

# Congress of the United States

Washington, D.C. 20515

January 12, 2022

The Honorable Miguel Cardona  
Secretary  
U.S. Department of Education  
400 Maryland Ave SW  
Washington, D.C. 20202

Dear Secretary Cardona,

Nearly one year ago, the Committee on Education and Labor debated the education provisions that would become part of the *American Rescue Plan Act of 2021* (ARP). Republicans consistently argued the proposed funding for elementary and secondary education was far too much and far too soon after a significant round of emergency aid for schools had just been enacted on a bipartisan basis less than two months before this debate. We noted Congress had already appropriated nearly three times the funding the Centers for Disease Control and Prevention said was needed to operate schools successfully.<sup>1</sup> Unfortunately, rather than continuing Congress's bipartisan approach to addressing COVID-19, Democrats advanced their partisan agenda, approving more than \$120 billion in additional funding for schools.

Democrats argued their radical spending was necessary for schools to reopen safely for in-person instruction. Republicans knew then that claim was false, and the subsequent months have proven us right. According to data provided to Congress by your Department, as of December 30, school districts had drawn down less than 4 percent of their ARP funds. At the same time, your agency released data in December showing during the fall nearly 99 percent of public school fourth- and eighth-graders were attending school in person full time. So, through nearly half of the 2021-2022 school year, most schools were reopened while almost all the ARP funding for schools had gone untouched.

To the extent schools are spending ARP funds at all, several are reportedly spending their funds on left wing ideological projects.<sup>2</sup> This is not surprising. Despite Democrats' claims to the contrary, these funds were not needed to reopen schools. Because of this, some schools are grasping at any project they can find on which to waste these taxpayer funds, including indoctrinating students and staff with racist and divisive ideologies.

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<sup>1</sup> The CDC has estimated that implementing its recommended mitigation strategies in pre-K through 12th grade schools should cost between \$55 and \$442 per student (<https://www.cdc.gov/mmwr/volumes/69/wr/mm6950e1.htm>). Using the top of the per-pupil range, the total cost of implementing those strategies was approximately \$25 billion. During the 116th Congress, a total of nearly \$70 billion in dedicated K-12 funding for coronavirus relief was appropriated.

<sup>2</sup> <https://www.dailywire.com/news/schools-got-130b-to-re-open-some-of-it-went-to-crt-now-many-are-closed>

Even more troubling, as 2022 begins, one million public school students across the country were impacted by district-wide school closures and it is once again Democrats who continue to impede students' access to uninterrupted, in-person instruction.<sup>3</sup> This is the third academic year American students have faced disruptive learning.

The Biden administration's response to date has been appalling. Despite President Biden claiming nearly 12 months ago that the goal was to open every school, students continue to face intermittent and abrupt school closures.<sup>4</sup> While we appreciate that you and other officials have stated your support for maintaining in-person instruction, you must do more. The impact school closures have had and continue to have on our students has been catastrophic. The Committee heard from several witnesses about the personal harm to students when they were blocked from attending school.<sup>5</sup> Additionally, a National Bureau of Economic Research paper from November chronicled the harm done by remote learning.<sup>6</sup> Among other things, the paper found that pass rates on state standardized assessments in math declined by more than 14 percent on average, but this decline was more than 10 percent smaller in districts operating fully in-person.

In light of these documented harms, your tepid response to the return of school closures is tragically inadequate. During the Committee's consideration of the ARP last year, Republicans offered five different amendments that would have required schools to maintain in-person instruction as a condition of receiving ARP aid. Unfortunately, Democrats blocked each of those proposals. Had Democrats sided with parents rather than their union allies on those votes, you would have the legal means with which to hold schools accountable that choose to keep students locked out of educational opportunity.

Ensuring children have access to K-12 classrooms should be the baseline of our responsibilities. As the head of the Department of Education, you cannot continue to sit idly by as families and students are left scrambling at the whim of special interests. These are your political allies blocking the schoolhouse doors. It is critical you state clearly, unequivocally, and publicly that the resumption of school closures will cause great harm to students, especially our most vulnerable students, and condemn those adults who are neglecting the students they are supposed to serve.

Additionally, families deserve to have transparency on the actions and correspondence your Department officials have engaged in regarding ongoing school closures. Please provide the following documents to the Committee no later than two weeks from the receipt of this letter:

1. A list of all meetings (virtual or in-person) or calls regarding the closure of schools related to COVID between November 2021 and the present.

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<sup>3</sup> <https://www.nytimes.com/2022/01/08/us/teachers-unions-covid-schools.html>

<sup>4</sup> <https://www.usatoday.com/story/news/politics/2021/02/16/president-joe-biden-recommits-school-reopening-goal/6776406002/>

<sup>5</sup> [https://republicans-edlabor.house.gov/uploadedfiles/testimony\\_j\\_dale\\_equity\\_in\\_education\\_covid19.pdf](https://republicans-edlabor.house.gov/uploadedfiles/testimony_j_dale_equity_in_education_covid19.pdf); [https://republicans-edlabor.house.gov/uploadedfiles/congressional\\_testimony\\_reade.pdf](https://republicans-edlabor.house.gov/uploadedfiles/congressional_testimony_reade.pdf); [https://republicans-edlabor.house.gov/uploadedfiles/gretchen\\_davis\\_testimony.pdf](https://republicans-edlabor.house.gov/uploadedfiles/gretchen_davis_testimony.pdf)

<sup>6</sup> <https://www.nber.org/papers/w29497>

2. A copy of any emails exchanged between or among Department of Education political appointees and the White House staff, teachers union representatives, Chicago school officials, Milwaukee school officials, Detroit school officials, or Boston school officials regarding school closures.

3. Any memos, documents, or other papers related to school closures and the ability of the Department to limit access to ARP funds.

You may email your response to Mandy Schaumburg with the Committee on Education and Labor at [mandy.schaumburg@mail.house.gov](mailto:mandy.schaumburg@mail.house.gov). Thank you for your attention to this critically important matter.

Sincerely,



Kevin McCarthy  
House Republican Leader



Virginia Foxx  
Ranking Member, Committee on Education and Labor