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Governor



Lt. Gov. Jacqueline Coleman  
Secretary  
Education and Workforce  
Development Cabinet

Jason E. Glass, Ed.D.  
Commissioner of Education and Chief Learner

**KENTUCKY DEPARTMENT OF EDUCATION**  
300 Sower Boulevard • Frankfort, Kentucky 40601  
Phone: (502) 564-3141 • [www.education.ky.gov](http://www.education.ky.gov)

November 24, 2020

Senate Majority Leader Mitch McConnell  
317 Russell Senate Office Building  
Washington, D.C. 20510

Dear Senator McConnell:

I am writing on behalf of Kentucky's 171 school districts, the Kentucky School for the Blind and the Kentucky School for the Deaf, as well as Kentucky's 51 Area Technology Centers, to ask for your assistance regarding the [Federal Emergency Management Agency's \(FEMA\) recent policy change](#) that effectively precludes or severely limits schools from receiving reimbursement for pandemic-related costs for personal protective equipment (PPE), facility disinfection, temperature scanning and temporary physical barriers. A copy of the policy may be found here: [https://www.fema.gov/sites/default/files/2020-09/fema\\_policy\\_104-009-19\\_PA-eligibility-policy-covid.pdf](https://www.fema.gov/sites/default/files/2020-09/fema_policy_104-009-19_PA-eligibility-policy-covid.pdf).

From the beginning of the declaration of emergency related to the pandemic, the Kentucky Emergency Management (KYEM) has worked with the Kentucky Department of Education and our local school districts to distribute information provided by FEMA. Representations were made giving local school districts high expectations that opportunities for reimbursements and funding levels were broad in scope.

This included reimbursement for PPE, facility disinfection and temperature scanning, along with some limited compensation for staffing and contractor assistance and food distribution cost assistance. Districts were cautioned that they would not be reimbursed if they utilized other federal funds for the initial expense, which districts understood. Districts were not told that other federal funds were required to be expended first before seeking reimbursement for eligible expenses from FEMA.

Pursuant to the March 19, 2020, guidance, FEMA encouraged districts to apply for the Public Assistance Program and were advised that up to 75% of costs related to their emergency response due to the pandemic were eligible for reimbursement. Relying on such representations, districts expended funds for PPE, disinfection, thermometers and physical barriers as they prepared to reopen school in the fall of 2020. They also took on the time-consuming application process for the Public Assistance Program and tracking of expended funds.

The KYEM recently conducted two webinars for school districts reviewing eligibility for the FEMA Public Assistance Program. The webinars highlighted FEMA's September 15, 2020, interim policy *Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance*, which superseded the agency's March 19, 2020, *Coronavirus (COVID-19) Pandemic: Eligible Emergency Protective Measures*.

Senate Majority Leader Mitch McConnell

November 24, 2020

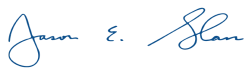
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The September 15, 2020, interim policy *Coronavirus (COVID-19) Pandemic: Work Eligible for Public Assistance* substantially changed the rules. Under this policy, the operation of schools amid COVID-19 falls outside the emergency protective measures eligible for Public Assistance Program reimbursement. Under the policy, the majority of school district mitigation efforts are not considered immediate actions necessary to protect public health and safety. Thus, expenditures for PPE, disinfection, temperature screening and physical barriers are ineligible for reimbursement even though districts had relied on previous guidance for at least partial reimbursement.

Districts have expressed concern that this substantive change in guidance from FEMA will require them to reassess planned expenditures from all fund sources. This will have a negative financial impact on all Kentucky school districts, thereby negatively impacting Kentucky's children. Our largest district, Jefferson County Public Schools, which has more than 100,000 students, has shared that this will have a potential impact on the district of approximately \$9 million.

I respectfully request your assistance in advocating for Kentucky's school districts with FEMA. Please contact me if you have questions or would like to discuss the matter further via email [Jason.Glass@education.ky.gov](mailto:Jason.Glass@education.ky.gov) or by phone at (502) 564-3141.

Sincerely,

A handwritten signature in blue ink that reads "Jason E. Glass".

Jason E. Glass, Ed.D.

Commissioner of Education & Chief Learner  
Kentucky Department of Education