**NREAC Meeting Notes 5.12.2020**

**Background**

* + As you’ll recall from our last call, the CARES Act was signed into law on March 25, 2020. As an overview of the legislation, the Act allocates **$13.2 billion for K-12 institutions and $3B** for governors to assist K-12 and higher Ed as states deal with the fallout from the pandemic. The money must be spent by September 2021. That said, it’s not clear whether the funding can be directed at costs already incurred related to the pandemic (but that is our hope).
  + There is an urgent push by Governors to expedite the process for moving these funds to districts which NREAC supports, but it still could be at least a month before they show up in districts’ coffers. Once the funds are out, you can use them on:
  + Any activity authorized in ESSA, IDEA and Perkins CTE
  + To coordinate with public health departments to prevent, prepare and respond to COVID-19
  + To address the unique needs of low-income students, students with disabilities, English-learners, racial and ethnic minorities, homeless and foster care youth
  + PD for staff on sanitation and minimizing the spread of pandemic and purchasing supplies to clean and sanitize buildings
  + Planning for and coordinating long-term closures including how to do meal services, how to provide tech/online learning, how to carry out IDEA, etc.
  + Providing mental health services/supports
  + Planning and implementing activities related to summer learning and afterschool programs, including providing classroom instruction or online learning during the summer months, and addressing the needs of vulnerable children
  + Any other activity necessary to maintain the operation and continuity to employ existing staff.
* Since we last spoke, Congress also passed an economic interim relief bill dubbed [H.R. 266](https://www.congress.gov/bill/116th-congress/house-bill/266/text) – commonly referred to as COVID 4 – by unanimous consent. Specifically, the measure includes $321 billion for the Paycheck Protection Program (PPP), which includes $122 billion targeted to the Small Business Administration (SBA) for programs associated with smaller banks, rural business, minority and women-owned businesses, disaster loans, and the emergency economic injury grants program. Additionally, the bill appropriates $75 billion for hospitals, and $25 billion for COVID-19 testing.
* While these actions on Capitol Hill are a step in the right direction, they are not enough. As such, NREAC has requested the following:
  + $175 billion for K12 education at the state level;
  + $13 billion for IDEA;
  + $12 billion for Title I;
  + $2 billion in funding to the E-rate program; and
  + A payroll tax credit for “emergency paid leave” for our school employees impacted by COVID-19

**NREAC Joins Groups in $2 Billion Push to Close the Homework Gap**

With regards to advocating for additional resources to address the “homework gap,” NREAC and more than 50 education and related national associations are supporting new legislation calling for an additional $2 billion in emergency funding to help students without high speed internet access continue learning at home during the coronavirus pandemic. Legislation, proposed by Representative Grace Meng (D-NY) would use the funds through the FCC’s E-rate Program for parents to purchase Wi-Fi hot spots, modems, routers, and other internet connected devices.

Click [here](https://aasa.org/uploadedFiles/AASA_Blog(1)/Letter%20to%20House%20leadership%20re%20Homework%20Gap%204.22.20.pdf) to read the letter sent to House Leadership regarding connectivity issues amid the COVID-19 pandemic.

**NREAC Call to Action: Sign Nation Wide Letter Calling on Congress to Address Homework Gap**

To complement our allied organization letter on the E-rate program, NREAC has also drafted a letter template to help our members to engage on this issue. Specifically, this letter will be sent to all members of Congress and urge them to take immediate action to support all students displaced from their classrooms. **We are aiming to collect as many signatures as possible from all 50 states, so we’ll need everyone’s support for this.**

The impetus for this decision comes as early estimates show more than 55 million students have been forced into remote learning due to the pandemic, and that approximately 12 million students across the nation lack adequate internet access to support online learning,

Congress must ensure the next COVID-19 funding package include $4 billion in direct funds to the Federal Communications Commission’s (FCC) Schools and Libraries Program, commonly called the E-Rate program, to help connect millions of students to the internet so they can continue their education and planning for the possibility of interruptions to classroom teaching and learning during the 2020-2021 school year.  Please review the letter and sign your name to the list by clicking [here](https://forms.gle/gvnHPhPTw2puzSU37).

**U.S. Department of ED (USED) Issues Guidance That Will Redirect Districts CARES Funding to Private Schools and Students**

On April 1, the U.S. Department of Education issued [guidance on the provision of equitable services](https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf) (ES) that is required under the $13.5B in CARES funding. For context, the ES Provision is as old as ESEA itself and is the mechanism by which private schools receive services by reserving a share of Title I dollars. It is premised on a simple idea: Title I eligible students are to receive Title I funded support whether they are in private or public schools.

