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United States Senate
WASHINGTON, DC 20510-3205

October 13, 2021

The Honorable Miguel Cardona
Secretary of Education
U.S. Department of Education
400 Maryland Avenue, SW
Washington, D.C. 20202

Dear Secretary Cardona,

I am writing to request that the Department of Education issue guidance to local school districts about using ESSER funds for hiring and paying school bus drivers, given the current school bus driver shortages that are causing additional burdens for students and families across the nation, including throughout New York State. New York school districts are reporting an average bus driver shortage of 15-20 percent this year.

According to question A-3 about allowable uses in the Department's Frequently Asked Questions Elementary and Secondary School Emergency Relief Programs and Governor's Emergency Education Relief Programs document issued in May 2021, funds provided in the three COVID-relief recovery packages can be used for "other activities that are necessary to maintain the operation of and continuity of services in the LEA and continuing to employ existing staff of the LEA." In the Department's fact sheet on the American Rescue Plan Elementary and Secondary School Emergency Relief (ARP ESSER) Fund under the American Rescue Plan (ARP) Act of 2021, it states that the remaining ARP ESSER funds may be used for the same allowable purposes as ESSER and ESSER II, including hiring new staff and avoiding layoffs.

Following my staff's outreach to your Department, we were informed that during the review of ESSER state plans, costs related to keeping and hiring bus drivers have been determined to be allowable. However, this is not an expense that is specifically called out in your Use of Funds FAQs.

The impact of COVID-19 has caused bus driver shortages across the country. Some bus drivers have retired early rather than risk getting sick; issues around vaccines and masking requirements have led to drivers quitting and dissuaded potential drivers from applying for the job; and the lingering effects of scheduling changes from the pandemic have had a continued impact on staffing.

While some states have sent specific guidance to districts about how to spend federal emergency funds to deal with the bus driver shortage, I believe it would be beneficial to have clear guidance from the Department to states and LEAs letting them know that hiring and recruiting school bus drivers, and ensuring them adequate compensation, is an allowable use of these funds that Congress has provided.

It would be helpful to also make clear that LEAs can revise previously submitted use of funds plans to state their intention to use funds for this purpose.

As states and school districts look for ways to meet the challenges being caused by the shortage of bus drivers, having specific guidance around this allowable use will provide clarity as decisions are being made so that students can get to school safely and promptly this school year.

Sincerely,

A handwritten signature in blue ink that reads "Kirsten Gillibrand". The signature is written in a cursive, flowing style.

Kirsten Gillibrand
United States Senator