

**From:** Michael Powell  
**Subject:** [Suspect Bulk Mail] Charter schools as incubators or Charter Schools Inc.?  
**To:** Hinton, Anna  
**Sent:** November 16, 2015 2:09 PM (UTC-05:00)



Friend,

In her latest column appearing in the *New York Times*, AFT President Randi Weingarten challenges many of the widely held beliefs about charter schools and looks at what the research really tells us about charters.

Weingarten reminds readers that the late AFT President Albert Shanker was one of the first proponents of charter schools, believing public school teachers could incubate innovative ideas, sharing successes and learning from setbacks. Unfortunately, some charter proponents have shifted charters away from that original concept to competing for market share and taxpayer dollars.

After outlining a number of recent problems with charter schools, Weingarten writes that it is important to know that "charter" does not mean "better." A well-regarded Stanford University study found that 25 percent of charter schools perform significantly better than traditional public schools, while 31 percent produce academic results that are significantly worse.

"The public education landscape is enriched by having many options—neighborhood public schools, magnet schools, community schools, schools that focus on career and technical education, and charter schools," Weingarten says. "They all must be held to educational, financial and ethical standards, particularly now, given that half the children in public schools are poor. This is a solemn responsibility to both students and the public."

[Read the full column.](#)

Many thanks,  
Michael Powell  
AFT Assistant to the President for Communications

Randi Weingarten, President  
Loretta Johnson, Secretary-Treasurer | Mary Cathryn Ricker, Executive Vice President

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"The public education landscape is enriched by having many options—neighborhood public schools, magnet schools, community schools, schools that focus on career and technical education, and charter schools," Weingarten says. "They all must be held to educational, financial and ethical standards, particularly now, given that half the children in public schools are poor. This is a solemn responsibility to both students and the public."

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**From:** National Education Association  
**Subject:** One ESEA Reauthorization Markup Down, One to Go: Tell Congress to Get It Right  
**To:** Riddle, Paul  
**Sent:** June 14, 2013 9:23 AM (UTC-04:00)

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## ***This Week's News:***

### **ONE ESEA REAUTHORIZATION MARKUP DOWN, ONE TO GO: TELL CONGRESS TO GET IT RIGHT**

Reauthorization of the *Elementary and Secondary Education Act* (ESEA) is moving. This week, the Senate Health, Education, Labor, and Pensions (HELP) Committee approved Chairman Tom Harkin's (D-IA) reauthorization bill, the *Strengthening America's Schools Act of 2013* (S. 1094), on a 12-10 party-line vote. NEA urged the committee to keep [equity and fairness](#) front and center, along with shared responsibility for student success, and to adopt [amendments](#) that help achieve that goal and reject those that do not. NEA took no position on the base bill, finding some promising improvements in it but too many areas still needing work. There is no immediate timeline for the bill to reach the Senate floor.

On June 19, the House Education and the Workforce Committee will markup its version of ESEA reauthorization, the *Student Success Act* (H.R. 5) put forward by Chairman John Kline (R-MN). Like the Senate bill, the House version is expected to emerge from a partisan markup. House Republican leadership has indicated it plans to take up its ESEA measure on the House floor in July.

NEA is urging Congress to provide flexibility, empower educators, and focus on ESEA's original promise of equity and fairness for students. That message resonates powerfully, especially when it comes from those who know best: classroom teachers and education support professionals.

#### **TAKE ACTION TODAY!**

- [E-mail Congress](#)—Tell your Senator and Representatives to get ESEA reauthorization right.

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### **URGE THE SENATE TO PASS IMMIGRATION REFORM, TREAT STUDENTS FAIRLY**

June 14, 2013

#### **In this edition:**

[One ESEA Reauthorization Markup Down, One to Go: Tell Congress to Get It Right](#)

[Urge the Senate to Pass Immigration Reform, Treat Students Fairly](#)

[Tell Members of Congress to Support, Co-Sponsor Bill Repealing GPO/WEP Penalties](#)

[Cheers and Jeers](#)

The Senate voted 82-15 this week to begin debating the bipartisan *Border Security, Economic Opportunity, and Immigration Modernization Act* (S. 744)—a watershed moment that paves the way for fierce battles over amendments before a final vote, which leadership hopes to hold before the July recess. Last week, more than 5,000 educators participated in a [telephone town hall](#) to hear the latest news on immigration reform and to discuss maintaining their hard-won momentum.

NEA sent a [letter](#) encouraging Senators to act swiftly and pass S. 744, which includes NEA's priorities for students and their families:

- A pathway to citizenship for 11 million aspiring Americans
- Ensuring and promoting family unity
- Inclusion of the *DREAM Act*, which provides an expedited, five-year path to citizenship for eligible high school graduates

We also continue advocating adoption of a “Little DREAMers” amendment by Sen. Blumenthal (D-CT), which puts younger, eligible children on the expedited, five-year path to citizenship.

#### TAKE ACTION TODAY!

- Email or call 1-866-632-6057—Tell Congress to pass [comprehensive immigration reform](#) and the [Little DREAMers amendment](#)
- [Sign the petition — Students and their families deserve fair immigration reform now.](#)

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#### TELL MEMBERS OF CONGRESS TO SUPPORT, CO-SPONSOR BILL REPEALING GPO/WEP PENALTIES

The bipartisan *Social Security Fairness Act of 2013* (H.R. 1795/S. 896), recently introduced in both the [House](#) and the [Senate](#), would repeal the Government Pension Offset (GPO), which reduces public employees' Social Security spousal or survivor benefits by two-thirds of their public pension, and the Windfall Elimination Provision (WEP), which reduces the earned Social Security benefits of an individual who also receives a public pension from a job not covered by Social Security. GPO and WEP are unfair—they deprive educators and other public employees of Social Security benefits they have **earned**.

#### TAKE ACTION TODAY!

- [E-mail Congress](#)—Urge your Senators and Representative to support and co-sponsor the *Social Security Fairness Act of 2013*.

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#### CHEERS AND JEERS



#### Cheers to:

- x **Sen. Elizabeth Warren (D-MA)** for her amendment to the Senate HELP Committee ESEA reauthorization bill to ensure that charter schools are held to the same accountability standards as traditional public schools. Unfortunately, she was forced to withdraw the amendment due to concerns raised by charter school operators.
- x **Sen. Johnny Isakson (R-GA)** for his amendment to ESEA to allow parents and educators to determine appropriate standards and assessments for students with disabilities. The Committee rejected the amendment on a vote of 9-12.
- x **Sen. Richard Burr (R-NC)** for his amendment to ESEA to prioritize Title II formula funds to better direct them toward students in poverty. The Committee rejected the amendment on a vote of 8-14.
- x All **Senate HELP Committee Democrats** and **Senators Lisa Murkowski (R-AK)** and **Mark Kirk (R-IL)** for opposing a private school voucher amendment to ESEA offered by **Sen. Rand Paul (R-KY)**. The amendment failed on a vote of 8-14.

#### Jeers to:

- x **Sen. Rand Paul (R-KY)** for proposing a private school voucher amendment to the Senate HELP Committee's ESEA bill. His amendment failed on a vote of 8-14.
- x **House Speaker John Boehner (R-OH)**, who is calling for another round of spending cuts beyond the sequester. "I believe that if we're going to increase the debt limit, there ought to be cuts and reforms in place that are greater than the increase in the debt limit," Boehner said June 11 in an interview on ABC's "Good Morning America."
- x **Senate Minority Leader Mitch McConnell (R-KY)** for erecting a roadblock to moving fiscal year 2014 appropriations bills by vowing to oppose funding levels unless they continue the devastating sequester.

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**From:** National Education Association  
**Subject:** Speak Up Now! ESEA Reauthorization on House Floor Next Week  
**To:** Riddle, Paul  
**Sent:** July 13, 2013 12:07 PM (UTC-04:00)

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## ***This Week's News:***

### **SPEAK UP NOW! ESEA REAUTHORIZATION ON HOUSE FLOOR NEXT WEEK**

In just a few days, the full House is expected to debate and vote on the "Student Success Act" (H.R. 5)—the House Education and Workforce Committee-passed version of ESEA reauthorization. [NEA opposed the bill in committee](#) in committee for a number of reasons, but particularly raised concerns that it would erode the historical federal role in public education of targeting resources to marginalized student populations as a means of helping to ensure equity of opportunity for all students. NEA is working to stop efforts to add private school vouchers on the floor, to prevent a continued narrow focus on high stakes tests, and to restore collective bargaining protections so educators have a voice in their schools' success.

NEA's message to Congress is to provide more flexibility, empower educators, and focus on ESEA's original promise of equity and fairness for students. That message resonates powerfully, especially when it comes from those who know best: classroom teachers and education support professionals.

#### **TAKE ACTION TODAY!**

[E-mail Congress](#)—Tell your Representative and Senators to get ESEA reauthorization right.

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### **TELL CONGRESS HELP MAKE COLLEGE MORE AFFORDABLE**

July 12, 2013

#### **In this edition:**

[Speak Up Now! ESEA Reauthorization on House Floor Next Week](#)

[Tell Congress Help Make College More Affordable](#)

[Senate's Ed Funding Bill a Step In Right Direction—Tell Congress: No More Budget Cuts](#)

[Cheers and Jeers](#)



On July 1, the interest rate on federally subsidized student loans doubled from 3.4 percent to 6.8 percent—an increase that will cost the average student \$1,000 more annually. NEA urged Senators to [vote YES](#) on the Keep Student Loans Affordable Act (S. 1238), which would roll back and freeze the rate at 3.4 percent for another year to allow time to develop a long-term solution. Unfortunately, the 51-49 vote fell short this week of the 60 votes necessary to move forward. [See how your Senator voted](#). Negotiations continue on alternative plans but no agreement had been reached by Friday.

Last year, total student debt passed the \$1 trillion mark. Already, 35 percent of our nation's 37 million students are behind on their loan payments. Adding to the student loan debt burden will not only harm students, it will adversely affect America's economy—those who face crushing debt cannot buy homes or cars, start businesses, support families, or invest, invent, innovate or otherwise contribute to economic growth.

NEA believes that all students who wish to do so should be able to pursue higher education and their dreams, regardless of ability to pay.

### **TAKE ACTION TODAY!**

[E-mail Congress](#)—Tell your Senators and Representative to help make college more affordable by keeping student loan interest rates low.

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## **SENATE'S ED FUNDING BILL A STEP IN RIGHT DIRECTION—TELL CONGRESS: NO MORE BUDGET CUTS**

Consistent with the FY 2014 budget passed by the Senate earlier this year, the Senate Appropriations Committee passed, by a 16-14 party-line vote, the NEA-supported Labor-HHS-Education funding bill that includes a [\\$3 billion increase for education programs](#) over pre-sequestration FY 2013 funding levels. The Senate bill stands in stark contrast to the House allocations for Labor-HHS-Education which is almost \$43 billion less and would require further draconian cuts to schools and healthcare. Meanwhile, [the impact of the sequester](#) continues to spread and is hitting the most vulnerable especially hard.

### **TAKE ACTION TODAY!**

- [Email Congress](#) or call 1-866-293-7278—Tell your Senators and Representative to support the Senate's budget and funding levels, which help education and demand new revenue.
- [Share your story](#)—Tell us how budget cuts are hurting your students.
- [Take the Kids Not Cuts pledge](#)—Already took it? Ask friends to sign it and join the fight.

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## **CHEERS AND JEERS**

### Cheers to:

- ✘ Republican **Senatorss Mark Kirk (IL), Lisa Murkowski (AK), and Orrin Hatch (UT)** for crossing party lines on the Senate HELP Committee to create a strong, 15-7 bipartisan majority in favor of the Employment Non-Discrimination Act (S. 815)—never before has a Congressional committee reported legislation to prohibit discrimination on the basis of both sexual orientation and gender identity.
- ✘ **Representative Rob Andrews (D-NJ)** for showing heartfelt concern and dismay during a hearing on college affordability in the House Education and Workforce Committee this week—he noted that the compensation of adjunct faculty in post-secondary education often barely meets the minimum wage.
- ✘ The 17 members of the Senate Appropriations Committee, led by **Senator Tom Harkin (D-IA)**, who voted against and defeated an effort by Senator Mary Landrieu (D-LA) to cut \$35 million from School Improvement Grants to bolster funding for charter schools: **Mark Begich (D-AK), Thad Cochran (R-MS), Susan Collins (R-ME), Mike Johanns (R-NE), Tim Johnson (D-SD), Patrick Leahy (I-VT), Jeff Merkley (D-OR), Barbara Mikulski (D-MD), Jerry Moran (R-KS), Lisa Murkowski (R-AK), Patty Murray (D-WA), Mark Pryor (D-AR), Jack Reed (D-RI), Jeanne Shaheen (D-NH), Jon Tester (D-MT), and Tom Udall (D-NM).**

### Jeers to:

- ✘ **House Republican leadership** for bringing to the floor a revised farm bill that funds commodity programs, but jettisoned the entire nutrition portion of the bill, including the Supplemental Nutrition Assistance Program (SNAP) in order to appease its far right caucus. The bill narrowly passed with no Democratic support.

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**From:** National Education Association  
**Subject:** House Passes Flawed ESEA Reauthorization Bill  
**To:** Riddle, Paul  
**Sent:** July 19, 2013 4:13 PM (UTC-04:00)

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## ***This Week's News:***

### **HOUSE PASSES FLAWED ESEA REAUTHORIZATION BILL**

The House of Representatives completed action this morning on H.R. 5, the *Student Success Act*, or ESEA reauthorization. The measure passed 221-207 with no Democratic votes in support and 12 Republicans voting no on final passage. NEA opposed the deeply flawed bill because it erodes the historical federal role in public education: targeting resources to marginalized student populations as a means of helping to ensure equity of opportunity for all students. See [how your Representative voted](#) on final passage. NEA President Dennis Van Roekel issued [this statement](#) on the bill's passage.

Read NEA's letters opposing the bill [here](#) and [here](#). NEA also took positions on [18 amendments](#) to the bill and scored two important wins: an amendment to require that multiple measures of school success beyond just test scores are part of the accountability system, and an amendment to strip very problematic federally-mandated teacher evaluation language included in H.R. 5, which prevents a federal mandate requiring teacher evaluations singularly based on student achievement data without any protections of collective bargaining.

The bill became worse this morning with the adoption – by voice vote – of an amendment to dilute the impact of the Title I program by creating a portable entitlement that will drain Title I dollars from schools with high concentrations of poverty. NEA strongly opposed the amendment.

While there is no current timetable for consideration of the *Strengthening America's Schools Act of 2013* (S. 1094), passed earlier this year by the Senate Health, Education, Labor, and Pensions (HELP) Committee, we will continue to urge that any final ESEA reauthorization must strengthen the federal promise of equity.

NEA's message to Congress remains that the reauthorized ESEA must provide more flexibility, empower educators, and focus on ESEA's original promise of equity and fairness for students. That message resonates powerfully, especially when it comes from those who know best: classroom teachers and education support professionals.

#### **TAKE ACTION TODAY!**

[E-mail Congress](#) – Tell your Senators to get ESEA reauthorization right.

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July 19, 2013

### **In this edition:**

[House Passes Flawed ESEA Reauthorization Bill](#)

[Student Loan Battle Continues](#)

[Perez Confirmed As Secretary Of Labor](#)

[Cheers and Jeers](#)

## STUDENT LOAN BATTLE CONTINUES

Negotiations continued this week on a path forward to address the doubling of student loan interest rates that occurred on July 1. The Senate may vote next week on a negotiated agreement.

We previously urged Senators to [vote YES](#) on the *Keep Student Loans Affordable Act* (S. 1238), which would roll back and freeze the rate at 3.4 percent for another year to allow time to develop a long-term solution.

Last year, total student debt passed the \$1 trillion mark. Already, 35 percent of our nation's 37 million students are behind on their loan payments. Adding to the student loan debt burden will not only harm students, it will adversely affect America's economy – those who face crushing debt cannot buy homes or cars, start businesses, support families, or invest, invent, innovate or otherwise contribute to economic growth.

NEA believes that all students who wish to do so should be able to pursue higher education and their dreams, regardless of ability to pay.

### TAKE ACTION TODAY!

[E-mail Congress](#) – Tell your Senators and Representative to help make college more affordable by keeping student loan interest rates low.

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## PEREZ CONFIRMED AS SECRETARY OF LABOR

This week the Senate, on a 54-46 party-line vote, approved the nomination of Thomas E. Perez to be the nation's new Secretary of Labor. NEA [strongly supported](#) his nomination.

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## CHEERS AND JEERS

### Cheers to:

- ✘ **Representatives Tom Reed (R-NY), David McKinley (R-WV) and Bill Owens (D-NY)** for sponsoring the amendment to H.R. 5 that requires state accountability systems to include multiple measures of success. The amendment passed.
- ✘ **Representatives Steve Scalise (R-LA) and Rob Bishop (R-UT)** for sponsoring the amendment to H.R. 5 to prevent a federal mandate requiring teacher evaluations singularly based on student achievement data and with no protections for collective bargaining. The amendment passed.



✘ These House members who also offered NEA-priority amendments to H.R. 5:

- **Representatives Chris Gibson (R-NY) and Mark Takano (D-CA)** – to include grade-span testing, and to Takano for delivering a colloquy on the floor about it
- **Representative Michael Grimm (R-NY)** – to protect collective bargaining rights for educators
- **Representatives Mike Honda (D-CA) and Andre Carson (D-IN)** – to advance equity for students
- **Representative John Tierney (D-MA)** – to require greater transparency and accountability for charter schools
- **Representative Tony Cardenas (D-CA)** – to increase funding for English-language learners
- **Representative Mark Takano (D-CA)** – to restore maintenance of effort (funding requirements for states)

✘ The six Republicans who voted for cloture to allow a final vote on the Perez nomination: **Sens. Lamar Alexander (TN), Susan Collins (ME), Bob Corker (TN), Mark Kirk (IL), John McCain (AR), and Lisa Murkowski (AK).**

**Jeers to:**

✘ **House Majority Leader Eric Cantor (R-VA)** for making a bad bill even worse by sponsoring the amendment to H.R. 5 that would dilute the impact of already underfunded Title I program by making funds “portable.”

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**From:** National Education Association  
**Subject:** Urge Congress to support more time for student learning by reducing the federal role in testing  
**To:** Riddle, Paul  
**Sent:** March 14, 2014 4:09 PM (UTC-04:00)

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## News from Capitol Hill. . .

March 14, 2014

### Urge Congress to support more time for student learning by reducing the federal role in testing

The NEA-supported bipartisan *Student Testing Improvement and Accountability Act* (H.R. 4172) by Reps. Chris Gibson (R-NY) and Kyrsten Sinema (D-AZ) would reduce the federal role in testing to the pre-*No Child Left Behind* (NCLB) status known as grade-span testing, giving educators more time to teach and students more time to learn. With grade-span testing – meaning once in elementary, once in middle, and once in high school – the number of federally-mandated standardized tests students take during their K-12 years would drop from 14 to 6. States or school districts could choose to administer their own assessments more frequently, particularly to help improve instruction in a timely manner.

“The federal testing mandates, when combined with the amount of state and district level assessments, has snowballed to create the feeling that our schools are not centers of learning, but rather are test-prep factories,” said [NEA President Dennis Van Roekel](#). “The over-emphasis on standardized testing has caused considerable collateral damage in too many schools, including narrowing the curriculum, teaching to the test, reducing love of learning, pushing students out of school, and driving teachers out of the profession.”

**[TAKE ACTION TODAY!](#)** – Tell Congress to reduce the federal role in testing.

### Tell Congress students deserve full funding for IDEA

The NEA-supported [bipartisan IDEA Full Funding Act \(H.R. 4136\)](#) would require regular increases in IDEA spending to fulfill the federal government’s promise to pay 40 percent of the average per pupil expenditure for special education. In the 39 years since IDEA became law, the funding pledge has never been met. Thanks to years of federal education spending cuts, current funding sits at just 15 percent. Fully funding IDEA would help take pressure off state and local budgets that are already stretched thin, freeing up funds for other priorities. Schools and the students they serve cannot afford to wait any longer for the relief they so desperately need.

**[TAKE ACTION TODAY!](#)** – Tell Congress to fulfill the promise to fund IDEA.

### Show how raising the minimum wage helps students and families

The Senate is expected to vote on raising the federal minimum wage in the next few weeks, after returning from a week-long recess. The NEA-supported *Minimum Wage Fairness Act of 2013* (S. 1737/H.R. 1010) would raise the current federal minimum wage of \$7.25 an hour – the equivalent of an annual salary of \$15,080 for a full-time

worker – to \$10.10 an hour in three steps.

More than 16 million children under age 18 – nearly 22 percent of all children – live below the official poverty threshold. An increase in the minimum wage would help students and many education support professionals nationwide. Share your story: What would an increase in the minimum wage mean for the families of your students and in your community?

[TAKE ACTION TODAY!](#) – Tell Congress to raise the federal minimum wage.

## Senate votes to reauthorize program for low-income kids and families

On Thursday, the Senate voted 97 to 1 to reauthorize the NEA-supported *Child Care and Development Block Grant* (CCDBG) program, which helps make child care affordable for low-income families. The Senate version of reauthorization (S. 1086) would improve the quality of child care services, health and safety provisions, and aligns better with early education programs – a good step toward a more comprehensive early childhood education system. The House Education and the Workforce Committee will hold an informational hearing on CCDBG on March 25.

## Cheers and Jeers

### Cheers to:

### This Week's News:

- ✘ **Senators Barbara Mikulski (D-MD) and Richard Burr (R-NC)** for their work in bringing the NEA-supported bipartisan Child Care and Development Block Grant (CCDBG) bill to the floor.
- ✘ **Rep. Tim Bishop (D-NY)** for speaking out against shifting funding from traditional public schools to charter schools, particularly when research shows little or no difference in students' test scores, at a House Education and the Workforce Committee hearing on Wednesday. "More money doesn't necessarily mean more quality," he said, "but less money inevitably means less quality."
- ✘ **Senate Budget Committee Chair Patty Murray (D-WA)** for her comments at the Committee's hearing this week on closing corporate tax loopholes. "Our tax code is riddled with wasteful loopholes and special-interest carve-outs," she said. "And far too many of these tax breaks are skewed to benefit the wealthiest Americans and biggest corporations, who need them the least. In other words, we're spending a lot of money through the tax code on wasteful and inefficient giveaways to people and businesses who don't need help, at a time when investing in better schools, infrastructure repairs, or medical research could strengthen our economy and help a lot of families who really do [need help]."

### Jeers to:

- ✘ **Senator Tim Scott (R-SC)** for touting "school choice" during a speech at the Conservative Political Action Conference. "We need to set free all the potential of our kids in our country through school choice," he said.
- ✘ **Senator Lamar Alexander (R-TN)** for using the debate around the Child Care and Development Block Grant (CCDBG) program, which helps make child care affordable for low-income families, as a platform for his ill-conceived legislation to create widespread federal vouchers for K-12 students.

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**From:** National Education Association  
**Subject:** House passes Ryan budget that hurts kids, families, and seniors  
**To:** Riddle, Paul  
**Sent:** April 11, 2014 2:24 PM (UTC-04:00)

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## News from Capitol Hill. . .

April 11, 2014

### House passes Ryan budget that hurts kids, families, and seniors

The House on Thursday passed the NEA-opposed Ryan budget by a [vote of 219 – 205](#), with no Democrats supporting it and 12 Republicans voting no. The budget sacrifices the well-being of the middle class and our most vulnerable populations, including children, to give deep tax breaks to those who need it the least. Instead of replacing the devastating sequester cuts in upcoming years, the Ryan budget would slash spending on domestic programs that help kids and families – like education – by nearly \$800 billion. The maximum Pell Grant award would be frozen, making the dream of college unattainable for even more students. Medicaid, which provides healthcare for one-third of our nation's children, would be cut by more than \$700 billion. Medicare would be converted to "premium support," a euphemism for vouchers that would shift a growing share of costs to seniors. And the entire Affordable Care Act would be repealed.

The House rejected the Democratic substitute budget, offered by Rep. Chris Van Hollen (D-MD). In contrast to the Ryan budget, the Democratic alternative called for greater tax fairness to generate needed revenue; replaced the Non-Defense Discretionary sequester cuts starting in 2016; urged new investments in education; extended unemployment benefits for a year; included comprehensive immigration reform (which will lower the deficit by \$900 billion); and, protected Medicaid and Medicare.

### House committee advance charter school reauthorization bill

The *Success and Opportunity Through Quality Charter Schools Act* (H.R. 10), introduced by Chairman John Kline (R-MN) and Ranking Member George Miller (D-CA), passed out of the House Education & the Workforce Committee this week. NEA noted that while the bill improves on current law in some areas, the bill falls well short of providing long-overdue parent, student, educator, community, and taxpayer safeguards for the now 23-year-old charter sector – among them, mandatory reporting and disclosure requirements that apply to other public schools. The bill also does not require charter schools to undergo independent audits or open board meetings to the public that funds the schools.

The full House is expected to take up the charter school measure in early May. NEA will be working to improve the bill, especially around accountability and transparency.

### NEA weighs in on latest E-Rate plans; make your voice heard

In comments on the Federal Communications Commission's latest proposal to modernize the E-Rate program – a vital resource for enhancing student learning that provides discounts for telecommunications and Internet access



to schools nationwide – [NEA expresses concern](#) (PDF, 98 KB, 14 pgs.) that the FCC does not appear to be interested in raising the funding cap, is proposing to redirect current funds to new uses, and is considering changes to the distribution of funding that would reduce or eliminate altogether the use of concentration of poverty, a move that would exacerbate inequities. Demand for the E-Rate was double the amount available last year, leaving many needs unmet.

**Take Action:** Tell the FCC how telecommunications and Internet access enhance learning for your students. A template and instructions for filing comments can be found [here](#).

## Urge Congress to help students and families by raising the minimum wage

When the Senate returns from its spring recess at the end of April, it is expected to vote on raising the federal minimum wage. Now is the time to make sure your senators know how a raise in the minimum wage would help low-income students and families, including education support professionals. More than 16 million children under age 18 – nearly 22 percent of all children – are living below the official poverty threshold. The current federal minimum wage of \$7.25 an hour, the equivalent of an annual salary of \$15,080 for a full-time worker, would rise to \$10.10 an hour in three steps under the NEA-supported *Minimum Wage Fairness Act* (S. 1737/H.R. 1010). [Share your story](#): What would an increase in the minimum wage mean for your students' families and your community?

**TAKE ACTION TODAY!** – Tell Congress to raise the federal minimum wage.

As Congress takes a 2-week recess, please look for our next **Education Insider** when they return.

## Cheers and Jeers

Cheers to:

## This Week's News:

- ✘ **Reps. John Tierney (D-MA) and Mark Takano (D-CA)** for urging the House Education and the Workforce Committee to require board meetings of charter schools to be open to the public during the mark-up of the *Success and Opportunity through Quality Charter Schools Act* (H.R. 10).
- ✘ **Republican Sens. Kelly Ayotte (NH), Susan Collins (ME), Dean Heller (NV), Mark Kirk (IL), Lisa Murkowski (AK), and Rob Portman (OH)** for voting to extend long-term unemployment benefits for five months, retroactive to their expiration in December 2013. After weeks of debate, the measure passed 59-38 this week.
- ✘ **Republican Reps. Chris Gibson (NY), Michael Grimm (NY), Joe Heck (NV), Peter King (NY), Frank LoBiondo (NJ), Jon Runyan (NJ), and Christopher Smith (NJ)** for urging their colleagues to take action on long-term unemployment insurance: "We want it extended. We respectfully request that the House immediately consider [the Senate] bill or a similar measure to restore unemployment benefits to struggling Americans."



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- ✘ **Rep. Jack Kingston (R-GA)**, at the Appropriations hearing with Secretary Duncan, for opposing the bipartisan early education initiative, the Strong Start for America's Children Act, saying there are enough pre-school programs already despite the large number of students with no access to quality early childhood education programs.

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**From:** National Education Association  
**Subject:** House passes Ryan budget that hurts kids, families, and seniors (Updated Links!)  
**To:** Riddle, Paul  
**Sent:** April 11, 2014 4:08 PM (UTC-04:00)

Trouble viewing this email? [Read it online.](#)



## News from Capitol Hill. . .

April 11, 2014

### House passes Ryan budget that hurts kids, families, and seniors

The House on Thursday passed the [NEA-opposed](#) Ryan budget by a [vote of 219 – 205](#), with no Democrats supporting it and 12 Republicans voting no. The budget sacrifices the well-being of the middle class and our most vulnerable populations, including children, to give deep tax breaks to those who need it the least. Instead of replacing the devastating sequester cuts in upcoming years, the Ryan budget would slash spending on domestic programs that help kids and families – like education – by nearly \$800 billion. The maximum Pell Grant award would be frozen, making the dream of college unattainable for even more students. Medicaid, which provides healthcare for one-third of our nation’s children, would be cut by more than \$700 billion. Medicare would be converted to “premium support,” a euphemism for vouchers that would shift a growing share of costs to seniors. And the entire Affordable Care Act would be repealed.

The House rejected the Democratic substitute budget, offered by Rep. Chris Van Hollen (D-MD). In contrast to the Ryan budget, the Democratic alternative called for greater tax fairness to generate needed revenue; replaced the Non-Defense Discretionary sequester cuts starting in 2016; urged new investments in education; extended unemployment benefits for a year; included comprehensive immigration reform (which will lower the deficit by \$900 billion); and, protected Medicaid and Medicare.

### House committee advance charter school reauthorization bill

The *Success and Opportunity Through Quality Charter Schools Act* (H.R. 10), introduced by Chairman John Kline (R-MN) and Ranking Member George Miller (D-CA), passed out of the House Education & the Workforce Committee this week. [NEA noted](#) that while the bill improves on current law in some areas, the bill falls well short of providing long-overdue parent, student, educator, community, and taxpayer safeguards for the now 23-year-old charter sector – among them, mandatory reporting and disclosure requirements that apply to other public schools. The bill also does not require charter schools to undergo independent audits or open board meetings to the public that funds the schools.

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**From:** National Education Association  
**Subject:** Senate obstructionism blocks minimum wage hike, but fight for working families continues  
**To:** Riddle, Paul  
**Sent:** May 2, 2014 2:14 PM (UTC-04:00)

Trouble viewing this email? [Read it online.](#)



May 2, 2014

## This Week's News:

### Senate obstructionism blocks minimum wage hike, but fight for working families continues

The [NEA-supported Minimum Wage Fairness Act](#) (S. 2223) failed to garner the 60 votes necessary to advance in the Senate on Wednesday, stalling the effort to raise the hourly federal minimum wage from \$7.25 to \$10.10. NEA President [Dennis Van Roekel](#) said, "Unfortunately, a minority of the Senate prevented action and turned its back on the working people who are just trying to make ends meet and to support their families. This is of special concern to educators because we know firsthand that raising the minimum wage will help students whose parents work hard to support their families, and we know that it will help many of our fellow educators—food service professionals, custodians, and even adjunct college professors who do not earn a living wage." See how your senators [voted](#).

The fight to raise the minimum wage is far from over, as additional votes are possible. Congress needs to know how raising the minimum wage would help students and working families, including education support professionals. [Share your story](#): What would an increase in the minimum wage mean for your students' families and your community?

**[TAKE ACTION TODAY!](#)** Tell Congress to raise the federal minimum wage.

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### House to vote next week on legislation governing charter schools

Next week, the House is scheduled to vote on the *Success and Opportunity Through Quality Charter Schools Act* (H.R. 10). The bill is better than current law in some respects—for example, weighted lotteries would help address under-enrollment of disadvantaged students—but [falls short](#) of requiring full transparency and accountability in the now 23-year-old charter sector. This week, the NEA Board of Directors is lobbying members of Congress to support amendments that address these issues when the bill comes to the House floor. The improvements we'd like to see include requiring charter schools to:

- Hold open meetings, just as traditional public schools do.
- Adopt conflict-of-interest guidelines.
- Disclose data on student attrition, demographics, and private sources of funding.

**[TAKE ACTION TODAY!](#)** Tell your Representative to support amendments to H.R. 10 that strengthen accountability and transparency.

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## Urge Congress to trim federal testing requirements so students have more time to learn

NEA's Board of Directors is also this week urging members of Congress to co-sponsor the bipartisan *Student Testing Improvement and Accountability Act* (H.R. 4172) to help address the overuse and misuse of standardized tests. H.R. 4172 would give educators more time to teach and students more time to learn by restoring the pre-*No Child Left Behind* (NCLB) practice known as grade-span testing for federally-mandated tests—meaning once in elementary, once in middle, and once in high school. This approach would free up time for instruction, help reduce testing's drain on resources, and diminish the excessive emphasis on "teaching to the test" brought by NCLB. States and school districts could still choose to administer tests more frequently than federal law requires.

***TAKE ACTION TODAY!*** Tell your Representative to reduce the federal role in testing.

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## Encourage Congress to give every child access to high-quality early education

In the next couple weeks, the Senate Health, Education, Labor, and Pensions (HELP) Committee is likely to take action on the *Strong Start for America's Children's Act* (S.1697), which would encourage and help states provide high-quality pre-K for children from low- and middle-income families. High-quality pre-K confers lasting benefits—kids who attend are less likely to drop out, repeat grades, need special education, or get in trouble with the law later on. High-quality pre-K also brings enormous economic benefits—programs can pay for themselves in as little as a year and save billions over decades. You can join with NEA's directors, who lobbied their senators in person this week, by asking senators to co-sponsor S. 1697 and delivering this message: Every child should have access to high-quality pre-K, not just those from families that can afford to pay for it.

***TAKE ACTION TODAY!*** Tell Congress to invest in high-quality early education.

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## Cheers and Jeers



**Cheers to:**

- ✖ **Representative John Kline (R-MN)**, Chairman of the House Education and the Workforce Committee, for leading an effort to urge appropriators to dramatically increase funding for special education by \$1.5 billion this year.
- ✖ **Senator Jerry Moran (R-KS)** for expressing concern to Secretary Arne Duncan during a budget hearing about the competitive grant nature of the Connect Educators proposal, which is tied to ensuring that schools are equipped with modern technology to enhance student learning. The senator pointed out that too many competitive grants disadvantage rural school districts that don't have grant writers.
- ✖ **Senator Jeff Merkley (D-OR)** for questioning the Administration's continuing shift toward competitive grants at the expense of formula grants, noting that the share of funding for competitive grants would rise from 10 percent to 16 percent of discretionary funding with a commensurate reduction in formula grants.
- ✖ **Representative Marcia Fudge (D-OH)** for also urging, during a hearing with Secretary Duncan, a greater emphasis on formula grant programs like Title I and IDEA instead of continuing the shift toward competitive grants that do not reach all students
- ✖ **Representative Suzanne Bonamici (D-OR)** for urging increased emphasis on educating the whole child and fostering creativity, achieved in part by broadening STEM programs and making them STEAM programs (science, technology, engineering, arts, and mathematics).
- ✖ **Democrats on the House Ways and Means Committee** for voting against a permanent extension of several corporate tax loopholes.

**Jeers to:**

- ✖ **Representative Luke Messer (R-IN)** for conflating vouchers and equal opportunity for "every kid in America" during a budget hearing this week.

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**From:** National Education Association  
**Subject:** House votes to update charter school law, NEA amendments prevail  
**To:** Riddle, Paul  
**Sent:** May 9, 2014 5:08 PM (UTC-04:00)

Trouble viewing this email? [Read it online.](#)



May 9, 2014

## **This Week's News:**

### **House votes to update charter school law; NEA amendments prevail**

By a vote of [360-45](#), the House passed the *Success and Opportunity Through Quality Charter Schools Act* (H.R. 10). The bill is slightly better than the current law in a few respects, such as requiring greater charter authorizer accountability and including weighted lotteries to address under-enrollment of disadvantaged students. NEA took no position on final passage of the bill while [strongly supporting](#) amendments to address its shortcomings: no mandatory disclosure and reporting on key data, including funding from private sources; no independent audit requirements; no open meeting requirements; not enough transparency to the public and parents; and no conflict-of-interest guidelines.

The House did, however, approve several NEA-supported amendments, including two priority ones. The first, which had bipartisan support, ensures public reporting of key information to parents and taxpayers on attendance and suspension rates, class sizes, and other data that traditional public schools must report. The second requires states to report on working with charter schools to foster greater community involvement.

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### **Senate Committee to vote on greater access to high-quality early education**

The Senate Health, Education, Labor, and Pensions (HELP) Committee is scheduled to markup the *Strong Start for America's Children's Act* (S. 1697) on May 14. The [NEA-supported](#) bill would encourage and help states provide high-quality pre-K for children from low- and middle-income families. High-quality pre-K confers lasting benefits—kids who attend are less likely to drop out, repeat grades, need special education, or get in trouble with the law later on. High-quality pre-K also brings enormous economic benefits—programs can pay for themselves in as little as a year and save billions over decades. NEA's message to Congress is that every child should have access to high-quality pre-K, not just those from families that can afford to pay for it.

Ideally, pre-K would be publicly funded and universally available, just like our public system of K-12 education. NEA recognizes the need for a mixture of public and private funding for pre-K, however, and is working with lawmakers to ensure that federal dollars used by private providers are subject to certain protections—for example, federal laws and regulations that prohibit discrimination in hiring, proselytizing with federal resources, and using public funds for religious purposes.

**[TAKE ACTION TODAY!](#)** Tell Congress to invest in high-quality pre-K.

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### **Tell Congress Americans deserve degrees, not debt**



A growing network of NEA members, community partners, and allies are joining the [Degrees Not Debt campaign](#). Our goal: making college affordable for all, because every student deserves a fair shot at a college education. Total student loan debt now stands at \$1.2 trillion and surpasses total credit card debt. The first step is the [NEA-supported Bank on Students Emergency Loan Refinancing Act](#), introduced in both the House and Senate this week, which would allow students who took out loans before July 1, 2013, to refinance and pay the same low rates as new borrowers. Under current law, some recent graduates are being charged interest rates as high as 7 percent—nearly twice the 3.86 percent rate for undergraduate loans in the 2013-14 school year.

