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March 10, 2021

The Honorable Doug Ducey
Governor of Arizona
1700 West Washington Street
Phoenix, Arizona 85007

Dear Governor Ducey,

I write to you requesting clarification regarding your 2021 State of the State [address](#). In that address, you said “We will not be funding empty seats or allowing schools to remain in a perpetual state of closure,” which [your office](#) later [clarified](#) meant the state would be funding public and charter schools based on their [current](#) enrollment, not their pre-pandemic levels. In the same address, you advocated for school choice policies and called for increased funding to assist children who have been falling behind, who are namely low-income students and students of color, as they are suffering most from prolonged distance learning.

Although the executive orders you issued allow schools to offer distance learning to students, pre-pandemic [funding formulas](#) indicate they will receive less money per enrolled student who attends school entirely virtually as opposed to attending in person. If your intention is to provide more funding to support closing the achievement gap, that means historically high-poverty schools and districts will need more funding, not less. You [promised](#) to make up the shortfall with enrollment stability grants through CARES Act funding, which were set up to help with losses for the current year. Unfortunately, school districts [reported](#) losses exceeding the funds they received, impacting districts in multiple ways: training of staff in new strategies for delivering instruction; providing technology to staff and students; updating instructional materials; obtaining appropriate cleaning and sanitizing supplies; appropriately serving special needs populations; safely transporting students under pandemic conditions; providing sick leave for staff; and now serving as PODs (points of dispensing) for vaccinations.

[Taking money](#) from schools due to enrollment drops or to redirect toward school choice policies [negatively](#) affect the same students whom you pledged to direct resources. All students have the right to attend a high-quality public school that meets their needs while maintaining all their rights under IDEA and other civil rights statutes. Many of these students do not have access to reliable internet or technology. Others may be caring for younger siblings or working to support their families. Parents may also be pulling out their students because they have opted for homeschooling or private schools. Enrollment declines in high-poverty districts will lead to

a deeper decline in aggregate funding as lower numbers of low-income students may lower the poverty rate of these districts, thereby decreasing their funding per pupil. If these unenrolled students return for the 2021–22 school year, their districts could find themselves lacking the resources to adequately serve their students. This pattern could [exacerbate](#) inequities between low-income and high-income districts, thereby thwarting your efforts to target funding towards the students who most need it.

You said “[parents] have found temporary educational options they want to make permanent...Public policy should keep pace, and empower them to make that choice.” Just one week earlier, you [lauded](#) Arizona’s “A” grade for its school choice policies, even though Arizona voters [rejected](#) the expansion of school choice vouchers. Directing financial resources towards charter and private schools does not [achieve](#) educational [equity](#). [After](#) two decades of charter schools operating in Arizona, many students are unlawfully [excluded](#) and/or are unable to hold the school accountable for exclusionary practices. Vague language in school documents misleads parents into thinking charter schools can exclude or disenroll students due to academic performance, immigration status, disabilities, disciplinary record, or English language proficiency. Low-income students can be prohibited from applying or continued enrollment due to fees tied to enrollment, supplies, or activities or if charter schools choose not to apply for federal funding for school nutrition. Failure to provide the Primary Home Language Other Than English (PHLOTE) form may discourage parents of non-English speakers from applying.

Therefore, I request an answer to the following questions:

1. Data, disaggregated by race/ethnicity and English language proficiency, on the socioeconomic status of enrolled students in schools and districts in which there have been sharp increases or decreases in enrollment during the pandemic.
2. Clarification on how you intend to support historically underserved students, especially low-income students, students of color, and English learners.
3. Clarification on whether the Arizona legislature’s recently introduced [bills](#) expanding school voucher are the “public policy” you intended and, if so, what accountability measures you will put in place to ensure that school choice policies, especially those which provide public funds to charter and private schools, do not prohibit low-income students, English learners, and students of color from applying or enrolling in these schools.

Sincerely,



Raúl M. Grijalva
Member of Congress