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WISCONSIN INSTITUTE  
FOR LAW & LIBERTY

## **WILL Files Amicus in National Legal Fight Over CARES Act Relief for Private Schools**

### ***WILL leads coalition of 38 state and national groups advocating for private schools***

**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

**Read More:**

- [Amicus Brief](#), July 29, 2020
- "[Coronavirus Doesn't Discriminate, But Bureaucrats Do](#)," Libby Sobic, July 10, 2020
- "[Is DPI Leaving Private Schools Out in the Cold?](#)" Libby Sobic, June 1, 2020