**[TAKE ACTION TODAY!](#)** Tell Congress Americans deserve degrees, not debt.

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**CHEERS AND JEERS**

**Cheers to:**

- ✘ **Representatives Frederica Wilson (D-FL), Rodney Davis (R-IL), Tammy Duckworth (D-IL), Alan Grayson (D-FL), David McKinley (R-WV), and Marcia Fudge (D-OH)** for their successful amendment to H.R. 10 to ensure parity with traditional public schools in public reporting of charter school and student information.
- ✘ **Representative Loretta Sanchez (D-CA)** for her successful amendment to H.R. 10 to require states to report how they have worked with their charter schools to foster community involvement
- ✘ **Representatives Raul Grijalva (D-AZ) and Mike Honda (D-CA)** for leading on two amendments to H.R. 10 on financial disclosure, conflict-of-interest-guidelines, and requiring open meetings of charter boards.
- ✘ **Representative John Tierney (D-MA)** for leading on two amendments to H.R. 10 on open meetings and parental involvement, and financial accountability for companies contracted to manage schools.
- ✘ **Representative Gwen Moore (D-WI)** for leading on an amendment to H.R. 10 requiring a two percent set-aside of funds to assist with state oversight of their charter schools, and ensure disclosure of private sources of funding in audits.
- ✘ **Representatives Dave Reichert (R-WA), Rick Larsen (D-WA), and Suzan DelBene (D-WA)** for leading on an amendment to H.R. 10 to respect states' ability to determine the best charter school system to meet their students' needs and prevent states with charter school caps from being at a competitive disadvantage when competing for federal funding.
- ✘ **Representative Sheila Jackson Lee (D-TX)** for leading on an amendment to H.R. 10 to ensure that charter schools make key information publicly available on their websites.
  
- ✘ **Representative Marcy Kaptur (D-OH)** for leading on an amendment to H.R. 10 to require all charter schools receiving public funds to publicly disclose information on school demographics, student attrition rates, and total tax dollars received.
- ✘ **Representative Kathy Castor (D-FL)** for leading on an amendment to H.R. 10 to develop and enforce conflict-of-interest guidelines for all charter schools receiving federal funding.
  
- ✘ **Senator Elizabeth Warren (D-MA) and Representatives John Tierney (D-MA) and George Miller (D-CA)** for introducing bills to help make college more affordable by allowing college loans to be refinanced.
- ✘ **Senator Mark Begich (D-AK)** for highlighting NEA members who would benefit from the repeal of GPO/WEP penalties at a hearing of the Committee on Homeland Security and Governmental Affairs.

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**From:** National Education Association  
**Subject:** [Suspect Bulk Mail] VICTORY! Historic E-Rate increase to help over 20 million students  
**To:** Riddle, Paul  
**Sent:** December 17, 2014 11:30 AM (UTC-05:00)

**Trouble viewing this email? [Read it online.](#)**



**December 17, 2014**

## **This Week's News:**

### **VICTORY! Historic E-Rate increase to help over 20 million students**

In large part thanks to the sustained advocacy of NEA members, including during the Representative Assembly, the Federal Communications Commission approved a historic \$1.5 billion increase in E-Rate funding that will help over 20 million students during the next five years by providing affordable telecommunications and Internet access for public schools and libraries. "All of our students, regardless of their zip code, deserve access to the digital tools and the time to learn," said **NEA President Lily Eskelsen García**. "The first-ever significant increase in funding of the E-Rate program will bring broadband to the communities that need it the most—students and educators in urban, rural, and low-density populated areas."

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### **Congress passes major funding and tax bills that help students and educators**

Before adjourning, the 113th Congress passed two significant bills—the so-called "cromnibus" and "tax extenders"—containing provisions favorable to students and educators.

The cromnibus, the **NEA-supported** fiscal year 2015 budget deal, funds the Department of Homeland Security (DHS) through February and the rest of the government through September. Of note, the bill provides small increases for critical formula-grant programs essential to addressing inequities and providing targeted help to those most in need of extra assistance, including students in poverty, children with disabilities, and English-language learners; a \$75 million increase in the Child Care and Development Block Grant; a \$100 increase in the Pell Grant maximum; small increases for minority-serving institutions of higher education, including historically black colleges and universities (HBCUs); and prevented an overall waiver that would have walked away from Healthy Hunger-Free Kids Act nutrition and school meal standards. While the bill was far from perfect, the alternative of a three-month stopgap funding measure would have been worse for education.

The tax extenders bill continues the NEA-supported \$250 educator tax deduction for classroom supplies, and the **Qualified Zone Academy Bond (QZAB) program for school construction and improvements.**

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### **New Congress, new look, new year**

The Education Insider will unveil a new look in 2015, bringing you updates and advocacy opportunities to influence the 114th Congress.

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### **Thank you, cyber-lobbyists, for these victories!**

From Capitol Hill to the classroom, your voice AND your membership matter. NEA thanks all 656,827 of our cyber-lobbyists—and extends a special thank you to the top 50 cyber-lobbyists of 2014:

Garrick Balk, IL  
Adrienne Bowden, OH  
Rhonda Braylock, OH  
Rebecca Brown, OH  
Patricia Carlin, IL  
Linda Casey, NJ  
Janice Clark, KS  
Charles Cook, MA  
Ryan Danzinger, IL  
Katherine Elliott, OH  
Melissa Fleming, MA  
Michael Friedman, NY  
Paula Garfield, OH  
Esther Garvett, FL  
Kathy Goetz, PA  
Annabel Gunsallus, VA  
Art Hanson, MI  
Chris Hunter, LA  
Jonathan Kern, PA  
Daniel Klipa, PA  
Linda Knowlton, VA  
David Koeller, WI  
Cheryl Laskasky, IL  
Janet Maker, CA  
Don Mangus, CO

Douglas Marinos, PA  
Bethany Miller, OH  
Alvin Nash, CA  
Wende O'Brien, MA  
Patricia Orlinski, AZ  
Irene Rathier, RI  
Kay Reinfried, PA  
Annette Ruch, NJ  
Heidi Sandmeier, MN  
Pat Schumacher, TX  
Christopher Sego, FL  
Madeline Shapiro, CA  
Chasidy Simplot, WI  
Julie Skelton, MI  
Georgia S. Smickley, PA  
Guy Stanley, TN  
Elaine Tokarski, MI  
Maria Isabel Van Sunder, CA  
Rosemary Walker, VA  
Jill Watson, ME  
Carolyn Wilson, OH  
Jacquelin Woods, IL  
Chadwick Wright, OH  
Carol Yakimik, NJ  
Robert Zatezalo, OH

The 142,836 emails sent to Congress by cyber-lobbyists played a critical role in winning these victories for students and public education in 2014:

- Obtained a historic \$1.5 billion increase in **E-Rate funding** that will help over 20 million students over the next five years
- Preserved and slightly increased **fiscal year 2015 funding** for formula-grant programs that provide targeted help to those most in need, including students in poverty, children with disabilities, and English-language learners
- Nearly restored **fiscal year 2014 funding** to pre-sequester levels for core K-12 programs like Title I and IDEA, early childhood, and career preparation programs serving the students most in need
- Reauthorized and secured a \$75 million increase in funding for the **Child Care and Development Block Grant (CCDBG) program**, which helps make child care affordable for low-income families
- Extended the **\$250 educator tax deduction** for classroom supplies and the **Qualified Zone Academy Bond (QZAB) program for school construction and improvements**
- Enacted the bipartisan NEA-supported **Workforce Innovation and Opportunity Act**, the long overdue reauthorization of the Workforce Investment Act
- Prevented an overall waiver that would have walked away from **Healthy Hunger-Free Kids Act** nutrition and school meal standards crucial to combating child hunger, promoting wellness, and preparing students to learn
- Secured bipartisan support for amendments to add greater accountability and transparency to the House-passed **Success and Opportunity through Quality Charter Schools Act**

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**From:** National Education Association  
**Subject:** Game on: Senate begins ESEA work, House passes ESEA rewrite  
**To:** Riddle, Paul  
**Sent:** July 12, 2015 7:17 PM (UTC-04:00)



July 12, 2015

## Game on: Senate begins ESEA work, House passes ESEA rewrite



The day after the [Senate](#) began debating and [voting](#) on [amendments](#) to the Every Child Achieves Act (S. 1177), a process that will continue and likely conclude next week, the [House](#) passed its version of ESEA reauthorization by a vote of 218-213, an important step toward the conference committee between the chambers where the final bill will be negotiated.

The unprecedented activism of NEA members, including during the just-completed Representative Assembly in Orlando, continues to result in decisive victories. The bill before the Senate has already moved significantly in the right direction from current law and waivers—shifting decision-making to the people who know the names of the students they educate and away from the intense test-only focus of No Child Left Behind.

This week, we collectively scored more wins: By a [vote of 45-52](#), the Senate soundly rejected an amendment to provide vouchers for private schools. The next day, by a [vote of 44-54](#) it rejected an amendment to block grant all federal funds that would have opened the door to vouchers.

Meanwhile, the House by a [vote of 251-178](#) passed an NEA-supported amendment offered by Rep. Matt Salmon (R-AZ) that protects schools from being punished by the 95 percent participation rule when parents choose to have their children opt out of standardized tests. The House, in bipartisan fashion like the Senate, also rejected an amendment to block grant all federal funds and open the door to vouchers. While NEA opposed the overall House bill, its passage moves the process closer to a final agreement.

## Tell your senator to vote YES on the 'opportunity dashboard'



Early next week, the Senate is expected to vote on one of NEA's core principles for ESEA reauthorization: a fairer accountability system built around an "opportunity dashboard" composed of indicators of school quality and student success, such as graduation rates, as well as state-determined indicators of students' access to resources and supports like advanced coursework, fully qualified

teachers, specialized instructional personnel, libraries, modern instructional materials and facilities, health and wellness programs, high-quality early education programs, and arts and








athletic programs.

While the Senate bill already takes steps in that direction, the bipartisan amendment to be offered next week would further ensure that states and districts identify, and begin closing, opportunity and resource gaps so that all students have access to a well-rounded education, no matter their zip code.

The amendment—by Senators Mark Kirk (R-IL), Jack Reed (D-RI), Tammy Baldwin (D-WI), and Sherrod Brown (D-OH)—would require data on indicators of school quality and student success to be reported; disaggregated by student subgroup; and used to remedy quickly any gaps in students' access to resources, supports, and programs. Click on the "take action" button and tell your senators to vote YES on the opportunity dashboard amendment next week!



## Cheers and Jeers

-  **Republican Senators Kelly Ayotte (NH), Shelley Moore Capito (WV), Susan Collins (ME), Deb Fischer (NE), Dean Heller (NV), Mark Kirk (IL), Lisa Murkowski (AK), and Jerry Moran (KS)** for voting with Democrats to defeat a voucher amendment to ESEA on Wednesday.
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-  **The 49 Republicans** in the House who joined all Democrats in rejecting an ESEA amendment to block grant federal funds and open the door to vouchers. See how [your member voted](#).
-  **Senator Sherrod Brown (D-OH)** for introducing the Charter School Accountability Act (S. 1708), which would restore the focus on charter schools as incubators for innovation and strengthen oversight in the critical areas of transparency, accountability, and community involvement.
-  **Representative Mark Takano (D-CA)** for taking NEA's message to the House floor during the debate on ESEA reauthorization: "We cannot continue to use standardized test scores to punish teachers and schools."
-  **Senators Tammy Baldwin (D-WI), Cory Booker (D-NJ), and Representative Bobby Scott (D-VA)** for introducing the America's College Promise Act (S. 1716 /H.R. 2962), which would make two years of community college free and provide an affordable pathway for low-income students to a four-year college degree.
-  **Senators Lamar Alexander (R-TN) and Patty Murray (D-WA)** for their leadership in bringing a bipartisan ESEA bill to the floor for the first time in more than 13 years. Said Alexander about S. 1177: This [bill] should produce fewer tests and more appropriate ways to measure student achievement. We believe this is the most effective path toward higher standards, better teaching and real accountability."



**Senator Steve Daines (R-MT) and Representative Matt Walker (R-NC)** for attempting to amend ESEA with the A-Plus Act, which would erode the federal role in education and open the door to vouchers. Their proposed amendments were defeated in both the Senate and the House.



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**From:** National Education Association  
**Subject:** Game on: Senate begins ESEA work, House passes ESEA rewrite  
**To:** Riddle, Paul  
**Sent:** July 12, 2015 7:17 PM (UTC-04:00)



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**Subject:** Secretary Duncan stepping down  
**To:** Riddle, Paul  
**Sent:** October 4, 2015 7:16 PM (UTC-04:00)



October 4, 2015

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Another Friday brought another resignation announcement, as Education Secretary Arne Duncan announced he will step down in December. President Obama has tapped Deputy Secretary and former New York State Education Commissioner John King to serve as acting Secretary after Duncan's departure.



NEA President Lily Eskelsen García wished Duncan well in his future endeavors, **saying:** "NEA and Secretary Duncan have always been in clear agreement that we need to strengthen public education and make sure all students have the opportunity to succeed. He has made important strides in the promotion of early childhood education, college affordability and teacher leadership. We've also had our disagreements. There is a lot to be done to ensure the success of all our students, including fixing overtesting and making sure every child in every zip code has a quality education."

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On Wednesday, only hours from the deadline to act, the House passed a short-term continuing resolution (CR) to keep the federal government operating until December 11th. While a harmful shutdown was avoided, the larger fight is just starting, as Congress now works toward a budget agreement. President Obama and House and Senate leadership from both parties have begun discussions toward a possible budget agreement but the threat of a detrimental year-long CR is real. If that occurred, domestic non-defense programs like education would face cuts.



NEA is urging Congress to reach a bipartisan budget deal that avoids a year-long CR; raises the sequester-level funding caps; and provides relief equally to non-defense programs, like education, and defense programs. The funding caps must be lifted to allow for increased investments in programs that target the students most in need—like Title I, IDEA, and Head Start. NEA's Board of Directors lobbied Congress on Thursday urging

them to pass a budget deal that raises the funding caps. Click on the "take action" button to add your voice too.



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NEA, joined by nine other leading education organizations, [sent Congress a joint letter](#) this week urging them to finish work on ESEA and deliver a bipartisan bill to the President's desk this fall so that students do not have to continue waiting for a better law. The NEA Board of Directors also conveyed that message to Congress during Hill visits on Thursday.



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## House & Senate approve important fix to Affordable Care Act

The House and Senate swiftly passed bipartisan legislation [supported by NEA](#) that is expected to keep more affordable and quality healthcare coverage available to educators in hundreds of small school districts. The bill, H.R. 1624, changes the designation category for employers of 51-100 people. Absent the change, school district health plans with 51-100 employees participating in consortia would be forced out of affordable and high quality health plans and into the more expensive small group market. The White House announced President Obama will sign the legislation.

## Who's up next in the House?

In the wake of Speaker Boehner's (R-OH) retirement announcement, a handful of Republican leadership hopefuls have thrown their hats in the ring for leadership posts. The GOP caucus will meet October 8 to vote on new leadership, though the official vote for Speaker is expected at the end of October. The current candidates are:  
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- ✘ **Representative Hal Rogers, (R-KY) Chairman of the Appropriations Committee**, for opposing a year-long CR, "While I firmly believe this legislation [a CR] is the best path forward at this time, it is also my strong opinion that Congress should do its job and enact actual, line-by-line Appropriations bills." He also expressed, "...a CR doesn't reflect our most current budgetary needs. It creates uncertainty across the government."
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**From:** National Education Association  
**Subject:** Educators raise concerns on ESSA regulations; speak up!  
**To:** Riddle, Paul  
**Sent:** June 26, 2016 9:10 AM (UTC-04:00)



## Educators raise concerns on ESSA regulations; speak up!



At the House Education and the Workforce Committee's June 23 hearing on implementing the Every Student Succeeds Act (ESSA), NEA member Cassie Harrelson, a math teacher in Colorado, [testified](#) that the U.S. Department of Education's proposed accountability regulations undermine "the flexibility and the promise of ESSA" and "take away my voice" in decision-making to improve education for students most in need.

"[O]nce again in the proposed regulations, we see a return to increasing the focus on standardized tests," she said. "By diminishing the importance and the lack of decision options of some of the indicators, including the student or school supports indicator, we will return to a system where we are overly focused on the numbers game of tests instead on focusing on what students need to succeed."

The proposed regulations require states to assign each school "a comprehensive, summative rating"—in other words, a single grade like A through F. They also say that "robust action"—read: punitive action—must be taken against schools that don't test 95 percent of their students, despite the law stating that is up to states to determine. Unless changes are made, the regulations could restore No Child Left Behind's damaging practice of labeling schools and undermine the use of multiple measures or indicators to tell the full story of students and school progress.

*How educators react to the proposed regulations is of paramount importance—now is the time to speak up!* The comment period began May 31 and closes August 1. Check out the [proposed regulations](#) and then click on the button and submit your comments.

And for all the latest and greatest info and resources on ESSA implementation go to NEA's new site: [getessaright.org](http://getessaright.org)

## Tell Congress: Pass common-sense gun reforms to make children and communities safer



In an extraordinary turn of events, Democrats seized control of the House floor shortly before noon on Wednesday and proceeded to stage a 25-hour sit-in to dramatize the need for a vote on common-sense measures to prevent gun violence. Civil Rights icon [Representative John Lewis \(D-GA\)](#) led the effort and summed up the all-too-frequent moments of silence by Congress in the face of continued American deaths from gun violence: "We cannot continue to stick our heads in the sand and ignore the reality of mass gun violence in our nation. We must remove the blinders. The time for silence and patience is long gone," Lewis said. The sit-in prompted House Republicans to adjourn the chamber earlier than planned for the upcoming July 4 recess.

"Enough is enough," said NEA president [Lily Eskelsen Garcia](#). "We have grieved too long and too often—for the students killed, for their families, and for the heroic educators. The time is now for Congress to act and allow a vote on measures to prevent more tragedies in our schools and communities."

Earlier in the week, by a vote of [47 to 53](#), the Senate defeated the [NEA-supported amendment](#) to the Justice Department funding bill that would have closed the loophole that allows suspected terrorists on the "no fly" list to purchase



firearms, including assault weapons like the one used in the Orlando massacre. By a vote of [44 to 56](#), the Senate also defeated the [NEA-supported amendment](#) that would have expanded and strengthened the existing background check system.



Nearly 10,000 responded to last week's call to action. Keep the pressure on! Click on the button and tell your members of Congress to support common-sense reforms to help keep students and communities safe.

## Tell the Senate to do its job and act on Supreme Court nominee









Friday, June 24 marked an unfortunate milestone: 100 days since President Obama nominated Merrick Garland, chief judge of the D.C. Circuit Court of Appeals, to serve on the Supreme Court and the GOP's refusal even to consider him. The Supreme Court addresses nearly every issue that matters to educators, including two rulings this past Thursday on [immigration](#) and [access to education](#). The Senate's *inaction* is charting the wrong course for our country, demonstrated by Thursday's decision on immigration (*U.S. v. Texas*) – a 4-4 stalemate leaving in place a bad lower court ruling that harms countless students and aspiring American families.



Educators have sent nearly 55,000 messages urging Senate Republicans to hold a hearing and an up-or-down vote on

Judge Garland. Click on the button and add your voice in telling the Senate to do its job—100 days of inaction is unacceptable.

## Cheers and Jeers

-  **Representatives John Lewis (GA), John Larson (CT), Katherine Clark (MA), Robin Kelly (IL), and David Cicilline (RI)** for organizing and leading the Democratic sit-in on the House floor demanding a vote on gun violence bills
-  **Senator Diane Feinstein (D-CA)** for offering the amendment that would close the loophole that allows suspected terrorists to buy firearms
-  **Senators Chris Murphy (D-CT), Cory Booker (D-NJ), and Chuck Schumer (D-NY)** for offering the amendment that would expand and strengthen the existing background check system
-  **Senator Mark Kirk (R-IL)** for crossing party lines and voting for both the Murphy/Booker/Schumer and Feinstein amendments and **Senator Kelly Ayotte (R-NH)** for crossing party lines and voting for the Feinstein amendment
-  **Senator Sherrod Brown (D-OH)** for asking the U.S. Department of Education to investigate recipients of federal charter school grants after the [Ohio auditor](#) and the [Ohio Charter School Accountability Project](#) reported attendance rates of less than 50 percent at some Ohio charter schools, along with misuse of grant funds.
-  **Senator Heidi Heitkamp (D-ND)** for voting against both the Murphy/Booker/Schumer and Feinstein amendments and **Senators Joe Manchin (D-WV) and Jon Tester (D-MT)** for voting against the Murphy/Booker/Schumer amendment.

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And for all the latest and greatest info and resources on ESSA implementation go to NEA's new site: [getessaright.org](http://getessaright.org)

## Tell Congress: Pass common-sense gun reforms to make children and communities safer



In an extraordinary turn of events, Democrats seized control of the House floor shortly before noon on Wednesday and proceeded to stage a 25-hour sit-in to dramatize the need for a vote on common-sense measures to prevent gun violence. Civil Rights icon [Representative John Lewis \(D-GA\)](#) led the effort and summed up the all-too-frequent moments of silence by Congress in the face of continued American deaths from gun violence: "We cannot continue to stick our heads in the sand and ignore the reality of mass gun violence in our nation. We must remove the blinders. The time for silence and patience is long gone," Lewis said. The sit-in prompted House Republicans to adjourn the chamber earlier than planned for the upcoming July 4 recess.

"Enough is enough," said NEA president [Lily Eskelsen Garcia](#). "We have grieved too long and too often—for the students killed, for their families, and for the heroic educators. The time is now for Congress to act and allow a vote on measures to prevent more tragedies in our schools and communities."

Earlier in the week, by a vote of [47 to 53](#), the Senate defeated the [NEA-supported amendment](#) to the Justice Department funding bill that would have closed the loophole that allows suspected terrorists on the "no fly" list to purchase



firearms, including assault weapons like the one used in the Orlando massacre. By a vote of [44 to 56](#), the Senate also defeated the [NEA-supported amendment](#) that would have expanded and strengthened the existing background check system.



Nearly 10,000 responded to last week's call to action. Keep the pressure on! Click on the button and tell your members of Congress to support common-sense reforms to help keep students and communities safe.

## Tell the Senate to do its job and act on Supreme Court nominee









Friday, June 24 marked an unfortunate milestone: 100 days since President Obama nominated Merrick Garland, chief judge of the D.C. Circuit Court of Appeals, to serve on the Supreme Court and the GOP's refusal even to consider him. The Supreme Court addresses nearly every issue that matters to educators, including two rulings this past Thursday on [immigration](#) and [access to education](#). The Senate's *inaction* is charting the wrong course for our country, demonstrated by Thursday's decision on immigration (*U.S. v. Texas*) – a 4-4 stalemate leaving in place a bad lower court ruling that harms countless students and aspiring American families.



Educators have sent nearly 55,000 messages urging Senate Republicans to hold a hearing and an up-or-down vote on

Judge Garland. Click on the button and add your voice in telling the Senate to do its job—100 days of inaction is unacceptable.

## Cheers and Jeers

-  **Representatives John Lewis (GA), John Larson (CT), Katherine Clark (MA), Robin Kelly (IL), and David Cicilline (RI)** for organizing and leading the Democratic sit-in on the House floor demanding a vote on gun violence bills
-  **Senator Diane Feinstein (D-CA)** for offering the amendment that would close the loophole that allows suspected terrorists to buy firearms
-  **Senators Chris Murphy (D-CT), Cory Booker (D-NJ), and Chuck Schumer (D-NY)** for offering the amendment that would expand and strengthen the existing background check system
-  **Senator Mark Kirk (R-IL)** for crossing party lines and voting for both the Murphy/Booker/Schumer and Feinstein amendments and **Senator Kelly Ayotte (R-NH)** for crossing party lines and voting for the Feinstein amendment
-  **Senator Sherrod Brown (D-OH)** for asking the U.S. Department of Education to investigate recipients of federal charter school grants after the [Ohio auditor](#) and the [Ohio Charter School Accountability Project](#) reported attendance rates of less than 50 percent at some Ohio charter schools, along with misuse of grant funds.
-  **Senator Heidi Heitkamp (D-ND)** for voting against both the Murphy/Booker/Schumer and Feinstein amendments and **Senators Joe Manchin (D-WV) and Jon Tester (D-MT)** for voting against the Murphy/Booker/Schumer amendment.

Unsubscribe



**From:** Mary Kusler, National Education Association  
**Subject:** Tell your senators: vote NO on Betsy DeVos  
**To:** Riddle, Paul  
**Sent:** January 9, 2017 10:55 PM (UTC-05:00)



Activist,

America is a country where all kids have the right to a quality public education that helps them reach their full potential. So you'd expect the next Secretary of Education - who shapes education policy and what happens in our nation's schools - to be an experienced educator, or someone who has served as an administrator or on school boards, or at the very least sent their own children to public schools.

But Betsy DeVos - President-elect Trump's nominee to serve as Secretary of Education - has zero experience serving in public schools and is not qualified for the job. In fact, her only experience with public education is the decades she's spent trying to dismantle it.

**[Tell your senators: We need a secretary of education who wants to improve public schools, not undermine them. Vote NO on DeVos.](#)**

As a lobbyist and political donor, Betsy DeVos has a decades-long track record of working to undermine public education and privatize our public schools, harming students in the process.

- She favors schemes like vouchers to divert taxpayer dollars from public schools to private schools.
- DeVos has pushed for-profit charter schools which allow corporations to profit off of taxpayers, with no real accountability.
- In Michigan, she fought for a tax cut to benefit wealthy families, even though it would result in enormous budget cuts for public schools.

We need a secretary of education who will support and strengthen public schools, fulfilling the promise of a great public school for every student, regardless of their ZIP code. Someone who wakes up every morning dedicated to students and public education.

Betsy DeVos has said she wants to "retire public schools." Do you think she's the right person to entrust with making sure every student has access to a quality public education?

**[Email your senators now. Tell them to vote NO on Betsy DeVos.](#)**

Thank you,

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NEA members and supporters have already sent their senators more than 90,000 emails demanding that they reject DeVos. [Please take 2 minutes today to contact your senators. Help us keep the pressure on.](#)

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**From:** National Education Association  
**Subject:** After delay, DeVos hearing set for Tuesday; hundreds of thousands urge Senate to oppose nomination  
**To:** Riddle, Paul  
**Sent:** January 15, 2017 7:42 AM (UTC-05:00)



January 15, 2017

## After delay, DeVos hearing set for Tuesday; hundreds of thousands urge Senate to oppose nomination



An unprecedented number of educators and allies have flooded Senate offices raising objections to Betsy DeVos' nomination to be Education Secretary. The Senate HELP Committee delayed her hearing for a week but plans to meet this Tuesday, January 17, at 5 p.m. to question President-Elect Trump's nominee.

In just one week, more than 127,000 educators and concerned citizens sent letters to their senators urging them to oppose DeVos, who has no experience with public schools and has spent her career working to undermine public education via private school vouchers and unaccountable for-profit charter schools. Check out [NEA's letter](#) to the HELP Committee.

Also this week, NEA president



Lily Eskelsen Garcia joined members of Congress at the launching of the new Public Education Caucus, where she said, "Betsy DeVos is a danger to students, especially our most vulnerable students."

Click [here](#) or the Take Action button and join the growing wave of people telling senators to oppose DeVos.

## Congress takes first step toward repealing Affordable Care Act





Both chambers of Congress passed the [NEA-opposed 2017 budget resolution](#) (S. Con. Res. 3)-the Senate by a vote of [51-48](#) and the House by a vote of [227-198](#) that takes the first step toward repealing the Affordable Care Act with no concrete plan for replacing it. The repeal-only bill is likely to eliminate health insurance for 30 million Americans and double the number of uninsured children. It also likely paves the way for drastic cuts to Medicaid funding in the form of block grants or per capita caps, Medicare "premium support" (commonly called vouchers), and other changes that would weaken and limit access to health care for children, families, and seniors. Click [here](#) or the Take Action button and urge Congress to protect people's health care.



## Hearings held on Attorney General nominee Sessions



The Senate Judiciary Committee this week wrapped up two days of hearings on Senator Jeff Sessions (D-AL), president-elect Trump's pick for U.S. Attorney General, whom [NEA](#)

[opposes](#) Sessions worked to defeat a landmark lawsuit to ensure equitable funding of public schools in Alabama and has denounced the Individuals with Disabilities in Education Act (IDEA). In response to tough questions from Democrats, Sessions said he would view elimination of Deferred Action for Childhood Arrivals (DACA) as constitutional. The Committee is expected to vote on his nomination by late January or early February.

## Cheers and Jeers

-  **Representatives Mark Pocan (D-WI), Mark Takano (D-CA), and Bobby Scott (D-VA)** for co-chairing the new Congressional Public Education Caucus, launched January 11 at an event also attended by **Representatives Rosa DeLauro (D-CT), Jared Polis (D-CO), Bonnie Watson Coleman (D-NJ), Jamie Raskin (D-MD), Raúl Grijalva (D-AZ), Suzanne Bonamici (D-OR), Brenda Lawrence (D-MI), Mark DeSaulnier (D-CA), and Alma Adams (D-NC)**
-  **Representative Mike Kelly (R-PA)** for introducing an NEA-supported bill to repeal the excise tax on high cost employer-sponsored health coverage
-  **Senator Chris Coons (D-DE)** for questioning Senator Jeff Sessions about his views on IDEA, which he has repeatedly called "very disruptive" in big city schools, and about his efforts to restrict LGBT rights while attorney general of Alabama
-  **Senator Cory Booker (D-NJ), civil rights hero Representative John Lewis (D-GA), and new Congressional Black Caucus Chair Representative Cedric Richmond (D-LA)** for forcefully opposing Senator Jeff Sessions as U.S. Attorney General at his confirmation hearing
-  **Senators Dick Durbin (D-IL) and Lindsey Graham (R-SC) and Representatives Luis Gutierrez (D-IL) and Mike Coffman (R-CO)** for introducing the BRIDGE Act, which would extend three years of protection to DACA-eligible or DACA-covered people who came to the United States as children. Original co-sponsors of the bill include:

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Lisa Murkowski (R-AK), Dianne Feinstein (D-CA), Jeff Flake (R-AZ), Chuck Schumer (D-NY), and Kamala Harris (D-CA), and Representatives Jeff Denham (R-CA), Lucille Roybal-Allard (D-CA), Carlos Curbelo (R-FL), Zoe Lofgren (D-CA), Ileana Ros-Lehtinen (R-FL), and Judy Chu (D-CA)



Representatives Charlie Dent (R-PA), Brian Fitzpatrick (R-PA), John Katko (R-NY) and Tom MacArthur (R-NJ) for crossing party lines and voting against the budget resolution that paves the way to repeal the ACA



**House and Senate GOP leadership** for pushing forward on the repeal of the Affordable Care Act with no replacement plan - threatening 30 million Americans with the loss of health care coverage.

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**From:** National Education Association  
**Subject:** President Trump's budget proposal to slash public education  
**To:** Riddle, Paul  
**Sent:** March 19, 2017 7:44 AM (UTC-04:00)



March 19, 2017

## President Trump's budget proposal to slash public education



President Trump's initial budget proposal for FY2018 slashes funding for the Department of Education by \$9 billion (a 13.5% cut) which would roll back education funding (excluding Pell Grants) to pre-2002 levels (in current dollars), despite 8.6 million more students in our classrooms. The budget is the opening salvo in the Trump/DeVos school privatization agenda. While short on details, it is long on ways to undermine public education. It adds \$1.4 billion for "school choice," with plans to ramp up to \$20 billion over time; \$1 billion for Title I portability; \$250 million for a new private school voucher program; and a \$168 million increase for



charter schools. Meanwhile, the budget calls for eliminating a \$2.3 billion professional development, teacher training and class size reduction program, eliminates a \$1.2 billion after-school program, and slashes grant aid for low-income students to attend higher education. Check out NEA President Lily Eskelsen Garcia's [statement](#), and Click on the take action button to tell members of Congress to oppose the Trump/DeVos anti-public education agenda.

## Hearings on Judge Gorsuch to begin Monday



Educators who work with students with disabilities will be meeting with their senators in Washington while the Senate Judiciary Committee holds hearings, starting March 20, on Judge Neil Gorsuch, nominated by President Trump to fill the vacancy on the Supreme Court. NEA [strongly opposes](#) Judge Gorsuch. He has repeatedly ruled against students with disabilities who seek a public education, consistently sided with big business at the expense of working people, and embraced extreme views that could endanger workers' rights



on issues like employment discrimination, worker safety, and wages. Tell both of your senators to vote NO on Judge Gorsuch - click on the take action button to email them, or call them at 1-855-632-1921.

## GOP health bill provides \$883 billion in tax cuts, strips 24 million of health coverage








The American Health Care Act, the GOP's "replacement" for the Affordable Care Act (also known as Obamacare), provides \$883 billion in tax cuts while taking health coverage away from 24 million of the most vulnerable among us - children, the poor, the sick, and the elderly - by 2026, according to the analysis released March 13 by the nonpartisan

[Congressional Budget Office](#). Nevertheless, the House Budget Committee approved the bill by a vote of 19-17 (all Democrats and three Republicans voted no), and the bill will be on the floor of the House



on Thursday. NEA [strongly opposes](#) the American Health Care Act because it threatens health care for the 36 million children now covered by Medicaid. Click on the take action button and tell members of Congress to vote NO on the American Health Care Act.

## Cheers and Jeers

-  **Senators Elizabeth Warren (D-MA), James Inhofe (R-OK), and Jack Reed (D-RI)** for helping to secure an exemption (for up to 700 staff) for Department of Defense school employees from the Trump administration's freeze on federal hiring
  
-  **Senators Ed Markey (D-MA) and Dan Sullivan (R-AK)** for their letter urging the Federal Communications Commission to support the E-Rate program.
  
-  **President Trump and Education Secretary DeVos** for their proposed FY2018 budget that would slash Department of Education funding by 13.5 percent, eliminating programs that reduce class sizes, provide after-school enrichments and help make college more affordable for low-income families

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**From:** National Education Association  
**Subject:** Tell your representative to VOTE NO on both of GOP leadership's immigration bills  
**To:** Riddle, Paul  
**Sent:** June 17, 2018 8:49 AM (UTC-04:00)



June 17, 2018

## Tell your representative to VOTE NO on both of GOP leadership's immigration bills



Speaker Paul Ryan (R-WI) is planning to have the House vote on two immigration bills next week, both of which NEA strongly opposes. The Securing America's Future Act of 2018 (H.R. 4760), introduced by Rep. Bob Goodlatte (R-VA),

provides three-year renewable legal status for DACA recipients but no pathway to citizenship, significantly reduces legal immigration, and eliminates the diversity visa lottery, among other harmful provisions. The Border Security and Immigration Reform Act of 2018, or Ryan bill, takes a "four-pillar" approach similar to that of a previously rejected White House proposal. Key provisions include \$25 billion for a border wall; new limits on family-based migration; eliminating the

diversity visa lottery; and a convoluted, decades-long pathway to citizenship for some DACA recipients — a far cry from the certainty Dreamers need and deserve. The bipartisan Dream Act that provides a straightforward pathway to

citizenship will not get a vote even though it has the [overwhelming support of the American people](#). Click on the take action button and tell your representative to VOTE NO on both of GOP leadership's immigration bills.



## Tell Congress to boost education funding in FY2019



House subcommittee passed an education funding bill that includes small increases for education programs and largely rejects education secretary Betsy DeVos' budget proposal, which slashed funding for the students most in need while calling for vouchers. All our students deserve high quality, well-resourced public schools, no matter what zip code they live in. Click on the take action button and tell Congress to increase education funding and reject the DeVos agenda.



### Senate farm bill passes out of committee



The Senate Agriculture Committee passed a bipartisan farm bill on June 12 by a vote of 20-1. Officially called the Agriculture Improvement Act of 2018 (S. 3042), this bipartisan bill leaves eligibility and benefits for the Supplemental Nutrition Assistance Program (SNAP) largely unchanged; it also takes steps to reduce paperwork for households with seniors and people with disabilities. NEA strongly opposes the Agriculture and Nutrition Act (H.R. 2), the House version of the farm bill. Although it was soundly rejected just a few weeks ago, GOP leaders plan to make another attempt to pass it on June 22. Click on the take action button and tell your representatives to **support** the Agriculture Improvement Act (S. 3042)



and **oppose** the Agriculture and Nutrition Act (H.R. 2).

## Cheers and Jeers



**Senate Agriculture Committee Chairman Pat Roberts (R-KS) and Ranking Member Debbie Stabenow (D-MI)** for introducing a bipartisan farm bill reauthorization that does not make steep cuts or limit eligibility for SNAP like the House version of the bill



**Reps. Gregory Meeks (D-NY), Donald McEachin (D-VA), Stephanie Murphy (D-FL), Eleanor Holmes Norton (D-DC), and Norma Torres (D-CA)** for their tweets honoring the 49 people who lost their lives at the Pulse nightclub in Orlando, Florida, on June 12, 2016



**Republican Reps. Brian Fitzpatrick (PA), Tom Cole (OK), Rodney Davis (IL), Christopher Smith (NJ), Barbara Comstock (VA), David McKinley (WV), Michael Turner (OH), Peter King (NY), Walter Jones (NC), Mike Bost (IL), David Joyce (OH), Frank LoBiondo (NJ), Rob Wittman (VA), John Faso (NY), John Katko (NY), Lee Zeldin (NY), Ryan Costello (PA), Leonard Lance (NJ), Carlos Curbelo (FL), Ileana Ros-Lehtinen (FL), and Elise Stefanik (NY)** for their letter urging President Trump to rescind three executive orders that undermine collective bargaining and other established rights of federal employees, including educators in Department of Defense schools



**Minority leader Nancy Pelosi (CA) and Democratic Reps. Elijah Cummings (MD), Steny Hoyer (MD), Bobby Scott (VA), Joseph Crowley (NY), Raúl Grijalva (AZ), Linda Sánchez (CA), Adam Smith (WA), John Yarmuth (KY), Bennie Thompson (MS), Frank Pallone (NJ), Eliot Engel (NY), Nydia Velázquez (NY), Richard Neal (MA), Peter DeFazio (OR), Nita Lowey (NY), Robert Brady (PA), Eddie Bernice Johnson (TX), Tim Walz (MN), James McGovern (MA), Adam Schiff (CA), Jerrold Nadler (NY),**

**and James Clyburn (SC)** for their letter urging President Trump to rescind three executive orders that undermine collective bargaining and other established rights of federal employees, including educators in Department of Defense schools



**Rep. Suzanne Bonamici (D-OR)** for being skeptical about the claim that charter schools offer all students equity of opportunity, **Rep. Alma Adams (D-NC)** for decrying charter schools' re-segregation via charter schools in her state, and **Rep. Bobby Scott (D-VA)** for questioning the impact of for-profit charter schools on students at a hearing this week.



