

Congress of the United States

Washington, DC 20515

August 25, 2022

The Honorable Miguel Cardona
Secretary
U.S. Department of Education
Washington, D.C. 20528

Dear Secretary Cardona:

As members of the House Oversight Committee, we insist that you provide information on the Department of Education's (Department) handling of COVID-19 relief funds. We, and the American people, are due an explanation on how and whether the Department is addressing the negative effects of prolonged school closures on children enrolled in K-12 programs across the country in light of the appropriation by Congress of a total of \$263 billion for the Education Stabilization Fund (ESF)¹ over the course of three pieces of legislation.² According to media reports, the vast majority of these "emergency" funds remain unspent.³ Study after study shows the learning losses caused by prolonged pandemic school closures are compounding and preventing students from achieving academic success. Committee Republicans plan to ensure the Department is doing everything in its power to ensure states and school districts properly target funds to remedy the acute learning losses brought on by prolonged pandemic school closures.

School Closures Were Extremely Detrimental to Students; Virtual School Was a Failure

In June 2020, the American Academy of Pediatrics strongly recommended that "all policy considerations for the coming school year should start with a goal of having students physically present in school."⁴ Nevertheless, even as late as January 2022, teachers unions championed remote learning despite clear indications of harm to students' mental and academic fitness.⁵ Under the Biden Administration, the CDC went so far as to allow the American Federation of Teachers (AFT), a union that represents adults and not children, to modify the guidance to ensure schools did not fully reopen.⁶

¹ Education Stabilization Fund, U.S. DEP'T OF EDUCATION, available at <https://covid-relief-data.ed.gov/> (last visited Aug 23, 2022).

² Pub. L. No. 116-136, Coronavirus Aid, Relief, and Economic Security Act (CARES Act) (Mar. 27 2020); Pub. L. No. 116-260, Division M, Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA Act) (Dec. 27, 2020); Pub. L. No. 117-2, American Rescue Plan Act (ARP Act) (Mar. 11, 2021).

³ Chapman, Ben & Sara Randazzo, *Billions in School Covid-Relief Funds Remain Unspent*, THE WALL STREET JOURNAL (May. 18, 2022).

⁴ Koioth, Trisha, *AAP interim guidance on school re-entry focuses on mitigating COVID-19 risks*, AM. ACADEMY OF PEDIATRICS (Jun. 26, 2020).

⁵ Goldstein, Dana & Noam Scheiber, *As More Teachers' Unions Push for Remote Schooling, Parents Worry. So Do Democrats.*, N.Y. TIMES (Jan 8, 2022), available at <https://www.nytimes.com/2022/01/08/us/teachers-unions-covid-schools.html>.

⁶ Levine, Jon, *Powerful teachers union influenced CDC on school reopenings, emails show*, THE N.Y. POST (May 1, 2021).

Prolonged school closures and forced remote learning were abject policy failures. Across the board, we have witnessed sharp declines in reading and math scores from 2019 to 2021, though smaller declines in pass rates for students with access to more in-person instruction.⁷ Students whose classes were less disrupted in the 2020-21 school year lost only about 20 percent of math learning compared to losses of 50 percent for students who did not have access to in-person instruction.⁸ Experts conclude: “It’s pretty clear that remote school was not good for learning” and that “Students learned less if their school was remote than they would have in person.”⁹

School Closures Harmed the Most Vulnerable Students—Both Academically and Emotionally

School closures also “widened both economic and racial inequality in learning,” reversing progress made over the last few decades in closing the learning gap.¹⁰ Schools in urban areas attended by low income and minority children were kept closed longer.¹¹ These children experienced the worst learning loss.¹² Black and Latino students and low-income students fell further behind in learning than high-income, white, or Asian students.¹³ Professor Tom Kane, the author of a Harvard study, stated that school closures “will probably be the largest increase in educational inequity in a generation.”¹⁴ Since these closures were imposed by Democratic officials at the state and local level,¹⁵ it begs the question—what are these officials doing to catch children up?

In addition to direct evidence of widespread learning loss due to remote instruction, America’s students are experiencing a mental health crisis of unprecedented proportion. Compared to 2019, emergency room visits for suicide attempts were 51 percent higher for adolescent girls and 4 percent higher for adolescent boys in early 2021.¹⁶ Depression and anxiety symptoms doubled in youth during the pandemic.¹⁷ A 2021 National Institutes of Health study acknowledged the COVID-19 related disruptions to everyday life led to anxiety and depression, which in turn led teens to self-medicate.¹⁸

⁷ Jack, Rebecca et. al., *Pandemic Schooling Mode and Student Test Scores: Evidence from U.S. School Districts* (Apr. 26, 2022), available at https://emilyoster.net/wp-content/uploads/MS_Updated_Revised.pdf.

⁸ Leonhardt, David, *Not Good for Learning*, N.Y. TIMES (May 5, 2022) (relying on work by Professor Tom Kane at Harvard University).

⁹ *Id.*

¹⁰ *Id.*

¹¹ *Id.*

¹² Goldhaber, Dan, et al., *The Consequences of Remote and Hybrid Instruction During the Pandemic*, HARVARD UNIV. (May 2022), available at <https://cepr.harvard.edu/files/cepr/files/5-4.pdf?m=1651690491>.

¹³ *Supra*, n. 8.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ Protecting Youth Mental Health: U.S. Surgeon General’s Advisory, DEPT. OF HEALTH AND HUMAN SERVICES (Dec. 7, 2021), available at <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf>.

