

Congress of the United States

House of Representatives

SELECT SUBCOMMITTEE ON THE CORONAVIRUS PANDEMIC

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WASHINGTON, DC 20515-6143

Majority (202) 225-5074
Minority (202) 225-5051

August 10, 2023

The Honorable Miguel Cardona. Ed.D.
Secretary
U.S. Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Secretary Cardona:

The Select Subcommittee on the Coronavirus Pandemic (Select Subcommittee) is investigating the potential misuse of billions of taxpayer dollars designed to reopen schools through the Elementary and Secondary School Emergency Relief (ESSER) fund administered by the Department of Education (ED).

Congress allocated more than \$190 billion of aid since the beginning of the pandemic to enable schools to safely reopen and address pandemic-related learning loss. The funds previously appropriated under the *Coronavirus Aid, Relief, and Economic Security (CARES) Act* and the *Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act of 2021* were explicitly intended to be awarded to states “[t]o provid[e] local educational agencies...with emergency relief funds to address the impact that COVID-19 has had, and continues to have, on elementary and secondary schools across the Nation.”¹ Under the *American Rescue Plan (ARP)*, another \$122 billion was appropriated to ESSER in order to “help safely reopen and sustain the same operation of schools and address the impact of the coronavirus pandemic on the Nation’s students.”²

However, many critics—including concerned parents—have questioned the efficacy of the program and how much of these funds went toward helping students succeed in the classroom. This is especially concerning in light of mounting evidence that America’s students are continuing to fail academically and struggling to recover pandemic-related learning deficits.³ Troublingly, the National Assessment of Educational Progress (NAEP) recently reported that 13-year-olds’ performance in math and reading had declined to their lowest recorded levels since

¹ *Elementary and Secondary School Emergency Relief Fund*, Office of Elementary and Secondary Education, U.S. DEP’T OF EDUC. (Mar. 3, 2023); See ESSER I & ESSER II.

² *Elementary and Secondary School Emergency Relief Fund*, Office of Elementary and Secondary Education, U.S. DEP’T OF EDUC. (Mar. 3, 2023); See ARP ESSER.

³ See Sarah Mervosh, *U.S. Students’ Progress Stagnated Last Year, Study Finds*, THE N.Y. TIMES (July 11, 2023).

1990 and 2004, respectfully.⁴ For example, none of the eighth-grade students enrolled at Lebron James' I Promise School in Akron, Ohio have passed the state's standardized math test in three years.⁵ This is unconscionable and unacceptable.

Unfortunately, the fund's seemingly few restrictions, coupled with the Department's limited accounting, has meant that Congress has largely been without the information necessary for it to assess the program's benefit for students academically (if any) and ensure that funds were neither wasted nor abused. Still, there's been numerous credible reports of funds being expended for questionable programs and projects—not related to academic success in the classroom—including for upgrades to sports facilities and to indoctrinate children in core tenets of leftist ideology.⁶

It is critically important that Congress understand how the Department administered ESSER funds and the extent to which State Educational Agencies (SEAs) or Local Educational Agencies (LEAs) misused funds—at the expense of America's students. Accordingly, the timely release of data collected by the Department from SEAs and LEAs through the *Education Stabilization Fund-Elementary and Secondary School Emergency Relief Fund (ESSER Fund) Recipient Data Collection Form (Recipient Data Collection Form)*⁷—which you recently completed collecting for this past year—is crucial for ensuring that Congress can conduct sufficient accounting and make sure that American students' academic shortcomings—as the result of the Biden Administration's continued and unscientific school closures—are addressed.

To further the Select Subcommittee's investigation, we request the following documents and information as soon as possible, but no later than August 24, 2023:

1. All *Recipient Data Collection Forms* submitted for years 2020 (Year 1), 2021 (Year 2), and 2022 (Year 3).

The Select Subcommittee on the Coronavirus Pandemic is authorized to investigate “the efficacy, effectiveness, and transparency of the use of taxpayer funds and relief programs to address the coronavirus pandemic, including reports of waste, fraud, or abuse” under H. Res. 5. To ask any follow-up or related questions, please contact Select Subcommittee staff at (202) 225-5074.

⁴ Dana Goldstein, *What the New, Low Test Scores for 13-Year-Olds Say About U.S. Education Now*, THE N.Y. TIMES (June 21, 2023).

⁵ Chantz Martin, *LeBron James-backed I Promise School delivers 'discouraging' student test results: report*, FOX NEWS (July 30, 2023).

⁶ Annie Waldman & Bianco Fortis, *The Federal Government Gave Billions to America's Schools for COVID-19 Relief. Where Did the Money Go?*, ProPublica, (Oct. 20, 2021); Jessica Chasmar, *COVID-19 relief funds to push CRT in schools*, FOX NEWS, (Apr. 28, 2022).

⁷ U.S Dep't of Edu., “Education Stabilization Fund-Elementary and Secondary School Emergency Relief Fund (ESSER I, ESSER II, ARP ESSER) Recipient Data Collection Form,” available at https://api.covid-relief-data.ed.gov/collection/api/v1/public/docs/ESSER_Data_Collection_Final.pdf


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August 10, 2023

Page 3

Thank you for your attention to this very important matter.

Sincerely,

A handwritten signature in blue ink, appearing to read "Brad P. Wenstrup", written over a horizontal line.

Brad Wenstrup, D.P.M.
Chairman

cc: The Honorable Raul Ruiz, M.D., Ranking Member
Select Subcommittee on the Coronavirus Pandemic