**House GOP leaders** for blocking a vote on the bipartisan Dream Act and planning, instead, to bring two anti-immigrant bills to the floor this week.

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**From:** National Education Association  
**Subject:** Kavanaugh sworn in as Supreme Court Justice  
**To:** Riddle, Paul  
**Sent:** October 14, 2018 8:39 AM (UTC-04:00)



October 14, 2018

*We are thinking about NEA members, students, and families affected by Hurricane Michael.  
[Click here to help by making a donation - or seek relief if you are in need.](#)*

## Kavanaugh sworn in as Supreme Court Justice



After a razor thin, near party-line vote, Brett Kavanaugh became the 114th person to sit on the United States Supreme Court. Every Democrat except Joe Manchin of West Virginia opposed his nomination; every Republican except Lisa Murkowski of Alaska supported his nomination. Overall, Americans opposed his confirmation by a big margin - 51 percent to 41 percent - according to a [CNN poll conducted by SRSS](#) shortly before the final vote. "Judge Kavanaugh is simply unfit to serve on the highest court of the land," said [NEA President Lily Eskelsen Garcia](#). "There is only one thing left to do for those of us who share disappointment in this moment: vote."

## Get ready to vote on November 6



The 2018 mid-term elections are just weeks away and the stakes couldn't be higher: control of the United States Congress. NEA has made it easy for you to register to vote online, or check your registration status - just [click here](#). And when election day comes, be sure get out and vote!

## Trump administration takes aim at legal immigration



Immigrant families could soon find themselves forced to choose between getting a green card (permanent legal status) and access to basic needs like food, shelter, and health care. This horrific choice is the product of proposed changes to a regulation, published in the [Federal Register](#) on Oct. 10, that broaden the definition of "public charge" to include food stamps, Section 8 housing vouchers, and Medicaid benefits - including those received by families - including more than nine million with U.S. citizen children. A "public charge" is someone that the United States deems likely to be primarily dependent on the federal government for subsistence. The government can prevent public charges from adjusting their status from a visa category (such as work visa) to a legal permanent resident (green card holders). Under current policy which has been in place for several decades, the only government benefits taken into account in determining who is a public charge are "cash and care" programs, or cash-assistance programs (including Supplemental Security Income and Temporary Assistance for Needy Families) and government-funded, long-term institutional care. [Democratic](#)

[senators](#) weighed in immediately, urging Secretary of Homeland Security Kirstjen Nielsen to withdraw the proposed regulatory changes. These changes are nothing less than the Administration yet again advancing its anti-immigrant agenda at the expense of our students and their families as they pursue the American dream.

NEA will submit comments and provide additional avenues for members to take action. The Education Insider will provide more information - including actions you can take - in upcoming issues.

## Cheers and Jeers



**Senators Patty Murray (D-WA) and Sherrod Brown (D-OH)** for calling on the Government Accountability Office to launch an investigation into the practices and policies of virtual charter schools. This request comes on the heels of a [Center for American Progress report](#) which found significant academic shortcomings and a disproportionate focus on profit over quality at virtual charter schools.



**Representative Linda Sanchez (D-CA)** for introducing the **Strengthening Social Security Act of 2018 (H.R. 6929)**, which will ensure the annual Cost of Living Adjustment adequately reflects the real cost of living and improve the financial health of the Social Security Trust Fund.

**Senators Catherine Cortez-Masto (D-NV), Tammy Duckworth (D-IL), Dick Durbin (D-IL), and Robert Menendez (D-NJ), along with 18 other Democratic senators,** for

[sending a letter](#) to Secretary of Homeland Security Kirstjen Nielsen urging her to withdraw proposed regulatory changes to the "public charge" rule.



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**From:** Lily Eskelsen García  
**Subject:** You asked. They answered.  
**To:** Riddle, Paul  
**Sent:** July 13, 2019 10:35 AM (UTC-04:00)

To view this email as a web page, go [here](#).



---

Hi there,

Last week, I sat down with 10 presidential candidates. I asked them your questions about how, as president, they would tackle the most pressing issues facing our nation's public schools, students, and educators.

**Check out their video answers.**





The candidates on education issues »

See what the presidential candidates had to say:

- Joe Biden on equity for students of color;
- Julián Castro on racial segregation;
- Bill de Blasio on standardized testing;
- Kamala Harris on choosing an education secretary;
- Jay Inslee on school safety and gun violence;
- Amy Klobuchar on protecting Dreamers;
- Beto O'Rourke on charter schools and vouchers;
- Tim Ryan on food insecurity;
- Bernie Sanders on the teacher shortage;
- Elizabeth Warren on ending high-stakes testing;
- And more.

**[Click here to view the video answers from NEA's #StrongPublicSchools presidential forum, grouped by candidate.](#)**

Throughout the presidential campaign, we are asking the candidates the tough questions and putting them on record on issues that affect students, educators, and our union.

With so many candidates vying for our nation's highest office, there can be a lot to keep track of. That's why we're continually updating [StrongPublicSchools.org](https://StrongPublicSchools.org) throughout the election.

In solidarity,

Lily Eskelsen García  
President  
National Education Association

---

⋮  
⋮  
⋮  
⋮

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You are subscribed as paul.riddle@ed.gov.

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National Education Association  
1201 16th Street NW  
Washington, DC 20036-3290.

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**From:** Bilal-Threats, Daaiyah [NEA]  
**Subject:** NEA guidance doc (draft)t  
**To:** Rosenblum, Ian; Cardichon, Jessica; Garibay, Montserrat  
**Cc:** Nix, Sheila; Sargrad, Scott  
**Sent:** April 8, 2021 2:04 PM (UTC-04:00)  
**Attached:** Draft 04-02-2021\_Federal Emergency Aid for Public Education\_Funding AmountsUsesRequirements.pdf

Ian and Montserrat,

Thanks for the calls today. We appreciate the help.

Just FYI Here's the XL doc I mentioned. Still in draft form but we've been briefing our state and local folks using it. It will be broken down into more bitesize pieces and we continue to gather examples.

Daaiyah



| CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT  
ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES  
SA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CR  
ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT |  
| CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT  
ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES  
SA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CR  
ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | CR  
| CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT  
ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES  
SA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CR  
ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT |  
| CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT  
SA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CR  
ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT |  
| CARES ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT  
ACT | CRRSA ACT | ARP ACT | CARES ACT | CRRSA ACT | ARP ACT | CARES

## FEDERAL EMERGENCY AID FOR PUBLIC EDUCATION

### A Guide to Funding Amounts, Uses, and Requirements



EDUCATING  
THROUGH CRISIS  
COVID-19

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## LIST OF ACRONYMS

SEA	State Educational Agency
LEA	Local Educational Agency
ESEA	Elementary & Secondary Education Act
CARES ACT	Coronavirus Aid, Relief, and Economic Security Act
CRRSA ACT	Coronavirus Response and Relief Supplemental Appropriations Act, 2021
ARP ACT	American Rescue Plan Act of 2021
ESSER	Elementary and Secondary School Emergency Relief
GEER	Governor's Emergency Education Relief



Now is the time to increase educator advocacy and voice.

Rather than simply trying to return to "normal," we have an unprecedented opportunity to create the public schools all our students deserve—regardless of demography or geography.

Unions can lead the way. Working together with parents, communities and other caring stakeholders, we can advocate for equitable and just conditions for all of our students.



# CRRSAA

*Coronavirus Response and Relief Supplemental Appropriations Act*

FUNDING FOR STUDENTS



There are three main federal laws providing emergency aid for public education.



Coronavirus Aid, Relief, and Economic Security Act (CARES Act)

March 2020



Coronavirus Response and Relief Supplemental Appropriations Act, 2021 (CRRSA Act)

December 2020



American Rescue Plan Act of 2021 (ARP Act)

March 2021

Each law has a main source of funding for public elementary and secondary education.



There are other potential sources of funding for public elementary and secondary education under the three federal laws.



Unlike ESSER funds, GEER funds may be used for emergency grants to LEAs, institutions of higher education, or any other education-related entity as designated by the Governor.



For the portion of ESSER funds retained by the SEA (known as the "SEA Reserve") and not allocated by formula as subgrants to LEAs, the SEA may use the funds for emergency needs as determined by the SEA to address issues responding to coronavirus, which may include grants to LEAs.

## ESSER

## Allocations to States

All three federal laws (CARES, CRRSA, and ARP) require the U.S. Department of Education to allocate ESSER funds based on the proportion that each state received under Title I, Part A in the most recent fiscal year.\*

	in thousands
ESSER Fund	\$13,229,265
ESSER II Fund	54,311,004
ARP ESSER Fund	121,974,800
<b>Total, ESSER</b>	<b>\$189,515,069</b>
<b>per student</b>	<b>\$3,705</b>

Nationally, nearly \$190 billion in federal emergency aid is provided to states in support of public elementary and secondary education, or about \$3,700 per student.

From their state allocations under ESSER, SEAs may reserve up to 10 percent of their grant award for emergency needs as determined by the SEA to address issues responding to coronavirus, which may include grants to LEAs. (Under the ARP Act, most of the SEA Reserve must be further committed for specific purposes.)

	maximum SEA reservation, in thousands
ESSER Fund	\$1,322,927
ESSER II Fund	5,431,100
ARP ESSER Fund	12,197,480
<b>Total, SEA Reserve</b>	<b>\$18,951,507</b>

\* Section 1122(c)(3) of the ESEA prohibits the Education Department from considering the Title I, Part A hold harmless provisions in ESEA section 1122 in calculating State or local allocations for any other program administered by the Secretary, including the ESSER Fund. Therefore, to determine the ESSER Fund allocations, the Department used the fiscal year 2019 (CARES Act) and the fiscal year 2020 (CRRSA Act and ARP Act) State shares of Title I, Part A allocations without the application of the hold harmless provisions in ESEA section 1122. Under the CARES Act, the Department used the fiscal year 2019 State shares of Title I, Part A allocations. Under CRRSA Act and ARP Act, the Department used the fiscal year 2020 State shares of Title I, Part A allocations.

## ESSER

## Allocations to LEAs

Across all three federal laws (CARES, CRRSA, and ARP), SEAs must use at least 90 percent of their grant awards to make subgrants to LEAs in proportion to the amount of funds that each LEA received under Title I, Part A in the most recent fiscal year.

minimum LEA distribution, in thousands

ESSER Fund	\$11,906,338
ESSER II Fund	48,879,904
ARP ESSER Fund	109,777,320
<b>Total, ESSER</b>	<b>\$170,563,562</b>
<b>per student</b>	<b>\$3,335</b>

Nationally, more than \$170 billion in federal emergency aid is allocated by formula to LEAs in support of public elementary and secondary education, or \$3,335 per student.

### LEA Eligibility under ESSER

Under the CARES Act, if an LEA did not receive an FY 2019 Title I, Part A subgrant for school year 2019-2020, or under the CRRSA Act and the ARP Act, if an LEA did not receive an FY 2020 Title I, Part A subgrant for school year 2020-2021, the LEA is not eligible to receive a formula subgrant under ESSER. Instead, an LEA that is not eligible for a formula subgrant under ESSER may receive ESSER funds from an SEA's Reserve as determined by the SEA.

### ESSER Funds are Not Title I Funds

Although an LEA receives ESSER formula funds via the Title I, Part A formula, ESSER formula funds are not Title I, Part A funds and are not subject to Title I, Part A requirements. As such, LEAs may distribute ESSER funds to schools regardless of a school's Title I status. All three laws authorize a broad array of potential uses by LEAs of ESSER formula funds. The ESSER Fund is a separate Federal program. ESSER funds must be awarded and tracked separately from Title I, Part A funds.



## ESSER

## State and Local Fund Reservations

SEA & LEA  
Reservation for  
Learning Recovery

The ARP Act requires specific reservations of funding for what the law refers to as “learning loss” (herein after referred to as learning recovery.) SEAs are required to reserve not less than 5 percent of the total amount of grant funds awarded to the state for this purpose. LEAs are required to reserve not less than 20 percent of their formula-allocated subgrant to ensure learning recovery.

*minimum reservation of funding to ensure learning recovery, in thousands*

SEAs	\$6,098,740
LEAs	21,955,464
<b>Total, Reservation</b>	<b>\$28,054,204</b>
<b>per student</b>	<b>\$550</b>

Nationally, at least \$28 billion in federal emergency aid must be directed to ensuring learning recovery, or \$550 per student.

SEAs, either directly or through grants or contracts, and LEAs must carry out activities to ensure learning recovery by supporting the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students’ academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, gender, migrant students, students experiencing homelessness, and children and youth in foster care. SEAs can also do so by providing additional support to LEAs to fully address such impacts.

## ESSER

## State and Local Fund Reservations

**Additional SEA Reservations for Summer Enrichment and Afterschool Programs**

*Under the ARP Act, of the total amount of grant funds awarded to the state, SEAs are required to reserve not less than 1 percent for summer enrichment programs, and not less than 1 percent for comprehensive afterschool programs.*

*SEA minimum reservation of funding, in thousands*

Summer enrichment	\$1,219,748
Afterschool programs	\$1,219,748

Nationally, at least \$1.2 billion in federal emergency aid must be dedicated for summer enrichment programs, and at least \$1.2 billion for comprehensive afterschool programs.

SEAs, either directly or through grants or contracts, must carry out the implementation of evidence-based summer enrichment programs and comprehensive afterschool programs, and ensure such programs respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, gender, migrant students, students experiencing homelessness, and children and youth in foster care.

## ESSER

## Period of Availability

Period of Availability through 09/30/2021 | 09/30/2022 | 09/30/2023 | 09/30/2024 |

ESSER Fund | CARES Act

\$13.2 billion

includes the Tydings period\*

ESSER II Fund | CRRSA Act

\$54.3 billion

includes the Tydings period\*

ARP ESSER Fund | ARP Act

\$122.0 billion

includes the Tydings period\*

The period of availability represents the length of time that ESSER funds are available for obligation by SEAs and LEAs and other education-related entities. ESSER funds are "obligated" when the SEA or LEA commits those funds to specific purposes.\*\* For example, under the CARES Act, ESSER funds are available for obligation by LEAs through September 30, 2022, which includes the Tydings period. ESSER funds may be used for pre-award costs dating back to March 13, 2020, when the national emergency was declared.

### SEA Deadline for Awarding Funds

For the CARES Act and CRRSA Act, SEAs must award ESSER formula subgrants to LEAs within one year of receiving the state allocation. For the CARES Act, that would be April through June 2021, depending on an SEA's award date. For CRRSA, that would be January 2022. For ARP, the SEA must do so in an expedited and timely manner and, to the extent practicable, not later than 60 days after the SEA receives those funds. Under all three laws, an SEA must also make awards with its SEA Reserve within one year of receiving the state allocation.

### Awarding vs Obligating Funds

It's important to understand the difference between "awarding" funds and "obligating" funds. An SEA awards funds when it makes a subgrant to an LEA, or, in the case of the SEA Reserve, when it enters into a subgrant or contract with a subrecipient. If an SEA awards a contract from the SEA reserve, that is an obligation. In contrast, subgranting funds to an LEA or other subrecipient is not an obligation; rather, these funds are not obligated until the LEA or other subrecipient commits the funds to specific purposes.

\* In general, under the Tydings provision (General Education Provisions Act §421(b)(1)), any funds not obligated and expended during the period for which they were awarded become carryover funds and may be obligated and expended during the succeeding fiscal year.

\*\* Consistent with 34 C.F.R. § 76.707.

## ESSER

## Fiscal Requirement: Maintenance of Effort

Baseline Data  
Calculation

## ESSER Fund (CARES Act)

## ESSER II &amp; ARP ESSER Funds

Level of state support for  
elementary and secondary  
educationProportional level of state  
support for elementary and  
secondary education relative  
to the state's overall spending

FY 2017

\$

%

FY 2018

\$

%

FY 2019

\$

%

Average

\$

%

Fiscal Years  
Applicable

Fiscal Years 2020 and 2021

Fiscal Year 2022, ESSER II  
Fiscal Years 2022 and  
2023, ARP ESSER

As a condition of receiving ESSER funds under the CARES Act, a state must maintain support for elementary and secondary education in each of fiscal years 2020 and 2021 at least at the level of support that is the average of that provided in fiscal years 2017, 2018, 2019. Under CRRSA and ARP, the maintenance of effort requirement shifted from a dollar level of support to a percentage level of support—a state must maintain support for elementary and secondary education in each of fiscal years 2022 and 2023 at least at the proportional levels of support relative to a state's overall spending, averaged over fiscal years 2017, 2018, and 2019.\*

Data and  
Methodology  
Requirements

In quantifying its support for elementary and secondary education, the data used by the state to determine the level of support must—

- include funds provided through the principal funding mechanisms through which a state provides support for elementary and secondary education;
- be consistent from year to year; and
- be based on adequate documentation that substantiates the levels of support that it has used in making its calculations.

\* The maintenance of effort requirement also applies to state support for higher education.



## ESSER

## Fiscal Requirement: Maintenance of Effort

*State Flexibility*

States are provided some latitude in determining their level of support for elementary and secondary education. For example, a state may choose to determine its level of support—

- on the federal or state fiscal year;
- solely on the basis of the amount of funds provided through its primary elementary and secondary education funding formula(e);
- by including categorical and other support that is not provided through the primary funding formula(e);
- on the basis of data that it provides for other purposes;
- on either an aggregate or per-student basis.

*Data Submission Timelines*

The U.S. Department of Education will collect baseline data for the ESSER Fund (CARES Act) by September 1, 2020. The Department intends to collect data on a state's level of support for elementary and secondary education for FY 2020 and FY 2021 approximately 90 days after the close of the respective fiscal years.

*Waiver*

All three laws contain a waiver provision. Under the CARES and CRRSA Acts, the U.S. Department of Education may waive the elementary and secondary maintenance of effort requirement for the purposes of relieving fiscal burdens on states that have experienced a precipitous decline in financial resources. Under the ARP Act, the Department may waive the requirement for the purpose of relieving fiscal burdens incurred by states in preventing, preparing for, and responding to the coronavirus. The Department anticipates reviewing requests for waivers under the CARES Act at the end of FY 2021 (i.e., after September 2021). At that time, the Department will consider any requests for waivers related to the State's FY 2020 and 2021 levels of support.

*Limitation as a Fiscal Guardrail*

None of the three laws contain a prohibition on supplanting of funds. As such, ESSER funds may take the place of state or local funds for allowable activities. The maintenance of effort requirement is intended to minimize state actions to substantially reduce its support for elementary and secondary education. In addition, the ARP Act included \$350 billion in general aid for State, local, Tribal, and territorial governments that may also be used to support public elementary and secondary education and/or help close revenue shortfalls or budget deficits and preclude states from supplanting state and local funds with federal funds or reducing support for public education.

## ESSER

## Fiscal Requirement: Maintenance of Equity

High-Need and  
Highest Poverty  
LEAs Defined

	% of Economically Disadvantaged Students, Rank Order, Highest to Lowest	Cumulative % of State's Total Enrollment
LEA 1	78%	11%
LEA 2	64%	18%
LEA 3	52%	24%
LEA 4	41%	35%
LEA 5	37%	47%
LEA 6	29%	55%
LEA 7	23%	67%
LEA 8	19%	79%
LEA 9	14%	88%
LEA 10	9%	100%

## Highest Poverty LEAs

Among the group of LEAs in the state that, in rank order, have the highest percentages of economically disadvantaged students in the state, and collectively serve not less than 20 percent of the state's total enrollment.

## High-Need LEAs

Among the group of LEAs in the state that, in rank order, have the highest percentages of economically disadvantaged students in the state, and collectively serve not less than 50 percent of the state's total enrollment.

Hypothetical data for illustration purposes only.

SEA Maintenance of  
Equity Requirement

As a condition of receiving ESSER funds under the ARP Act, should a state reduce state funding in fiscal year 2022 or 2023, it may not do so in a manner that reduces funding for the highest poverty LEAs or high-need LEAs by a disproportionately greater amount (as calculated on a per-pupil basis). Specifically, the state is prohibited from—

- (1) reducing state funding on a per-pupil basis for any **high-need LEAs** by an amount that exceeds the overall per-pupil reduction in state funds across all LEAs; and
- (2) reducing state funding on a per-pupil basis for any **highest poverty LEAs** below the level of per pupil funding provided to these LEAs in fiscal year 2019.

## ESSER

## Fiscal Requirement: Maintenance of Equity

High-Poverty School  
Defined

% of Economically Disadvantaged  
Students, Rank Order,  
Highest to Lowest

School A	58%	Quartile 1 (highest)
School B	54%	
School C	42%	Quartile 2
School D	37%	
School E	31%	Quartile 3
School F	29%	
School G	23%	Quartile 4 (lowest)
School H	17%	

Hypothetical data for illustration purposes only.

## High-Poverty School

A school that is in the highest quartile of schools served by an LEA based on the percentage of economically disadvantaged students served as determined by the state.

In making its determination, the state must select a measure of poverty established for this purpose by the Secretary of Education and apply the measure consistently across all schools in the state.

LEA Maintenance of  
Equity Requirement:  
Per-Pupil Funding  
and Full-Time  
Equivalent Staff

As a condition of receiving ESSER funds under the ARP Act, should an LEA reduce per pupil funding (from combined State and local funding) in fiscal year 2022 or 2023, it may not do so in a manner that reduces per pupil funding for any high poverty school that it serves at a greater amount than the per pupil funding reduction across all schools within the LEA.

The same prohibition applies to full-time equivalent staff. Should an LEA reduce per-pupil full-time equivalent staff in fiscal year 2022 or 2023, it may not do so in a manner that reduces per-pupil full-time equivalent staff for any high poverty school that it serves at a greater level than the per-pupil full-time equivalent staff reduction across all schools within the LEA.

## Exceptions

The maintenance of equity requirement would not apply to an LEA in fiscal year 2022 or 2023 that meets at least one of the following criteria—

- a total enrollment of less than 1,000 students;
- operates a single school;
- serves all students within each grade span with a single school; or
- demonstrates an exceptional or uncontrollable circumstance, such as unpredictable changes in student enrollment or a precipitous decline in financial resources, as determined by the Secretary of Education.



## ESSER

## State Application &amp; State Plan Requirements

*To expedite the release of ARP ESSER funds, the U.S. Department of Education issued a grant equal to two-thirds of the SEA's ARP ESSER allocation. In accepting the funds, the Chief State School Officer assures that the SEA will comply with the following requirements, which will be required as part of the SEA's application for the remainder of its ARP ESSER allocation.*

ARP ESSER  
State Plan

The state's ARP ESSER plan must be submitted as part of the SEA's application for the remainder of its ARP ESSER allocation within the deadline established by the Secretary of Education (e.g., within 45 days of the Department's issuance of the application), and contain information as the Secretary may require. Among other requirements, the plan must contain information on the following—

**Stakeholder engagement.** The state plan must contain information on how the SEA consulted with stakeholders and the public, including students, families, civil rights organizations including disability rights organizations, school administrators, superintendents, and educators and their unions, and provided an opportunity for and incorporated, as appropriate, input in development of its ARP ESSER plan.

*States and school districts are already actively developing their plans for the use of ARP ESSER funds. As this planning continues, consultation with and input from stakeholders and the public, including students, families, civil rights organizations including disability rights organizations, school administrators, superintendents, and educators and their unions, should be an essential component of the process.*

*Miguel A. Cardona, EdD*

*Secretary*

*U.S. Department of Education*

**Building LEA capacity.** The state plan must contain information on how the SEA will support LEAs in building capacity to promote healthy and safe learning environments and support students' social, emotional, mental health, and academic needs; making evidence-based, equity-driven ARP ESSER spending decisions; engaging a diverse range of stakeholders, including students, families, and educators; tracking how resources are targeted and outcomes achieved; and ensuring appropriate fiscal monitoring and controls.



**ESSER**

## LEA Plan on Safe Return to In-Person Instruction

**LEA Plan** LEAs receiving funds under the ARP Act must develop and make publicly available on the LEA's website, not later than 30 days after receiving its allocation of funds, a plan for the safe return to in-person instruction and continuity of services:

Before making the plan publicly available, the LEA must seek public comment on the plan and take such comments into account in the development of the plan.

*Exception*

This requirement is not applicable to LEAs that have developed a plan for the safe return to in-person instruction before the date of enactment of the ARP Act, and that meet the requirements described above.

*All allowable fund uses added to subsequent federal emergency aid laws are also allowable under the preceding laws. For example, ESSER funds under the CARES Act may be used for the same allowable purposes as ESSER II and ARP ESSER.*

- 1-2 EMPLOYING EXISTING OR HIRING NEW STAFF + OTHER ACTIVITIES AS NEEDED
- 3-4 LEARNING RECOVERY + SUMMER SCHOOL & AFTERSCHOOL PROGRAMS
- 5 UNIQUE NEEDS OF STUDENTS
- 6 MENTAL HEALTH SERVICES & SUPPORTS
- 7 ACTIVITIES UNDER ESEA, IDEA, CTEA, & AEFLA
- 8 PURCHASING EDUCATIONAL TECHNOLOGY
- 9-12 PREPAREDNESS & RESPONSE + COORDINATION WITH PUBLIC HEALTH DEPARTMENTS + PUBLIC HEALTH PROTOCOLS + LONG-TERM CLOSURES
- 13-14 SANITATION SUPPLIES & PPE + STAFF TRAINING ON SANITATION & PREVENTION
- 15-16 INDOOR AIR QUALITY IN SCHOOL FACILITIES + SCHOOL FACILITY REPAIRS & IMPROVEMENTS

## ESSER

## Employing Existing or Hiring New Staff + Other Activities as Needed

*Authorized Use of Funds Legislative Language*

A local educational agency, State, or other entity that receives funds shall, to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus; continue to employ existing staff of the local educational agency; and other activities that are necessary to maintain the operation of and continuity of services in local educational agencies.

*US Department of Education Examples of Allowable Fund Uses*

- To avoiding devastating layoffs and hire additional educators to address learning loss, provide support to students and existing staff, and provide sufficient staffing to facilitate social distancing.
- To hire additional school personnel, such as nurses and custodial staff, to keep schools safe and healthy.
- To invest in staff capacity; and ensure that all students have access to teachers, counselors, and other school personnel to support their needs.

*NEA Recommended Fund Uses*

- ❖ Increasing staffing to make abundant use of small-group learning the norm to increase time on task, personalized instruction and feedback, and relationship building during the regular school day and in extended learning settings. The pandemic has necessitated small-group learning in order to create safe physical distancing and lower the risk of COVID-19 transmission. Federal and state resources should ensure that schools are able to keep classes small, allowing students to receive more individualized instruction that will benefit them now and well beyond the pandemic, particularly our most vulnerable learners.
- ❖ Ensure that our highest-need students have access to high-quality learning experiences by recruiting and retaining substantially more specialized instructional support personnel (therapists, counselors, speech-language pathologists, school psychologists, behavioral specialists, school nurses, etc.) and specialized teachers and classroom paraprofessionals with the necessary preparation, credentialing and expertise in early childhood education, bilingual education and special education.

## NEA Guidance

COVID-19 AND EDUCATOR WORKLOAD describes some of the main factors driving workload in the COVID-19 environment; identifies specific workload issues and offers key considerations when addressing those issues; and reviews processes for negotiating and collaborating to address the workload crisis among educators in the United States. <https://www.nea.org/resource-library/covid-19-and-educator-workload>

## ESSER

## Employing Existing or Hiring New Staff + Other Activities as Needed

## NEA Guidance

ASSIGNMENTS AND STAFFING DURING COVID-19 offers suggestions for ongoing labor-management conversations related to changes in assignments and staffing. All suggestions in this guidance document should be considered in relationship to your local context. [\[link\]](#)

State and Local  
Examples of Fund  
Uses

## Alaska

- If a member is in the process of being, or has been, fully vaccinated against COVID-19, or cannot medically get vaccinated, and has to be out due to COVID-19, the district will provide a separate paid leave of absence category that does not subtract from the member's accumulated contractual leave (such as sick leave, personal leave, or annual leave).
- If a member has not been vaccinated and has exhausted their accumulated contractual leave, the district will provide up to five days for COVID-19 related paid leave.

## Arkansas

- To provide for additional paid leave for educators who need to quarantine or be out of school due to COVID-19.

## Colorado

- To pay for increased instructional hours.

## Delaware

- Hiring of temporary full-time teachers to serve as floating teachers to provide coverage wherever needed in the district.
- Hiring of floating substitutes.
- Bonus payments for teachers and paraeducators who commit to an expanded summer program in 2021.
- Additional stipends for teachers who voluntarily relinquish individual planning periods to provide coverage where needed.
- Hiring substitutes to monitor in-person classes for teachers providing remote instruction from home (as an ADA accommodation).
- Compensation for school nurses to conduct contact tracing outside of normal work hours.

## Georgia

- \$1,000 bonuses to all education employees.



## ESSER

## Employing Existing or Hiring New Staff + Other Activities as Needed

State and Local  
Examples of Fund  
Uses*Hawaii*

- Preventing layoffs and pay cuts.
- To continue paying shortage differentials (\$5,000 to \$10,000) to about 4,000 Hawaii State Teachers Association members across the state next school year in areas faced with chronic vacancies.

*Iowa*

- Pay of up to \$300 for additional hours of work and technology purchases.
- \$1,500 additional stipend per semester for virtual teachers.
- \$4,500 additional stipend for virtual teachers.
- Virtual teachers receive an additional \$500 for term 2 and \$2,160 for term 3.
- Bargained a \$600 stipend bonus for December 2021.
- Hired two new interventionists for elementary school students who need additional support.
- \$500 one-time stipend to be paid in May.
- Additional incentive pay for more intensive summer school.
- Paid teachers to develop online curriculum.
- Additional stipend for technology specialist.
- Expansion of staff for virtual campus.
- Pay for leave due to COVID-19.
- Hiring of school counselor and custodian.
- Stipend incentive for teaching summer school.
- Additional costs for substitutes.
- Paying \$35 per hour for certified staff to teach summer school, and \$15 per hour for support staff.

*Michigan*

- Compensate employees for additional time needed to serve student educational needs and to recruit and retain educators (many who are leaving the profession during the pandemic).
- Hire school nurses to address physical health needs in schools.
- Employ additional mental/emotional health experts to provide the additional needed services to students due to the emotional/social stresses brought about by the pandemic.

*New Mexico*

- All employees covered under the NEA-Santa Fe bargaining unit will receive a one-time \$1,000 retention payment as part of an MOU.

## ESSER

## Employing Existing or Hiring New Staff + Other Activities as Needed

*State and Local  
Examples of Fund  
Uses**Ohio*

- To offset the large costs for paid FFCRA leave (EPSL and EFMLA).

*Tennessee*

- To pay cafeteria staff salaries and benefits during COVID19 school closures.
- Bus drivers' salaries and benefits (for additional bus drivers in case of COVID-19 exposures for the schools).
- Additional staff (substitute teachers and other support staff) that may be needed in case of COVID-19 exposures and any absences related to COVID-19.
- To add custodial staffing at all school sites. This is in response to the parent survey, where over 80% of the parents wanted to see more disinfecting of common areas of the schools.

## ESSER

## Learning Recovery + Summer School &amp; Afterschool Programs

*Authorized Use of Funds Legislative Language*

**LEARNING RECOVERY.** Local educational agencies must reserve not less than 20 percent of their funds to address learning loss through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs, and ensure that such interventions respond to students' academic, social, and emotional needs and address the disproportionate impact of the coronavirus on students from low-income families, students with disabilities, English learners, students from major racial and ethnic groups, migrant students, students experiencing homelessness, and children and youth in foster care.

Also by administering and using high-quality assessments that are valid and reliable, to accurately assess students' academic progress and assist educators in meeting students' academic needs, including through differentiating instruction; implementing evidence-based activities to meet the comprehensive needs of students; providing information and assistance to parents and families on how they can effectively support students, including in a distance learning environment; and, tracking student attendance and improving student engagement in distance education.

**SUMMER SCHOOL & AFTERSCHOOL PROGRAMS.** Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, children with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

*US Department of Education Examples of Allowable Fund Uses*

- Funding summer, afterschool, and other extended learning and enrichment programs.

*NEA Recommended Fund Uses*

- ❖ Increase staffing to make abundant use of small-group learning the norm to increase time on task, personalized instruction and feedback, and relationship building during the regular school day and in extended learning settings. The pandemic has necessitated small-group learning in order to create safe physical distancing and lower the risk of COVID-19 transmission. Federal and state resources should ensure that schools are able to keep classes small, allowing students to receive more individualized instruction that will benefit them now and well beyond the pandemic, particularly our most vulnerable learners.



## ESSER

## Learning Recovery + Summer School &amp; Afterschool Programs

NEA Recommended  
Fund Uses

- ❖ Identify and adapt programming, in terms of grades, times, program length, meals and transportation. Given that needs and circumstances will change as more students return to more in-person schooling activities, assess critical areas of focus through memorandums of understanding.
- ❖ Labor-management collaborations should find ways to close opportunity gaps by increasing learning time for students while maintaining negotiated labor standards in collective bargaining agreements. Working together, unions and districts should agree to create new staffing positions (with fair compensation) for those who want them. Such collaborative partnerships can lead to a broader understanding of the positive use of extended learning opportunities and the implementation of effective programs for students. For example, efforts to extend learning time in Pittsburgh, Pa., and Springfield and Fall River, Mass., that started over a decade ago are still going, with strong and improving student outcomes.
- ❖ Determine interest of certified staff (teachers, paraprofessionals, student teachers, retired teachers and substitute teachers) to teach during the summer by distributing a districtwide survey. Also, provide compensation for summer work that accounts for hours devoted to instructional planning, collaborating with colleagues and bonding with students' families, in addition to time spent teaching. These programs must be voluntary for both students and staff.
- ❖ Provide union-developed and -led professional development so that programs ensure safe environments and a focus on social-emotional learning and addressing trauma. Communication between educators and district staff is key to helping educators understand their specific roles and responsibilities as well as ensuring a seamless transition to the fall.
- ❖ Require integration of state standards and learning opportunities. Time should be spent instructing and empowering students to take ownership of their learning—for example, by choosing a neighborhood problem to research and then developing improvements or solutions.

State and Local  
Examples of Fund  
Uses

## Delaware

- "Recovery services" including summer school, potential Saturday academies, and afterschool programs.



## ESSER

## Learning Recovery + Summer School &amp; Afterschool Programs

*State and Local  
Examples of Fund  
Uses**Iowa*

- More intensive summer school, including additional incentive pay.
- Middle school/high school summer school expansion.

*Michigan*

- Activities and personnel costs related to summer and extended learning and/or afterschool supplemental programs, such as Community Childcare.
- Provide additional one-on-one (or small group) tutoring/coaching to address interrupted learning or needs for getting students up to grade-level performance standards. This may include the purchase of additional resources needed to enhance learning outcomes as well as the personnel costs associated with providing these added services.

*Ohio*

- Made student devices available during the summer months and extended app agreements so that students can continue learning over the summer, and provided guided summer instruction for students most at-risk.

*Tennessee*

- To extend the school year 10 additional days. Funds will be used to pay salaries for teachers, educational assistants, and in school suspension/hall monitors for this additional time, and the transportation costs associated with the additional school days and alternate schedules related to social distance requirements.
- To provide materials for after-school tutoring and summer school, an expanded platform for online and distance learning, stipends for teachers to provide after school tutoring, summer school and in-school tutoring or to offer more sections of core classes, and transportation for students to the after school and summer school activities.

*Washington*

- High-quality instructional materials to accelerate student learning.
- Academic recovery and accelerated learning initiatives (including extended-time or extended-year initiatives or changing master schedules to promote accelerated learning).
- Interim and formative assessment tools.

## ESSER

## Unique Needs of Students

*Authorized Use of Funds Legislative Language*

Activities to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

*US Department of Education Examples of Allowable Fund Uses*

- To equitably expand opportunities for students who need the funds most, including students from low-income backgrounds, students of color, students with disabilities, English learners, students experiencing homelessness, and students with inadequate access to technology.

*NEA Recommended Fund Uses*

- ❖ Ensure that our highest-need students have access to high-quality learning experiences by recruiting and retaining substantially more specialized instructional support personnel (therapists, counselors, speech-language pathologists, school psychologists, behavioral specialists, school nurses, etc.) and specialized teachers and classroom paraprofessionals with the necessary preparation, credentialing and expertise in early childhood education, bilingual education and special education.
- ❖ Ensure that professional development enables teachers and support professionals to build on English learners' strengths in their home language so they can advance in core academic subjects.
- ❖ Ensure that our highest-need and most vulnerable students receive a maximum amount of interactive, intensified one-on-one instruction. Additional tutoring support, whether virtual or in person, must be prioritized. Provide structured programming and resources for parents and caregivers of young children (from preschool to third grade) because their involvement is vital to their child's education outside of school.
- ❖ Provide legal guidance to school districts, with educator and other stakeholder input, regarding how COVID-19 compensatory and other recovery services should be provided by school districts once in-person instruction resumes. A potential model is the guidance provided by the Pennsylvania Department of Education, which focuses the use of compensatory services on those students who, after several months back in school, need extra academic support. Pennsylvania has provided extra funding for these efforts, which will consist of after-school services and summer school.