¹⁷ *Id.*

¹⁸ Chopra, Deepti et. al., *Prevalance of self-reported anxiety and self-medication among upper and middle socioeconomic strata amidst COVID-19 pandemic*, J EDUC HEALTH PROMOT (Feb. 27, 2021), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8057176/>.

Despite the clear harms to America's students, we are concerned that school districts, particularly those that remained closed for over a year, have not spent the vast majority of funds made available during the pandemic.¹⁹ Instead of allowing these funds to languish, school districts should be using the money on evidenced-based interventions to get our students back on track or even school choice. Instead, many states and local school districts are failing to act or are using the funds on "new technology,"²⁰ positions that are not student-facing such as a Director of School Climate and Culture,²¹ or other pet projects that will not benefit students or put them back on the path to academic success.

To assist Committee Republicans in conducting oversight over billions of dollars in relief funds and how those funds will be used to benefit students who suffered due to school closures, please provide the following documents and information, covering the time period January 31, 2020, to the present unless otherwise indicated, no later than September 1, 2022:

1. Documents sufficient to show the average length of time in days that schools were closed for in-person instruction disaggregated by State Educational Agency (SEA) and Local Educational Agency (LEA);
2. All documents and communications relating to learning loss attributable to pandemic school closures;
3. All policy guidance promulgated by the Department of Education to SEAs and LEAs related to the appropriate use of COVID-19 relief funds intended to benefit K-12 students;
4. All Department of Education memoranda, guidance, trainings, or legal opinions relating to the appropriate use of COVID-19 relief funds by SEAs and LEAs intended to benefit K-12 students and the approval process for distributing funds based on a proposal;
5. All documents and communications between employees of the Department of Education and any third-party, including but not limited to a teachers union, referring or relating to school reopening or COVID-19 protocols.
6. All documents and communications between employees of the Department of Education and any third-party, including but not limited to a teachers union, referring or relating to the use of COVID-19 relief funds by SEAs and LEAs intended to benefit K-12 students;
7. All documents and communications relating to any proposal or guidance on the use of COVID-19 relief funds on evidence-based interventions to remedy learning loss caused by school closures.

¹⁹ *Supra*, n. 3.

²⁰ *Supra*, n.8.

²¹ Press Release: *School Board Appoints Chief Academic Officer, Chief of Staff, Langston Administrator and Director of School Climate and Culture*, ARLINGTON PUBLIC SCHOOLS (Jun. 23, 2022).

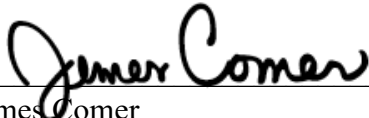
Secretary Cardona

August 25, 2022

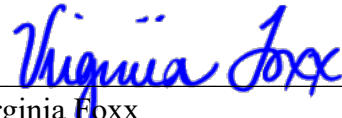
Page 4 of 5

To make arrangements to deliver documents or ask any related follow-up questions, please contact Committee on Oversight and Reform Republican Staff at (202) 225-5074. The Committee on Oversight and Reform is the principal oversight committee of the U.S. House of Representatives and has broad authority to investigate “any matter” at “any time” under House Rule X. Thank you in advance for your compliance with this inquiry.

Sincerely,



James Comer
Ranking Member
Committee on Oversight & Reform



Virginia Foxx
Ranking Member
Committee on Education and Labor



Glenn S. Grothman
Ranking Member
Subcommittee on National Security



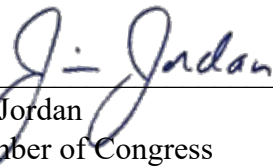
Michael Cloud
Ranking Member
Subcommittee on Economic and
Consumer Policy



Nancy Mace
Ranking Member
Subcommittee on Civil Rights and
Civil Liberties



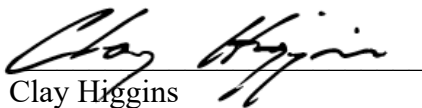
Yvette Herrell
Ranking Member
Subcommittee on Environment



Jim Jordan
Member of Congress



Bob Gibbs
Member of Congress



Clay Higgins
Member of Congress



Ralph Norman
Member of Congress

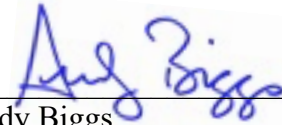
Secretary Cardona

August 25, 2022

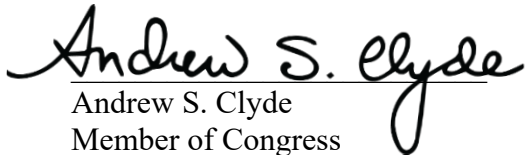
Page 5 of 5



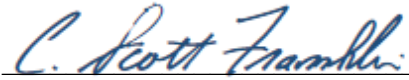
Fred Keller
Member of Congress



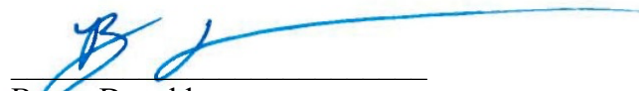
Andy Biggs
Member of Congress



Andrew S. Clyde
Member of Congress



C. Scott Franklin
Member of Congress



Byron Donalds
Member of Congress



Mike Flood
Member of Congress

cc: The Honorable Carolyn Maloney, Chairwoman
Committee on Oversight and Reform

The Honorable Bobby Scott, Chairman
Committee on Education and Labor

The Honorable Stephen F. Lynch, Chairman
Subcommittee on National Security

The Honorable Raja Krishnamoorthi, Chairman
Subcommittee on Economic and Consumer Policy

The Honorable Ro Khanna, Chairman
Subcommittee on Environment

The Honorable Jamie Raskin, Chairman
Subcommittee on Civil Rights and Civil Liberties