Under USED’s interpretation, private schools would be able to count all students, not just low-income students, in determining the share of CARES funding for equitable services.

In our conversations with USED, we’ve highlighted that allowing private schools to use a broader, all-encompassing enrollment count without regard to poverty is not only unfair and inconsistent with the way states and locals receive their funding, it is inequitable because high poverty students in public school, are in essence, generating funds for wealthy students in private schools. Moreover, this interpretation is in stark contrast with CARES language, which makes clear in its intent that ES shall be applied in the same manner as section 1117 of ESSA, meaning that the proportional share for equitable services be based on poverty.

The net effect of this guidance is to funnel more resources to private schools regardless of need and to undercut the dollars going to public schools through CARES. We are opposed to this interpretation and are working with the Department and the Hill to seek changes to the guidance.

Thus far, we have submitted a letter to USED asking for a revision to the rule and are deeply engaged on the hill. Additionally, AASA executive director, Dan Domenech, issued a joint public statement with Randi Weingarten of AFT on this issue. We are also busy collecting numbers to highlight for Capitol Hill what the shift in funding looks like.

To help our members engage on this important issue, we have created a quick and concise [template](https://aasa.org/uploadedFiles/AASA_Blog(1)/Equitable%20Services%20ADVOCACY%20TEMPLATE.docx) you can use to let your members of Congress see how the flawed interpretation’s failure to calculate the private school share of funding based on poverty results in a significant increase in private school allocation. All you need to complete the [template email](https://aasa.org/uploadedFiles/AASA_Blog(1)/Equitable%20Services%20ADVOCACY%20TEMPLATE.docx) is your name, district name, and the percentage of your district’s FY19 (2019-20 school year) Title I and Title II set asides for equitable services. To submit your comments to Congress, please reach out to either your state association, or me at crogers@aasa.org.

Given the immense pressure we hope to generate on this issue, we are optimistic we can get a revision to ES. As such, we are recommending districts slow roll the process to determine the equitable services share. Once the equitable service share is determined, it might be difficult to adjust that set-aside level. Therefore, if you can buy some time to see how this shakes out, you can avoid this headache. Generally, equitable services must be delivered timely, so that balance should be considered.

Finally, you can see Frequently Asked Questions on Equitable Service funding by clicking [here](https://oese.ed.gov/files/2020/04/FAQs-Equitable-Services.pdf).

**MOE: State Ed Spending, IDEA, and CTE Flexibilities**

In the CARES Act, Congress reinforced the requirement that states maintain their investments in education by including a “maintenance of effort” requirement for any state accepting funds. As we reflect on the Great Recession and the decision by states to waive their MOE obligations, we are deeply concerned that the CARES Act opens the door for states to disproportionally cut their spending on education despite the infusion of federal funds earmarked for K-12 education. As such, we sent a request to congress stipulating that the next package include language that in order for a state that receives stimulus aid to be granted an MOE waiver, it would be required to provide the same percentage of available revenue to education as it did in the previous fiscal year.

This approach would acknowledge the fiscal realities that states will likely face, while also protecting educational opportunities for students with the greatest need.

Additionally, we have called for specific flexibility around local maintenance of effort requirements for IDEA and for Perkins CTE funding. IDEA has a 100% maintenance of effort requirement for districts. Unlike Title I, which has a 90% maintenance of effort requirement and a local waiver for districts to utilize if they are experiencing financial duress, IDEA has no flexibility to allow districts to temporarily reduce MOE during a financial or health crisis. Many districts will be unable to meet MOE requirements as intended in the FY19-20 school-year because some special education personnel are not working directly with students and instead are being redeployed to fill other critical tasks such as food preparation and delivery. Rather than require districts to pay a financial penalty as required under IDEA if they do not expend all the money on staff as intended, we believe that Congress must allow IDEA MOE for districts to be waived and for unspent resources to be carried over into the next school-year.

Similarly, many districts have chosen to utilize Perkins CTE funding for end-of-year purchases, professional development over the summer, and testing for students. Some of these funds will not be spent as anticipated due to the pandemic. Additional flexibility is needed to allow local recipients to keep this funding so that needs are met once school resumes, professional development is rescheduled, or other purchases can be made. As such, Providing the Secretary with the authority to waive Perkins Section 133(b) for one year would provide this needed flexibility.

To highlight, this for the Hill. AASA sent a [letter](https://aasa.org/uploadedFiles/AASA_Blog(1)/AASAPolicyLetterCOVID19April24.pdf) to with these priorities to the four corners of education spending.

**IDEA Flexibility**

In light of the hardship districts are experiencing in trying to educate all students during a pandemic, NREAC is also calling on Congress to provide practical, narrow flexibility in how districts meet some of the requirements under IDEA.

