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ATTORNEY GENERAL RAOUL CALLS ON FEDERAL GOVERNMENT TO STOP PUNISHING STUDENTS SUFFERING FROM COVID-19 ECONOMIC IMPACT

Education Department's Restrictions Will Deny Students Billions in Emergency COVID-19 Relief Already Granted by Congress

Chicago — Attorney General Kwame Raoul joined a coalition of 19 attorneys general to urge the U.S. Department of Education and Education Secretary Betsy DeVos to release federal funds earmarked for students suffering from the devastating economic impact of COVID-19. When Congress passed the Coronavirus Aid, Relief, and Economic Security (CARES) Act in March, it appropriated more than \$30 billion to the Department of Education to help students and schools facing unprecedented challenges. Although the CARES Act placed very few restrictions on students obtaining these funds, the Department of Education released new rules that prohibit international and undocumented students from being eligible to receive these funds. [In a comment letter](#) to the Department of Education, Raoul and the coalition urge the department to immediately release the funds and limit the harm to students and schools nationwide.

"The CARES Act's appropriation was intended to help higher education students and schools remain economically stable amid a crisis which has seen major job losses and event cancellations," Raoul said. "I encourage the Department of Education to follow the letter of the law and ensure all students have access to this critical funding."

Among the many protections and benefits provided through the CARES Act was \$30.75 billion to the Department of Education "to prevent, prepare for, and respond to coronavirus, domestically or internationally." The law designated a portion of that funding towards the creation of the Higher Education Emergency Relief Fund (HEERF), which required 90 percent of its money to go to institutions of higher education. These colleges and universities were granted wide discretion in how to use the funds, with the exception that at least 50 percent of funds were required to serve as emergency aid grants to students. The CARES Act placed no further limitations on the use of funds.

Despite these provisions, the Department of Education implemented a set of criteria, claiming that because the CARES Act did not define the term "students," it has the ability to define the term as being "limited to those individuals eligible for Title IV assistance." Under Title IV, valid eligibility criteria include but are not limited to: U.S. citizenship or permanent resident status, a valid Social Security number, and registration with Selective Service (if the student is male).

In the letter, Raoul and the coalition argue that Congress did not impose any of Title IV's eligibility restrictions on HEERF grants for students in the CARES Act or delegate such authority to the Department of Education. Further, when asking Congress to allocate funds in the CARES Act, the Department of Education calculated the amount of HEERF funding for each institution based on the institution's full number of "students" without any consideration of students' eligibility under Title IV or their citizenship status.

Additionally, Raoul and the coalition argue that the department's new rules place numerous logistical and economic hurdles on institutions of higher learning across the country. Specifically, the rule forces these institutions to come up with extra funds to provide for excluded students at a time when the schools' cash flow is evaporating and state budget cuts increase schools' costs. Institutions of higher education expect billions in losses due to COVID-19, which will only be compounded by this rule's effect on student disenrollment — and, therefore, more revenue losses. The coalition concludes the letter by urging the

Department of Education to follow the true intent of the CARES Act and help a myriad of students pay for food, shelter, transportation, tuition and course materials, instead of just letting funds sit in institutional coffers.

Joining Attorney General Raoul in sending the letter are the attorneys general of Colorado, Connecticut, the District of Columbia, Illinois, Iowa, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Vermont, Virginia, Washington and Wisconsin.