

WILL: Files amicus in national legal fight over CARES Act relief for private schools

Posted on Wednesday, Jul 29, 2020

>> **WisPolitics is now on the State Affairs network. Get custom keyword notifications, bill tracking and all WisPolitics content. [Get the app or access via desktop.](#)**

The News: The Wisconsin Institute for Law & Liberty (WILL) filed an [amicus](#) brief Wednesday in [Michigan v. DeVos](#), a critical legal dispute in federal court between a group of state attorneys general and the federal Education Department over the availability of CARES Act funding for private schools. WILL is leading a coalition of 38 state and national groups representing the interests of private schools and parental choice.

The Quote: Director and Legal Counsel of Education Policy Libby Sobic said, "COVID-19's impact on America's students was not confined to public school sectors. Congress allocated critical funding to both public and private schools with the intent of helping schools reopen safely and serve their students. We are proud to represent a broad coalition of groups that recognize the importance of CARES Act relief for America's private schools."

Background: The \$2.2 trillion federal CARES Act, passed in response to the COVID-19 pandemic, included an [Education Stabilization Fund](#) to support schools with the costs of safely reopening and navigating the crisis. The law directed the Department of Education to distribute these funds "equitably" between public and private schools and students but did not dictate exactly how the funds should be distributed.

On June 25, Education Secretary Betsy DeVos issued an [interim final rule](#) that gives states and local public-school districts options for how to fairly allocate CARES Act relief to private schools. Many states and local school districts refused to follow the rule. Nine attorneys general and four metropolitan school districts, including Wisconsin Attorney General Josh Kaul, filed a [multi-state federal lawsuit](#) against the Education Department challenging the interim final rule and argued that the majority of the funding should be directed to public schools.

WILL's Amicus: WILL's [amicus](#), on behalf of 38 state and national groups, represents the important interests of America's private schools in this critical debate.

COVID-19's impact on education was not restricted to public schools. With more than 5 million students attending 33,000 schools, WILL and our coalition partners make clear that federal CARES Act relief is critical for the safety and education of the nearly 10% of American students attending private schools.

WILL's amicus is joined by associations and advocacy groups that represent and support private schools and their families in Wisconsin, Arizona, Arkansas, California, Colorado, Florida, Illinois, Indiana, Louisiana, Michigan, Mississippi, Nevada, New Mexico, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Texas, and throughout the nation, that serve Catholic, Orthodox Jewish, Islamic, Lutheran, other Christian, and independent secular schools, and that collectively educate millions of students:

Council for American Private Education

National Catholic Educational Association

Agudath Israel of America

Council of Islamic Schools in North America

Association of Christian Schools International

Association of Christian Teachers and Schools

WELS Commission on Lutheran Schools

Wisconsin Council of Religious & Independent Schools

Wisconsin Catholic Conference

School Choice Wisconsin Action

California Catholic Conference

Michigan Catholic Conference

Michigan Association of Non-Public Schools

Pennsylvania Catholic Conference

Pennsylvania Affiliate of the Council for American Private Education

American Federation for Children

Foundation for Excellence in Education, Inc.

EdChoice

Catholic Education Partners

Liberty Justice Center

Mackinac Center for Public Policy

Great Lakes Education Foundation

Rio Grande Foundation

Buckeye Institute

Commonwealth Foundation

School Choice Wisconsin
Colorado Catholic Conference
Colorado Association of Private Schools
Indiana Non-Public Education Association
Midsouth Association of Independent Schools
Catholic Conference of Oklahoma
Texas Private Schools Association
Goldwater Institute
James Madison Institute
Mississippi Center for Public Policy
Nevada Policy Research Institute
Roughrider Policy Center
Rhode Island Center for Freedom & Prosperity