

Congress of the United States
Washington, DC 20515

April 1, 2021

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

Dear Secretary Cardona:

Congratulations on your recent confirmation as Secretary of Education. As the U.S. continues to battle the ongoing pandemic, the Department of Education will play a critical role in supporting American families as they navigate the challenges of distance learning and prepare to reenter the classroom safely. To help ensure schools are keeping pace with the demands of the modern classroom, we urge you to issue guidance that will allow K-12 schools to make needed investments in increased cybersecurity measures.

While the shift to online interaction has helped keep students engaged, it has also highlighted a growing threat – cyber-incidents targeting schools that are increasing in regularity and sophistication. In December, the Federal Bureau of Investigation (FBI), the Cybersecurity and Infrastructure Security Agency (CISA), and the Multi-State Information Sharing and Analysis Center (MS-ISAC) issued a Joint Cybersecurity Advisory warning that “cyber actors are targeting K-12 educational institutions,” and that “these issues will be particularly challenging for K-12 schools that face resource limitations.” Though this public health crisis has revealed preexisting vulnerabilities, the underlying cyber threat facing K-12 schools will remain even after we have crushed the coronavirus. In light of this well-documented threat, we believe that the Department must be doing everything it can to support schools in protecting the confidentiality of students’ data and ensuring the availability of information technology systems essential for learning.

The Coronavirus Aid, Relief, and Economic Security (CARES) Act and the Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA) Act both included funding streams to support school operations during the pandemic. Specifically, the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund allow for the purchase of “educational technology (including hardware, software, and connectivity) for students.” While schools can reasonably interpret this text to indicate cybersecurity costs would be considered eligible expenses, written guidance from the Department to that effect will ensure schools have the information they need to make informed decisions about how to use these funds.

Many schools are already in the process of allocation decisions, and ongoing ambiguity about cybersecurity as an allowable use will prevent them from expending these funds quickly as Congress intended. As the FBI, CISA, and MS-ISAC have warned, cyber incidents targeting schools are an urgent and growing threat that must be addressed. We encourage you to issue immediate guidance to clarify that cybersecurity expenses are allowed under ESSER and GEER. We appreciate your attention to this important issue and look forward to working with you to improve K-12 cybersecurity moving forward.

Sincerely,



Doris Matsui
Member of Congress



Jim Langevin
Member of Congress