms. Arias was battling the coronavirus last month when she saw that the city's Education Department would help students get iPads for remote learning.

Having only one computer and a cellphone for her children to share, she was relieved — until she was told her children's private schooling made them ineligible.

"I honestly had one thought," she said, "which I had a lot when I was dealing with the public school system: Are you kidding me?"