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GOP Bill Would Tie Two-Thirds of COVID Relief to Schools Physically Reopening

By [Andrew Ujifusa](#) on [July 27, 2020 9:24 PM](#) Share 140*By Andrew Ujifusa and Evie Blad*

Two-thirds of K-12 emergency funding in the new coronavirus relief bill from Senate Republicans would be reserved for schools that plan to physically reopen and provide some kind of in-person instruction.

That proposal was included in a suite of GOP proposals introduced Monday that will start difficult negotiations with Democrats in the Senate. It would provide **\$70 billion to K-12 public and private schools**, along with \$5 billion in funds for governors to use on K-12 and higher education.

Of that \$70 billion pot, a third would go to all schools regardless of their plans for the next year. The remaining two-thirds would be directed to schools with a physical reopening plan that is approved by the governor after consultation with the state education department. The bill sets down criteria for what constitutes physical reopening, but leaves the door open for so-called "hybrid plans" or partial reopenings when it comes to which schools could qualify for that money.

Senate Republicans labeled the package of policy and funding proposals the Health, Economic Assistance, Liability Protection, and Schools (HEALS) Act.

Under the GOP proposal, private schools would get a prescribed portion of the funding. However, while a separate bill in the suite of proposals **authorizes "emergency education freedom grants"** to support one-time private school costs and other expenses, they are not provided federal funding in the HEALS Act package. (That proposal was **previewed by two GOP senators** last week.)

There is also no additional budget aid provided to state and local governments, which could be a key factor in how much officials at those levels ending up cutting their education budgets in the near future. And a provision of the bill would allow states receiving the aid to cut their education funding in fiscal 2020 and 2021, if they kept the spending the same percentage of their overall budget on schools as in fiscal 2019.

Also under the HEALS Act, schools would get **protections from legal liability**, a measure that is aimed at "discouraging insubstantial lawsuits relating to COVID-19 while preserving the ability of individuals and businesses that have suffered real injury to obtain complete relief."

Opening Bid

The bill is the GOP's opening pitch in negotiations with Democrats, who have a very different vision for the next relief package. It comes more than two months after the Democratically controlled House passed the HEROES Act, and after weeks of negotiations by congressional Republicans with the White House over its policy priorities.

Like the HEROES Act, the Republican proposal is not likely to become law. But ahead of negotiations over a final package, it does represent key priorities of Senate Republicans as well as the Trump administration, which has pushed hard for schools to resume in-person classes in recent weeks.

Sen. Lamar Alexander, R-Tenn., the chairman of the Senate education committee, said on the Senate floor Monday that the two-thirds share of K-12 grants acknowledges the additional health and related costs schools that plan to resume in-person classes face: "Those schools need help paying for that."

And Sen. Richard Shelby, R-Ala., the chairman of the Senate appropriations committee, stressed the desire by President Donald Trump and other officials for schools to physically reopen: "The [Centers for Disease Control and Prevention] emphasizes the importance of getting kids back in schools."

The push comes after Trump and some administration officials conceded last week that schools in coronavirus "hot spots" may have to rethink physical reopenings.

Hybrid Models In Play for School Aid

States would receive HEALS Act money based proportionally on how much money they received in the most recent fiscal year under Title I, the federal education program intended to help students from low-income households. (That's not a universally popular way for distributing coronavirus emergency aid.) The education secretary would have to distribute money to states within 15 days of the bill becoming law, a nod to

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the fact that the start of the academic year is just a few weeks away for some schools.

States would have to set aside money from the bill's \$70 billion fund in proportion to the percentage of students enrolled in private schools before the pandemic. After that and other small set-asides, states would direct one-third of the \$70 billion to local school districts in general, regardless of whether they plan to reopen remotely, in-person, or using some hybrid model.

Meanwhile, two-thirds would go to schools that have plans to physically reopen. Governors would sign off on which schools would receive money from this pot, based on plans submitted by districts. The following requirements for this money would apply.