## ESSER

## Unique Needs of Students

NEA Recommended  
Fund Uses

- ❖ Provide additional, targeted funding toward additional support for students with disabilities to enable them to make appropriate progress.
- ❖ Ensure every student has access to healthy and nutritious meals regardless of their ability to pay.

State and Local  
Examples of Fund  
Uses

## Georgia

- Meals sent to homes.

## Michigan

- Ensure adequate food for students and families who rely on schools for nutrition (i.e. free/reduced lunch).

## Tennessee

- To provide compensatory services to students with disabilities outside the regular school day, either after school, on Saturdays, or during the summer. Services include occupational therapy, physical therapy, and speech/language.
- Nutrition services staff, some anticipated reimbursements for providing meals to students at traditional and charter schools, and supplies and equipment to enable nutrition services to serve students safely.

## Washington

- Supporting students furthest from educational justice by engaging in anti-racist capacity building, leadership, and resource allocation; and creating the conditions for each student to be educated in racially literate, culturally sustaining, positive, and predictable environments that intentionally prioritize the instruction and development of social-emotional skills, and mental health in addition to our primary focus on academic content.
- Building anti-racist school cultures requires educators to shift the way they plan, instruct, and assess student learning; build the climate to accelerate student progress rather than remediate; utilize authentic, productive diagnostic assessments to guide and engage learners; and employ Universal Design for Learning (UDL), which embeds Social and Emotional Learning (SEL) and Culturally Responsive (CRE) practices to support students both virtually and in person. Educators must prioritize enduring concepts of content by narrowing standards to those most critical for student success in the next skill, course, or grade.



## ESSER

## Mental Health Services and Supports

*Authorized Use of Funds Legislative Language*

Providing mental health services and supports, including through the implementation of evidence-based full-service community schools.

*US Department of Education Examples of Allowable Fund Uses*

- To implement strategies to meet the social, emotional, mental health, and academic needs of students hit hardest by the pandemic, including through evidence-based interventions and critical services like community schools.

*NEA Recommended Fund Uses*

- ❖ Broaden the array of diagnostic assessments to include school-based student mental health screenings, such as those recommended by the National Center for School Mental Health at the University of Maryland School of Medicine, and investigate opportunities to leverage Medicaid reimbursements for eligible students. To measure learning conditions and student and staff experiences in the wake of COVID-19, regularly administer a school climate survey. The Aspen Institute's school climate playbook provides helpful examples. Likewise, periodically check on resilience and self-care among educators and school staff to encourage overall wellness in school. The Center on Great Teachers & Leaders at the American Institutes for Research offers a helpful self-assessment and planning tool.
- ❖ Implement community schools districtwide. The community school model can address several of the racial, social and economic injustices that students and families face. When established effectively, and with the proper resources and supports, community schools become the beating heart of family and community life. The Community Schools Playbook, developed by the Partnership for the Future of Learning (in conjunction with the NEA and AFT), offers a clear picture of the key components of effective community schools. Transforming traditional schools into true community schools will prioritize the health, well-being and academic success of not only students who attend these schools, but also their families. Community schools, like those in Las Cruces Public Schools and in the Albuquerque/Bernalillo County Community School Partnership in New Mexico, are working with our NEA and AFT affiliates to ensure learning and well-being are addressed holistically. We support deep federal investments that will dramatically expand the number of community schools and integrate opportunities for family engagement, child care and early learning.



## ESSER

## Mental Health Services and Supports

*State and Local  
Examples of Fund  
Uses**Tennessee*

- To provide a board-certified Behavior Analyst for the district, who will work with the special needs students in the district to help with any behavioral issues arising out of the COVID-19 pandemic with regard to student mental health.
- For a mental health curriculum that will increase the social-emotional well-being and regulation of students, increase appropriate behavior and academic gains. The curriculum is designed to help students develop alternative thinking strategies and create a positive learning environment.
- To provide one additional school counselor for schools in the district. This additional counselor will allow all of the schools to have counselors on site every day of the week.

## ESSER

## Activities under ESEA, IDEA, CTEA, and AEFLA

*Authorized Use of Funds Legislative Language*

Any activity authorized by the Elementary and Secondary Education Act of 1965, Individuals with Disabilities Education Act, Carl D. Perkins Career and Technical Education Act of 2006, and Adult Education and Family Literacy Act.

*US Department of Education Examples of Allowable Fund Uses*

- To sustain and support access to early childhood education.

*NEA Recommended Fund Uses*

- ❖ Support the creation of alternatives to high-stakes standardized tests and accept them for use in meeting federal testing criteria. Establish mechanisms—including well-rounded, authentic assessment systems, community surveys, town halls and other collaborative tools—as a basis for diagnosing the academic and social-emotional supports that students need to succeed. The New York Performance Standards Consortium provides an example. Praised by the Learning Policy Institute, the consortium assesses student learning through performance assessments that are collaboratively developed by educators, student focused and externally evaluated to ensure quality. Another example is the Performance Assessment of Competency Education model, which the New Hampshire Department of Education has operated since 2015 as a federally approved pilot. PACE is grounded in a competency-based educational approach designed to ensure that students have meaningful opportunities to achieve critical knowledge and skills.
- ❖ Work with states to accept requests to maximize flexibilities in assessments for the 2020-21 school year (including shorter, remote and/or delayed assessment options) and permit additional flexibilities beyond the February guidance if predicated by health and safety concerns, impracticability or impossibility, or if not in the best interests of students, families and educators.
- ❖ Commit federal funds to support job-embedded professional learning to increase educators' assessment literacy and cultural competency. Doing so will ensure educators can effectively use various assessments to diagnose student development, well-being and knowledge through the evaluation of academic and nonacademic indicators of students' mental, social and emotional health.
- ❖ Tailor and differentiate professional learning based on student data and school quality analysis to meet the needs of educators to improve student learning. Blanket professional learning mandated by the district without taking into account educators' current skills and knowledge wastes time and dollars.

## ESSER

## Activities under ESEA, IDEA, CTEA, and AEFLA

*NEA Recommended  
Fund Uses*

- ❖ Ensure that Every Student Succeeds Act flexibilities are not interpreted or utilized to diminish states' responsibilities to English language learners or students with disabilities, especially where rights are outlined under other federal laws. States should be held accountable for continuing to provide services for the identification, evaluation and support of English language learners and students with disabilities. Ensure states and districts have a developmental milestone and early literacy and numeracy screener for young children entering kindergarten and first and second grades to inform instruction and interventions, not to categorize children into rigid groups defined by current academic skill level.
- ❖ Commit federal funds to support job-embedded professional learning that applies to all school professionals and codifies expectations for professional development (and a learning environment) that centers student success, equity, and racial and social justice; builds educators' abilities to effectively use a variety of academic and nonacademic assessments and tailor the best learning opportunities to ensure student success; establishes the importance of family and community engagement and cultural competence in the shaping and evolution of the school environment; understands and effectively uses restorative practices; and recognizes the importance of, and promotes, educator self-care and provides the necessary supports to foster it.
- ❖ Allocate federal funds to support states in building professional excellence systems that acknowledge the unique needs of educators across their teaching careers. In addition, federal funds should support the creation of teacher recognition and advancement systems, including differentiated systems and pay, that reflect opportunities for educators to serve as teacher leaders, peer observers, coaches and mentors.
- ❖ Federal funds should be used to support high school recruitment programs, programs that help para-educators become teachers, and district-university partnerships that increase the pipeline of well-prepared educators. Teacher residency programs, like those run in Seattle and San Francisco, provide examples of how districts can partner with institutions of higher education and unions to promote high-quality teacher preparation.



## ESSER

## Activities under ESEA, IDEA, CTEA, and AEFLA

*NEA Recommended  
Fund Uses*

- ❖ Explore, advance and incentivize pathways into the profession. Many apprenticeship programs within other industrial and trade unions can serve as exemplars for the teaching profession. The NEA is eager to collaborate with federal and state governments to develop an apprenticeship program that incentivizes recent graduates to attain the skills and certifications required to fill education sector vacancies. We should look for ways to remove obstacles to entry into the education profession. Unpaid internships such as student teaching could be turned into union-facilitated apprenticeship programs that are fairly compensated (as they are in the building trades).
- ❖ Engage families and community members. Researchers cite family and community involvement as a key to addressing school dropout and note that strong school-family-community partnerships foster higher educational aspirations and more motivated students. The evidence holds true for students at both the elementary and secondary levels, regardless of parents' education, family income or background—and the research shows parent involvement enhances the academic achievement of students from under-resourced communities. Supporting teaching and learning requires addressing students' social service needs, as well as their academic ones, and this broad-based support is essential to boosting achievement. The positive impact of connecting community resources with student needs is well documented, with community support for education being one of the characteristics common to high-performing schools.

*State and Local  
Examples of Fund  
Uses***Ohio**

- Providing additional training to staff to improve the delivery of instruction for blended/virtual/hybrid learning environments for students.

**Washington**

- High-quality, evidence-based early literacy initiatives.



## ESSER

## Purchasing Educational Technology

*Authorized Use of Funds Legislative Language*

Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and children with disabilities, which may include assistive technology or adaptive equipment.

*US Department of Education Examples of Allowable Fund Uses*

- For Wi-Fi hotspots and devices for students without connectivity for remote learning and supporting educators in the effective use of technology.
- To purchase hardware and software applications for students and teachers.
- To provide access to high-quality digital learning content, apps, and tools that can deliver engaging and relevant learning experiences that are accessible to all students.
- To cover costs associated with making materials accessible for students with disabilities or English learners.
- To provide professional development and training for teachers on effective strategies for the delivery of remote and digital instruction.

## NEA Guidance

## DIGITAL EQUITY FOR STUDENTS AND EDUCATORS

[https://www.nea.org/sites/default/files/2020-10/NEA%20Report%20-%20Digital%20Equity%20for%20Students%20and%20Educators\\_0.pdf](https://www.nea.org/sites/default/files/2020-10/NEA%20Report%20-%20Digital%20Equity%20for%20Students%20and%20Educators_0.pdf)

*State and Local Examples of Fund Uses**Colorado*

- Purchasing technology.

*Georgia*

- Technology for virtual learning.

*Iowa*

- One-to-one computer upgrade.
- Provide internet to the homes of students.
- Online platform.

*Michigan*

- Expand/upgrade one-to-one technology provisions for students. Purchase additional chromebooks, software, Wi-Fi hotspots, etc.
- Purchase teaching/learning technology to improve ability to deliver remote-only instruction as needed, including video and audio equipment for educator use.

## ESSER

## Purchasing Educational Technology

*State and Local  
Examples of Fund  
Uses**Michigan*

- Upgrade connectivity abilities and internet speeds throughout buildings and in communities.
- Purchase assistive technology and/or adaptive equipment aids for students with disabilities to support/enhance their learning opportunities.

*Ohio*

- Expenses related to instructional programming include additional technology resources, platforms for learning including self-paced and supplemental resources as well as supporting supplemental materials and tools to meet the needs of diverse populations of students including those with more complex needs.
- Purchase of additional devices to provide 1:1 devices for kindergarten students.

*Tennessee*

- For Internet access for all students and the availability of a consistent learning platform that will be used by grades K-12 across the district.
- To ensure access to quality instruction, beyond the COVID-19 response period, by providing digital devices to all district students, and providing internet connectivity resources to approximately 25% of students based on need. The 1:1 initiative provides the necessary foundation for authentic blended learning.
- Purchase devices and place them on school buses and other strategic locations throughout the county to enable students to access the internet, to give special needs students additional access to services, and to hire an additional technician to support the large number of devices.

*Washington*

- Invest in digital access for all as a matter of educational justice.
- Support professional learning in select online learning management systems to more effectively deliver learning remotely if closures are ordered locally or statewide. Districts need to narrow their learning platforms substantially to help families navigate fewer platforms. One platform for an entire school district is ideal.

## ESSER

Preparedness & Response + Coordination With Public Health Departments +  
Public Health Protocols + Long-term Closures*Authorized Use of  
Funds Legislative  
Language*

**PREPAREDNESS & RESPONSE.** Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies

**COORDINATION WITH PUBLIC HEALTH DEPARTMENTS.** Coordination of preparedness and response efforts of local educational agencies with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

**PUBLIC HEALTH PROTOCOLS.** Developing strategies and implementing public health protocols including, to the greatest extent practicable, policies in line with guidance from the Centers for Disease Control and Prevention for the reopening and operation of school facilities to effectively maintain the health and safety of students, educators, and other staff.

**LONG-TERM CLOSURES.** Planning for, coordinating, an implementing activities during long-term closures, including providing meals to eligible students, providing technology for online learning to all students, providing guidance for carrying out requirements under the Individuals with Disabilities Education Act and ensuring other educational services can continue to be provided consistent with all Federal, State, and local requirements.

*US Department of  
Education Examples  
of Allowable Fund  
Uses*

- To support LEAs in safely returning to in-person instruction, maximizing in-person instruction time, advancing equity and inclusivity in participation in in-person instruction, and sustaining the safe operation of schools.
- Providing for social distancing and safety protocols on buses.
- To partner with local health departments to provide necessary testing to students and families, as appropriate, and in compliance with applicable privacy laws, including the Family Educational Rights and Privacy Act (FERPA) and Protection of Pupil Rights amendment (PPRA).
- To implement CDC's K-12 operational strategy for in-person learning to keep educators, staff, and students safe.
- To implement COVID-19 mitigation strategies.

## NEA Guidance

## MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

## ALL HANDS ON DECK: GUIDANCE REGARDING REOPENING SCHOOL BUILDINGS

[https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update\\_Final%2009\\_2020.pdf](https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update_Final%2009_2020.pdf)



## ESSER

Preparedness & Response + Coordination With Public Health Departments +  
Public Health Protocols + Long-term ClosuresState and Local  
Examples of Fund  
Uses

## Georgia

- Plexiglass.

## Michigan

- Reduce class sizes for more individual attention for students and increase social distancing to mitigate viral spread.
- Purchase and install disease mitigation structures in classrooms, such as plexiglass barriers between student learning stations (desks/tables).

## Ohio

- Provide all principals and assistant principals with professional development to support their efforts of creating customized reopening plans that are building specific.

## Tennessee

- Teachers to perform additional duties related to planning for a school closure, such as supervising virtual students and building take home toolboxes for students; substitutes and benefits so that teachers might be available to build take home toolboxes and remote learning courses prior to a potential long-term closure; and the materials for the toolkits. Also, to develop print materials for a hybrid system for middle school students, which will present students with options (online or paper) for accessing instruction during a closure.
- Purchase of reading/ELA curriculum which contains consumable materials as well as online curriculum for use in case of closure.

## Washington

- Establish plans for rapid transitions between face-to-face and continuous remote learning, which may be required based on health authority decisions.
- Create a flexible school calendar with additional days included to address emergency short-term school closures and the need to transition learning environments.
- Build a more effective and sustainable continuous remote learning model that will be ready to be deployed if schools are required to be closed for long periods of time.



## ESSER

## Sanitation Supplies &amp; PPE + Staff Training on Sanitation &amp; Prevention

*Authorized Use of Funds Legislative Language*

**SANITATION SUPPLIES & PPE.** Purchasing supplies to sanitize and clean the facilities of a local educational agency, including buildings operated by such agency.

**STAFF TRAINING ON SANITATION & PREVENTION.** Training and professional development for staff of the local educational agency on sanitation and minimizing the spread of infectious diseases.

*US Department of Education Examples of Allowable Fund Uses*

- To provide Personal Protective Equipment (PPE) to staff and students who need it.

## NEA Guidance

## MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

## ALL HANDS ON DECK: GUIDANCE REGARDING REOPENING SCHOOL BUILDINGS

[https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update\\_Final%2009.2020.pdf](https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update_Final%2009.2020.pdf)

*State and Local Examples of Fund Uses*

## Colorado

- PPE and cleaning supplies.

## Delaware

- PPE.

## Georgia

- PPE.

## Hawaii

- PPE.

## Iowa

- PPE for students and staff.
- Cleaning supplies.

## ESSER

## Sanitation Supplies &amp; PPE + Staff Training on Sanitation &amp; Prevention

*State and Local  
Examples of Fund  
Uses**Michigan*

- Purchase PPE supplies (face masks, sanitation stations, installation of wash sinks in classrooms, disinfecting soap, etc.).
- Upgrade/add to cleaning equipment and increase frequency and thoroughness of building cleanings, including additional training and staffing if needed.

*Ohio*

- Expenses to assure appropriate cleaning, available personal protective equipment, barriers in the physical environment, posting adequate social distancing signage clearly throughout the building, in classrooms, and common spaces, and opportunities for health/safety training for all staff, students, and parents.
- Additional cleaning and safety/hygiene supplies for all facilities.

*Tennessee*

- Purchase of PPE equipment, hand sanitizer dispensers, refills and hardware.
- Reimbursement of cleaning supplies for the past school year that was a result of the pandemic, additional sanitation costs and cleaning costs for all schools in the district, and signage for all schools with regard to the COVID-19 pandemic.
- PPE, hand sanitizer, thermometers, supplies for deep cleaning, etc. to ensure the health and safety of students, teachers, staff, administrators, etc.
- Janitorial services, PPE such as masks, touchless thermometers, gloves, free-standing hand sanitizing stations, special filters, medical cots, cleaning supplies, and training for staff.

## ESSER

## Indoor Air Quality in School Facilities + School Facility Repairs &amp; Improvements

*Authorized Use of Funds Legislative Language*

**INDOOR AIR QUALITY IN SCHOOL FACILITIES.** Inspection, testing, maintenance, repair, replacement, and upgrade projects to improve the indoor air quality in school facilities, including mechanical and non-mechanical heating, ventilation, and air conditioning systems, filtering, purification and other air cleaning, fans, control system, and window and door repair and replacement.

**SCHOOL FACILITY REPAIRS & IMPROVEMENTS.** School facility repairs and improvements to enable operation of schools to reduce risk of virus transmission and exposure to environmental health hazards, and to support student health needs.

*US Department of Education Examples of Allowable Fund Uses*

- To improve facility cleaning and ventilation to the greatest extent possible.
- To obtain additional space to ensure social distancing in class rooms.

## NEA Guidance

## MITIGATION STRATEGIES FOR SAFE IN-PERSON LEARNING

<https://www.nea.org/sites/default/files/2021-03/Mitigation%20Strategies%20for%20Safe%20In-Person%20Learning.pdf>

## ALL HANDS ON DECK: GUIDANCE REGARDING REOPENING SCHOOL BUILDINGS

[https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update\\_Final%2009.2020.pdf](https://www.nea.org/sites/default/files/2020-09/27383%20All%20Hands%20On%20Deck%20Reopening%20Guidance%20Update_Final%2009.2020.pdf)

*State and Local Examples of Fund Uses*

## Delaware

- Air quality improvements (HVAC and the purchasing of air purifiers).

## Iowa

- Across multiple districts, HVAC upgrades to some or all buildings, including \$5 million HVAC upgrades in all buildings in one district.

## Michigan

- Improve air handling systems/indoor air quality by testing/upgrading systems as needed, such as ensuring the proper number of air changes per hour (at least 6 air changes per hour), increasing the amount of outside air that is provided by the ventilation systems (minimum of 15 cubic feet per minute per person is recommended), improving filtration systems (minimum MERV 13), cleaning of air handling systems, and purchase portable air filtration/HEPA (MERV 17) units for classrooms.

## ESSER

## Indoor Air Quality in School Facilities + School Facility Repairs &amp; Improvements

*State and Local  
Examples of Fund  
Uses**Michigan*

- Facility repairs and improvements that reduce the risk of virus transmission and exposure to other environmental hazards, such as converting classroom space to maintain 6 foot distancing between students, replacing old/moldy soft furnishings (chairs, carpet, etc.), respacing playground equipment (e.g., positioning swings further apart), repairing/replacing windows so they can be safely used to improve ventilation, and improving school water quality and safety, especially in buildings closed for prolonged periods of time.



## ESSER

## Outside Policy Expert Recommendations

Learning Policy  
Institute: *Restarting &  
Reinventing School*

Here are recommendations from the Learning Policy Institute that could be adapted to fit allowable uses under the ESSER funds. To learn more, see the full report, *Restarting and Reinventing School: Learning in the Time of COVID and Beyond* (August 2020) at <https://restart-reinvent.learningpolicyinstitute.org/>.

1. **Close the Digital Divide**
  - a. Prioritize federal funds to close the digital divide.
  - b. Expand broadband access through state and city initiatives.
  - c. Organize access to devices and connectivity.
  
2. **Strengthen Distance and Blended Learning**
  - a. Share innovative efforts among districts.
  - b. Support high-quality distance and blended learning models with educator training and materials.
  - c. Give special consideration to early childhood learning.
  - d. Develop standards for digital learning that articulate how technology should be used to empower learners.
  - e. Enact distance learning with attention to equity.
  - f. Shift from measuring seat time to engagement.
  
3. **Assess What Students Need**
  - a. Ensure that schools have the time and tools to take stock of children's overall needs.
  - b. Prioritize assessments that illuminate student growth and learning.
  - c. Support acceleration of learning, not remediation.
  - d. Invest in teachers' knowledge and skills for formative assessment.
  - e. Move toward more coherent systems of assessment of, for, and as learning.
  
4. **Ensure Supports for Social and Emotional Learning**
  - a. Implement a comprehensive system of support.
  - b. Ensure opportunities for explicit teaching of social and emotional skills at every grade level.
  - c. Infuse SEL into instruction in all classes.
  - d. Institute restorative practices.
  - e. Enact policies that enable SEL and restorative practices.

## ESSER

## Outside Policy Expert Recommendations

*Learning Policy  
Institute: Restarting &  
Reinventing School*

5. **Redesign Schools for Stronger Relationships**
  - a. Create structures that foster health and safety, as well as personalization and trust, among children and staff.
  - b. Strengthen partnerships with families.
  - c. Cultivate supportive environments filled with emotional safety and belonging.
  - d. Enact policies that support relationship-centered designs.
  
6. **Emphasize Authentic, Culturally Responsive Learning**
  - a. Offer guidance for how schools can restart by focusing on authentic learning and assessment strategies.
  - b. Provide curriculum tools and professional learning for educators to support more authentic learning and assessment.
  - c. Ensure that authentic learning is also culturally connected and culturally sustaining.
  - d. Build capacity for inclusive, identity-safe, culturally responsive practice.
  - e. Redesign assessments to emphasize applied learning and complex problem-solving.
  
7. **Provide Expanded Learning Time**
  - a. Infuse high-quality tutoring within and beyond the school day.
  - b. Expand high-quality after-school programs.
  - c. Create high-quality summer programs.
  - d. Expand the reach and duration of early learning programs.
  - e. Enact policies and access funding to support expanded learning time.
  
8. **Establish Community Schools and Wraparound Supports**
  - a. Enact local policies that support well-designed community schools.
  - b. Enlist regional agencies that can provide technical assistance and help coordinate local services.
  - c. Create reliable funding streams to support community school needs.
  - d. Create Children's Cabinets at the federal, state, and county levels to coordinate, integrate, and streamline services across agencies.

## ESSER

## Outside Policy Expert Recommendations

*Learning Policy  
Institute: Restarting &  
Reinventing School*

**9. Prepare Educators for Reinventing School**

- a. Invest in high-quality educator preparation, especially for high-need communities where shortages continue to be problematic.
- b. Transform educator learning opportunities to match current needs.
- c. Support mentoring and new teacher roles.
- d. Create collaboration time.
- e. Take the long view.

**10. Leverage More Adequate and Equitable School Funding**

- a. Leverage federal funds for equity.
- b. Adopt more equitable state school funding formulas.
- c. Include preschool in funding formulas.

## ESSER

## Survey of School Districts

Association of School  
Business Officials  
(ASBO) International

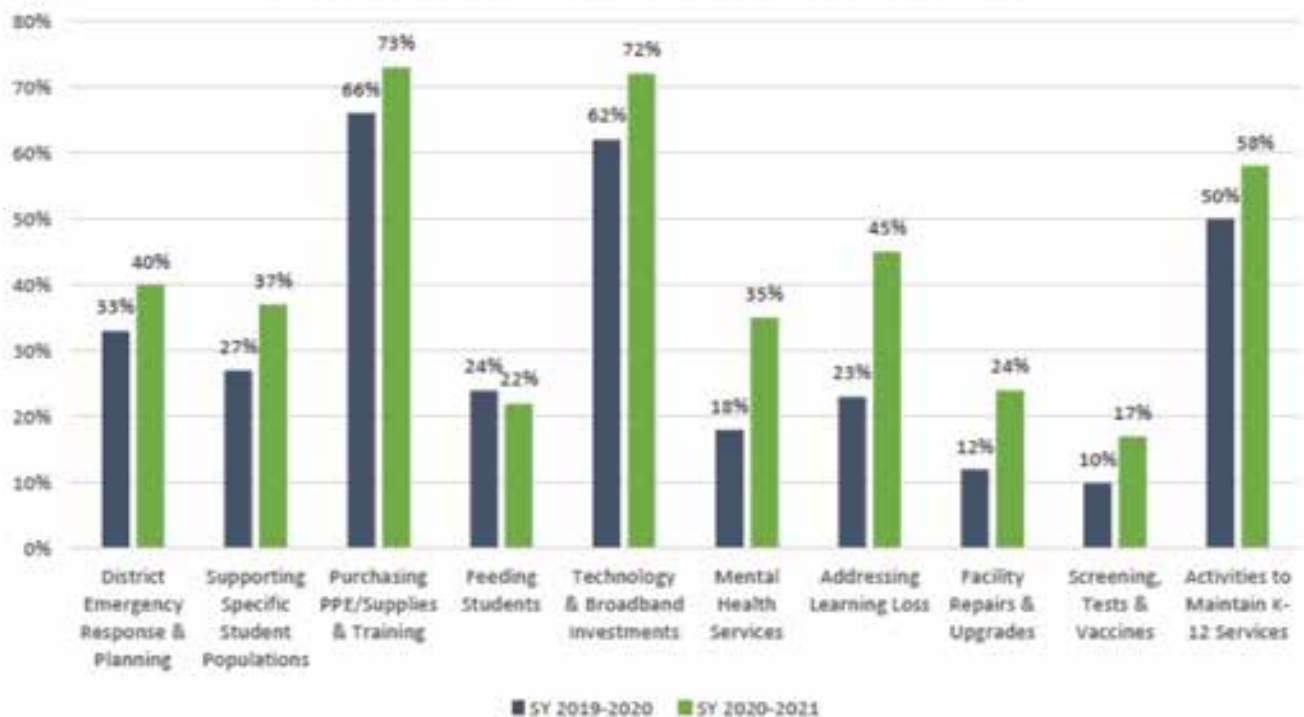
Here is a summary of findings *How are School Districts Investing Federal Emergency Relief Funds to Address COVID-19?* (March 2021) from the Association of School Business Officials (ASBO) International's COVID-19 financial impact survey.

District Use of  
ESSER I Funds for  
SY 2019-20  
and SY 2020-21

Across all investment categories for use of ESSER I Funds during SY 2019-20 and SY 2020-21, priorities were:

- Procuring PPE and cleaning/sanitation supplies and training staff on minimizing viral spread.
- Purchasing technology and learning management systems for students and improving broadband access/connectivity to address the homework gap.
- Other activities to maintain continuity of education services (e.g., salaries/wages, contracts, and other expenses not covered in other investment categories).

**How Are Districts Investing ESSER I Dollars?**  
(Shows How Districts Did or Plan to Invest Funds for SY 2019-20 and SY 2020-21)





## ESSER

## Survey of School Districts

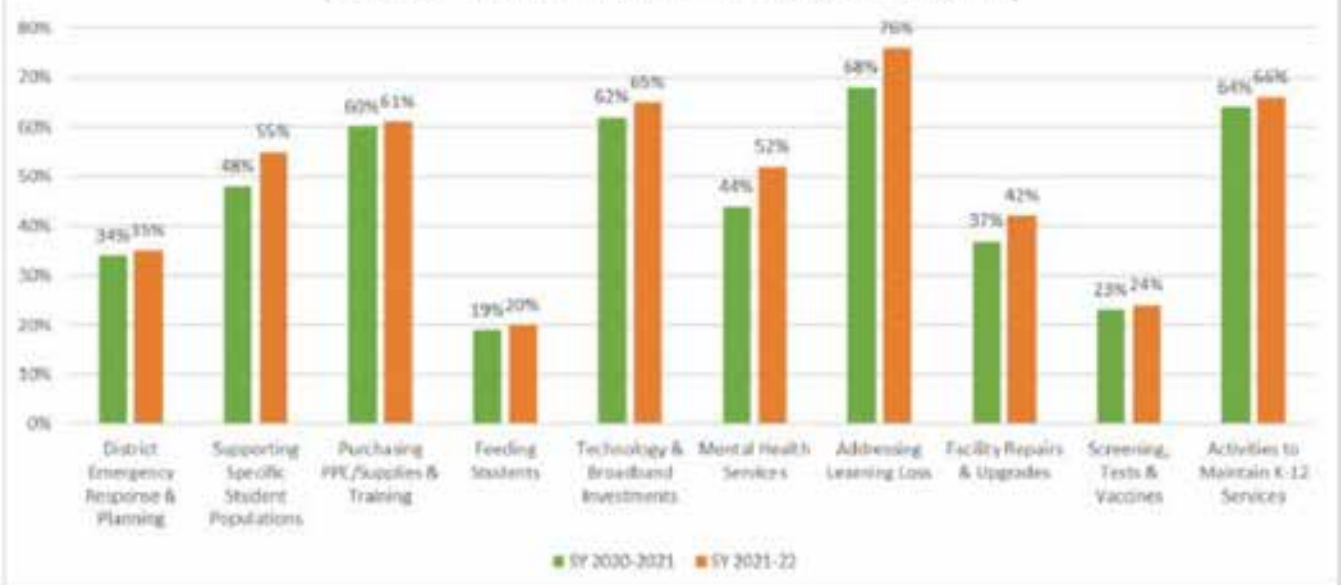
*District Use of  
ESSER II Funds for  
SY 2020-21  
and SY 2021-22*

*Across all investment categories for use of ESSER II Funds during SY 2020-21 and SY 2021-22, priorities were:*

- Addressing learning loss, providing summer school or before/after-school activities, tutoring, etc.
- Other activities to maintain continuity of education services (e.g., salaries/wages, contracts, and other expenses not covered in other investment categories).
- Purchasing technology and learning management systems for students and improving broadband access/connectivity to address the homework gap.

### How Are Districts Investing ESSER II Dollars?

(Shows How Districts Did or Plan to Invest Funds for SY 2020-21 and SY 2021-22)



## GEER

## Allocations to States

Both the CARES Act and CRRSA Act provided funding to Governors through the Governor's Emergency Education Relief (GEER) Fund. The U.S. Department of Education is required to allocate 60 percent of the funds based on each state's relative population of individuals aged 5 through 24, and 40 percent based on each state's relative number of children counted under the Title I, Part A formula.

	in thousands
GEER Fund	\$2,953,230
GEER II Fund*	1,303,060
<b>Total, GEER</b>	<b>\$4,256,290</b>

Nationally, nearly \$4.3 billion in federal emergency aid is allocated by formula to Governors in support of public elementary and secondary education, institutions of higher education (IHEs), or other education-related entities.

#### Governors Determine the Fund Recipients

Governors may provide subgrants to LEAs and IHEs within their state that have been "most significantly impacted by coronavirus" to support their ability to continue providing educational services to their students and to support the "on-going functionality" of these entities. In addition, a Governor may use these funds to provide support through a subgrant or a contract to other LEAs, IHEs, and education-related entities\*\* that the Governor "deems essential" for carrying out emergency educational services, providing child care and early childhood education, providing social and emotional support, and protecting education related jobs. A Governor has wide discretion in determining the entities in the state that will receive GEER funds. A Governor can choose to fund only LEAs, only IHEs, only education-related entities, or any combination of eligible entities.

#### Limits on Governors

Governors may not use GEER funds to award scholarships, microgrants, or financial aid directly to students or educators, but can do so indirectly through a subgrant to an eligible entity that can then make awards to individuals.

#### LEA Use of GEER Funds, if Awarded

Unless otherwise restricted by the Governor at the time of the award, the LEA has considerable flexibility in determining how best to use GEER funds to prevent, prepare for, or respond to COVID-19.

\* The CRRSA Act directed \$4,053,060,000 to the Governor's Emergency Education Relief (GEER II) Fund, of which \$2,750,000,000 is reserved for emergency assistance to non-public schools.

\*\* An education-related entity is a governmental, nonprofit or for-profit entity within the state that provides services that support preschool, elementary, secondary, or higher education.

## EANS

## Emergency Assistance to Non-Public Schools

Both the CRRSA Act and the ARP Act included funding for Emergency Assistance for Non-Public Schools (EANS) grants. The U.S. Department of Education is required to allocate funds for this purpose based on each state's relative number of children aged 5 through 17 at or below 185 percent of poverty who are enrolled in non-public schools in the state.

	in thousands
EANS, CRRSA Act	\$2,750,000
EANS, ARP Act	2,750,000
<b>Total, EANS</b>	<b>\$5,500,000</b>

Nationally, \$5.5 billion in federal emergency aid is allocated by formula to Governors to support Emergency Assistance to Non-Public Schools (EANS) grants.

#### Limitations and Restrictions

In order to be eligible to receive services or assistance, non-public schools are prohibited from applying for and receiving a loan under the Paycheck Protection Program, unless the non-public school received a loan guaranteed before the enactment of the CRRSA Act.

EANS funds can not be used to provide direct or indirect financial assistance to scholarship granting organizations or related entities, or to provide or support vouchers, tuition tax credit programs, education savings accounts, scholarships, scholarship programs, or tuition-assistance programs, for elementary or secondary education. Exception: funds may be provided only to students who receive or received such assistance under the CARES Act for the 2020–2021 school year and only for the same assistance provided such students.

Under the ARP Act, funds may not be used to provide reimbursements to any non-public school. Also under the ARP, funds are to provide services or assistance to non-public schools that enroll a significant percentage of low-income students and are most impacted by the qualifying emergency.

#### Equitable Services

An LEA that receives ESSER and GEER funds under the CARES Act must provide equitable services to non-public school students and teachers in the same manner as provided under section 1117 of Title I, Part A of the ESEA. The CRRSA Act and the ARP Act include the separate EANS program for which eligible non-public schools may apply to an SEA to receive services or assistance. As such, LEAs are not required to provide equitable services under GEER II, ESSER II, or ARP ESSER.



EDUCATING  
THROUGH CRISIS  
COVID-19



**From:** Garibay, Montserrat  
**Subject:** Ed COVID-19 Handbook Volume II  
**To:** bantunez@aft.org  
**Sent:** April 9, 2021 11:52 AM (UTC-04:00)  
**Attached:** reopening-2.pdf

Beth,

Here is the Ed COVID-19 Handbook Volume II,

<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>

Please let me know if you have any questions.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



Volume 2 - 2021

OPEPD-IO-21-02

# ED COVID-19 HANDBOOK

Roadmap to Reopening Safely and  
Meeting All Students' Needs



**U.S. Department of Education**

Dr. Miguel A. Cardona  
Secretary of Education

**Office of Planning, Evaluation and Policy Development**

Erin McHugh  
Acting Assistant Secretary

**April 2021**

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## Introduction

Coronavirus Disease 2019 (COVID-19) has [exacerbated](#) existing inequities and inadequacies across a range of social structures, including our nation's education system. The pandemic has also had a [more damaging impact](#) on communities and people of color, including many who already faced health challenges. Congress has provided significant federal funding, including most recently through the historic [American Rescue Plan Act of 2021](#) (ARP), to support the safe reopening of schools. However, this is the first of many steps ahead. For most schools, returning to the status quo will not address the full impact of COVID-19 on students' social, emotional, physical, mental health, and academic needs or the impact on educator and staff well-being. Approaches to school reopening must be designed in ways that meet the needs of students, educators, and staff. President Joe Biden has called on us all to consider how we can "build back better." Just as we continue to look to the evolving science as we work to reopen schools safely, so too should we turn to research and evidence, as well as the voices of students, educators, staff, and their families, to inform efforts to address the social, emotional, mental health and academic impact of COVID-19.

With the passage of the ARP, states, districts, and schools now have significant federal resources available to implement evidence-based and practitioner-informed strategies to meet the needs of students related to COVID-19, including students most affected by the pandemic and for whom the pandemic exacerbated pre-existing inequities. This guidance document is intended to be a resource for States, districts, schools, and teachers as they reopen schools safely and support students. Separately, the Department will issue guidance on specific provisions of ARP statute and program implementation.

Specifically, funding under ARP can be used to:

- Implement COVID-19 prevention strategies to safely reopen schools and maximize in-person instruction and that align with public health guidance, including upgrading school facilities for healthy learning environments;
- Address the impact of lost instructional time by supporting the implementation of evidence-based interventions that respond to students' social, emotional, and academic needs;
- Address the disproportionate impact of COVID-19 on students of color, students from low-income backgrounds, students with disabilities, English learners, students who are migratory, students experiencing homelessness, students in correctional facilities, and students in foster care;
- Provide afterschool, or other out-of-school time, programs that address students' social, emotional, and academic needs;
- Address the mental health needs of students, including through using funds to hire counselors and other staff;
- Provide integrated student supports, including through the use of full-service community schools;
- Provide students with evidence-based summer learning and enrichment programs, including through partnerships with community-based organizations;
- Connect K-12 students to high-quality home Internet and/or devices;
- Stabilize and diversify the educator workforce and rebuild the educator pipeline;
- Provide children and youth experiencing homelessness with integrated student support services and assistance with attending school/participating in activities; and



- Provide for any activities allowed under the Elementary and Secondary Education Act of 1965, as amended (ESEA), the Strengthening Career and Technical Education for the 21st Century Act (Perkins V), and the Individuals with Disabilities Education Act (IDEA).

