



April 15, 2020

The Honorable Nancy Pelosi
Speaker of the House
1236 Longworth House Office Building
Washington, DC 20515

The Honorable Kevin McCarthy
House Minority Leader
2468 Rayburn House Office Building
Washington, DC 20515

Dear Speaker Pelosi and Minority Leader McCarthy,

We are writing on behalf of the Association of California School Administrators and the California School Boards Association (ACSA-CSBA Federal Partnership) to request additional support for California's school districts as part of any successor legislation to the Coronavirus Aid, Relief, and Economic Security (CARES) Act.

The COVID-19 pandemic has created incredible hardships for students, families, teachers, and school districts. We appreciate the support Congress provided in the Education Stabilization Fund included in the CARES Act, but while it is an important first step it is insufficient to meet the challenges ahead to meet the needs of students and ensure California's school districts can weather the economic storm that has the potential to be just as damaging as the ongoing health crisis.

The ACSA-CSBA Federal Partnership seeks to prepare students for success and to equip all young people with the knowledge and skills required for college, the workforce, and civic engagement by creating a coherent system of equitable funding and continuous improvement for our schools that serve nearly 6.2 million students. Our focus, and the focus of the California P-12 education system, is on providing every student with the instruction and support they need for success in college and the workforce. The widespread impact of COVID-19 places this work in jeopardy.

Our needs fall into two categories:

- The need for increased funding to bolster school district budgets, and
- The need for additional waivers from existing law that are carefully responsive to balancing the needs of students with the reality faced by many school districts as a result of COVID-19.

Please Support Increased Education Stabilization Funding in a Fourth Stimulus Package

The ACSA-CSBA Federal Partnership supports the calls from other education groups for an additional \$175 billion under the Education Stabilization Fund for the Elementary and Secondary School Emergency Relief Fund, building upon the \$13.5 billion already appropriated under the CARES Act. This funding is essential to ensure that California school districts can withstand anticipated pressure on local and state budgets and provide districts with the support necessary to help sustain them through additional months of uncertain operations before normal school activities can resume.

To support the transition to online learning for all students, school districts require at least \$2 billion for the E-rate program to help address the “homework gap,” the reality that too many students do not have the internet access or technology necessary at home to make online instruction a viable alternative while schools remain closed. Funding should continue to be allocated directly to school districts, with significant flexibility to ensure districts can allocate that funding at the greatest area of need.

In addition, we support calls for specific targeted funding support for students with disabilities and low-income students, through additional funding for programs under the Individuals with Disabilities Education (IDEA) Act, as well as Title I of the Every Student Succeeds Act (ESSA.) This additional targeted funding is essential to support the students who require more intensive support services and to ensure that the impact on their education is as limited as possible. Congress should also consider providing funding specifically for mental health and trauma services for students.

Please Support Additional Targeted Waivers for School Districts from Existing Law

The COVID-19 pandemic has put school districts, students, and families in an impossible situation. The ACSA-CSBA Federal Partnership are strong advocates for the right of all students with disabilities to have access to a free appropriate public education (FAPE). However, the law was not designed with this unprecedented situation in mind; in which widespread school closures would make it much more challenging to provide students with disabilities the services they need.

While our members are working tirelessly to do their utmost to ensure all students continue to have access to the education and services that is their right, it is essential that Congress recognize and plan for the unprecedented reality that some services may temporarily not be available until schools reopen and how to manage the implications of that reality. The CARES Act provided the Secretary of Education 30 days to report on additional waiver authority she thought was necessary under a variety of education laws, but we believe it is important that Congress begin planning today for offering narrow and temporary IDEA waiver authority to districts.

Specifically, we request that Congress grant the following waivers:

- Allow the continuation of Part C services once a child turns the age of three, until schools resume and the child can be assessed. Virtual or remote assessment is just not possible when a child is three years old. By allowing the continuation of Part C services until school resumes, schools would then be able to conduct an in-person assessment and have more data by which to assess.
- School districts should be held harmless for the failure to provide FAPE during school closures resulting from COVID-19. Congress should be authorizing a “good faith” standard upon which school districts are judged for any and all special education and related services provided during school closures.

We thank you for your ongoing leadership in shepherding our nation through these difficult times. Please don't hesitate to contact Alex Perry at Foresight Law + Policy at alex.perry@flpadvisors.com or (202) 431-7221, with additional questions, concerns, or information requests.

Sincerely,

A handwritten signature in black ink, appearing to read 'Erika K. Hoffman', with a long horizontal flourish extending to the right.

Erika K. Hoffman
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A handwritten signature in blue ink, appearing to read 'Jason Henderson', with a large circular flourish on the left side.

Jason Henderson
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