



THE SECRETARY OF EDUCATION
WASHINGTON, DC 20202

August 13, 2021

Dear School District Superintendents:

As the new school year begins in school districts across Florida, it is our shared priority that students return to in-person instruction safely. Doing so requires that school districts be able to protect the health and safety of students and educators, and that families have confidence that their schools are doing everything possible to keep students healthy.

As I have said before, our actions as leaders will either help our students be in school and be safe, or our decisions will hurt students. Through no fault of Florida's educators, I am deeply concerned about your State leaders' actions to date. We know what works, and Florida's recent actions to block school districts from voluntarily adopting science-based strategies for preventing the spread of COVID-19 that are aligned with the guidance from the Centers for Disease Control and Prevention (CDC) needlessly puts students, families, and educators at risk.

Several school districts in Florida have already moved to adopt universal masking policies despite the State's prohibition, and **I want you to know that the U.S. Department of Education stands with you.** Your decisions are vital to safely reopen schools and maintain safe in-person instruction, and they are undoubtedly in the best interest of your students.

To that end, I sent a letter to Governor DeSantis and Commissioner Corcoran today reminding them of their responsibility to protect the health and safety of Florida students. As I made clear to them, school districts may use Elementary and Secondary School Emergency Relief (ESSER) funds from the American Rescue Plan Act of 2021 (ARP Act) and other Federal pandemic recovery funds to support any activity necessary to maintain operations, including making up for the pay that the Governor is threatening to withhold from superintendents and school board members who implement universal masking policies that follow CDC guidance or to impose penalties that could take the forms of fines on a school district.

As I wrote in the letter:

The Department notes that allowable uses of ESSER funds include "activities that are necessary to maintain the operation of and continuity of services in local educational agencies and continuing to employ existing staff of the local educational agency." This includes paying the full salaries of educators (including superintendents) and school board members, regardless of whether the State moves to withhold some of their salary as Florida is threatening....

Even if Florida does not fulfill its responsibility to make ARP ESSER funds available to its school districts expeditiously, a school district may use ARP ESSER funds for pre-award costs dating back to March 13, 2020. In addition, a school district may use ESSER funds under the Coronavirus Aid, Relief, and Economic Security (CARES) Act or the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSAA) for

the same purposes. In other words, any threat by Florida to withhold salaries from superintendents and school board members who are working to protect students and educators (or to levy other financial penalties) can be addressed using ESSER funds at the sole and complete discretion of Florida school districts.

On behalf of the Department, I want to thank you for all that you are doing to support Florida's students. In these unprecedented and difficult times, the leadership and courage that you are showing will make a difference in the lives of the students whom you serve.

The Department remains eager to support you, Florida's educators, and your students and families as we move forward together.

Sincerely,

A handwritten signature in blue ink that reads "Miguel A. Cardona". The signature is fluid and cursive, with a long horizontal stroke at the end.

Miguel A. Cardona, Ed.D.