These funds also provide an opportunity to address the most urgent needs of students, teachers, and staff while making the kinds of investments that build state, district, and school capacity in ways that sustain meaningful and effective teaching and learning. If well-invested, funding through ARP can help address gaps in educational opportunity and outcomes — not just during the COVID-19 pandemic, but beyond.

As stated in [Executive Order 14000, Supporting the Reopening and Continuing Operation of Schools and Early Childhood Education Providers](#), every student in America deserves a high-quality education in a safe environment. The Biden-Harris Administration (Administration) believes strongly that returning to in-person learning as soon as possible is essential for all students and families. This is why the Administration moved quickly to release [Volume 1: Strategies for Safely Reopening Elementary and Secondary Schools](#) of this COVID-19 Handbook to aid educators in implementing the Centers for Disease Control and Prevention (CDC) [Operational Strategy for K-12 Schools through Phased Prevention](#) (K-12 Operational Strategy) by addressing common challenges and providing practical examples.

As stated in Volume 1, the Administration acknowledges the unique impact of COVID-19 on, and trauma experienced by, underserved students, including students from low-income backgrounds, students of color, lesbian, gay, bisexual, transgender, and queer ([LGBTQ+](#)) students, English learners, students with disabilities, migratory students, rural students, American Indian, Alaska Native, Native Hawaiian, and Asian American Pacific Islander students, students in foster care, students in correctional facilities, and students experiencing homelessness. The Administration recognizes that communities of color have borne a [disproportionate burden](#) of illness and serious outcomes from COVID-19 and require additional considerations.

**Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs** is intended to offer initial strategies for providing equitable and adequate educational opportunities that address the impact of COVID-19 on students, educators, and staff, focusing on evidence-based strategies for:

- **Meeting students' social, emotional, mental and physical health, and academic needs, including through** meeting basic student needs; reengaging students; and providing access to a safe and inclusive learning environment;
- **Addressing the impact of COVID-19 on students' opportunity to learn, including** closing the digital divide; implementing strategies for accelerating learning; effectively using data; and addressing resource inequities; and
- **Supporting educator and staff well-being and stability, including** stabilizing a diverse and qualified educator workforce.

Within these areas, this volume shares underlying research, implementation recommendations, and considerations—with a focus on underserved students—and examples of practice. The U.S. Department of Education (the Department) is grateful to the more than 60 education organizations that shared research, recommendations, examples, and resources, as well as the



perspectives of students, families, and school staff members, that were used to inform Volume 2 of the COVID-19 Handbook. These recommendations and resources were submitted through a Department email shared broadly as part of the Department's stakeholder engagement efforts and listed in Volume 1. The Department also hosted six listening sessions attended by more than 30 organizations to gather insights into challenges students, educators, and staff are facing and promising practices and to make recommendations to address the impact of COVID-19 on the school community. The research, recommendations, examples, and resources that the Department received will also help inform future guidance and resources issued by the Department.

Funding under ARP may be used by states, districts, and schools to ensure that all students have access to the educational opportunities they need to succeed in response to COVID-19. The same way listening to the science will lead us out of this pandemic, we must listen to the researchers, the educators, the students and their families to lead us to a changed education system that is designed to build capacity, support systems of continuous improvement, and which at its core is committed to equity, adequacy, and the limitless potential of each and every student.

### **Engaging the School Community**

As emphasized in Volume 1, as schools and districts work to develop and implement strategies, including those included in this Volume, engagement with educators and staff (including their unions), students, families, and the school community is key. School representatives should include, at a minimum, administrators, teachers, specialized instructional support personnel (e.g., paraprofessionals), related service providers, early childhood education providers, school counselors, school social workers, school psychologists, and nurses, as well as custodial personnel, transportation personnel, food personnel, and family services representatives.

Strategic planning for the long-term recovery should include student and parent representatives, and individuals and organizations that represent the interests of students, staff, and parents with disabilities and limited English proficiency. To that end, schools and school districts should also conduct active and specific engagement with historically underserved students and families—including parents of students of color, English learners, students with disabilities, American Indian, Alaska Native, and Native Hawaiian students, students in foster care, students in correctional facilities, and students experiencing homelessness.

For example, in Oak Park, Illinois, a local non-profit organization, prior to COVID-19, created an approach to family engagement and partnered with parent teacher organizations leaders and the district's Culture and Climate Coaches to launch [Come Together](#), family dinners where teachers, families, and students connect and work to identify and solve challenges in their school over the course of the school year. During the pandemic, the group successfully pivoted to online gatherings, reaching nearly 2,000 participants in effort to open dialogue over the issue of remote learning. In the remaining months of the school year, these virtual gatherings will focus on transitions and on-going support using community organizing strategies to intentionally reach all families.

This engagement should begin early in the decision-making process and should be ongoing and collaborative. This will help to select strategies designed for systemic change that can build buy-in and capacity at the local level for the long-term.

## **Legal Requirements**

Districts and schools can use funding under ARP to support the following strategies and interventions to address the impact of COVID-19, consistent with ARP requirements and the Uniform Guidance in 2 CFR Part 200. Other than statutory and regulatory requirements referenced in the document, the contents of this volume do not have the force or effect of law and do not bind the public and school communities. This document is intended only to provide clarity regarding existing requirements under the law or agency policies. Further, this document does not substantively address federal disability law, which requires schools to provide certain educational and related services to students with disabilities and to take an individualized approach to providing specialized instruction and related services, consistent with the student's individualized education program (IEP) developed under IDEA or plan developed under Section 504 of the Rehabilitation Act of 1973 (504 plan), as appropriate. Additional guidance on these issues may be provided. For information on the rights of students with disabilities and schools' obligations, please refer to information provided by the Department's Office of Special Education and Rehabilitative Services and [Office for Civil Rights](#). Please also refer to [the U.S. Department of Education's COVID-19 Resources for Schools, Students, and Families](#).

## **Legal Disclaimer**

This document contains resources (including links to those resources) that are provided for the user's convenience. Inclusion of these materials is not intended to reflect their importance, nor is it intended to endorse any views expressed or products or services offered. These materials might contain the views and recommendations of various subject-matter experts, as well as hyperlinked text, contact addresses, and websites to information that other public and private organizations created and maintain. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the Department. The Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials. For the reader's convenience, this document contains examples of potentially useful resources and methodologies states and localities use. Inclusion of such information does not constitute an endorsement by the Department or the federal government, nor a preference or support for these examples as compared with others that might be available and be presented.



## I. Creating Safe and Healthy Learning Environments

### a. Meeting basic needs: providing school meals regardless of educational setting

Healthy eating is important for child and adolescent growth, development, well-being, and academic performance. According to the National School Lunch Program, before COVID-19, about 22 million students received free or reduced priced lunches each day — providing them with access to this [basic need](#). In fact, children consume [as many as half](#) of their daily calories at school. When the pandemic-related school closures began in March 2020, schools quickly realized that this could threaten or eliminate students' access to school nutrition services — even if districts used hybrid approaches to learning — and significantly affect schools' ability to meet this basic need.

In response, the United States Department of Agriculture (USDA) provided [flexibilities and waivers](#) including allowing meals to be served in a drive-thru or walk-up setting, offered as “[grab and go](#)” meals. Multiple meals (i.e., breakfast, lunch, snack, and dinner) can be provided as well as multiple days' worth of meals at a time, regardless of whether they are tied to an educational or enrichment activity, and meals can be provided to parents or guardians without the presence of a child. School districts have taken advantage of these flexibilities and established various creative food distribution models, including curbside distribution, home delivery, school bus route delivery, and delivery to accessible community locations (such as library parking lots) during remote or hybrid instruction. These new strategies enhanced schools' abilities to provide this critical resource to students and families. Information on waivers and flexibilities that have been approved can be found on the [Child Nutrition Programs: COVID-19 Waivers by State](#) webpage.

As more schools plan for reopening, feeding and food distribution will continue to be essential. School nutrition staff, school nurses, and transportation staff are vital members of the district and school reopening teams. Where fewer meals have been provided, there might be less money from federal reimbursements and decreased revenue from à la carte services. School leaders should communicate with nutrition directors to assess how the meal programs are faring financially and plan for ways to address any challenges exacerbated by the pandemic, including using federal funding provided under the ARP, the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA), and the Coronavirus Aid, Relief, and Economic Security Act (CARES Act).

As part of these plans, districts and schools will also need to implement COVID-19-related safety protocols for food distribution. CDC provides [online resources](#) for safely distributing school meals, either away from school or in school, including a checklist for school nutrition professionals for serving meals at school and strategies for reducing crowding, increasing ventilation, and serving grab and go meals. Detailed information on COVID-19-adapted school meal serving models and adapting school spaces can be found on CDC's [Safely Distributing School Meals During COVID-19](#) webpage.

Meal programs should be tailored to meet the local community and individual school needs. Learning about these needs might include conducting family surveys to inform distribution of meal kits (e.g., whether students pick up meals for a week or two days at a time, the time of day meals are available for pick up, and whether a grab-and-go service, delivery services, or some combination would be most effective) and ensure they are responsive to dietary restrictions. School leaders should design a variety of distribution meal schedules to ensure equity among



recipients. For example, following a consistent alphabetical format might place families with surnames in the second half of the alphabet at a disadvantage in terms of availability of food items. Meal service plans should ensure there is adequate staff available on a sufficiently flexible or extended schedule (with appropriate compensation or use of volunteers) to maintain services for hybrid or remote students (e.g., bagging meals, staffing grab-and-go sites), while also staffing kitchens for in-person students.

As districts and schools plan for summer learning and enrichment programs, they should also develop a plan to provide meal programs in non-school settings. On March 9, 2021, USDA announced the nationwide extension of several waivers that allow all children to continue to receive nutritious [meals during the summer](#) and that allow for safe meal distribution sites that serve all children for free regardless of family income. These flexibilities have been extended through September 30, 2021. In addition, USDA is expanding the [Pandemic Electronic Benefit Transfer \(P-EBT\) program](#) to support families with lower incomes with children and replace the value of school meals missed when schools are closed. On January 22, 2021, USDA announced that it would increase the P-EBT benefit by approximately 15%. In addition, ARP expanded P-EBT through the 2020-2021 school year, as well as during summer months.

As an example of how one state has approached this effort, the Tennessee School Safety Center established principles at the onset of the pandemic for developing a school meal plan. These principles include involving the community in school nutrition strategies, including community organizations, such as afterschool programs, shelters, local safety personnel and emergency managers, and transportation directors; identifying important [safety protocols in food distribution](#), even after schools reopen; forecasting operational needs for 30, 60, and 90 days; organizing the work and determining clear lines of responsibility; and analyzing lessons learned during the pandemic and updating plans to incorporate those lessons learned.

Meal planning should include an ongoing assessment of the needs of underserved students, including students not attending in-person instruction for the full five days per week, highly mobile students, such as students experiencing homelessness, migratory and foster youth, students who have become disengaged, and populations with limited food resources or restricted dietary requirements.

Additional suggestions for meeting the nutritional needs of underserved students include:

- Working with the state nutrition agency to determine how to provide students with free meals during afterschool and summer learning and enrichment programs, including through the USDA [Afterschool Program](#) and [Summer Food Service Program](#).
- Providing information and maps of meal sites in multiple languages and in multiple accessible formats (e.g., social media, flyers, phone calls, community listservs) and distributing information through partners (e.g., government agencies, local non-profit organizations, places of worship) taking into consideration that some families might be reluctant to access meal programs and services (e.g., families with a member without documentation).
- Supporting families in accessing meals during hybrid learning and during non-school days, such as weekends and holidays. For example, through the [P-EBT](#), funds are provided on pre-loaded cards to families of children who would normally receive free or reduced-price meals.

- Partnering with local food banks and pantries to provide boxes of groceries along with meals or with [Child and Adult Care Food Program](#) (CACFP) operators to offer CACFP foods along with meals.
- Establishing school-based wellness teams comprised of representatives from administration, teachers, guidance, nursing, and support staff to ensure all families in need are identified and provided with resources to access food and meals. For example, team members could be assigned to families as "case managers" to identify specific needs and to ensure families have access to nutritious meals and food.
- Where applicable and to increase the reach of services, decentralizing food preparation and distribution by activating multiple school kitchens and delivering meals to school bus stops or directly to students' homes.
- Creating schedules that provide families with equitable access to food distribution and flexibility in schedule to provide time offerings that are conducive to working families. Food distribution should not be limited to school hours.
- Provide flexible pick-up hours to maximize access to meals at strategically located meal pick-up sites. Provide meal packages with multiple days' worth of meals. For in-school meals, allow students access to breakfast meals even after the morning bell, including by allowing students to bring grab-and-go meals into the classroom.
- Staffing delivery buses with school nurses, counselors, and social workers. School leaders should be mindful of the potential impact of enlisting police officers to assist with meal site logistics (i.e. the sight of police might elicit fear in some families).
- Ensuring that liaisons for students experiencing homelessness and personnel serving students with disabilities have the [information](#) they need to ensure students can access food inside and outside of school and to provide training to school district staff or community members on identifying and serving students experiencing homelessness or students with disabilities.
- Ensuring policies do not prevent or delay providing free meals to students due to unpaid fees.



## b. Meeting the social, emotional, and mental health needs of students

Many students have been exposed to trauma, disruptions in learning, physical isolation, and disengagement from school and peers, which negatively affects their mental health. Students learn, take academic risks, and achieve at higher levels in safe and supportive environments and in the care of responsive adults they can trust. However, the ongoing impact of COVID-19 has contributed to student experiences that are far from universal — with underserved students experiencing a disproportionate burden of the pandemic. As a result, many students might require additional supports and interventions to take risks in their learning so they can achieve at higher levels.

Homelessness, foster care, and juvenile justice are adverse experiences that might disproportionately affect students from low-income backgrounds, students of color, English learners, and students with disabilities. These adverse experiences may also create unique and severe barriers to access and participation in programs and services. School leaders, educators, and staff who work with students with these backgrounds should acknowledge the intersectionality (the overlapping identities) among these groups. This framing will help educators understand the multiple layers of disparities and complexities encountered by impacted students and the mobile and changing nature of homelessness, foster care, and the juvenile justice system and the disproportionate impact that COVID-19 has had on these students.

Research on [the science of learning](#) has established that while adverse experiences can have profound effects on students, learning environments and conditions can be designed in ways that can help students overcome these effects and thrive. This research also shows that social, emotional, identity, cognitive, and academic development are all interconnected. Improving academic outcomes for students requires nurturing each of these areas of development in ways that are asset-oriented and personalized to meet students where they are as they return to school. For example, California provides [resources](#) for creating asset-based approaches to teaching, such as culturally responsive pedagogy.

While there is concern regarding the impact of lost instructional time as it relates to student academic performance, meeting the social and emotional needs of students must be foundational to efforts to improve academic outcomes for students. The teaching of social and emotional skills can be woven into how teachers design instruction and the kinds of learning opportunities they provide to students. Such learning can be developed through explicit instruction in social, emotional, and cognitive skills (including intrapersonal and interpersonal skills, conflict resolution, and decision-making) and integrating social and emotional skills, habits, and mindsets within classroom lessons and activities. For example, Baltimore City Public Schools built upon existing social and emotional learning implementation efforts and developed social emotional learning (SEL) lesson plans aligned with grade groupings and weekly themes around compassion, connection, and courage.

Key evidence-based practices that maximize students' social, emotional, and academic benefits include:

- Creating a framework for meeting students' social, emotional, and academic needs;
- Building strong and trusting relationships among students, families, and educators;
- Establishing safe, positive, and stable environments;
- Explicitly teaching critical [social, emotional, and academic skills](#);



- Actively engaging students in meaningful and culturally and linguistically relevant learning experiences rooted in high academic expectations for all students;
- Providing supportive and specific feedback to encourage skill growth across all domains;
- Providing access to support from guidance counselors, psychologists, and trusted staff members; and
- Establishing building-level wellness teams to address the SEL needs of both students and staff.

While a schoolwide approach benefits all students, school-based mental health professionals, such as counselors, social workers, and psychologists might need to provide additional and more intensive support to students with the most urgent needs that have been caused or exacerbated by the pandemic. A multi-tier system of supports (MTSS) framework, like [positive behavioral interventions and supports](#), relies on a continuum of evidence-based practices matched to student needs. The tiers provide an increasing amount of support and intervention moving from support provided to all, then to some, and finally providing the most intensive support to a few. Successful approaches to MTSS begin with leadership teams who (1) meet regularly to collect student data through ongoing screening to determine student needs; (2) monitor student progress; and (3) analyze school-wide data to address emerging or new needs to add or adjust personnel to provide additional services and expertise.

Supporting student voice and choice in how they learn, often referred to as “student agency,” should also be considered as part of the work ahead. For example, an educator in [Allentown, Pennsylvania](#), describes using scaffolding to allow students to engage in a productive struggle, giving students the tools to design their own learning, and being purposeful about also developing collaboration skills. Providing opportunities for students to express themselves and make decisions about their learning after experiencing a stressful year with many factors out of their control can instill a connectedness with self and others.

SEL can encourage self-awareness and mindfulness, which may ultimately translate to more thoughtful and engaged citizens who feel a sense of duty to their communities.<sup>1</sup> For example, classroom activities can include writing letters, discussing with peers how the last few months have impacted them, journal writing, poetry, artwork, music, or other creative outlets. The [Social Justice Humanitas Academy](#) in Los Angeles uses councils as part of their school’s advisory classes to build community and create space for “the practice of listening and speaking from the heart.” During this time, students and teachers take turns sharing the positive and difficult things happening in their lives.

With this mindset, educators can consider how civics education can be an important lever to bridge the social and emotional competencies learned in school to empower students as citizens who are equipped with the critical thinking skills to create a better society. Robust civics education that includes youth participatory action research and opportunities for activism on issues students care about may benefit all students, and in particular has the potential to engage and uplift students of color, LGBTQ+ youth, students with disabilities, and those from immigrant or low-income communities who face barriers to civic participation.

A districtwide or schoolwide approach to meeting social, emotional, and mental health needs that is responsive to the trauma of COVID-19 and grounds itself in equity can help all students feel seen and valued. It is important for educators to recognize that social and emotional competencies can be expressed differently across cultures, especially considering that young students of color are living through, witnessing, and making sense of historic moments in



American history and their place in it. Schools are microcosms of society; therefore, [culturally responsive practices](#), intentional conversations related to [race and social emotional learning](#), and helping students understand the skills they are building in school, are the foundation for participating in a democracy and should be anchor tenets in building a schoolwide system of educational opportunity.

To support students' social and emotional learning as schools reopen, educators are encouraged to:

- Measure social and emotional well-being through the use of engagement surveys;
- Provide time for regular check-ins with students and families;
- Implement [restorative circles](#) or "mindful moments" that provide students with space to self-regulate emotions;
- Establish morning or closing meetings, or other rituals within each school day; and
- Provide opportunities for student voice to be represented in classroom or school decision-making.

School communities implementing a social emotional approach on a schoolwide basis for the first time, or that are in the early stages of this work will need to consider how to provide extensive professional development for educators on how to effectively implement programs alongside other school staff, such as school counselors and afterschool staff to ensure coordination and appropriate support. This work is important to the whole school community, and every member of the community has a role in upholding and maintaining a safe, inclusive, and welcoming school community.

The Department will be providing additional information on how to meet the social, emotional, and academic needs of students in future guidance documents and technical assistance opportunities.

### ***Supporting Student Mental Health Needs***

In addition to meeting the social and emotional needs of students, schools should also be prepared to meet the mental health needs of their students. There is no question that COVID-19 has taken a toll on the mental health of many students. For example, data from CDC shows that the proportion of student emergency department visits related to mental health has increased dramatically during the pandemic. A National Association of Elementary School Principals survey reported in December that 84% of elementary school principals are very concerned about student mental health needs and 68% report that they do not have sufficient school-based mental health professionals to adequately meet those needs.<sup>2</sup> Further, during the pandemic, since many underserved students rely on school-based mental health services, it is likely that many went without these mental health services if their schools were not able to provide telehealth services.

An example of a state-wide mental health program is the SafeUT program in Utah. The free app, SafeUT, is a statewide service that provides real-time crisis intervention to youth through live chat and a confidential tip program from a smartphone. All educators, students, and families are encouraged to download the app. Licensed clinicians in the 24/7 Crisis Line call center respond to all incoming chats and calls by providing supportive or crisis counseling, suicide prevention, and referral services. They can help anyone with emotional crises, bullying, relationship problems, mental health, or suicide-related issues in a private, nonthreatening

open-access way.

Students from low-income backgrounds, students of color, students with disabilities, and English learners often face barriers to diagnosing and treating mental health issues that reach beyond whether there are services available. For students of color, mental health issues are often more likely to be met with discipline rather than to be treated.<sup>3</sup> Even when mental health support is provided, it may not be used. The under-representation of people of color in the medical profession along with a history of institutionalized racism in medicine has led to a distrust among many toward the medical system and might prevent students from wanting to use services provided. Some students whose first language is not English face language barriers that affect the quality of care that they receive which may make them reluctant to access care. Students with sensory or communicative disabilities might also face barriers, such as inaccessible technology or the limited availability of mental health professionals with sign language skills, that affect the quality of care they receive. Native American students traditionally have had higher rates of depression than their peers, and a lack of culturally competent care is a barrier to effective treatment.<sup>4</sup>

These students are most likely to be living in communities that have been hit hardest by COVID-19, and their schools are more likely to have been closed longer for in-person learning versus schools in more affluent communities, leading to even greater needs for supports. Thus, it will be especially important for school communities reopening to develop and operationalize a plan for conducting mental health first aid, mental health screenings, and procedures for referral. To support these efforts, district and school leaders are encouraged to examine the ratio of school counselors, social workers, and psychologists to students in schools and develop a plan to meet recommended ratios for each if they are not met already. Schools can spend ARP funds to meet any of these needs.

Students with disabilities who are eligible under IDEA or Section 504 of the Rehabilitation Act of 1973 (Section 504), regardless of the student's disability classification, can also receive a range of mental health-related services, such as counseling services, psychological services, and social work services in schools, if included in their IEP or 504 plan, as appropriate.

It is also important to consider how states, school districts, and school staff can all work together to help destigmatize mental health support so that students feel comfortable and safe in reaching out or receiving the services. Students of color are more likely to report that they do not feel they can reach out to a teacher or counselor if they need mental health support.<sup>5</sup> Thus, building trusting relationships among educators, staff, and students and their families is essential. To the extent possible, states, districts, and schools can align and agree on shared goals for student mental health. For example, [New York state](#) issued reopening guidance that required all school districts and schools to establish a comprehensive developmental counseling plan; establish an advisory council of students, parents, teachers, and school mental health professionals; and provide professional development to all school staff on how to help students develop coping and resiliency skills.

To help remove the stigma and ensure students can access mental health programs when they are available, the American Psychological Association recommends school leaders and educators:

- Share educational resources with staff and students that provide a better sense of what mental health means;



- Talk about mental health and allow students the opportunity to speak openly about life, school, the future, and anxiety; and
- Let students know they are not alone and that others are going through similar situations and provide them the time needed to heal.

The Department will also be releasing guidance with further information and resources on supporting the mental health needs of students, with a focus on underserved students.

### c. Providing all students with access to a safe and inclusive learning environment

The academic disruption COVID-19 has caused has been traumatic for students and their families, educators, and staff alike. For significant portions of two academic years, what it means to be “in school,” and the routines, expectations, and norms associated with those routines, have been vastly different from what most students have ever experienced. School leaders, educators, and staff should ensure physically, socially, and emotionally safe communities that prioritize creating environments that support students and respond to the trauma experienced by many students as school buildings reopen for in-person instruction. It is almost certain that some students in every school will require supports to address the isolation, anxiety, and trauma they have experienced.

As more schools reopen for in-person instruction, districts and schools are revisiting their approach to school safety and inclusiveness, including discipline policies to ensure that those implemented are designed to best support and respond to students — including students with disabilities — returning to in-person instruction after the extended absence due to COVID-19. Research increasingly shows that school safety and discipline practices that create and sustain safe, stable, positive, inclusive, and identity-safe learning environments for all students are more effective in meeting students’ social, emotional, physical and mental health, and academic needs than zero tolerance exclusionary approaches.<sup>6</sup> Further, safe and inclusive schools can provide the support required to reengage those students most disconnected from school during the pandemic.

For example, public school systems’ role is critical in the lives of students experiencing homelessness, because they are often the only source of identification of, and main source of support for, physical and mental health, social, and emotional needs. Students experiencing homelessness are often left disconnected from critical support when schools are closed, offer very limited programs, or do not provide transportation.

#### ***Locating Absent Students and Reengaging Disconnected Youth***

Some researchers estimate 3 million students have either been absent from or have not been actively participating in remote learning since the beginning of the pandemic.<sup>7</sup> These students were more likely to be English learners, students with disabilities, students in foster care, students experiencing homelessness, students from low-income backgrounds, Native American youth, and migratory students. [LGBTQ+](#) students, especially those who are Black or Native American, are [more likely than others](#) to be homeless. The reasons for their absences or lack of access to instruction or support are varied. Native American, Black, and Latinx youth in particular were least likely to have consistent connections to high-speed broadband to participate in remote learning.<sup>8</sup>



Access to integrated student support has also been a challenge. A recent federally funded study that examined a nationally representative sample of websites from 3,511 traditional public schools, charter schools, and private schools found that the most extensive academic instruction and resources were aimed at the general population, with English learners and students with disabilities receiving less support.<sup>9</sup> Because of the difficulty of implementing services remotely, English learners lost opportunities to practice language skills with others, and many students with disabilities lost opportunities to receive required academic instruction or related services, such as orientation and mobility training; speech, physical, or occupational therapy services and other individualized supports while at home that they would have received while attending school in person.<sup>10</sup>

No matter the reason for their absences, school district officials should work quickly to locate and reengage students who are chronically absent or disengaged. These efforts should be undertaken in a non-punitive manner; punitive actions include not promoting students to the next grade, failing them in a course, directing parents to truancy court. Schools should also consider the unique challenges for adolescents created by COVID-19 as they design their approaches to reengagement. Many adolescent students might have new family responsibilities as a result of the pandemic, such as having to help support the family financially or care for a family member. In these instances, additional flexibilities should be provided.

Practice has shown that personal outreach is a promising way to reengage students and their families. Personal outreach to students should be conducted by a school official rather than law enforcement or school-based police because the presence of law enforcement or school-based police might cause confusion or be unintentionally intimidating. For example, Hillsborough County Schools in Florida had more than 7,000 students missing at the start of the 2020 school year. They sent social workers on a door-knocking campaign to homes, hotels, motels, and shelters; created social media pages in Spanish to reach their majority Latinx student population; and shared COVID-19 dashboards to help parents make informed decisions about sending their children back to school. District leaders also held virtual community meetings, further establishing transparency that promoted trust. By December 2020, Hillsborough County Schools had located all but 300 of their students.

In Green Cove Springs, Florida, high school leaders used one-on-one conversations to allow families to openly voice their reopening worries and create dialogue to address community concerns about returning to in-person instruction. Other school districts, such as [Oakland Unified](#) in California, provided stipends to teachers who spent time outside their regular working hours to locate and reengage students who were chronically absent.

Another example of supporting students experiencing homelessness is the work the [Ohio Department of Education](#) did to repurpose funding under the [McKinney-Vento Education for Homeless Children and Youth program](#). Ohio repurposed state activity funds to provide more funds to school districts and provided guidance on how school districts could further support homeless liaisons in meeting the needs of a population that likely increased.

To support students from migratory families, the states that have reported success in locating students have [Migrant Education Program](#) recruiters who have flexible work hours during the week, weekends, nights, and during the summer and who are assigned to specific campuses. These staff have the freedom to canvas the community and work sites in search of agricultural workers and to visit families in their homes.



One example of how partnerships are being formed to support efforts to reengage students after COVID-19 disruptions is the partnership between [City Year](#), an AmeriCorps program that works with under-resourced schools across the country, and the Everyone Graduates Center at Johns Hopkins University. This partnership aims to help educators quickly establish practices that strengthen students' connection to school and has supported an [Action Community](#) of schools in Colorado, Florida, New York, and South Carolina. This community developed and shared a resource intended to increase a student's sense of school belonging and engagement. Strategies included building fun routines such as choosing a class theme song to mark key moments in the school day to motivate students and ensuring break time for physical movement. With the types of outreach strategies highlighted in this section and a spirit of unity, students and their families can feel a stronger connection to their school communities to recover from a tumultuous year. In addition to reintegrated communities, such strategies may also assist state educational agencies to determine a more accurate enrollment count for funding allocation purposes by the start of the 2021–2022 academic year.

### ***Building Safe and Inclusive Learning Environments***

According to [recent data](#) from the 2021 National Assessment of Educational Progress (NAEP) School Survey released by the Department's Institute of Education Sciences (IES), while an increasing number of schools are offering full-time in-person instruction, there are significant disparities in who is accessing in-person instruction among students by race and ethnicity. According to data from February 2021, more than half of all Black, Latinx, and Asian fourth graders learned in a fully remote environment, with Asian students at the lowest rate of in-person learning at 15%. By comparison, in the same time frame, about a quarter of white students learned fully remotely, and about half of white students learned in-person full-time. The work of safely reopening schools and reengaging students includes recognizing that even as schools continue to reopen, some Black, Latinx, and Asian families across the country might be more hesitant to send their children back to school for a variety of reasons, including those related to safety. Understanding why some students of color are choosing to not return when presented with the option of in-person learning is critical as schools are working to reengage these learners.

Even while data shows remote learning has largely been detrimental to student [academic achievement](#), some families have expressed hesitation to return to in-person learning, citing reasons related to physical, mental, and emotional safety and beyond. While there is no singular study that captures the representative views of all families, some families have provided a variety of reasons for not yet returning to in-person learning. For example, some Asian families [report](#) fears that their children will experience peer pressure or other harassment for the pandemic based on their race. For some Black students, pre-pandemic school exclusion, among other factors, may impact Black families' willingness to return students to in-person instruction. Pre-pandemic, Black students made up 15% of the public school population but represented 39% of students suspended, an overrepresentation of 23 percentage points.<sup>11</sup> In addition, while students have been away from in-person learning, many have experienced additional health, economic and social traumas: people of color are more likely to have experienced the loss of loved ones due to the pandemic, hunger due to lay-offs of family members, and the stress of additional care-taking responsibilities or juggling a job while in school.<sup>12</sup>

Although students are protected from racial discrimination in schools under Title VI of the Civil Rights Act of 1964, students and families still experience racism and implicit bias in their lives in and out of school. Efforts to reengage students of color can be supported by directly working to



address any longstanding feelings of [distrust](#) resulting from students' and [families' of color experiences](#) in school prior to the pandemic and that may have been exacerbated by events of the last year in and out of the school context. Educators and staff should provide safe, welcoming, and inclusive learning environments as they start to rebuild trust, reengage students, and recover from the impacts of COVID-19. For example, schools can start to reengage through surveys, personal outreach, or forums to hear directly from students and families.

One way of building that trust can be ensuring that school policies and practices do not further perpetuate racial disparities. This includes reexamining the use of exclusionary discipline practices which have a disparate impact on students of color who are frequently disciplined more harshly than their white peers, especially for subjective offenses. School leaders should consider adopting strategies previously mentioned such as wrap-around services, mental health counseling, social emotional learning, culturally and linguistically inclusive curriculums, and a school-wide multi-tiered system of support. All students should feel safe and welcomed in their school communities.<sup>13</sup> This also includes creating [identity-safe classrooms](#) and schools that [support](#) our students who are LGBTQ+.

School and district leaders set the tone for school culture and climate. Educators and staff should use [evidence-based](#) strategies to create and sustain school safety and discipline policies that take a holistic, non-punitive, and non-exclusionary approach to support students' academic needs and address their trauma. They should consider using federal funding to provide professional development to help educators and staff build more equitable and inclusive approaches to school climate, especially as they work to reengage students in their safe return to school. A national survey of elementary school principals just before the pandemic found that school climate and social-development-related professional development were the most requested topics for professional development. The pandemic has made the need to ensure safe school climates even more critical than before. Investing in high-quality professional development to support the implementation of these practices should be considered.<sup>14</sup>

While providing intentional opportunities to develop student social and emotional skills, covered in more detail in the previous section, is critically important to the work ahead, educators and staff will also need tools to understand and effectively respond to student trauma. Adopting a schoolwide trauma-informed approach can help to meet students where they are, particularly for those coming from families experiencing unemployment, loss of family and friends, and the collective grief and burden of systemic racism, including the upheavals of the past year. This work begins with providing high-quality professional development for all educators and staff on trauma-informed care and teaching practices. [Resources](#) on trauma-informed practices and other approaches to ensuring safe and inclusive learning environments can be found at the Department's [Safer Schools and Campuses Best Practices Clearinghouse](#).

Professional development for all educators and school staff should support individuals in identifying and addressing bias in themselves and in their communities, and help school teams to replace exclusionary discipline practices with social and emotional supports best suited to address the impacts of COVID-19, including [restorative justice approaches](#), social emotional learning, and [positive behavioral intervention and supports](#). Positive discipline practices should acknowledge the lived experience of all students, including implementing culturally inclusive dress codes that do not perpetuate gender stereotypes, and creating an environment that promotes belonging.





### ***Physically Healthy Learning Environments***

As described in [Volume 1 of the COVID-19 Handbook](#), CDC recommends five key prevention strategies for safely reopening schools:

1. Universal and correct wearing of masks;
2. Physical distancing;
3. Handwashing and respiratory etiquette;
4. Cleaning and maintaining healthy facilities, including proper school ventilation; and
5. Contact tracing in combination with isolation and quarantine, in collaboration with guidelines from relevant state, local, territorial, and tribal health departments.

These strategies work best in combination and school districts should do what they can to address other infrastructure issues, such as ensuring that preexisting ventilation, roofing, and plumbing needs do not inhibit healthy learning environments as students return to school buildings full-time.

Building administrators, in particular, should be in communication with the custodial team daily to ensure recommendations for cleaning and disinfection of the facility are being followed and to address any concerns proactively. Principals should make it a habit to tour the building to monitor cleaning and provide remedies in areas of need. This may include, but not be limited to, changing or expanding custodial schedules to maximize cleaning, augmenting the budget to ensure necessary supplies and staff are readily available, and communicating cleaning protocols to families to assuage concerns regarding spreading the virus that causes COVID-19.

The importance of well-ventilated spaces extends beyond preventing the spread of COVID-19. Many students are in dilapidated school buildings with windows that do not open; outdated heating, ventilation, air conditioning (HVAC) systems that are costly to replace or update; and other environmental dangers such as mold and leaks that contribute to poor air quality. A 1996 U.S. Government Accounting Office report found that 15,000 schools were circulating air unfit to breathe.<sup>15</sup> Unfortunately, not much has changed with respect to poor air quality in schools 25 years later. Last year, based on a study completed just before the pandemic, the renamed agency, the U.S. Government and Accountability Office (GAO), estimated that 4 in 10 school districts across the country need to replace their HVAC systems in at least half of their schools, representing about 36,000 schools nationwide that need HVAC updates.<sup>16</sup> Not only do poor physical conditions exacerbate health problems in a pandemic disproportionately affecting

communities experiencing poverty and communities of color, those health problems cause students to miss school, negatively affecting academic achievement.<sup>17</sup> States and school districts should do all they can to ensure school facilities are healthy so as not to further perpetuate these inequities.

District and school leaders in these communities face difficult funding decisions, but mental and physical health and wellness and learning will suffer if students, educators, and staff learn and work in environments that make or keep them sick. If schools are unable to bring their HVAC systems up to the relevant recommended health and safety standards (e.g., [CDC supported standards](#)) in the short-term, there are cost-effective [prevention strategies such as air filter and cleaners](#) that can be used in the interim. Educators can look for opportunities to get students outside to the extent practicable, including outdoor recess, periodic mask breaks, and learning time in nature. Some New York City schools have converted blacktop roofs normally reserved for physical activity into outdoor classroom spaces when the weather permits. Many schools in more temperate climates, like Arizona, have opened outdoor learning classroom spaces for use by all grade levels and all subject areas. Providing clean air quality in every school is a commitment that state and local agencies aggressively work to meet. It should also be a part of state and district cross-agency efforts to ensure that beyond the school doors, students and their families live in communities with clean air.

Ensuring physically healthy environments includes more than just upgrades to ventilation. The 2020 GAO report found that 54% of school districts need to replace *multiple* building systems that include roofing and plumbing, for example. At least a quarter (26%) of the country's school districts need to update or replace at least six systems in many of their schools. Access to safe drinking water and water for cooking purposes was not guaranteed in all public schools prior to the pandemic. For school districts with older school buildings and plumbing systems, officials will need to be mindful of stagnant water from prolonged shutdowns and may need to test to ensure clean water for safe handwashing and drinking, among other health concerns.<sup>18</sup> Roofing and ceiling damage that allowed for leaks, moisture, and falling debris in schools prior to the pandemic did not provide safe learning and working environments for students and staff and will be especially critical to address.



## II. Addressing Lost Instructional Time

### a. Accelerating learning through instructional approaches, tutoring, and expanded learning time

Initial research shows the disproportionate impact of the pandemic on the achievement of students who were already underserved, including students of color. Recent studies have used fall 2020 assessment data to measure the extent to which lost instructional time is affecting student performance. A comparison of fall 2020 Northwest Evaluation Association (NWEA) Measures of Academic Progress Growth assessment data to fall 2019 data found that students in grades 3-8 performed similarly in reading to same-grade students in fall 2019, but about 5 to 10 percentile points lower in math. In addition, the study found that most students had made some learning gains in both reading and math since spring 2020; however, gains in math were lower than average compared to prior years.<sup>19</sup> Another study similarly found that achievement gaps that existed prior to the pandemic persisted over the past year, and in some cases widened.<sup>20</sup> Researchers also noted that some students have become disengaged from schooling, so the results of these assessments might not include data for those students.

