

**Congress of the United States**  
Washington, DC 20515

May 20, 2020

The Honorable James E. Clyburn  
Chairman  
Select Subcommittee on the Coronavirus Crisis  
Committee on Oversight and Reform  
2157 Rayburn House Office Building  
Washington, DC 20515

Chairman Clyburn,

I write to you today regarding my concern that the Department of Education (Department) is disregarding congressional intent in its distribution of funds provided under the Coronavirus Aid, Relief, and Economic Security (CARES) Act. I am deeply worried that Secretary Betsy DeVos is taking taxpayer money from the institutions and students that need it the most during this difficult time and diverting it to programs that she personally supports, regardless of their need.

A recent article in the New York Times titled “DeVos Funnels Coronavirus Relief Funds to Favored Private and Religious Schools” includes numerous claims and anecdotes that I believe warrant urgent investigation by the Select Committee on the Coronavirus Crisis, which I am very pleased that you chair.

The disturbing cases that the New York Times reports include allegations that the Department, under the Secretary’s instruction, is misusing the discretion given to it in the CARES Act to direct funding to small, private, often religiously focused colleges that don’t have many students and don’t have a true need for the funds. As a result, some small schools are receiving thousands of dollars in aid per student while some schools, particularly community colleges that tend to serve less affluent, more diverse student bodies, have received far less per pupil. I fear this has become a trend in Secretary DeVos’ actions.

As you are aware, within the over \$30 billion allocated by Congress in the CARES Act for an Education Stabilization Fund, \$308 million was dedicated explicitly for emergency relief through “grants to states with the highest coronavirus burdens.” The Department plans to use \$180 million of that funding for a microgrant program similar to earlier voucher proposals laid out by Secretary DeVos, which were rejected by Congress, and that would divert public funds to private schools.

Instituting a school voucher program that reaches students in the states most impacted by the spread of COVID-19 violates the intent of the CARES Act and will disadvantage students in public schools by directing a disproportionate amount of funding to a minority of students who attend private schools or are homeschooled.

Additionally, the statute provides that the majority of K-12 funds appropriated by the CARES Act must be allocated in the “same manner” as federal funds that are disbursed annually under Title I to school districts with a high percentage of low-income students. Under this formula, school districts must set aside a percentage of funds commensurate with the proportion of low-income students attending private schools in that district. However, in the midst of the global pandemic crisis, the Department recently issued new guidance requiring districts to calculate the relative distribution of federal funds based on the total number of students attending private schools, regardless of income level. As a result, the per-pupil funds that public schools will receive through the CARES Act will be dramatically less than what they otherwise would receive under the clear language of the CARES Act.

The implementation of these policies and others do not reflect the congressional intent of the CARES Act and will severely impede the ability of our public-school students to learn effectively. Rather than meeting this incredible challenge and working to achieve her Department’s mission of providing the best possible education for the most possible young people during an unprecedented time, I fear Secretary DeVos is exploiting this crisis to advance her long-held and oft-rejected policy aims. As such, I urge the Select Committee to take a close look at the actions of the Department of Education.

Sincerely,



Mike Quigley  
Member of Congress

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The Honorable Maxine Waters  
The Honorable Carolyn Maloney  
The Honorable Nydia Velázquez  
The Honorable Bill Foster  
The Honorable Jamie Raskin  
The Honorable Andy Kim  
The Honorable Steve Scalise  
The Honorable Jim Jordan  
The Honorable Blaine Luetkemeyer  
The Honorable Jackie Walorski  
The Honorable Mark Green