- For districts' reopening plans submitted to governors, districts would have to provide a timeline for when they plan to provide in-person classes, how many days of in-person classes they plan to provide each week, and a promise to provide as much face-to-face instruction "as is safe and practicable."
- A district that submits a plan that allows at least 50 percent of its students to be on campus at least 50 percent of the time would automatically qualify for the funding.
- A plans that calls for in-person learning for fewer students would have its funding allotment "reduced on a pro rata basis as determined by the Governor."
- Schools that don't plan any in-person instruction would not be eligible to get money from the pot of money for physical reopening.
- Schools that do receive HEALS money to help them physically reopen could spend it on personal protective equipment, sanitizing and cleaning resources, education technology, and to help districts prepare for and respond to the virus, in coordination with local health departments, among other things.

Private schools receiving the money through the set-aside would have similar but not identical requirements with respect to their reopening plans.

Private schools that plan to provide in-person instruction for at least 50 percent of their students where the students physically attend school no less than 50 percent of each school-week would be eligible for the full amount of aid per student. But private schools that didn't provide any in-person instruction would only be only eligible for one-third of the full per-student aid available.

The spending language in HEALS does not say there's a requirement for public school districts to provide equitable services to private school students. [For more on that fight, go here.](#)

Separately, U.S. Secretary of Education Betsy DeVos would have some flexibility to grant waivers from a requirement that school districts maintain the same level of local funding from year to year. She would also have power to waive narrow sections of federal special education law, but not the core provisions of the Individuals with Disabilities Education Act, as well as a limit on district spending on education technology for Title IV grants of the Every Student Succeeds Act.

Schools and Democrats Push Back

Ever since the CARES Act, signed into law in late March, provided \$13 billion in direct aid for K-12 districts, education groups and officials have been clamoring for a substantially larger coronavirus relief package to help them address reopening needs for the 2020-21 school year during an unprecedented upheaval for teachers, administrators, parents, and students.

Trump and DeVos, meanwhile, have said that schools that do not physically reopen should not receive their full share of federal aid, and that parents should be able to take a portion of that funding to spend on their children's education as they see fit. They've also backed support for private school choice and relief for private schools in a new COVID-19 aid bill.

On Monday, education groups criticized the way the HEALS Act made the majority of the K-12 aid contingent on physically reopening.

The Council of Chief State Schools Officers Executive Director Carissa Moffat Miller said she appreciated the \$70 billion in aid but was deeply concerned about how two-thirds of the K-12 education money was contingent on in-person classes.

"It is important to know that nearly all schools will reopen in some way this fall, whether in person, remotely, or a combination of both," Miller said in a statement. "Additional federal resources are critical to serve students in every learning environment, from necessary PPE and health and safety protocols for safe in-person instruction to broadband and connectivity in the home for successful remote learning."

And the National Association of Elementary School Principals said the \$70 billion aid "falls well short" of the \$175 billion in direct K-12 aid it and other education groups have sought from Congress.

"Withholding funds from schools and districts that have made the difficult decision to not resume in-person classes due to current coronavirus-related risks in their community is flat-out wrong," NAESP Executive Director L. Earl Franks said in a statement on Tuesday. "NAESP opposes this 'carrot' approach that incentivizes schools to disregard public health experts' recommendations, which could put the lives of educators and

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students at risk."

As general elements of the Senate GOP-White House plan became public over the last several days, Democrats and others have tried to preemptively push back on what they see as an irresponsible and insufficient Republican aid proposal for schools.

On July 21, for example, Senate Democrats stressed the unprecedented costs educators face in trying to make schools safe. "Schools and child-care facilities need significant resources in order to take the necessary precautions to make families feel safe," Senate Minority Leader Chuck Schumer, D-N.Y., said on a conference call with reporters. And they decried the idea of a relief package benefiting private schools and conditioning money on schools resuming in-person classes.

"The thought of using student safety as a bargaining chip is truly appalling," Sen. Patty Murray, D-Wash., the ranking member of the Senate education committee, said on the same call. "Any attempt to condition funds on physical reopening is a non-starter for Democrats."

That rhetorical pushback from Democrats continued into Monday, when Democratic National Committee Chairman Tom Perez said on a call with reporters that, "We need to make sure that we have more resources for public education, not to funnel away resources from public education."

Perez also said the "original sin" of the Trump administration was not taking sufficient action to halt the spread of the virus at the end of last year and the start of 2020.

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