[Accelerating learning](#) provides opportunities for students to learn at grade level rather than through [tracking](#) or remediation, which can narrow educational opportunities for students and might lead them to become disengaged. Acceleration builds on what students already know as a way to access new learning. Studies have shown that when students tie background knowledge to new information, they are better at making inferences and retaining the new information more effectively.<sup>21</sup> Collaboration between any partners providing additional support to students and classroom educators is critical. Schools and districts should organize programming in a way that allows time for ongoing two-way communication. Learning acceleration focuses on quickly diagnosing gaps in critical skills and concepts that may impede students from accessing grade-level coursework. Acceleration provides instruction in prior knowledge and teaching prerequisite skills that students need to learn at a pace that allows students to stay engaged in grade-level content and lays a foundation for new academic vocabulary.

Educators face three key questions in determining the most appropriate interventions for acceleration: 1) *where* is each student in their mastery of critical skills and concepts, 2) *what* interventions are most effective, and 3) *when* will accelerated learning take place? Regarding the last question, learning acceleration can take place before, during, or after school; on weekends; during school breaks; or over the summer. Schools may incorporate accelerated learning into electives and expanded learning time to provide more time in school to address challenging subjects. This section will address four approaches, each of which can be used in combination with the others:

1. **In-school acceleration;**
2. **Tutoring programs;**
3. **Out-of-school time programs; and**
4. **Summer learning and enrichment.**

To determine appropriate evidence-based intervention models, schools should consider the extent of the need for acceleration; available resources and staff to support interventions; family input; and existing partners, such as community organizations, that could support the intervention.



### ***In-School Acceleration***

To address lost instructional time, educators are encouraged to think differently about time, grade-levels, and collaboration. Key approaches include:

- Ensuring educators and grade-level teams have time to learn [new instructional strategies](#) for acceleration and to coordinate to ensure that students learn without relying on remediation or pull-out instructional practices. That is, instructors (and partners or tutors, as feasible) can provide needed supports for students within the context of grade-level work and within the classroom setting;
- Using high-quality assessments, such as diagnostic and formative assessments that provide timely information to help educators know where to focus for particular students. Educators should differentiate instruction without tracking students or serving them inequitably;
- Asking teacher leaders and district instructional leaders to identify critical content (e.g., “priority” or “power” standards) on which to focus. To avoid overwhelming students, focus on the most essential knowledge and skills, particularly the content that is foundational to subsequent grade levels. One [resource for teaching and learning](#) during the COVID-19 pandemic includes additional information on this concept;
- Making time for teachers to collaborate across grade levels. Educators might need to realign their focus in spring, summer, and fall 2021, and as necessary beyond, to help get students back on track;
- Supporting educators in using approaches to acceleration that prioritize engaging students and peer collaboration, including through project-based learning and opportunities for students to support each other in their learning; and
- For highly mobile students, when they enroll in a new school or district, securing a student’s records and connecting with a counselor or teacher from the sending school to ensure the student is quickly enrolled, placed in the correct grade, and awarded credits for work already completed.

At the system level, education leaders are encouraged to consider whether to pursue an expanded day, week, or year to provide additional instructional time. While each of these approaches has the potential to benefit students, the extra time should be used effectively, including providing students with access to a well-rounded education and opportunities for enrichment, and staff should be adequately supported and compensated.

COVID-19 has also [impacted](#) the number of students matriculating from high school to postsecondary education. There are a number of strategies that high schools can implement to support the successful transition:

- Leverage data and technology to facilitate [enhanced college advising, summer bridge programs](#), assistance to students and families in navigating the [financial aid process](#), and other activities with a track record of improving postsecondary access and success. Districts should emphasize outreach and engagement efforts toward first-generation college students which can be conducted in partnership with community-based organizations.

- Support [dual enrollment](#) and [early college high schools](#), which studies show increase postsecondary preparation and enrollment. These programs can serve as effective mechanisms at exposing high school students to college course-taking, providing a college reengagement strategy for students who are at risk of not continuing to postsecondary education upon high school graduation. [Research](#) suggests these dual or concurrent enrollment experiences must be well-designed with scaffolded supports to ensure equitable experiences and outcomes for all students.
- Provide college and career pathways that integrate rigorous academic coursework, career and technical education, work-based learning, and support services. Evidence from multiple approaches to college and career pathways, such as [Career Academies](#), [Linked Learning](#), and [P-Tech](#), demonstrates they increase preparation for postsecondary education among other outcomes. [Work-based learning](#) can enhance student engagement which is especially important during the COVID-19 recovery as many students have been disengaged from learning.
- [Support students](#) in completing their Free Application for Federal Student Aid (FAFSA®) form which is the first step students and families can take in accessing federal dollars for postsecondary education. In addition to federal student aid, submitting the FAFSA form also can unlock opportunities for aid from some states, postsecondary institutions, and private organizations.

### ***High-Quality Tutoring***

One strategy that districts can also use ARP funds for is tutoring. Because ARP funding is available to be spent through September 2023, districts will be able to hire and retain tutors for the critical time when students will most need assistance. Tutoring can be an effective intervention for a wide range of students [if implemented in particular ways](#). High dosage tutoring (i.e., tutoring that is provided consistently by well-trained tutors or educators at least 3 days per week for at least 30 minutes at a time in groups of 5 or fewer students), led by a certified teacher or a paraprofessional, and conducted during the school day tends to have the largest impact.<sup>22</sup> When scheduling tutoring during the school day, schools should do so in a way that ensures students still receive instruction on core content and have opportunities for enrichment. For example, tutoring could take place during study hall or flexible periods, during independent practice portions of a class, or as a complement to instruction in partnership with the classroom teacher.

One example of statewide use of tutoring is being provided by the Louisiana Department of Education, which is encouraging tutoring for all students, recommending that it occur in high-dosages (at least 30 minutes 3 times per week), and providing comprehensive materials aligned to state academic standards through the [Accelerate program](#). In 2007, four studies reviewed by the Department's What Works Clearinghouse found that peer tutoring had positive effects on English language development for [English learners](#). By contrast, less formal, inconsistent tutoring, that is held in larger groups unconnected with classroom content is unlikely to help students.

Most recently, a [study](#) from the University of Chicago Education Lab shows that personalized, intensive tutoring can double or triple the amount math high school students learn each year, increasing their grades and reducing course failures in both math and other subjects. The program included in the study reflects the previously described features of effective tutoring.



Provided to students in the Chicago Public School system, 9<sup>th</sup> and 10<sup>th</sup> grade students received 45-50 minutes of personalized math instruction in groups of two students per tutor. Tutors worked closely with teachers, students, and families, complementing in-classroom learning to help students meet grade-level standards. The study shows that these student learning gains persisted over time and increased achievement in other courses. Investments in these kinds of approaches to tutoring can be particularly effective in addressing the impact of COVID-19.

### *Evidence-informed tutoring practices checklist*<sup>23</sup>

The best available evidence suggests educators should:

- Use trained educators as tutors.** Tutoring works best when led by teachers, paraprofessionals, teaching candidates, recently retired teachers, or highly trained tutors who receive a stipend (e.g., AmeriCorps members) and when time for planning and collaboration is provided with the classroom teachers.
- Wherever possible, conduct tutoring during the school day.** Tutoring programs that take place during the school day appear to have the largest effects. Afterschool tutoring programs have also been shown to have positive, although smaller, effects.
- Provide high dosage tutoring each week.** For example, programs that included frequently (e.g. daily or at least 3 sessions per week) of at least 30-50 minutes work best. The youngest students (e.g., early childhood through first grade) benefit from increased weekly sessions.
- Align with an evidence-based core curriculum or use an evidence-based program and practices.** Take specific actions to support student learning, including [using quizzing](#), asking [deep explanatory](#) questions, [spacing learning](#) over time, [incorporating](#) worked example solutions with problem-solving exercises, connecting and integrating abstract and concrete [representations](#) of concepts, and combining graphical representations — like [figures and graphs](#) — with verbal descriptions.<sup>24</sup>
- Emphasize attendance and focused worktime during out-of-school tutoring.** Experts have suggested that afterschool tutoring programs may have shown smaller effects than in-school programs because less tutoring occurs. However, out-of-school time programs can be effective. To promote the best results, ensure these programs provide high-dosage tutoring.

### ***Out-of-School Time Programs***

To support students, districts and schools have long offered programming before and after the regular school day, as well as on weekends or during school breaks. These programs may help students get back into an educational routine; feel connected to their peers, schools, and instructors; augment instruction of academic content they may not yet have mastered; and provide enrichment opportunities.

Funds from programs like the [Nita M. Lowey 21st Century Community Learning Centers Grant Program](#) and [ARP](#) can be used to support high-quality afterschool programs, with the goal of providing students with important opportunities for academic support and access to enrichment opportunities that help develop social, emotional, and leadership skills. These benefits are particularly important to students from low-income backgrounds, students who are struggling, and students at risk for later academic disengagement. High-quality afterschool programs have demonstrated positive effects on student math and language arts achievement, and programs strongly rooted in the school context can also have a positive impact on school-related student



outcomes, including greater self-confidence, increased civic engagement, better school attendance, improved high school graduation, and decreased delinquency.<sup>25</sup>

To best accelerate learning, out-of-school time programs should include evidence-based approaches. Programs ideally:

- target students needing additional support (including using information provided by diagnostic assessments);
- have certified teachers deliver the academic instruction; and
- engage the students in using experiential instruction that incorporates hands-on activities, project-based learning, enrichment, and field trips.

Elementary students in particular might need supervision for independent academic work to improve their academic achievement. Strong out-of-school time programs have been found to have a positive effect on skills for both elementary and secondary students.<sup>26</sup> Aligning instructional curriculum in out-of-school time or summer school programs with in-school material is important. Consistent attendance in high-quality programs is also needed for students to benefit.<sup>27</sup>

### ***Summer Learning and Enrichment Programs***

Summer learning programs can offer another opportunity to accelerate learning, especially for those students most impacted by disruptions to learning during the school year. Schools and districts should design programs that work best in the local context and reflect the characteristics that evidence suggests lead to successful summer programs. These characteristics include: programs are voluntary, full-day lasting 5 to 6 weeks, include 3 hours of language arts and mathematics taught by a certified teacher each day, and include enrichment activities and experiences. Research points to the potentially positive benefits of strong summer programs. A longitudinal study of summer programs showed students who participated in the summer programs that were reviewed received some benefits in mathematics; however, students with high rates of attendance who attended programs for consecutive summers experienced the greatest learning gains. The amount and quality of instruction influenced the academic benefit, with the highest benefits to students attending programs with high-quality instruction provided by a certified teacher and high academic time on task.<sup>28</sup>

Summer learning programs should also be designed to meet the social and emotional needs of students and provide them with engaging and enriching experiences. Camps can also play a role in summer learning, depending on the design and quality of the experience. Local leaders should reduce barriers (e.g., transportation, cost, enrollment process) to attending high-quality summer camps, which might support academic, social, emotional, and health outcomes, particularly for [underserved children and youth](#). For example, in Illinois, a local nonprofit used grant funding to build on an existing afterschool program to include a summer program in partnership with the library, a local university, the school district, and other community partners in a program called "[A new kind of summer school](#)." The model prioritizes relationships with students, using daily restorative circles, student-led projects on social justice, and daily enrichment activities.

For older students, these opportunities can include a work-based learning or community service component. Leaders can look for opportunities to partner with high-quality mentorship or workforce training programs to help reengage disconnected youth. Creating more pathways for underserved youth to participate in high-quality enrichment serves a dual role in many

communities in the summer for youth who, in some cases, face additional challenges in their home or community.<sup>29</sup> Purposeful strategies to reengage disconnected youth through youth violence reduction programs, mentorship, and strengthening youth skills through workforce engagement and training, also have the potential to reduce community violence. For example, the ["Becoming a Man"](#) mentorship program based out of Chicago with chapters in other cities and supported by the [My Brother's Keeper Alliance](#), provides small-group youth counseling and teaches young people how to de-escalate and manage violence-prone situations. The program decreased violent crime-arrests by 45% and increased high school graduation rates by 12% to 19%.<sup>30</sup>

A parallel small group counseling program for young women who have witnessed or experienced violence, ["Working on Womanhood"](#) uses a trauma-informed approach to teach social emotional competencies. Student participants report a decrease in depression and increase in self-confidence.<sup>31</sup> Program providers should offer the necessary supports to ensure all students have access to these programs, including students with disabilities, English learners, students from low-income backgrounds, and students experiencing homelessness, who, for example, made need transportation support.

### ***Cross-Cutting Acceleration Implementation Considerations***

In addition to the considerations identified regarding the individual approaches noted above, the following apply across interventions:

- **Partner with families.** Give family members specific resources and strategies to support their children's learning, consistent with legal requirements to communicate in a language and format they can understand. For example, [ourBRIDGE for KIDS](#) in North Carolina focuses on supporting immigrant and refugee families, with assistance that includes translating COVID-19 resources into many languages. Other programs incorporate parent classes focusing on nutrition, computer literacy, career development, or college preparation;
- **Ensure there is a tangible benefit for students.** For older students, this could mean offering course credit; providing career exploration; arranging for pre-employment transition services for students with disabilities, as applicable; and offering apprenticeships or internships;
- **Focus on relationships.** Sustained and strong adult-student relationships can result in higher attendance and better student outcomes;
- **Include enrichment opportunities that support social, emotional, and academic development.** The activities provided can include tutoring and homework help, along with a broad array of enrichment activities ranging from science, technology, engineering, and mathematics (STEM) activities, [career and technical programs](#), youth development, physical fitness and health education, and arts programs;
- **Make programs free, inclusive, and supportive of families.** Programs should not charge fees for families to participate, should include free transportation and meals, and be available to students with disabilities, English learners, and other underserved students;



- **Provide flexibility to increase access.** For example, summer programs can be provided in full-day or partial day options, with flexible drop off and pick up times. If students can only participate in afterschool or summer programs for some of the time, this kind of participation should be allowed for and supported.
- **Scale up existing programs that have demonstrated results.** Enrichment activities and experiences might be provided by community partners. Consider partners that already have existing programs that have benefitted students and work with them to support afterschool, weekend, and summer enrichment opportunities for students enrolled in these programs;
- **Build in frequent program assessment and evaluation.** [Continuous quality improvement](#) and frequent evaluations of the program assist the providers in analyzing and making improvements to better provide students with engaging opportunities that improve their lives. Use early warning indicator systems to identify students with the greatest needs (see section on “Using data about students’ opportunity to learn to help target resources and support”); and
- **Implement [policies](#) that support the enrollment, placement, and credit accrual for students who are highly mobile.** For example, school districts could award partial credit for courses that a student might have finished partially before moving and allow flexibility around certain “required” courses or offer a waiver if a comparable course was completed in a previous school/state.

It is important to note that strategies like in-school acceleration, tutoring programs, out-of-school time programs, and summer learning and enrichment are supplemental instruction and cannot replace a program of special education and related services based on a student’s IEP and the decisions of the IEP Team. Similarly, these types of strategies cannot replace the special education and related services and other supports included in an IDEA-eligible student’s IEP as determined by the student’s IEP Team or the regular or special education and related aids and services documented in a 504 plan, or the decisions made by a group of people who are knowledgeable about the child, the meaning of evaluation data, and placement options as required by Section 504.

In addition, inclusion of students with disabilities in district or schoolwide interventions to address lost instructional time does not relieve a district of its responsibility to make individualized decisions required under the IDEA about needed special education and related services for a student with a disability. These could include providing extended school year services as defined in IDEA when determined necessary to ensure that the student maintains the skills necessary for the student to receive a free appropriate public education (FAPE) if educational services are not continued during periods when school is not in session, such as the summer. Similarly, Section 504 requires schools to make individualized decisions about services needed for a student with a disability. Consistent with IDEA and Section 504 and respective applicable standards, students with disabilities might be entitled to additional instruction and services, often referred to as compensatory services to make up for any skills that might have been lost if it is individually determined that the student was unable to receive FAPE, as a result of the closure of school buildings during the COVID-19 pandemic.



## b. Supporting equitable access and effective use of technology

Before COVID-19, schools across the country were at different stages in learning how to leverage technology to support teaching and learning. However, COVID-19 required a sudden and complete shift to hybrid and remote learning for most schools. As schools continue to reopen and look beyond COVID-19, technology will continue to play an important role in instructional design and learning both in and out of the classroom. As we work to move forward from the current crisis-driven use of technology, we should continue the work of supporting educators in learning how technology can be effectively used to support diverse learners and provide school and district leaders with flexible models to support learning wherever it occurs.

Unfortunately, too many students, including English learners, students of color, students in rural or tribal communities, and students from low-income backgrounds, have less access to the internet, digital devices, and high-quality, technology-enabled learning experiences focused on inquiry, collaboration, and content creation.<sup>32</sup> Expanding access to the internet and devices (the digital access divide) without also addressing the divide in how technology is used (the digital use divide) runs the risk of proliferating low-quality learning experiences for students. Likewise, attempting to provide high-quality technology-enabled experiences without addressing the digital access divide runs the risk of amplifying existing inequities. To effectively bridge both digital divides, we must improve the entire digital learning system by addressing both how students have access to devices and connectivity, and how those devices are leveraged by educators to create high-quality learning experiences.

The digital access divide runs deep. A June 2020 [report](#) from Common Sense Media found that up to 16 million K-12 public school students live in households either without an Internet connection or without a device adequate for remote learning at home. The digital access divide is more pronounced in rural communities and for Black, Latinx, and Native American households.<sup>33</sup> In rural communities, internet service providers (ISPs) often choose not to build and maintain expensive fiber networks to geographically remote locations with low population densities due to the limited return on investment. In urban communities, there is documented evidence of "digital redlining," where ISPs invest in building fiber infrastructure in wealthier neighborhoods, while under-investing in the broadband infrastructure in low-income communities, resulting in low-income broadband users with more expensive, slower access.<sup>34</sup> Consistent access to broadband can also be a challenge for families who are experiencing homelessness and lack a permanent address or who are highly mobile.<sup>35</sup>

Disparate connectivity results in significant consequences for educational opportunities and outcomes. According to one study, "Students who do not have access to the Internet from home, or who are dependent on a cell phone alone for access, perform lower on a range of metrics, including digital skills, homework completion, and grade point average."<sup>36</sup> Families with low incomes tend to be more smartphone-dependent and often lack access to connected devices, such as tablets or laptops, or assistive technology for students with disabilities, that are required for more robust technology-supported learning opportunities.<sup>37</sup> For example, students with disabilities served under IDEA or Section 504 who have been learning remotely might not have been able to access the same assistive technology devices and services they would receive if they were attending school in person.

The digital use divide is often under-emphasized but also runs deep. The presence of devices at schools alone does not make an instructional system effective or accessible to individual students. While hard to quantify, there has been evidence of inconsistent or misguided



technology integration for some time. Using technology for instruction without integrating it with strong instructional practice is likely to widen inequities in student opportunities and outcomes. For example, studies have shown that even when devices are available at school, students from low-income backgrounds and students of color tend to receive instruction that leverages technology for routine drills focused primarily on repetition with lower levels of adult support, whereas students in higher income schools experienced technology as a creative and playful medium.<sup>38</sup> While we have limited insight at a national scale into the kinds of instruction that students received over the last year, there is evidence to suggest that the instruction provided to students from low-income backgrounds and students of color through technology was less authentic and engaging.<sup>39</sup>

As schools reopen and move to use more technology-based solutions, it is likely that these inequities could be exacerbated if particular attention is not given to the quality of the technology-enabled experiences. Any effective use of technology must be part of a coherent model of instruction aligned to instructional goals that addresses any inequities in student access.

To help close the digital access and use divides as schools reopen, districts, and schools are encouraged to:

- Set clear goals and aggressive timelines for providing all students with access to high-speed broadband, devices, and accessible technology they can use when school is not in session. Districts and schools should conduct ongoing [needs assessments](#), including through the use of student surveys, to determine the extent to which students have access to high-speed Internet and devices and the quality of that access. For example, it is important to know whether a student only has home access through a cellular data plan, which might be subject to data caps that increase cost and slow down service once the cap is reached. It is also important for schools to know whether each student has a dedicated learning device, or if a student is sharing one device with other family members;
- Set standards for digital learning that are integrated into the broader learning experience and create learning plans based on those standards. For example, some groups have worked to provide model [standards](#) for student learning. Wyoming provides an example of how one state has created a research-based [Digital Learning Plan](#) for student-centered digital learning and implementation;
- Provide extensive professional development opportunities for educators that support improvements in instructional design and empower them to effectively use technology to support student learning. [Research](#) shows technology is most effective when it is integrated into instruction, and activities are designed by teachers for students to explore, learn, and create. Recent studies have found that teacher professional learning in technology is the most significant predictor of the type and quality of classroom technology use by students, suggesting that providing effective training to teachers can help close the digital use divide. Education technology coaches and [school librarians](#) can also provide ongoing support for educators in adopting and implementing new learning technologies;
- Use technology in ways that support students who are performing at different levels – which may be an even more common occurrence when students return to in-person

instruction – in part by leveraging technology to support one-on-one or small group work with students and by using student-centered learning models (e.g., competency-based education,<sup>40</sup> project-based learning,<sup>41</sup> universal design for learning<sup>42</sup>). A [video](#) of Eastern Senior High School in Washington, D.C., demonstrates how educators can use technology to use their own time more purposefully in the classroom and implement instructional approaches that allow for student self-direction, personalization, and collaboration. Another example is the Lindsay Unified School District in California, where more than 90% of students are from families with low-income backgrounds and 41% are English learners, which has seen steady and significant gains in academic performance by [using technology](#) to create learner-centered, inquiry-based, and personalized learning opportunities for students; and

- Engage families in effectively using technology by providing support, such as tutorials, on the use of technology and platforms provided by the school. Consider [partnering](#) with trusted community-based organizations to provide technology support and digital literacy training for families in their home language. Technology can also be used to support parent-teacher engagement and can be a good way to get information to parents as well as support student learning.

Schools must also ensure that English learners and students with disabilities have equitable access to content provided by the school's technology or as part of the school's educational program. [To support English learners](#), for example, districts and school should provide multilingual technological support and ensure that rich curricular content is available on devices in multiple languages. Federal [disability law](#) requires that students with disabilities receive all of the education benefits provided by technology in an equally effective and equally integrated manner as their peers. Schools can build accessibility features for students with disabilities into their technology by ensuring that websites and documents are compatible with screen reader software and providing accurate captioning or embedded sign language interpreting for video content. This might also include leveraging technology for IEP team meetings to ensure that parents understand the proceedings at the meeting if, for example, a parent requires a sign language interpreter or printed materials in accessible formats for someone with visual impairments. Further, when developing, reviewing, or revising an IEP for a student with a disability, the IEP Team must consider whether the child requires assistive technology devices or services in order to receive a free appropriate public education. States and school districts must ensure that assessments are compatible with assistive technology devices.



### c. Using data about students' opportunity to learn to help target resources and support

While schools and districts work to ensure a physically safe learning environment, they should work just as urgently to understand students' social, emotional, mental health, and academic needs and identify strategies to address those needs. Data on student performance, as well as data on the context for that performance, can help schools and districts to fully understand student needs, strategies to address them, and how best to target resources.

One way to better understand the context for student performance is by considering the opportunities that students have to learn. The use of opportunity to learn (OTL) indicators "generally refers to inputs and processes within a school context necessary for producing student achievement of intended outcomes."<sup>43</sup> The [Institute for Democracy, Education, and Access](#) at the University of California, Los Angeles includes as examples of OTL indicators qualified teachers, clean and safe facilities, up-to-date books and quality learning materials, high-quality coursework, and school conditions that provide students with a fair and equal opportunity to learn and develop critical knowledge and skills.

Research emphasizes that data on OTLs serves a critical role in identifying student needs, particularly when considered alongside student performance indicators, and targeting resources.<sup>44</sup> States and districts should consider prioritizing OTLs that are related to student outcomes in understanding where increased investments could be made. For example, research has documented the relationship of preschool participation and student outcomes.<sup>45</sup> Another study<sup>46</sup> examining districts in California in which students performed better than expected on California's statewide assessment describes the OTL indicators associated with the performance of students in these districts, including teacher preparedness (using credentialing and experience as proxies for teacher preparedness) as key predictors of student performance. Additional research highlights high schools that have developed International Baccalaureate (IB) curricula to provide opportunities for accelerated coursework to students for whom such opportunities did not previously exist.<sup>47</sup>

Educators, policymakers, and researchers have long sought to make better use of data to drive instructional decision-making. When paired with other data, including data on student achievement, OTLs can [provide information](#) for local recovery efforts, including the targeting of resources and the selection of evidence-based practices demonstrated to improve student outcomes.

In addition to data on school funding, including per-pupil expenditures, evidence-based OTL indicators can be used to identify where improvement is needed and where to target intervention, resources, and supports. These can include, among others, measures of student access to:

- A safe, healthy, and inclusive learning environment. Measures can include:
  - Chronic absenteeism rates;
  - Discipline rates, including in-school and out-of-school suspension (including multiple suspensions and length of suspensions), and expulsion rates;
  - Data from student, staff, and family surveys; and
  - The ratio of students to nurses, counselors, social workers, and psychologists, and access to integrated support services.

- Access to qualified and supported educators. Measures can include:
  - Educator certification (e.g., full certification in the area assigned, additional certifications such as National Board Certification);
  - Educator experience;
  - Educator effectiveness;
  - Educator chronic absenteeism and turnover rates; and
  - Educator supports such as mentors, induction programs, evidence-based professional development, and leadership opportunities.
  
- High-quality curricular and instructional design. Measures can include:
  - Internet access (in school and at home) and student device ratios (e.g., 1:1); the quality of remote learning (e.g., engagement with high-quality curricula and instructional materials); and educator access to personalized, job-embedded professional learning opportunities on the effective use of technology;
  - Advanced course participation and completion, including in Advanced Placement (AP), IB, dual enrollment, and early college programs, gatekeeper courses, and high-quality STEM and career and technical education pathways;
  - Culturally and linguistically responsive curriculum designs;
  - The adoption of high-quality diagnostic assessments to inform instruction; and
  - Access to project-based, experiential learning opportunities that meet the individualized needs of students.

In addition, to better understand where and how resources should be targeted as schools reopen and beyond, states, districts, and schools should:

- Use locally collected data, in accordance with applicable law, to determine whether different subgroups of students who have been historically underserved are participating in in-person instruction proportionate to their enrollment in the school and school district and, if they are not, conduct enhanced, ongoing active and specific outreach and engagement, including to school communities where broad concerns exist;
  
- Disaggregate any new data that is collected at the state or local level in addition to data included in the Statewide Accountability and Improvement System as required by ESEA, including by student subgroup, consistent with data standards and privacy protections, including the [Family Educational Rights and Privacy Act](#) (FERPA). Data can also be disaggregated by classroom and grade level to better target supports, unless doing so reveals students' personally identifiable information. When looking at the data, districts and schools are encouraged to not equate low numbers or percentages of students from high-need populations with low degrees of need. For example, after reviewing its data on students experiencing homelessness and migratory students and finding few such students enrolled, the district and school should take steps to identify and provide needed services to these students and to ensure that their data are accurate;
  
- In addition to collecting data from OTL indicators, as students return to school, conduct an initial assessment of student access to learning opportunities during school closure and their well-being consistent with applicable privacy protections, including the Protection of Pupil Rights Amendment. For example, this can include collecting and reviewing data on student engagement in "[risk behaviors](#)," as defined by CDC, and providing universal screening for anxiety, depression, and post-traumatic stress.



Additional contextual data relevant to student well-being can include community COVID-19 cases, death rates, and economic impact;

- Clearly establish how frequently data will be collected and analyzed and identify who has, and is legally permitted to have, access to which data and for what purposes. This can be supported through data dashboards that are designed to provide a comprehensive set of OTL and student outcome data across the state and its districts and schools. Data dashboards can also include data on systemic inequities that extend beyond student, teacher, and school-level data. For example, states, districts, and schools can collect, report, and use additional data on [racial equity](#) within the school system. These efforts can also be supported by existing state longitudinal data systems, which are designed to help districts and schools make data-driven decisions from preschool through college and the workforce;
- Establish [early warning indicator \(EWI\) systems](#) to promote targeted engagement strategies and recovery planning. EWI systems can track attendance, assignment completion, and grades. When viewed at the classroom and student level, this data can [strengthen a school's ability](#) to provide specific and timely interventions;
- Collect data on the successful transitions of students [from preschool](#) into K-12, between middle and high school, and between high school and postsecondary education. For example, schools with a 9th grade can use [on-track indicators](#) to assess how well students are making the transition into high school. To support a smooth transition between high school and postsecondary education, districts can provide enhanced college advising that can help students navigate the financial aid process and select a postsecondary institution that is the best match for them. Districts can also employ strategies to ensure students are prepared for college, such as summer bridge programs, and partner with local college access programs to ensure students accepted into college actually enroll;
- Assess current processes for determining who has access to advanced courses in an effort to continually expand access, including through targeting resources to increase course offerings (including ensuring teachers received the professional development necessary to provide these courses) and providing universal screening to expand access;
- Ensure that interrupted instruction due to COVID-19 does not narrow students' opportunities for advanced coursework, which might include determining student access to these courses, waiving certain requirements to enroll students in these opportunities, and providing students with access to these courses over the summer or providing additional course offering to make up for lost opportunities;
- Help parents and caregivers understand students' progress by sharing information on student opportunities to learn and academic and other progress. One approach to providing information to parents and caregivers is by creating [parent portals](#) that provide information (including training and tutorials on how to access and use data) to parents in accessible formats for people with disabilities and in a language parents can understand to ensure meaningful access; and



- Support shared decision-making regarding how resources should be targeted that includes superintendents, school leaders, teachers and staff, students, parents and caregivers, and community-based organizations. Shared decision-making is an opportunity to reassess how schools are funded, what resources are available, how they should be allocated, and the effectiveness of those allocations for improving educational opportunity and outcomes. This should include targeting resources in ways that build district and school level capacity and support systems of continuous improvement. For example, the Regional Educational Laboratory (REL) Northeast & Island's [Continuous Improvement in Education: A Toolkit for Schools and Districts](#), provides an overview of continuous improvement processes in education and offers tools and resources that educators can use to implement continuous improvement processes in their own schools and districts.

#### d. Addressing resource inequities

By virtually any measure, students in communities experiencing poverty and districts that serve a high proportion of students from low-income backgrounds and students of color are [afforded fewer resources](#) than those in districts that serve fewer students from families with lower incomes or students of color. A substantial body of research documents inequities in per-pupil funds across and within states and districts.<sup>48</sup> Other research focuses on inequities in the distribution of practices and personnel that enrich students' academic experiences and have the potential to positively affect student achievement, including advanced coursework,<sup>49</sup> access to gifted and talented programs,<sup>50</sup> and strong teaching, leadership, and support.<sup>51</sup> Recovering from the impact of COVID-19 will be incredibly difficult if the resource inequities that existed prior to COVID-19, and which have only been further exacerbated, are not addressed.

Allocating resources in ways that advance equity and ensuring they are adequate for providing the opportunities and supports students need to succeed is particularly important as we recover from the disparate impact of COVID-19 on communities of color and communities experiencing poverty. Addressing the many [dimensions of resource equity](#), including equitable and adequate school funding, access to a well-rounded education, well-prepared, effective, and diverse educators and staff, and integrated support services, can begin to mitigate the impact of COVID-19 on schools and students and can close [long-standing gaps in educational opportunity](#).

ARP includes several key fiscal equity provisions intended to advance equity and adequacy. The "maintenance of effort" provisions require that states maintain support for elementary and secondary education in fiscal years (FY) 2022 and 2023 at least at the percentage of the state's overall spending used to support education averaged over FYs 2017, 2018, and 2019. The "maintenance of equity" section requires that school districts and schools serving high concentrations of students from low-income backgrounds are protected from disproportionate cuts in state and local funding during FYs 2022 and 2023. In addition, in FYs 2022 or 2023, a state may not reduce state funding (as calculated on a per-pupil basis) for any highest poverty district below the level of funding (as calculated on a per pupil basis) provided to that district in FY 2019. These maintenance of equity provisions are crucial, but they only prevent *disproportionate or deep cuts* – they do not stop budget cuts from occurring altogether. Because states and districts are making decisions about where to target federal, state, and local resources and how they should be used, this is an opportunity to do so in ways that advance equity and adequacy in educational opportunity.

#### ***Equitable and Adequate School Funding***

School finance reforms that reduce inequity and inadequacy have been shown to improve students' academic outcomes.<sup>52</sup> In the wake of the pandemic, states and districts have a historic opportunity to consider the way they make resources available to students and what changes they can make to improve equity and adequacy for the long term.

There is precedent for making significant change in the wake of an economic downturn. Following the Great Recession, some states, such as [California and Rhode Island](#), undertook a re-evaluation of how their schools were funded and began working towards new finance systems that targeted additional funding to the students and communities furthest from opportunity and who are experiencing the cumulative effect of schools that have been underfunded decade after decade. The current crisis can serve as a call to action for states to



address, in some cases, long-standing disputes regarding funding for education. Adopting more equitable funding formulas is an opportunity to direct additional financial resources to schools in ways that account for the additional support students may need (such as students with disabilities and students experiencing homelessness), and promoting practices that help high-need schools recruit and retain qualified educators. How these resources are used is as important as where they are targeted. Funding provided under ARP, as well as state and local resources, can be invested in evidence-based strategies that have been shown to improve outcomes for students.

### ***Providing a Well-Rounded Education***

As students continue to return to in-person instruction and educators and staff work to address the impact of lost instructional time and reengage students, it is important students have access to an enriched and well-rounded education to support these efforts. ESEA defines a well-rounded education as including not only core academic subjects, such as reading or language arts and mathematics, but also disciplines such as writing, music, arts, computer science, and career and technical education. A well-rounded education supports the success of learners of all ages, from young students who need rich context as they begin “reading to learn” to students in high school preparing for college and careers.

Unfortunately, not all students have access to well-rounded educational opportunities and COVID-19 has only served to further limit those opportunities. Prior to the pandemic there were clear differences in opportunities and access for underserved students compared to their peers throughout their educational careers (e.g., elementary school gifted and talented programs, eighth grade algebra coursework). The lack of availability of these courses—or access when they are provided—affects later opportunities (e.g., [dual enrollment](#), AP, and IB courses).<sup>53</sup> The National Academies of Sciences, Engineering, and Medicine panel proposed a series of indicators and measures that can identify disparities in students’ access to opportunities for a well-rounded education, including disparities in “access to and enrollment in rigorous coursework...curricular breadth... [and] high-quality academic supports.”<sup>54</sup>

In order to recover from the impact of COVID-19 and reengage students after more than a year of disruption, districts and schools should work to address inequities in access to a well-rounded education and can look to some of the following evidence-based practices for increasing student access to a well-rounded education:

- The Arts Education Partnership’s [ArtsEdSearch](#). Supported by the National Endowment for the Arts and the Department, this website focuses on arts education program outcomes;
- The National Academies of Sciences, Engineering, and Medicine panel reports on implementing STEM programs, including [Teaching K-12 Science and Engineering During a Crisis](#), [Successful K-12 STEM Education](#), [Science and Engineering for Grades 6-12](#), and [English Learners in STEM Subjects](#). These reports provide specific examples of state, district, and school practices that can promote STEM learning; and
- ED’s [What Works Clearinghouse](#) offers summaries of effective programs, products, practices, and policies across a range of topics, including [career academies](#) and [dual enrollment programs](#) that are designed to promote success in high school and the transition to college.

When implementing evidence-based practices in support of a well-rounded education, leaders should consider the following three factors:



1. *The extent to which important opportunities are widely available and for which students.*
  - States, districts, and schools can, in accordance with applicable law, regularly and consistently use disaggregated student data to determine whether there are disparities in access to and success in key gatekeeper and advanced courses that contribute to a well-rounded education, use the data to eliminate unnecessary barriers to entry and success, and implement active outreach to and support for historically underserved students;
  - States, districts, and schools can partner with community-based organizations to expand the availability of well-rounded courses, including music and art opportunities;
  - States, districts, and schools can partner with local institutions of higher education (IHEs) to offer dual enrollment or early college opportunities and enrichment opportunities for K-12 students, which might also benefit university students, including those interested in education; and
  - States and districts should ensure students are taught by well-qualified (fully certified in the area they are assigned to teach) educators skilled in providing instruction in the relevant format and ensure that all students have access to devices and connectivity needed to take advantage of them.
2. *Ways to eliminate barriers to accessing available opportunities.* Rather than using student test scores or instructor recommendations as barriers to enrichment or advanced coursework, school leaders can allow “open enrollment” in advanced or career-oriented courses.<sup>55</sup> Flexible scheduling can improve students’ ability to participate while balancing other obligations. States, districts, and schools can also consider how they can leverage technology to expand access to advanced coursework, expertise, and new learning experiences where resources and geography present challenges.
3. *Proactive approaches to encourage student participation in well-rounded education programs.* This can include family engagement strategies that support families in understanding the full range of available program options and their potential benefits, beginning in middle school or earlier,<sup>56</sup> providing students with a personal adult advocate to help them personalize the educational experience,<sup>57</sup> and using individualized planning to help students take advantage of available opportunities.