Specifically, we are urging Congress to provide flexibility around several of the mandates that are most difficult for districts to meet during the pandemic.

1. Timelines: One of the most challenging aspects of IDEA currently facing districts is the multitude of timeline requirements for evaluation, eligibility, and formation of Individualized Education Program (IEP) teams under the law. Therefore, we recommend that timeline requirements be paused from the day schools closed due to the pandemic and extended for no more than 45 school days after direct, in-person instruction has resumed for the following timelines: Part C-to B Transitions, State Complaints and Due Process Complaints, annual IEP Reviews, Initial Evaluations and Triannual Reevaluations.
2. Documentation of changes to IEP during school closures: It is not realistic to assume that every district will be able to reconvene IEP team meetings to discuss changes to the child’s IEP that result from pandemic-related school closures. Therefore, we suggest that all IEPs written before schools closed be maintained. In situations where the current IEP does not sufficiently describe the services that are being provided during the pandemic, we recommend the creation/acceptance of a separate, time-limited, document describing the education and service provided to the student with a disability. This document would clearly communicate the services and education provided to the student after consultation with the parent. No IEPs would need to be amended under this plan.
3. Finally, we request that districts be deemed to have met their obligation to provide a free appropriate public education as long as they can demonstrate they have made reasonable and measurable efforts to meet the needs of a child with a disability and not engaged in intentional discrimination, bad faith, or gross misjudgment in the provision of special education and related services to them. NREAC also requests that Congress specify that the delivery of compensatory education cannot be automatically conferred to every child with a disability who, as a result of the pandemic, received different or fewer services than is designated in their pre-COVID-19 IEP.

If your district is struggling to meet IDEA mandates, we urge you to take a moment to email the education staff on Capitol Hill and ask them to ensure the next COVID-19 relief package contains sensible flexibility for IDEA. Please send an action alert to your full Congressional delegation today using [AASA’s Action Alert System](https://www.aasa.org/legislative-action-center/#/90). You simply input your address and they will direct you to the appropriate Rep/Senators for you to email. Additionally, the system will supply a template email for you to use. Alternatively, you can download a list of all the education staffers for your Congressional delegation and email them individually [here](http://aasa.org/uploadedFiles/AASA_Blog(1)/EDStaffersIDEAAlert1.xlsx).

**AASA Joins Letter to Congress Requesting $2.6B in Funding for the School Nutrition Programs**

On May 1st, AASA joined 30 other organizations in urging Congress to provide $2.6 billion to mitigate the estimated financial loss that school nutrition programs have and will continue to experience as a result of the COVID-19 pandemic.

Last year, between March and June, school nutrition programs served more than 2.5 billion meals and snacks, receiving over $5 billion in reimbursement. Now according to early reports, programs are serving only a fraction of those meals. This unanticipated loss of revenue has forced programs to tap into fund balances and draw upon lines of credit to sustain their operations.

Consequently, as we begin looking at recovery, it is imperative to support these programs through additional reimbursement to district food operations. AASA will continue to push for these funding priorities in the next COVID-19 legislative packages. You can check out the full letter by clicking [here.](https://aasa.org/uploadedFiles/AASA_Blog(1)/SchoolNutritionCOVIDRequest_042720.pdf)

**Second AASA COVID-19 Survey**

As part of our ongoing advocacy efforts specific to the impact of the COVID-19 pandemic, AASA has released the second iteration of our nationwide survey, which will provide data that better illustrates the impact of COVID-19 in schools in terms of the effect of the pandemic itself and the resulting economic downturn.

The data from this survey will be used to track how districts are responding to federal and state pressures to re-open schools and deliver equity-based services during the crisis. Moreover, the survey will help detail the fiscal impact of COVID-19 on our nation's public schools.

AASA's last COVID-19 survey received more than 1,600 responses from 48 states and produced valuable data that has been integral in our advocacy efforts on IDEA, the homework gap, and the federal Coronavirus emergency relief legislative packages. However, we could not have achieved these results without your help. To help us continue elevating the voice of superintendents on Capitol Hill, please take a few moments to complete the survey by clicking [here.](http://send.aasa.org/link.cfm?r=r5nJEQ9O543Q-49d1KtoTw~~&pe=rZ-bnSaI1DRLPfiB4vFqNU8VTZ4AICHVy78nCgMKjmu5upXUOoRbo-VKQ-rKASJKliniFoZJJfUkgcy8B-_Kcw~~&t=WAtyfXUO728GB7_Mge7oOQ~~)

 Thank you in advance, and if you have questions, then please email Chris Rogers (crogers@aasa.org).