

June 30, 2020

The Honorable Pete T. Gaynor
Administrator
Federal Emergency Management Agency
500 C St, SW
Washington, DC 20472

On behalf of the undersigned organizations, which represent school superintendents and other school system leaders, we write to urge the Federal Emergency Management Agency (FEMA) to expand the allowable uses of eligible assistance that may be reimbursed to school districts under the Public Assistance Category “B” program. Although our organizations are appreciative of President Trump's national emergency declaration to the COVID-19 pandemic and FEMA’s work to rapidly disperse aid and resources to districts, it is critical that the activities eligible for final reimbursement relating to emergency operating costs and the disinfection of public facilities in the emergency preparedness measures be expanded to cover increased costs districts have incurred in responding to the pandemic.

According to section 502 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, eligible emergency protective measures taken to respond to the COVID-19 pandemic at the direction or guidance of public health officials may be reimbursed under Category B of FEMA’s Public Assistance program.¹ Furthermore, the COVID-19 Emergency Declaration indicates that Category “B” funds are eligible to cover costs associated with management, control and reduction of immediate threats to public health and safety including for, but not limited to, emergency operation center costs; training specific to the declared event; disinfection of eligible public facilities; technical assistance to state, tribal, territorial or local governments on emergency management; and control of immediate threats to public health and safety.²

As you may be aware, 90% U.S. Local Education Agencies (LEA) closed early for the 2019-20 school year at the direction of local, state, and federal public health officials.³ According to Education Week, COVID-19 related school closures affected at least 55.1 million students across the U.S.

However, even in the face of nationwide closures, superintendents, principals, educators, and other school staff are continuing to provide critical services for students and families related to delivering school meals and sanitizing facilities for the upcoming fall. Recent findings from a nationwide survey on school districts response to COVID-19 showed that 96% of respondents indicated that they were offering pickup/delivery of free and reduced-price meals.⁴

To accomplish this monumental task, our members have implemented innovative solutions – such as providing meals to all parents/students presenting at sites for need, and sanitizing facilities for essential staff that are critical for school district operations. Our districts have done this despite increased premium pay for critical school staff or the financial risk to their budgets to ensure the health and safety

¹ <https://www.fema.gov/news-release/2020/03/19/coronavirus-covid-19-pandemic-eligible-emergency-protective-measures>

² Ibid

³ [https://aasa.org/uploadedFiles/AASA_Blog\(1\)/AASA_COVID_19_Report_FN_4_3_2020.pdf](https://aasa.org/uploadedFiles/AASA_Blog(1)/AASA_COVID_19_Report_FN_4_3_2020.pdf)

⁴ [https://aasa.org/uploadedFiles/AASA_Blog\(1\)/COVID_School%20Response%20Survey%202_Intial%20findings_6_16_2020_FN.docx](https://aasa.org/uploadedFiles/AASA_Blog(1)/COVID_School%20Response%20Survey%202_Intial%20findings_6_16_2020_FN.docx)

of our students, families, and communities throughout the duration of the COVID-19 pandemic. One foreboding example of the financial risk facing districts is the approximated loss of revenue from meals served. Based on early reports related to school nutrition programs, districts are only serving a fraction of the 2.5 billion meals and snacks served last year between March and June. Consequently, we estimate a \$5 billion loss in revenue due to this severe decline in number of meals served. As such, it is imperative that LEAs be able to be reimbursed for meals served outside of The U.S. Dept. of Ag nationwide waivers so that districts can avoid tapping into fund balances and drawing upon lines of credit to sustain their foodservice operations.⁵

Considering the information above, it is irrational that current Public Assistance Category “B” program rules prohibit school districts from being reimbursed for increased emergency costs associated with serving meals to needy students, sanitizing facilities, and providing premium pay for school custodians that have been required to clean buildings for instructional staff that are critical for district operations.

According to FEMA’s definition on the allowable uses of Public Assistance Category “B” funds, “Measures taken before, during, and immediately after a disaster to save lives, protect public health and safety, and protect improved public and private property are eligible for reimbursement.”⁶ Therefore, rather than punish schools for taking the necessary steps to ensure the health/safety of our students and families, it is our request that FEMA use its authority under the Stafford Act to recognize the work of local communities in responding to the pandemic by granting additional flexibilities/waivers that would qualify meals served as part of the national school lunch or breakfast program, and premium pay for custodial staff as qualified actions under the Emergency Preparedness program since each of these activities was integral to reduce the spread of the pandemic, and to ensure the overall health of students and families.

As districts across the nation are planning to re-open, evidence from a recent AASA School Response survey shows that from a sample of 501 superintendents from 48 states, when asked to order costs that their district incurred, to date, in response to COVID-19, respondents ordered “costs related to providing food services to students off-site” as (1); and “costs associated with building/facility cleaning” as (3). In summation of these finding and the previously mentioned points made above, the actions that districts have taken to continue operation, and thereby ensure the safety and health of their communities are in alignment with the intent of Emergency Protective Measures of FEMA's Public Assistance program. As such, we request that FEMA issue flexibilities that offer assurances that LEAs applying for Category "B" funds will be reimbursed for activities related to serving meals and sanitizing facilities throughout the COVID-19 Pandemic.

Sincerely,

AASA, The School Superintendents Association

AESA, Association of Educational Service Agencies

ASCD

Association of Latino Administrators and Superintendents (ALAS)

Association of School Business Officials International (ASBO)

Council of Administrators of Special Education

⁵ [https://aasa.org/uploadedFiles/AASA_Blog\(1\)/SchoolNutritionCOVIDRequest_042720.pdf](https://aasa.org/uploadedFiles/AASA_Blog(1)/SchoolNutritionCOVIDRequest_042720.pdf)

⁶ <https://www.fema.gov/news-release/2011/05/05/femas-public-assistance-program-building-road-recovery>

National Association of Secondary School Principals
National Rural Education Advocacy Coalition
National Rural Education Association
ORGANIZATIONS CONCERNED ABOUT RURAL EDUCATION