



208 S. LaSalle Street | Suite 1690 | Chicago, IL 60604 | 312-637-2280

March 18, 2021

Re: Emergency Assistance to Non-Public Schools Grant Program

To Whom It May Concern:

On behalf of the Liberty Justice Center, I am writing you today to alert you to your responsibilities under the Emergency Assistance to Non-Public Schools Program. In December, Congress appropriated \$2.75 billion to support private and parochial schools in their efforts to educate children in the face of the challenges of the COVID-19 pandemic. *See* Sec. 312, Consolidated Appropriations Act, 2021, Public Law No. 116-260. Last week, Congress appropriated an additional \$2.75 billion. Sec. 2002, Public Law No. 117-2. As you know, your governor applied for funding through the program, which requires prompt action from you.

Sec. 312(d)(3)(A)(i) of the Act mandates that you notify the private and parochial schools in your jurisdiction of the availability of funding within thirty (30) days of the receipt of funds. In practice, this provision requires you to issue such a notice on or before March 22, 2021. There are no exceptions to this requirement.

Furthermore, unspent funds in the program must be returned to the governor after six (6) months to be used for other education related entities. Sec. 312(d)(6). Therefore, the Act imposes several requirements on your agency to ensure the funds are spent for their intended purpose prior to their return. You must distribute information about the program to all non-public schools and ensure they receive a chance to apply for the funds. You must process the applications “promptly” and approve or deny them within thirty (30) days of receipt. Sec. 312(d)(2)(B)(ii) and (d)(3)(A)(ii). Finally, you must distribute the funds to the non-public schools “in an expedited and timely manner.” Sec. 312(d)(2)(B)(iv).

The Liberty Justice Center is deeply concerned to see that the money appropriated by Congress goes to help the children for whom it was intended. To this end, we are prepared to make all necessary efforts, up to and including litigation, to see that the Congressional intent is fulfilled, and those students in need of this funding receive their appropriate portion. To the extent that your agency lacks the necessary expertise to execute this program, we would be happy to provide any advice or guidance in furtherance of this end. Please feel free to contact me at bkelsey@libertyjusticecenter.org.

Respectfully Submitted,

Brian Kelsey
Senior Attorney