### ***Well-Qualified Educators***

As discussed in the following section on supporting educators, periods of economic downturn can destabilize the educator workforce, having a disproportionate effect on underserved students, including students of color and students from low-income backgrounds. Well-qualified teachers are essential to the learning and development of the students they serve, influencing decisions that can affect students into adulthood, such as the likelihood students attend college and the quality of those colleges. Yet we are already [seeing the impact](#) of COVID-19 on teacher shortages. In December 2020, the Bureau of Labor Statistics reported an 8.6% decline in the local government education workforce over the previous 12 months, to its smallest size for the same month since 1999.<sup>58</sup> This decline in the workforce paired with the more than 40 states experiencing [shortages](#) in math, science, and special education at the beginning of the pandemic, are signs of an immediate challenge that needs to be addressed. To support

students in recovering from the impact of COVID-19, states and districts will need to ensure they have access to strong teachers.

Inequities in financial resources among and between districts and schools affect the distribution of fully-certified teachers, one indicator of teacher quality.<sup>59</sup> Further, schools in communities experiencing poverty and schools that educate higher proportions of students of color are among those most likely to employ teachers with fewer years of experience or who are not fully certified (or not certified in the area they are assigned to teach, such as special education).<sup>60</sup> Although several factors shape the career pathways of teachers, among the most important is how states allocate resources to districts.<sup>61</sup> Given the importance of highly skilled teachers on the student experience and outcomes, the resulting inequities can have profound impacts on the lives of learners. To address the impact of the COVID-19 pandemic, states and districts will need to prioritize reversing these inequities and fund schools in ways that make significant investments in their educator workforce.

### ***Integrated Student Support Services***

Even before the COVID-19 pandemic, many students from low-income backgrounds, students of color, and other underserved students faced non-academic barriers to achieving their full potential in the classroom. A substantial body of research has documented that hunger, inadequate access to physical and mental health care options, housing insecurity, and the lack of high-quality early childhood and child care programs can negatively impact student achievement. In response, many schools have developed integrated student support (ISS) systems that seek to leverage the school site and community-based resources to ensure students' social, emotional, physical, mental health, and academic needs are better met, improving outcomes for students and their families.

Research on at least some of these programs demonstrates the potential of ISS services to improve attendance among young students as well as on-time and high-school graduation rates. States and districts considering implementing ISS programs have a variety of potential models that can be used to inform their approaches that vary in the range and intensity of services provided, as well as on student populations of emphasis. Active collaboration within and beyond schools can positively affect students' perception of caring adults in their lives and attitudes toward education.

#### **Examples of Integrated Student Support Services Models**

- The [City Connects](#) program structures collaborations between school counselors (or social workers) and instructional staff to develop customized support plans that address individual student needs. Based on those plans, the program provides enrichment, offers early intervention services, or, in the case of students in crisis or in need of more serious intervention, promotes referrals to community resources.
- The [Communities in Schools](#) program emphasizes dropout prevention. Similar to City Connects, Communities in Schools offers both school-wide and more intensive interventions, including those related to academics, basic needs and physical health, mental health, and social and life skills, among others.
- The [National Wraparound Initiative](#) focuses on providing wrap-around services to students who struggle with behavior or are experiencing serious mental health challenges.



The Department offers [grants for Full-Service Community Schools](#) to improve coordination, integration, accessibility, and effectiveness of services for children and families, especially those attending under-resourced schools. ARP specifically refers to full-service community schools as a model that can support the provision of mental health services and supports and for which ARP funding may be used in response to COVID-19.

### ***Implementation Considerations***

Addressing resource inequity requires action at the state, district, and school levels and should include robust stakeholder engagement focused on clear goals throughout the process. Specifically:

#### **At the state level**

- Analyze the extent to which state funding is equitably distributed across and within districts using, for example, the [per-pupil expenditure data](#) required for ESEA report cards, and consider whether changes to state funding formulas are needed;
- Identify statewide programming or grant opportunities to increase equity;
- Promote transparency by engaging stakeholders in funding decisions;
- Identify [ways to improve](#) the equitable distribution of educators to ensure all students have access to well-qualified (fully certified in the subject area they are assigned to teach), experienced (e.g., [three or more years](#)), and effective educators;
- Revise policies that may [create or exacerbate barriers](#) to entry to the teaching profession for diverse educator candidates; and
- Consider whether partnering with IHEs and community-based organizations can expand access to well-rounded education opportunities.

#### **At the district level**

- Analyze the extent to which state and local funding is equitably distributed among schools using, for example, the per-pupil expenditure data required for ESEA report cards, and consider how changes to funding formulas, could improve equity;
- Use the flexibility provided by ESEA, section 1113 to provide more funds per student from a low-income background under Title I, Part A (Title I) to Title I schools with higher poverty than to Title I schools with lower poverty;
- Identify and implement approaches to promote educator equity, such expanded leadership opportunities that allow highly effective teachers to coach or support new or struggling teachers, and incentives to work in high-need schools and among communities most affected by COVID-19;
- Establish community schools;
- Ensure all students have access to a well-rounded curriculum, including advanced and career and technical education courses, extracurricular activities, and academic rigor; and
- Promote local transparency by engaging stakeholders in district funding decisions.

#### **At the school level**

- Determine which sources of funding the school has direct control over and analyze the extent to which such funds equitably support all students, particularly students with the greatest needs;
- Promote local transparency by engaging stakeholders in school-level funding decisions; and



- Analyze the extent to which all students in the school have access to a well-rounded curriculum and to educators who are well-qualified (fully certified in the subject area they are assigned to teach), experienced, and effective.



### III. Supporting Educator and Staff Stability and Well-Being

#### a. Stabilizing a diverse and qualified educator workforce

COVID-19 has not only taken a toll on our nation's students, it has impacted our nation's educators. According to a [national survey](#), as of March 2021, teacher satisfaction with their employers is down more than 25 percentage points since last year at this time, to 44%, and more than a third have considered changing jobs as a result of working during the COVID-19 pandemic. They have reported [increased stress and increased working hours](#) due to pandemic-related transitions. As discussed above, as of December 2020, there had been an 8.6% decline in the local government education workforce over the previous 12 months.<sup>62</sup> This drop could result from accelerated retirements, educators leaving the profession, or layoffs due to budget constraints.

If limited state or local funding leads to educator layoffs, as we learned from the Great Recession, these layoffs could disproportionately impact students from low-income backgrounds and students of color.<sup>63</sup> Prior to the pandemic, students of color, students from low-income backgrounds, English learners, and other underserved students were already less likely to have teachers who are well-qualified, experienced, and effective.<sup>64</sup> These critical lessons can inform how states and districts design policies to stabilize the workforce—and the pipeline into the profession. ARP provides funds that should help states and districts avoid layoffs, support additional necessary staff to safely reopen schools and address students' needs, and implement policies to stabilize the educator pipeline and workforce in the face of COVID-19 disruptions.

#### ***School and District Approaches to Retain Qualified and Effective Educators***

In the short term, leaders may consider inter-related strategies to promote equity while addressing the impacts of COVID-19 on teaching and learning. These strategies are particularly important given the need for additional educators and school staff to support smaller class sizes to accommodate social distancing, particularly in older grade levels, and support accelerating learning, increase student services, and provide tutoring or other personalized efforts to accelerate learning. Specifically, schools and districts can:

- *Extend the reach of effective teachers* using teacher leaders who:
  - Support partner teachers across a school;
  - Teach larger groups of students (or multiple classrooms) with co-teachers providing small group and individualized support;
  - Lead remote instruction for a larger group of students, if remote instruction is still needed for some students after schools reopen for in-person learning with co-teachers providing small group and individualized support; or
  - Lead professional development, professional learning communities, and grade-level or subject-area teams for educators across the school.
- *Increase availability of qualified adults to support educators, students, and staff, such as:*
  - Teaching candidates in partnership with local schools of education at IHEs;
  - Recently retired educators; and
  - Non-instructional staff who can identify and support students who are highly mobile or chronically absent, such as students who are migratory, students experiencing homelessness, and students in foster care. These staff members can support finding and enrolling students on days and at hours convenient to



families, as well as help students develop a sense of belonging in their new schools and identify challenging coursework and peer supports mid-year. In addition, these staff can support migratory students and their families with understanding the IEP processes or completing college applications.

- *Build and maintain a cadre of high-quality substitute teachers* who can assist by:
  - Stepping into the classroom to support continuity for students when educators need to take time off, especially due to illness or when in isolation or quarantine;
  - Co-leading small group learning; and
  - Supporting release time for educators to allow for teacher professional development.
- Implement *flexible and creative scheduling* to support students while providing planning and collaboration time for teachers by, for example:
  - Holding entire days focused on a single core academic subject;
  - Offering all “special” subjects (e.g., music, art, physical education) on the same day so grade-level teams can plan together; and
  - Holding shorter learning cycles, with more frequent breaks, some of which educators can use for planning.
- *Use targeted incentives* to encourage educators to work in high-need subject areas and high-need schools.
- *Offer relevant, flexible professional learning*, including by leveraging existing digital learning options. For example, some state approaches include:
  - Michigan Virtual has provided “[Keep Michigan Learning](#),” to offer tools and resources for teachers and school leaders;
  - The Nevada Department of Education created a statewide, “[Digital Learning Collaborative](#)”;
  - The Tennessee Department of Education offers “[Best for All Central: Tennessee’s Hub for Learning and Teaching](#)”; and
  - Wyoming offers a [self-paced course](#) for educators to learn about using education technology.

While there are no quick fixes, there are tools that can serve as a starting point. For example, the Center for Great Teachers and Leaders at the American Institutes for Research provides [evidence-based toolkits](#) for equitably building the educator workforce, including the [Talent Development Framework](#) and considerations specific to [COVID-19](#), as does the [Learning Policy Institute](#). The [New England Consortium on Secondary Schools](#), [Learning Policy Institute](#), and [Comprehensive Center Network](#), among others, have also outlined strategies for increasing both the diversity and qualifications of educators, including for [educators of Native American students](#) specifically. These strategies include cultivating interest in teaching among children of color at earlier ages, considering competitive compensation and retention packages, providing supports to complete preparation programs, and streamlining certification and licensure processes.

At the local level, leaders should review school and district demographic data to best identify the unique needs, gaps, and opportunities in specific communities. For example, the Collaboration for Effective Educator Development, Accountability, and Reform ([CEEDAR](#)) Center at the University of Florida offers resources to consider root causes and solutions for [shortages in](#)



[special education](#) staffing, including a data analysis tool. The Department's Office of Special Education Programs also has resources related to [attracting, preparing, and retaining](#) educators, particularly those who serve students with disabilities. Improving transparency around educator demographic and retention data can help communities target additional attention where there is a lack of educator diversity or where there is high teacher turnover.

### ***Supporting Principals***

[Strong principals](#) are a key driver to retain teachers and other school staff members and improve outcomes for students. Supporting principals and their well-being is essential to ensure that they can provide their school staff members with the focused work time, mentorship, and collaborative opportunities they need to successfully meet students' needs. Strong principal support is especially critical for new teachers, special educators, educators of English learners, and [teachers of color](#) who might have less access to the peer support they need to be successful. Given the important role principals play in school stability and in teacher retention, principals need extra support during these challenging times. Extensive decision-making and logistical operations have been added to principals' workloads as they lead their schools during the COVID-19 pandemic. Principal supervisors at the district level can work to enable principals to stay focused on their roles as instructional leaders. School and district partnerships with local health departments can also support principals in focusing on instruction while relying on public health experts for COVID-19 support, such as a partnership in [Marin County, California](#). In addition, principal candidates, such as those working through a principal pipeline, can help support principal workloads.

### ***The Effect of COVID-19 on a Diverse Educator Pipeline***

Even before the COVID-19 pandemic, barriers challenged the educator pipeline, particularly for teaching candidates of color. Expensive teacher preparation programs, when paired with low starting salaries for educators, might serve as a deterrent. Some students of color are likely to face greater student loan debt than their peers, which can make these financial disincentives especially notable.<sup>65</sup> While residency programs can be powerful tools, lower-capacity districts might have fewer staff available to establish and nurture them, even as they are most in need of high-quality educator candidates. The COVID-19 pandemic exacerbates existing financial and logistical hurdles for both aspiring teachers and districts. More extensively affected by the health and economic fallout from the COVID-19 pandemic, educators of color might be less likely to begin or continue a program if they are experiencing more financial, physical, and emotional stress.

Educator diversity benefits all students<sup>66</sup> and in particular benefits students of color who have at least one same-race teacher in the early grades.<sup>67</sup> However, while over 50% of American students are students of color,<sup>68</sup> [less than 20%](#) of the educator workforce are teachers of color. Increasing educator diversity begins with planning and leadership. [Connecticut](#), [Kentucky](#), and [Massachusetts](#), for example, have prioritized educator diversity through strategic, action-oriented goals or leadership committees. Massachusetts has initiatives to increase racial and ethnic diversity of both teachers and superintendents.

As states and districts work to stabilize their educator pipeline, a variety of strategies have been identified that can both support the preparation and development of new educators and encourage them to work in high-need schools. Evidence-based approaches include:



- Providing loan forgiveness, grants, or service scholarship programs that significantly underwrite the cost of postsecondary education in exchange for a commitment to teach in a high-need field or school for a minimum number (e.g., four) of years (see the [North Carolina Teaching Fellows Program](#)).<sup>69</sup>
- Developing and implementing high-quality comprehensive teacher residency programs (further described below) that provide extensive clinical experience and have been shown to increase teacher retention and effectiveness;<sup>70</sup> and
- Developing and implementing professional development programs and mentoring models, particularly for newer teachers, that emphasize building effective instructional strategies and provide time for ongoing collaboration.<sup>71</sup>

Programs that engage students early and give them hands-on opportunities to learn about the teaching profession, such as “[Grow Your Own](#)” programs, might be particularly effective in recruiting educators who reflect the diversity and specific needs of our most underserved students. “Grow Your Own” programs often also support paraeducators, high-quality substitute teachers, and others in a community who are interested in transitioning into roles as educators by supporting their training and path to certification. Partnerships with educator preparation programs and especially Minority Serving Institutions and Historically Black Colleges and Universities can provide pipelines and opportunities that best prepare candidates for the real-world experiences of teaching in high-need communities. Partnerships among schools, districts, and IHEs (including community colleges) can support recruiting diverse educators.

[States and districts](#) can shape programs that meet their specific needs. For example, the Washington State Professional Educator Standards Board supported several districts in [building infrastructure](#) for local “Grow Your Own” initiatives. In Colorado, a partnership with the Council of Chief State School Officers supports efforts to recruit male educators of color, particularly for work in high schools. Connecticut has used programs like [TEACH CT](#), [Educators Rising](#), and [NextGen Educators](#) to promote teaching and support high school and college students, especially students of color, in becoming educators. The [American Association of Colleges for Teacher Education](#) has recently reviewed and recommended strategies for educator preparation programs to use in promoting candidate diversity.

Extensive clinical experience is critical, including during a pandemic. To support new educators who were unable to complete their clinical training as a result of the pandemic, the Illinois State Board of Education, in collaboration with the Illinois Education Association and the Illinois Federation of Teachers, created a [comprehensive virtual instructional coaching and mentoring program](#) leveraging CARES Act funds. [Residency programs](#), especially those that allow new teachers to earn income, have also shown promise in both supporting new educators and diversifying the pool of educators. These programs give teaching candidates extended, year-long opportunities to learn alongside mentor teachers in ways that are tightly coupled with their coursework. Candidates completing these experiences can provide crucial support for accelerating learning as students recover from the impact of COVID-19. For example, the [Tennessee Department of Education](#) used CARES Act funds to expand teaching residency programs.

Stabilizing the educator workforce requires listening to and empowering educators—and making needed changes to help them continue to support students through this unprecedented time. Navigating through adversity can be an opportunity to reset approaches to the educator workforce. Beginning with planning and leadership, states, districts, and schools can chart a

new course that will improve education for both students and teachers by intentionally increasing educator diversity and creating the conditions that help diverse educators enter and remain in the classroom in order to effectively address the unique needs of all students.



## b. Supporting educator and staff well-being

Now, more than ever, supporting educator well-being is a critical priority for school and district leaders because COVID-19 has exacerbated pre-pandemic challenges in the educator workforce. The most common reason educators have cited for leaving school employment in the last year is stress, followed by insufficient pay and challenges related to remote instruction and technology.<sup>72</sup> As educators continue working during a global health crisis, educator well-being and support will be essential to school and district success. Surveys show educator well-being is tied to feeling supported, valued, and heard by school and district leaders, as well as peers. [Research](#) shows that educator well-being is closely connected to educator retention and effectiveness in providing student support.

As schools reopen, it is important to consider that educators and staff will also be returning to school changed. Some will be coping with grief, elevated levels of anxiety, and loss. Many teachers, including special education teachers and paraprofessionals, homeless liaisons, migrant education program personnel, teachers in correctional facilities, and mental health professionals, may be struggling as they watch the students they serve and care deeply about going through challenging experiences. And still others, like principals and other school leaders, will be continuing to wear multiple hats, for example as school instructional leaders, social workers, and nutrition service planners. To be effective in meeting student well-being and academic needs, the adults in the community must prioritize their own basic mental, emotional, and physical health needs. Thus, addressing the needs of all school staff must be a priority in planning for reopening.

Mental health professionals are not the sole resource for addressing educator burnout and providing mental health care. Social and emotional wellness is a community responsibility that everyone plays a role in. Some educators have reported that being intentional in prioritizing their own self-care is restorative, especially as they balance the possible burnout and disconnection with their professional and personal dedication to education.

Connections and relationships that are important for students are equally critical for educators and staff. Responsive relationships and strong connections act as protective factors that have specific and tangible benefits that improve educator mental health. For school staff to create regulated, yet physically and emotionally calm and settled climates, they, too, must be emotionally connected in safe and responsive relationships. For communities that are implementing schoolwide social and emotional learning approaches, they find that all stakeholders, not just students, benefit. For example, in implementing schoolwide SEL approaches, Stratford Public Schools in Connecticut provided SEL professional development and found that the professional learning also acted as cathartic sessions for the educators and staff to relate to one another, which boosted adult morale. Small staff cohorts now lead the social emotional learning growth specifically for the adults in each school.

Relatedly, any opportunities for educators and staff to be involved in reopening planning allow staff to contribute substantively to the process, feel that their voices are valued, and allow school leaders to delegate and share reopening responsibilities. Across all these relationships is the need for intentionally incorporating community-building and [self-care](#) in all activities in the school. For example, some school districts have staff tasked with building community, and report that they boost positive culture. Other school districts, such as Hillsborough County in Florida, leverage teacher leaders to take on COVID-19 lead roles in their schools. Efforts to



prioritize communication and collaboration between staff and leadership nurtures, and models, a sense of connectedness that is crucial to supporting teaching and learning.

The pandemic should also prompt school communities to reevaluate compensatory time off and sick leave policies and practices. Policies should be applied equitably and consider hybrid or remote teaching accommodations for staff with health conditions, consistent with CDC guidance. At a minimum, school districts should provide time for educators and staff to get vaccinated if states or school districts are not providing on-site vaccination opportunities. To the greatest extent practicable, school districts should provide necessary personal protective equipment (PPE) or leverage other community resources to obtain the [PPE](#) required to effectively reopen schools.

To build intentional systems that support educator and staff well-being, district and school leaders should focus on developing:

- **School leader-to-educator support systems.** Leaders can build in time for recurring debrief sessions with all staff members and, when necessary, hold debrief sessions after stressful days. This can be supplemented with unplanned drop-ins into classrooms as a positive touchpoint (e.g., leave a handwritten note highlighting the effective work that was observed). Leaders should also regularly survey educators to gather data on wellness, including staff perception on workload and morale. Leaders can use these data to identify gaps and to enhance current efforts. Leaders should also be a model for well-being; in addition to encouraging educators and staff to prioritize self-care, district and school leaders should model that self-care themselves (e.g., observing blackout times for work emails). Finally, during a pandemic, it is important for district and school leaders to communicate to teachers that they trust them as professionals. For example, [Virginia](#) issued guidance encouraging school leaders to build cultures of instructional risk-taking where educators feel flexibility to “fail forward” or learn from what went wrong.
- **Peer-to-peer support systems.** School leaders can set shared staff norms on well-being expectations, such as how and when staff interact with one another (e.g., blackout times for email communication and boundaries for meeting times). School leaders can prioritize educator mentoring programs to build support systems and prevent burnout (for non-teaching staff such as social workers or guidance counselors, school districts can explore being creative in building mentorships across campuses). This can include a “buddy” system to build peer-to-peer support systems on a regular basis. Leaders can encourage these check-ins weekly or monthly. Some school leaders have reported providing weekly school staff support circle time that mirrors the practices in student circles and creating new systems for regular staff-to-staff shout-outs via morning announcements or bulletin boards. School district officials should welcome educator-initiated cross-district affinity groups for teachers of color and early career teachers.
- **Considerations for educator workloads.** School leaders can schedule staff planning time (including for non-teaching staff, such as guidance counselors, and operations and technology staff) into work hours, and to the extent practicable schedule a monthly planning day. This is an important way to ensure educators are set up for success within work hours and can prioritize personal self-care after the school day is over. School leaders should consider balancing meetings to communicate information and providing time to check in with staff. For example, rather than a daily meeting to communicate news, school leaders can send daily bulleted news updates via email to save time and instead provide some of the time for virtual or in-person office hours. In addition, schools

and districts should consider how they can prioritize strategies and interventions to meet student needs so as not to place multiple responsibilities on individual educators.

- **Transparency in district and school mental health supports.** School districts should increase awareness of available school and district human resources support for all staff (e.g., who to contact and what supports are available). When possible, school districts should make human resource representatives present on school campuses regularly. School districts should strive to make accessible the health services staff need through employee assistance programs. This can include regular campus visits or easy user guides. Schools can also leverage local wellness resources from local health departments, community partners, or [federal resources](#) to provide wellness services remotely or visit school campuses following the proper safety and prevention protocols. This can include hosting on-campus wellness fairs, providing free wellness check-ups, free or reduced gym memberships from local community partners and other self-care.
- **Intentional space for educators to recharge.** In educator development plans, school districts may consider incorporating a focus on adult wellness and sustainability, with educators on a continuum of learning best practices to preserve their wellness and to support their peers in doing so. Also, leaders or culture committees can consider building a quiet and comfortable space, consistent with appropriate COVID-19 mitigations, for staff to recharge and reset daily at work. All staff members benefit from a space to recharge to better support students.



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- <sup>70</sup> Guha, R., Hyle, M. E., & Darling-Hammond, L. (2017). The teacher residence: A practical path to recruitment and retention. *American Educator*, (41)1, p. 31-34, 44.
- <sup>71</sup> Cardichon, J., Darling-Hammond, L., Yang, M., Scott, C., Shields, P. M., & Burns, D. (2020). *Inequitable opportunity to learn: Student access to certified and experienced teachers*. Palo Alto, CA: Learning Policy Institute; and Carver-Thomas, D. and Darling-Hammond, L. (2017). *Teacher Turnover: Why It Matters and What We Can Do About It*. Palo Alto, CA: Learning Policy Institute. Retrieved from: <https://learningpolicyinstitute.org/product/teacher-turnover-report>.
- <sup>72</sup> [https://www.rand.org/pubs/research\\_reports/RRA1121-2.html](https://www.rand.org/pubs/research_reports/RRA1121-2.html)

**From:** Garibay, Montserrat  
**Subject:** Ed COVID-19 Handbook Volume II  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Sent:** April 9, 2021 11:53 AM (UTC-04:00)  
**Attached:** reopening-2.pdf

Daaiyah,

Here is the Ed COVID-19 Handbook Volume II.

<https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>

Please let me know if you have any questions.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

**From:** Beth Antunez, Legislation  
**Subject:** Fw: questions for Cardona  
**To:** Garibay, Montserrat  
**Cc:** Kelly Booz, Educational Issues  
**Sent:** April 9, 2021 12:30 PM (UTC-04:00)  
**Attached:** QandAReport\_3074538\_040921.xlsx

Hi Montserrat,

Passing along the questions that were addresses to Dr. Cardona (or the Education Department) during the Share My Lesson event.

I don't think that there was a commitment that every question get answered, but you have the email addresses if you'd like to do so.

Thank you, and thanks again to you for helping coordinate a great event,  
Beth



**Question Time**

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## Question

What is your plan about Special Education?

Is anyone considering teacher workload. This work took 3 to 4 times as much time online to address student learning. Who has addressed the design of school fro the teacher. We need product ready items so that we as teachers do not have 17 hour days. We have to support teachers and studnts going forward.

We also need those that are teaching to have pathways to be able to have a balanced lifestyle. Find a way to be able to have an end to the day and still get the job done. Maybe we need 1/2 days to to be able to get our jobs done during he work day and not take this job home. We can be excellent and not be exhausted.

Due to the pandemic ELLs did not receive the mandated service, as per CR Part 154 ( for example, Entering level students from 360 minutes to 180 minutes) My question is, why is the NYSESLAT being administered when they did not receive full service? Also, the NYSESLAT was not even revised, the 4 parts of the test have to be administered. WHY? Is this equitable?? Parents are asking about Opting -out of testing

How can we work with you to make sure that the Department of Education prioritizes instituting policies that demonstrate an asset-based approach to multilingualism, honoring and uplifting bilingual students and language learners as well as empowering all students to aim for multilingualism?

How can we begin to bring greater equity in education for English Language Learners in?

What is Dr. Cardona's vision for tackling the student loan debt crisis, particularly for BIPOC students for whom many don't dream of formal higher education because of the economic barriers?

What is Dr. Cardona's plan for expanding vocational options for students, as well as tackling the stigma that comes with it?

How will we be prioritizing and ensuring that our ELs are receiving an equitable education and moreso receiving the appropriate program models they need in school districts across the US?

Dr. Cardona, where do you see community-based heritage language schools as part of the U.S. language learning landscape?

How can the Department of Ed further support broader digital access for all students and families?

What do you suggest school instructional support staff, school nurses, counselors, social workers, & school psychologists should focus on social/emotional health to support instruction? Where do we start?

Public education has suffered greatly from slashed budgets at the state level. How does he plan to make sure that all schools are adequately funded?

Dr. Cardona, thank so much for your time. What are the ways you see world language education playing a role in student achievement particularly for BIPOC?

In Florida we have mandatory 3rd grade retention, ELs who are learning English are exempted if they entered the Us less than two years ago. I believe in providing ELLs with grade content instruction while they acquire the language however the mandatory retention practice seem to contradict this view. How can I advocate for these students when equity seems to be missing ? Thank you!

How are you going to attract more teachers to the Teaching profession when teachers have been so disrespected?

The world is so different than it was even a year ago. What role do you think students have in taking on these issues? And to build off that, what role do educators play in supporting our students to be changemakers?

How will you work to address implicit bias when it comes to academic success with students of color?

Dear Dr. Cardona, Can you share a bit more about what your focus is on expanding college access and affordability? With proposals like Double the Pell, there seems to be a huge national push around making college more affordable. Where do you stand on that?

What is your proposal for teacher unions that have lost their bargaining rights because the state took over with no plan to re-establish local control? (Yes, our community has 98% Latino students)

Do you know if there will be Universal PreK throughout the United States in the near future?

Are there any specific plans to provide instruction to students that read below grade level - specifically in elementary school.

Will Principal treatment of teachers be challenged?

Please look at how students can be left behind because they need testing for Special Education but cannot because of lack of access to education.



What about schools who have decided to have a very short summer (i.e., 2 or 3 weeks). Should the Sec. of Ed. mandate that kids and teachers get an adequate summer break.

Thank you, Randi, for uplifting teachers. I feel like I need a soundbite that just reminds me daily that we have accomplished Herculean tasks. There should be a national hotline we can anonymously call.

How will paraeducator training and wages issues be addressed?

will covid testing be as often for staff and students anywhere close to how often altheltes are tested?

Would like to hear the Secretary's thoughts on how to address the confusion the new Title IX rules have introduced into the K-12 environment. Is there a timetable to remedy and revise?

How is the Dept of Ed thinking about the advising schools on COVID precautions for classrooms? Thoughts on expanding facilities and staff to accommodate the social distancing requirements, for example?

What is the likelihood that President Biden will follow through on student debt forgiveness for teachers?

How does Dr. Cardona plan to change the image of national public education? The profession is not held in high regard in this nation.

Warm welcome to Secretary Cordona, and thank you, for promoting essential social-emotional support for public school students. Will you extend this support by eliminating requirements for high-stakes, high-stress standardized testing that has no benefit for students, but instead diverts resources and strains the fragile systems working to educate our kids? What steps will you take to protect schools and students from the adverse affect of these useless assessments?

if standardized tests results fall off in a big way, what changes will you suggest? Skills based, project based, critical think based?

I'm sure Dr. Cardona will address this, but I'd like to hear his thoughts on stepping away from standardized testing and looking at alternative assessments, especially after this year.

Is there a scenario where standardized tests will go away?

What Loan Forgiveness Programs are available for administrators or those not classroom based?

I work at a recovery school pilot program Working with high school students who were also working towards their sobriety what can we do to help these students who at no full of their own will have large learning gaps due to their substance appears but there taking the steps to be sober

The COVID-19 pandemic has increased social needs for students and families. How do educators do a better job addressing disparities?

What strategies and advocacy work will you put in place for bilingual children who English is their first language, as you reflect on mask wearing. Children who speak another language need to see the movement of the mouth.

Everyone is blaming teachers lately, but the big, hidden truth is the lack of clean air and ventilation in our urban buildings. Can you talk about how you will work to improve our buildings?

Hearing you speak makes me feel so proud- of our Secretary of Education, of my profession, and my culture. Gracias!

Too many students are in the hands of administrators who are not doing right by them. Depending solely on data is affecting students in low socioeconomic areas. Looking at scores is not enough. Too many factors are in the way for students to really achieve. Measuring what students know should not be 100% on standardize testing. Giveing schools more money does not help students when the money is being misused.

I can't tell if my questions went through so please delete if it did go through. I am writing you as a California Retired Teacher concerning the Windfall Elimination Provision (WEP) and Government Pension Offset. (GPO). It is my understanding that if my husband dies before me, I will get very little or none of his social security. Now we are both retired and he is a 5 year cancer survivor. WEP and GPO are very unfair and need to be repealed. Rodney Davis introduced H.R 82 to do this and I ask for your support and that you encourage both Republicans and Democrats to support this bill.

What is your vision for supporting systemic growth of bilingual education and ESL programs for English learners?

What is the stance on state testing and how it will

What is the stance on state testing and whether waivers will be passed for states who requested it (for example: New York)

What marketing approaches will you use as one of your resources to change the mindset and advocate for the Teaching profession.

Have a plan for computer science for elementary in Texas ?

Dr Cardona, Will we implement new programs to close the gap for young immigrants students who are coming to our schools? Thank you so much, it is so refreshing to have somebody who understand teachers and the hispanic community.

Can you speak to your support of ECE and the importance of preschool years?

Any information about loan forgiveness

What are the plans for multilingual educators, students, and community?

What resources will be available for elementary school students who have fallen so behind they don't know how to read?

When can classified employees expect to earn a living wage? Teacher unions always fight for the teachers, but we are not or barely are represented. We cannot live alone, cause we can't afford it. I teach one period, as a para. Not paid as a teacher.

When thinking about equality, will charter schools be able to enter historically low achieving districts in an attempt to reach disadvantaged students who are currently underserved?

Will virtual learning always be an option after this? What is your opinion?

College affordability is increasingly becoming an obstacle for upward mobility in America. How do you plan to use your role to improve affordability? Do you have any plans to reform or encourage investment in federal financial aid?

Under this leadership, will culturally responsive and culturally relevant teaching practices, curriculum, and professional development be a priority?

In Georgia, we have recently made ESOL a K-12 certification area. This will better support our English language learners by having highly qualified teachers who are trained in ESL methods. How else can we better support these students given the current achievement gap in standardized test scores, SATs, and college admissions?



The need for K-12 climate literacy in the United States is clear. The other thing that is clear is that teachers' plates are full. Would you consider a "climate recovery education corp" that brings retired teachers and college students into the classrooms to teach climate education/climate justice/and climate action in a way that elevates the equity needed for robust climate education that SUPPORTS the overloaded K-12 teacher?

can you speak to support of inculcating SEL skills?

Virtual learning has been in practice in universities for decades.

How will students with disabilities access/benefit from the career readiness programs?

What data are you/education leaders expecting to get out of standardized testing this year when students have spent a year in virtual school?

Virtual learning has been in practice at the university level. Will it be here to stay at the elementary and secondary level?

Too much fluff...we need to get into schools and talk to teachers...not hand-picked by administrators. When are you planning on speaking to teachers?

Please explain the need of summative assessments, especially this year.

The infrastructure of schools in NYC (and I'm sure in other localities) has been sorely neglected. This is in part why it had been difficult getting students back to in person learning. How will you address this issue?

Thank you for the word "consternation" regarding testing. These tests should be waived. The legislators and governors are not going to ask for waivers.

How will you retain teachers especially those new to the field?

What do you see as the biggest barrier to providing access to an equal education for all students?

What can you do to address pre-existing and COVID-related trauma that our children have experienced, and how we can ensure our schools wrap around our children with caring, rather than suspending, expelling and arresting them???

Dr. Cardona, what about the idea of having K-2 students who learned online this school year to have them repeat their grade level when back at school in-person for the upcoming 2021-2022 school year?

How do we entice young people to enter the teaching career? Our profession is suffering because it is viewed as very stressful and poorly remunerated!

You mentioned that teachers know what is needed to help students and their schools. How is the Department of Education planning to meet the needs for teachers to conduct research at the workplace or district level to advise on education policies? Notice that the U. S. The Department of Education does not sponsor Masters or PhDs for classroom teachers. This is something that many countries in the world are doing to benefit from the knowledge that teachers have gained through their careers.

I wish we would talk not just about the overreliance on scores--let's talk about the financial resources wasted. Let's talk about the days lost with students especially during a pandemic. Let's talk about how the days could be better used for real learning and addressing SEL needs rather than spending the days in boring, anxiety-inducing testing.

You've made statements about the use of assessments. I'd like to hear the rationale for adding this stressor to students' experiences this year.

Will the teacher loan forgiveness program be fixed so that teachers don't have to jump through impossible hoops to be able to qualify?

How are they using the state test data to measure learning loss?

Why can we use PBA which is strength base as form of assessment and data collecting instead of standardized assessments?

Why do special education students have to take standardized tests on grade level when they are functioning more 3 grade levels below? When will testing be changed from accommodations and modifications to meet the needs of special education students.?

How can I join the team?

Other countries put more resources into high needs school, but the US strips resources from high needs populations. How can this be addressed?

I'm concerned our Commissioner in RI is using the data to help support an increase in charter schools. How will you make sure public schools are given a fair chance?

How are the state tests measuring what students need emotionally/mentally?  
How their mental health effected their learning loss?

Special Education teachers work beyond working hours completing lengthy and individualized IEP's, while working with the students that have the most challenges. What incentives should we receive for the work we do? We should get paid more, since we have to do what everyone else does plus more.

What consideration does the department of Education has for the fast growing Muslim / Arabic speaking population in CT and in New Britain specifically.

Also, teaching assistant experience should be CV counted towards teacher salary experience, as in the past. For example, an educational assistant who's worked for 10 years, and becomes a teacher, they have to now start in the first step of differential. Why can't we go back to the way it was years ago. Educational assistants do contribute to the learning that takes place in the classroom. We should be rewarded for our years in the classroom.

What about the importance to incorporate sex education.

What about assessments been tied to teacher evaluations?

How can we make standardized tests results more available to classroom teachers?

Commissioner in RI is already discussing using test scores for District takeovers by the State.

Do you support Doubling the Pell grant to address the rising costs of college & diminishing value of financial aid?

How are we ensuring that SEL is really being interwoven?

Some districts are getting away with using loopholes to not honor class size.

Is the CDC and US DOE recommendation to no longer socially distance, test and return to school as it was pre-COVID?

I'm wondering if we can take the focus off what students have lost and instead focus on what we have survived.

I appreciate your comments about intentional design and a different structure. I would agree-I wonder your thoughts of incorporating CDC's Whole School, Whole Child, Whole Community model (which includes SEL, and mental health-but also includes school nurses, family engagement, physical environment, and health education).



How is the administrations' thinking about testing and recovery being messaged to districts. Too many districts don't have the "data" only this year message. (And thanks for doing this, both of you.)

How are you going to hold the schools systems accountable to implement these shifts?

What ideas do you have to activate retired educators to help with the herculean job that is public education?

You mentioned that teachers know what is needed to help students and their schools. How is the Department of Education planning to meet the needs for teachers to conduct research at the workplace or district level to advise on education policies? Notice that the U. S. The Department of Education does not sponsor Masters or PhDs for classroom teachers. This is something that many countries in the world are doing to benefit from the knowledge that teachers have gained through their careers.

Dr. Cardona, What is the best way to share a Curriculum Guidebook focusing on immigration (SEL baked into the curriculum) with you? Do you have an email and contact person to review such materials? Thank you. My email is [lynnditchfield@gmail.com](mailto:lynnditchfield@gmail.com)

Need to see more supports for transgendered students and work to eliminate gender bias in education. Hopeyou can address this too.

How can I contact Mr. Cardona to have my question answered? You mentioned that teachers know what is needed to help students and their schools. How is the Department of Education planning to meet the needs for teachers to conduct research at the workplace or district level to advise on education policies? Notice that the U. S. The Department of Education does not sponsor Masters or PhDs for classroom teachers. This is something that many countries in the world are doing to benefit from the knowledge that teachers have gained through their careers.

Florida is the worst state to be a teacher. How can you help us? Many Puerto Ricans like myself with a Master's Degree (4.00 GPA) in Education (out of field) can only BE USED AS SUBSTITUTE TEACHERS AND PARAPROFESSIONALS??? =RACIAL INJUSTICE  
#PROFESSOR\_ATTITUDE\_100

What are your plans to protect educators who report violations, non-compliances issues, ESL lapsed mandates, abuse of power, and attendance tampering?

You mentioned that teachers know what is needed to help students and their schools. How is the Department of Education planning to meet the needs for teachers to conduct research at the workplace or district level to advise on education policies? Notice that the U. S. The Department of Education does not sponsor Masters or PhDs for classroom teachers. This is something that many countries in the world are doing to benefit from the knowledge that teachers have gained through their careers.

First Name	Last Name	Company
Helen	Piltzer	LAUSD
Carolyn	Raiford	Robert Frost Elementary
Carolyn	Raiford	Robert Frost Elementary
YVONNE	MCCAWLEY	PS 536
Amanda	Seewald	MARACAS / Learning Kaleidoscope
Susanna	Cook	Roxboro Road Middle School
Hillary	Lynch	Lawrence High School
Hillary	Lynch	Lawrence High School
Monica	Avalos	Noble Network of Charter Schools
Joy	Peyton	Coalition of Community-Based Heritage Landmarks
Zakiya	Jackson	The Expectations Project



Elizabeth	Clark	National Association of School Nurses
Anna Mae	Cherubin	Eleanor Roosevelt HS, Prince George's Co
Kami	Anderson	Bilingual Brown Babies
SONIA	BIRCH	SCHOOL DISTRICT OF PALM BEACH CO
Evelyn	Ayum	Newark Board of Education
Rachel	Centariczki	Ashoka
Kami	Anderson	Bilingual Brown Babies
Parshan	Khosravi	University of California Student Association
Jonathar	Guzman	Lawrence Public Schoolls
Susan	Wigsmoen	Country Club Hills 160/ Sykuta Elementary
Janine	Silva	Belvedere Elementary
Tammy	Clark-Wynaa	PS134M
Stephan	Hallmark	Tuba City Boarding School

Jennifer	Henderson	tuba city boarding school
Christina	Hoisington	Old High Middle School
Mary	Lee	USD497
Beth	Carter	JHU M.Ed (alumni)
Heidi	Goldstein	Berkeley Unified School District
Zakiya	Jackson	The Expectations Project
Mariah	Irwin	Knox county schools
Anna M	Cherubin	Eleanor Roosevelt HS, Prince George's Co
Stefan	Cohen	Rochester City School District
lantz	trantham	denver options
Tracy	Garrison-Fei	Clinton Hill Middle School
lantz	trantham	denver options
Beverly	Botchway	Prince George's County Public Schools

Jen	Gerry	Braination
Elizabeth	Clark	National Association of School Nurses
Evelyn	Ayum	Newark Board of Education
Catherin	OFlaherty	Boston Public Schools
Elida	Lozano	Ellen Ochoa Learning Center
Darla	Jean	Miami
Mary	Dixon	Retired Teacher CalRTA
Carlene	Thomas	Texas Education Agency
Lauren	L	02M212
Lauren	L	02M212



Evelyn	Ayum	Newark Board of Education
Javier	Aguilar	East Fort Worth Montessori Academy
Paola	Epstein	Dawson County Schools
Susan	Pence	MVParent Nursery School
Rosa	Perez	P.S.127Q
Cynthia	Gómez	D76
Ibis	Villegas	Stoddert ES
sarita	loya	Toledo Middle School
Elizabeth	Mikolajczyk	International Charter School
Kathy	Flores	Hinojosa EC/PK/K Center Aldine I.S.D.
Joshua	Lewis	UC student Association
John-Ma	Cannon	Rush Henrietta
Victoria	Russell	United States Air Force Academy & Valdosta

Tiffany	Boyd	Classrooms for Climate Action
lynne	azarchi	Kidsbridge
Alexander	Barnat	Christopher Columbus #15
Sybil	Thioune	P23Q
Patrice	High	KIPP Durham College Prep
Alexander	Barnat	Christopher Columbus #15
Darla	Jean	Miami
Cristi	Alberino	CT State Department of Education
Sid	Kivanoski	Brooklyn Technical High School
Christina	Hoisington	Old High Middle School
Candra	McKenzie	City Polytechnic High School
susan	fisher	Earle C Clements Job Corps Academy
Miriam	Rollin	Education Civil Rights Alliance/NCYL
Jason	Blum	A.P. Giannini Middle School - SFUSD
Anna Maria	Cherubin	Eleanor Roosevelt HS, Prince George's Co

Yaquelin	Clauss	Woodrow Wilson High School
Christina	Hoisington	Old High Middle School
Maizy	Jaklitsch	ONC BOCES
Priscilla	Lamb	Spring Hill Elementary/PfISD
Christine	Decker	PS 172
Diandra	Verwayne	NYC DOE Division of Early Childhood
Nichelle	Johnson	Lincoln
Darla	Jean	Miami
Victoria	Woosley	North Coast Education
Kristen	Nichols	Curvin McCabe/ Pawtucket
Christine	Decker	PS 172



Dustin	Bermudez	PS 94
Julie	Plaza	Pulaski Middle School
Dustin	Bermudez	PS 94
Erika	Zavala	Texas Tech University
Oghagh	Okobiah	QHSLs
joleigh	kirkland	Syracuse City School DsitRICT (retired)
Amy	Fitzpatrick	Curvin-McCabe
Parshan	Khosravi	University of California Student Association
Christina	Hoisington	Old High Middle School
Darla	Jean	Miami
Makeda	Heard	BCPSS
Catharin	Harrell	Lansing School District
Erin	Maughan	Center of School Health Innovation & Quali

Joy	Peyton	Coalition of Community-Based Heritage Lar
Christine	Decker	PS 172
Tiffany	Boyd	Classrooms for Climate Action
Yaquelin	Clauss	Woodrow Wilson High School
Lynn	Ditchfield	education
Susan	Pence	MVParent Nursery School
Yaquelin	Clauss	Woodrow Wilson High School
Luis	Ramos	Deltona Middle School
Jamillah	Salahuddin	PS 202

Yaquelin	Claus	Woodrow Wilson High School
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Email	Response Stat	Response Time
hmp1248@lausd.net	NEW	
carolyn.raiford@pgcps.org	NEW	
carolyn.raiford@pgcps.org	NEW	
ymccawley@schools.nyc.gov	NEW	
(b)(6)@gmail.com	NEW	
scook@nscsd.org	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	
joy@peytions.us	NEW	
zakiya@expectations.org	NEW	

eclark@nasn.org	NEW	
cherubin@pgcps.org	NEW	
kami@bilingualbrownbabies.cc	NEW	
sonia.birch@palmbeachschool	NEW	
(b)(6)@aol.com	NEW	
rcentariczki@ashoka.org	NEW	
kami@bilingualbrownbabies.cc	NEW	
govrelations@ucsa.org	NEW	
jonathan.guzman@lawrence.k	NEW	
susan.wigsmoen@cch160.org	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	
stephanie.hallmark@bie.edu	NEW	

jenniifer.henderson@tcbstbird.	NEW	
thoisington@bentonvillek12.org	NEW	
mlee@usd497.org	NEW	
(b)(6)@gmail.com	NEW	
heidigoldstein@berkeley.net	NEW	
zakiya@expectations.org	NEW	
mariah.irwin@knoxschools.org	NEW	
cherubin@pgcps.org	NEW	
stefan.cohen@rcsdk12.org	NEW	
(b)(6)@comcast.net	NEW	
tgarrison-feinberg@prospectsc	NEW	
(b)(6)@comcast.net	NEW	
beverly.botchway@pgcps.org	NEW	



jgerry@braination.net	NEW	
eclark@nasn.org	NEW	
(b)(6)@aol.com	NEW	
(b)(6)@gmail.com	NEW	
elida.lozano@lausd.net	NEW	
(b)(6)@yahoo.com	NEW	
mary@baymoon.com	NEW	
carlene.thomas@tea.texas.gov	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	

(b)(6) @aol.com	NEW	
javier.aguilar@efwma.org	NEW	
pepstein@dawson.k12.ga.us	NEW	
(b)(6) @yahoo.com	NEW	
rperez38@schools.nyc.gov	NEW	
(b)(6) @gmail.com	NEW	
ibis.villegas2@k12.dc.gov	NEW	
sloya@toledoschools.us	NEW	
emikolajczyk@icsnyc.org	NEW	
kaflares@aldineisd.org	NEW	
(b)(6) @gmail.com	NEW	
jcannon@rhnet.org	NEW	
victoria.russell@afacademy.af.	NEW	

(b)(6)@gmail.com	NEW	
lynne@kidsbridgecenter.org	NEW	
barnatal@epsnj.org	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	
barnatal@epsnj.org	NEW	
(b)(6)@yahoo.com	NEW	
cristi.alberino@ct.gov	NEW	
skivanoski@optonline.net	NEW	
thoisington@bentonvillek12.org	NEW	
(b)(6)@yahoo.com	NEW	
fisher.susan@jobcorps.org	NEW	
mrollin@youthlaw.org	NEW	
blumj@sfusd.edu	NEW	
cherubin@pgcps.org	NEW	



(b)(6)@gmail.com	NEW	
thoisington@bentonvillek12.org	NEW	
(b)(6)@aim.com	NEW	
(b)(6)@yahoo.com	NEW	
cdecker3@schools.nyc.gov	NEW	
dverway@schools.nyc.gov	NEW	
n2johnson@nps.k12.nj.us	NEW	
(b)(6)@yahoo.com	NEW	
(b)(6)@gmail.com	NEW	
nicholsk@psdri.net	NEW	
cdecker3@schools.nyc.gov	NEW	

dbermudez3@schools.nyc.gov	NEW	
plaza@csdnb.org	NEW	
dbermudez3@schools.nyc.gov	NEW	
erika.zavala@ttu.edu	NEW	
ookobiah@qhsls.org	NEW	
(b)(6)@gmail.com	NEW	
fitzpatricka@psdri.net	NEW	
govrelations@ucsa.org	NEW	
thoisington@bentonvillek12.org	NEW	
(b)(6)@yahoo.com	Marked	03/25/21, 17:43
(b)(6)@gmail.com	NEW	
catharine.harrell@lansingschools.org	NEW	
edm41@georgetown.edu	NEW	

joy@peyton.us	NEW	
cdecker3@schools.nyc.gov	NEW	
(b)(6)@gmail.com	NEW	
(b)(6)@gmail.com	NEW	
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Response



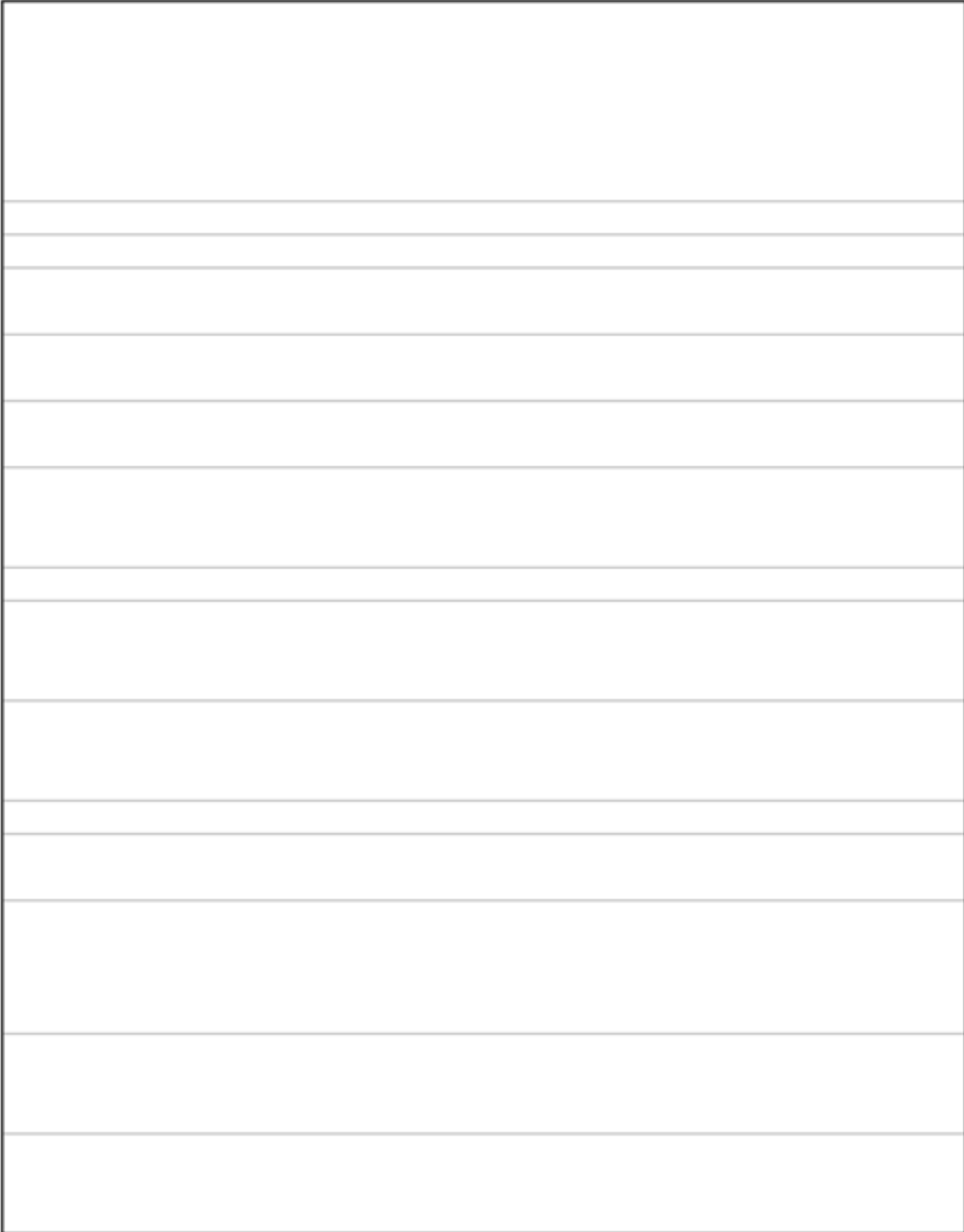














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**From:** Garibay, Montserrat  
**Subject:** ARP ESSER  
**To:** bantunez@aft.org  
**Sent:** April 21, 2021 10:56 AM (UTC-04:00)  
**Attached:** 21-002903 ARP application DCL\_FINAL.pdf, Final ARP ESSER IFR 4.20.21.pdf, ARP ESSER State Plan Template 04-20-2021\_130PM.pdf

Beth,

Here is the ARP ESSER documents and press release.

<https://www.ed.gov/news/press-releases/us-education-department-releases-state-plan-template-american-rescue-plan-elementary-and-secondary-school-emergency-relief-fund>.

Please let me know if you have any questions,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

Note: This document has been sent to the Office of the Federal Register and has been scheduled for publication on April 22, 2021.

OMB Control #: 1810-0755  
Expiration Date: October 31, 2021

4000-01-U

DEPARTMENT OF EDUCATION

34 CFR Chapter II

[Docket ID ED-2021-OESE-0061]

RIN 1810-AB64

American Rescue Plan Act Elementary and Secondary School  
Emergency Relief Fund

AGENCY: Office of Elementary and Secondary Education,  
Department of Education.

ACTION: Interim final requirements.

SUMMARY: The Department of Education ("Department") establishes interim final requirements for the American Rescue Plan Elementary and Secondary School Emergency Relief ("ARP ESSER") Fund, under section 2001 of the American Rescue Plan ("ARP") Act of 2021. These requirements are intended to promote accountability, transparency, and the effective use of funds by: ensuring that each State educational agency ("SEA") meaningfully engages in stakeholder consultation and takes public input into account in the development of its ARP ESSER plan; ensuring that each local educational agency ("LEA") develops a plan for the use of its ARP ESSER funds and

engages in meaningful consultation and seeks public input as it develops the LEA ARP ESSER plan; and clarifying how an LEA must meet the statutory requirement to develop a plan for the safe return to in-person instruction and continuity of services.

**DATES:** Effective date: These interim final requirements are effective [INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

Comment due date: We must receive your comments on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**ADDRESSES:** Submit your comments through the Federal eRulemaking Portal or by postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

If you are submitting comments electronically, we strongly encourage you to submit any comments or attachments in Microsoft Word format. If you must submit a comment in Adobe Portable Document Format (PDF), we strongly encourage you to convert the PDF to print-to-PDF format or to use some other commonly used searchable text format. Please do not submit the PDF in a scanned format.



Using a print-to-PDF format allows the Department to electronically search and copy certain portions of your submissions.

- **Federal eRulemaking Portal:** Go to [www.regulations.gov](http://www.regulations.gov) to submit your comments electronically. Information on using [regulations.gov](http://www.regulations.gov), including instructions for accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

- **Postal Mail, Commercial Delivery, or Hand Delivery:** The Department strongly encourages commenters to submit their comments electronically. However, if you mail or deliver your comments about the interim final requirements, address them to: Britt Jung, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3W113, Washington, DC 20202.

Privacy Note: The Department's policy is to make comments received from members of the public available for public viewing on the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov). Therefore, commenters should include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT: Britt Jung, U.S. Department of Education, 400 Maryland Avenue, SW, Room 3W113, Washington, DC 20202. Telephone: (202) 453-5563. Email: [ESSERF@ed.gov](mailto:ESSERF@ed.gov).

If you use a telecommunications device for the deaf ("TDD") or a text telephone ("TTY"), call the Federal Relay Service ("FRS"), toll free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: Although the Department has decided to issue these interim final requirements without first publishing proposed requirements for public comment, we are interested in whether you think we should make any changes in these requirements. We invite your comments. We will consider these comments in determining whether to revise the requirements.

To ensure that your comments may be most effectively considered, we urge you to clearly identify the specific section or sections of the interim final requirements that each comment addresses and to arrange your comments in the same order as the interim final requirements.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from these interim final requirements. Please let us know of any further ways by which we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of the Department's programs and activities.

During and after the comment period, you may inspect all public comments about these interim final requirements by accessing [www.regulations.gov](http://www.regulations.gov). Due to the current COVID-19 public health emergency, the Department buildings are not open to the public. However, upon reopening, you may also inspect the comments in person at 400 Maryland Avenue, SW, Washington, DC 20202, between 8:30 a.m. and 4:00 p.m., Eastern Time, Monday through Friday of each week except Federal holidays. To schedule a time to inspect comments, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Assistance to Individuals with Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for these interim final requirements. To schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under FOR FURTHER INFORMATION CONTACT.

Purpose of Program: The ARP ESSER Fund provides a total of nearly \$122 billion to SEAs and LEAs to help safely reopen and sustain the safe operation of schools and address the impacts of the coronavirus disease 2019 ("COVID-19")

pandemic on the Nation's students by addressing students' academic, social, emotional, and mental health needs.

Program Authority: The American Rescue Plan Act of 2021, Public Law 117-2, March 11, 2021.

Background: In early 2020, COVID-19 swept through the world, resulting in major upheaval to all aspects of life. In the United States, this resulted in unprecedented school closures in the spring of 2020. For tens of millions of students, learning was abruptly interrupted. For many students who were already facing limited educational opportunities and disengagement--including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students--losing access to reliable in-person instruction and the many supports schools can provide has led to significant challenges.

Since spring of 2020, the opportunities for students to learn have varied significantly across the country. Some schools have remained fully virtual and still have not physically reopened, while others have been providing in-person instruction for months. Many schools are providing a hybrid approach, with virtual instruction for a portion of the school week, and in-person instruction for the



remainder of the week. As the initial 2021 National Assessment of Educational Progress (“NAEP”) School Survey revealed, there are significant disparities in both access to and enrollment in in-person instruction across the country, with white students much more likely than students of color to be learning in person as of February.<sup>1</sup> Many of the most disadvantaged students have frequently encountered barriers to accessing virtual learning.<sup>2</sup> Students across virtual and in-person settings are facing significant academic, social, emotional, and mental health challenges as a result of the interrupted education and the trauma caused by the COVID-19 pandemic.

In recognition of the immense challenges facing students, educators, staff, schools, LEAs, and SEAs right now, Congress has made emergency funds available to SEAs and LEAs to prevent, prepare for, and respond to COVID-19, first through the Coronavirus Aid, Relief, and Economic Security (“CARES”) Act, Pub. L. 116-136, div. B, tit. VIII, section 18003, enacted on March 27, 2020; next through the Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act, 2021, Pub. L. 116-260, section 313, enacted on

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<sup>1</sup> NAEP 2021 School Survey, released by the Department of Education Institute of Education Sciences (March 24, 2021), available at <https://nces.ed.gov/nationsreportcard/about/covid19.aspx>.

<sup>2</sup> Korman, H., O’Keefe, B., Repka, M., (2020, Oct. 21). *Missing in the Margins: Estimating the Scale of the COVID-19 Attendance Crisis*. Bellwether Education Partners. Retrieved from: <https://bellwethereducation.org/publication/missing-margins-estimating-scale-covid-19-attendance-crisis#Why%20aren't%20students%20attending%20school?>

December 27, 2020; and, most recently and significantly, through the ARP Act, Pub. L. 117-2, section 2001, enacted on March 11, 2021.

The ARP Act provides a total of nearly \$122 billion via the ARP ESSER Fund to SEAs and LEAs to help schools return safely to in-person instruction, maximize in-person instructional time, sustain the safe operation of schools, and address the academic, social, emotional, and mental health impacts of the COVID-19 pandemic on the Nation's students. ARP ESSER provides funds to each SEA in the same proportion as each State received under part A of title I of the Elementary and Secondary Education Act of 1965 ("ESEA") in fiscal year 2020.<sup>3</sup> An SEA must allocate at least 90 percent of its ARP ESSER grant funds to its LEAs (including charter schools that are LEAs) in the State in the same proportion that the LEAs received under part A of title I of the ESEA in fiscal year 2020.<sup>4</sup> Each SEA is required to reserve at least 5 percent of its total ARP ESSER funds to carry out activities to address the academic impact of lost instructional time;<sup>5</sup> at least 1 percent for the implementation of evidence-based summer enrichment programs; and at least 1 percent for the implementation of

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<sup>3</sup> Section 2001(c) of the ARP Act.

<sup>4</sup> Section 2001(d)(1) of the ARP Act.

<sup>5</sup> "Academic impact of lost instructional time" has the same meaning as "learning loss," which is the term that is used in the ARP Act.

evidence-based comprehensive afterschool programs.<sup>6</sup> Each of these reservations requires that the SEA use evidence-based interventions that respond to the academic, social, emotional, and mental health needs of students, particularly groups of students disproportionately impacted by the pandemic.<sup>7</sup> The SEA may reserve no more than half of 1 percent of its total ARP ESSER allocation for administrative costs.<sup>8</sup> The SEA may use any remaining funds for emergency needs as determined by the SEA to address issues responding to COVID-19.<sup>9</sup>

An LEA may use its ARP ESSER funds for a wide variety of activities related to educating students during the COVID-19 pandemic and addressing the impacts of the COVID-19 pandemic on students and educators. For example, an LEA may use the ARP ESSER funds to maintain the health and safety of students and school staff as they return to in-person instruction (e.g., adopting policies consistent with guidance on reopening schools from the Centers for Disease Control and Prevention ("CDC"), available at <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>, including universal and correct wearing of masks; modifying facilities to allow for physical distancing (e.g. use of

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<sup>6</sup> Section 2001(f)(1)-(3) of the ARP Act.

<sup>7</sup> Id.

<sup>8</sup> Section 2001(f)(4) of the ARP Act.

<sup>9</sup> Id.

cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials). The Department released related resources to assist schools in safely reopening for in-person learning as part of the ED COVID-19 Handbook. Volume 1 of the ED COVID-19 Handbook is available at <https://www2.ed.gov/documents/coronavirus/reopening.pdf>. Most recently, the Department released Volume 2 of the ED COVID-19 Handbook to assist schools in addressing critical student needs. Volume 2 of the ED COVID-19 Handbook is available at <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.

An LEA may also use the ARP ESSER funds to address the academic, social, emotional, and mental health needs of its students by, for example, hiring additional personnel such as school counselors, psychologists, and nurses and implementing strategies to accelerate learning and to make investments in teaching and learning that will result in



lasting improvements in the LEA. An LEA may also use the funds for activities that are necessary to maintain the operation of services in LEAs, for example, to stabilize the workforce and avoid layoffs. In December 2020, the Bureau of Labor Statistics reported an 8.6 percent decline in the local government education workforce over the previous 12 months, to its smallest size for the same month since 1999.<sup>10</sup>

In addition to the wide range of allowable uses of ARP ESSER funds, an LEA that receives ARP ESSER funds must reserve at least 20 percent of the funds to measure and address the academic impact of lost instructional time on all students, through the implementation of evidence-based interventions, such as interventions implemented through summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs. The LEA must also ensure that such interventions respond to students' academic, social, emotional, and mental health needs and address the impact of the COVID-19 pandemic on groups of students disproportionately impacted by the pandemic.<sup>11</sup>

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<sup>10</sup> Bureau of Labor Statistics. (2021). Employment, Hours, and Earnings from the Current Employment Statistics survey (National) for all employees, local government education, seasonally adjusted. Data extracted on April 1, 2021. <https://beta.bls.gov/dataViewer/view/timeseries/CES9093161101>.

<sup>11</sup> Section 2001(e)(1) of the ARP Act.

On March 24, 2021, the Department made available two thirds of each SEA's ARP ESSER allocation to support ongoing efforts to reopen schools safely for in-person learning, keep schools safely open once students are back, and address the academic, social, emotional, and mental health needs of all students. To receive the remaining third of an SEA's ARP ESSER allocation and to comply with the terms and conditions of the ARP ESSER funds the SEA has already received, the Department is requiring that the SEA develop and submit an ARP ESSER plan that describes, among other things, the current education needs within the State, the SEA's intended uses of ARP ESSER funds, and the plans for supporting LEAs in their planning for and use of ARP ESSER funds.

As described in more detail below, the Secretary is establishing interim final requirements for ARP ESSER related to SEA consultation, LEA ARP ESSER plans, and the statutory requirement that LEAs receiving ARP ESSER funds develop plans for the safe return to in-person instruction and continuity of services.

SEA Consultation with Stakeholders; Public Input

Statute: Under 20 U.S.C. 1231g, unless otherwise limited by law, the Secretary is authorized to require the submission of applications for assistance under any applicable program. "Applicable program" is defined in 20

U.S.C. 1221(c) (1) as any program for which the Department has administrative responsibility, which includes ARP ESSER. Title VIII of Division B of the CARES Act directs the Department to carry out the Education Stabilization Fund, of which the ARP ESSER funds are a part. Section 2001 of the ARP Act provides for the Department to make grants to each SEA from the ARP ESSER funds. Under 20 U.S.C. 1221e-3, the Secretary has the authority to promulgate rules governing the programs administered by the Department.

Interim Final Requirement: Under this requirement, an SEA must engage in meaningful consultation with various stakeholder groups on its ARP ESSER plan and give the public an opportunity to provide input on the development of the plan and take such input into account.

Specifically, an SEA is required to consult with students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school leaders (if applicable); teachers, principals, school leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students,

children who are incarcerated, and other underserved students in the development of its ARP ESSER plan. Under the requirement, an SEA must also provide the public with the opportunity to provide input in the development of the plan and take such input into account.

To facilitate consultation on an SEA's ARP ESSER plan and ongoing communication with the public, under the requirement, an SEA must also make information publicly available on its website as soon as possible but no later than June 21, 2021, and regularly provide updated available information on its website, on the numbers of schools in the State providing each mode of instruction (i.e., fully remote or online-only instruction, both remote/online instruction and in-person instruction (hybrid model), and full-time in-person instruction). The SEA must also make publicly available student enrollment data and, to the extent available, student attendance data for all students and disaggregated by students from low-income families, students from each racial and ethnic group, gender, English learners, children with disabilities, children experiencing homelessness, children in foster care, and migratory students for each mode of instruction.

Reasons: As explained in the background text above, the ARP ESSER program provides significant resources to SEAs and LEAs to respond to the educational disruptions caused



by the COVID-19 pandemic. Given the unprecedented funding available and the widespread impacts of the COVID-19 pandemic, ARP ESSER funding presents a unique opportunity not only to help students and educators overcome the trauma and the loss of instructional time that they may have experienced, but also to make investments in student achievement and success. With strategic investment, ARP ESSER funding can build the capacity of States, LEAs, and schools to sustain meaningful and effective teaching and learning and address the needs of underserved students. Taking full advantage of this opportunity is consistent with the President's determination to "build back better" in response to the COVID-19 pandemic.

We believe diverse stakeholders will have significant insight into the effects of the COVID-19 pandemic on teaching and learning that will be critical to informing an SEA's plan for ARP ESSER, including how it will use its ARP ESSER funds, support LEAs in the use of their ARP ESSER funds, and evaluate the effectiveness of ARP ESSER. For that reason, under the requirement, an SEA must engage with students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school leaders (if applicable); teachers, principals, school

leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students in the development of the SEA's ARP ESSER plan. The SEA must also provide the general public with the opportunity to provide input (e.g., by requesting input on its website) and must take the public input it receives into account. By seeking input from these diverse stakeholders and the general public, an SEA will be better positioned to fully understand and adequately respond to the education needs in the State and the impact of the COVID-19 pandemic on all students, and particularly the groups of students most significantly impacted by the COVID-19 pandemic. The SEA will also be better positioned to make critical investments not just to recover, but also to implement and improve effective approaches for teaching and learning that accelerate student learning outcomes and address the needs of underserved students most impacted by the COVID-19 pandemic.

The requirement that the SEA make information publicly available on its website about the number of schools offering fully remote or online-only instruction, both remote/online instruction and in-person instruction

(hybrid), and full-time in-person instruction is an important initial step toward transparency and understanding of the continued impact of the pandemic on learning and teaching. Disaggregated enrollment and, if available, attendance data will allow the public to provide more informed input on the SEA's ARP ESSER plan and initial approaches for targeting of federal resources to address the impact of interrupted instruction and the needs of students and teachers.

#### LEA ARP ESSER Plans

Statute: Title VIII of Division B of the CARES Act directs the Department to carry out the Education Stabilization Fund, of which the ARP ESSER funds are a part. Section 2001 of the ARP Act provides for the Department to make grants to each SEA from the ARP ESSER funds. An SEA must allocate at least 90 percent of its ARP ESSER grant funds to its LEAs (including charter schools that are LEAs) in the State in the same proportion that the LEAs received under part A of title I of the ESEA in Fiscal Year 2020, as required by section 2001(d)(1) of the ARP Act; and section 2001(e) of the ARP Act prescribes certain mandatory and permissive uses of LEAs' funds. Under 20 U.S.C. 1221e-3, the Secretary has the authority to promulgate rules governing the programs administered by the Department.

Interim Final Requirement: Under this requirement, each LEA that receives ARP ESSER funds must develop, submit to the SEA on a reasonable timeline determined by the SEA, and make publicly available on the LEA's website, a plan for the LEA's use of ARP ESSER funds. The plan, and any revisions to the plan submitted consistent with procedures established by the SEA, must include at a minimum a description of --

(1) The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;

(2) How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year;

(3) How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e)(2) of the ARP Act; and



(4) How the LEA will ensure that the interventions it implements, including but not limited to the interventions implemented under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

Under this requirement, an LEA must engage in meaningful consultation with stakeholders and give the public an opportunity to provide input in the development of its plan. Specifically, an LEA must engage in meaningful consultation with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions. Additionally, an LEA must engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing

homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students.

Finally, under the requirement, each LEA's ARP ESSER plan must be: in an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and, upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

Reasons:

LEA ARP ESSER Plan--

Under the ARP ESSER program, LEAs are receiving significant resources to respond to student and educator needs as schools continue to safely reopen. LEA plans are necessary to ensure transparency and accountability for use of the funds. As discussed in more detail below, the public and in particular students, their families, and educators, have a vested interest in understanding an LEA's priorities and plans for the funds and whether and how the LEA will use the funds to address their students' academic, social, emotional, and mental health needs. Requiring the development and posting of the LEA's plan will result in important transparency.

Additionally, ARP ESSER provides significant federal resources to respond to the COVID-19 pandemic that, for some LEAs, comprise millions of dollars of emergency funding. Requiring each LEA to develop a plan for the use of those funds will provide a mechanism for SEAs and the Department to ensure that the ARP ESSER funds are being used consistent with statutory requirements and to meet the needs of schools, students, and educators, in particular those students most impacted by the COVID-19 pandemic.

The minimum requirements for the ARP ESSER plans ensure that LEAs are using ARP ESSER funds for their intended purposes, including whether and how they will use the funds specifically for COVID-19 prevention and mitigation strategies, how the funds will be used to address the academic impact of lost instructional time through the implementation of evidence-based interventions, consistent with the requirement in section 2001(e)(1) of the ARP Act that each LEA reserve at least 20 percent of its ARP ESSER funds for that purpose, and how the LEA will ensure that those interventions respond to the academic, social, emotional, and mental health needs of all students and particularly those students disproportionately impacted by the COVID-19 pandemic. Given the unique circumstances in each State, we believe each SEA is best situated to determine what additional requirements to include in the

LEA ARP ESSER plan. For example, an SEA might require that the LEA ARP ESSER plan include data that illustrates the LEA's most pressing needs or descriptions of promising practices that the LEA has implemented to accelerate learning. The SEA might also require that the LEA's ARP ESSER plan contain the information required in the LEA's plan for the safe return to in-person instruction and continuity of services, in which case the LEA may develop one plan that addresses both sets of requirements rather than two separate plans (i.e., one plan that addresses use of ARP ESSER funds and the safe return to in-person instruction and continuity of services). The SEA also establishes the deadline by which the LEA must submit its ARP ESSER plan, which must be reasonable and should be within no later than 90 days after receiving its ARP ESSER allocation.

#### LEA ARP ESSER Plan Meaningful Consultation

COVID-19 has had a dramatic impact on the Nation's education system. In addition to disrupting teaching and learning, it has exacerbated existing inequities in our schools and school districts. Every aspect of student life has been impacted by the COVID-19 pandemic: students' classes and courses of study have been interrupted and/or delayed and students' social, emotional, and mental health have been negatively impacted by the isolation and anxiety



of living through a pandemic and quarantine along with the additional associated stresses placed on their families.<sup>12</sup>

As students and teachers continue to return to full-time in-person education, they will have important insights into how schools should approach prevention and mitigation of COVID-19, and into what may be needed to support student success. For this reason, in developing their ARP ESSER plans, LEAs will be required to meaningfully consult with students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions. Additionally, an LEA is also required to engage in meaningful consultation with each of the following, to the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners,

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<sup>12</sup> See Korman, H., O'Keefe, B., & Repka, M., (2020, Oct. 21). Missing in the Margins: Estimating the Scale of the Covid-19 Attendance Crisis. Bellwether Education Partners. Retrieved from: <https://bellwethereducation.org/publication/missing-margins-estimating-scale-covid-19-attendance-crisis#Why%20aren't%20students%20attending%20school?>; Sparks, S., (2020, Nov. 12) Children's Mental Health Emergencies Skyrocketed After COVID-19 Hit. What Schools Can Do, *Education Week*. Retrieved from: <https://www.edweek.org/leadership/childrens-mental-health-emergencies-skyrocketed-after-covid-19-hit-what-schools-can-do/2020/11>; Dorn, E., Hancock, B., Sarakatsannis, J., & Viruleg, E. (2020). COVID-19 and Learning Loss - Disparities Grow and Students Need Help. <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-learning-loss-disparities-grow-and-students-need-help#> ; Kuhfeld, M., Tarasawa, B., Johnson, A., Ruzek, E., & Lewis, K. (2020, Nov.). Learning During COVID-19: Initial Findings on Students' Reading and Math Achievement and Growth. NWEA. Retrieved from: <https://www.nwea.org/research/publication/learning-during-covid-19-initial-findings-on-students-reading-and-math-achievement-and-growth/>.

children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students. An LEA's decisions about how to use its ARP ESSER funds will directly impact the students, families, and stakeholders in their school district, and thus the LEA's plans must be tailored to the specific needs faced by students and schools within the district. These diverse stakeholders will have significant insight into what prevention and mitigation strategies should be pursued to keep students and staff safe, as well as how the various COVID-19 prevention and mitigation strategies impact teaching, learning, and day-to-day school experiences.

With regard to addressing the academic, social, emotional, and mental health needs of all students, particularly those most impacted by the pandemic, we believe that it is critical that LEAs solicit and consider the input of students and their families to identify their most pressing needs. Close coordination with Tribes is critical to effective support for Native American students, so LEAs need to consult Tribes, as applicable. In addition, the Department understands educators and students' families will have important insights into and observations of students' academic, social, emotional, and mental health needs garnered from their experiences during

the COVID-19 pandemic. Stakeholders will similarly have critical insights into how best to address the academic impact of lost instructional time that LEAs are required to address with at least 20 percent of their ARP ESSER funds. For all of these reasons, through this consultation, LEAs will be better positioned to fully plan to use ARP ESSER funds to adequately respond to the needs of all students, particularly those most impacted by the COVID-19 pandemic.

#### LEA ARP ESSER Plan Accessibility

The requirement also mandates that LEA ARP ESSER plans be accessible, including to parents with limited English proficiency and individuals with a disability. This requirement is intended to help ensure that all parents, including parents with limited English proficiency or individuals with disabilities, are able to access and understand the information in an LEA's ARP ESSER plan, consistent with the Department's interpretation of Title VI of the Civil Rights Act of 1964 and existing obligations to parents with disabilities under the Americans with Disabilities Act (ADA).

#### LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

Statute: Section 2001(i)(1) of the ARP Act requires each LEA that receives ARP ESSER funds to develop and make publicly available on the LEA's website, not later than 30

days after receiving ARP ESSER funds, a plan for the safe return to in-person instruction and continuity of services for all schools, including those that have already returned to in-person instruction. Section 2001(i)(2) of the ARP Act further requires that the LEA seek public comment on the plan and take those comments into account in the development of the plan. Finally, section 2001(i)(3) of the ARP Act states that an LEA that developed a plan for the safe return to in-person instruction and continuity of services prior to the date of enactment of the ARP Act will be deemed to have met the requirement to develop a plan under section 2001(i)(1) as long as the plan meets the statutory requirements (i.e., is publicly available on the LEA's website and was developed after the LEA sought and took into account public comment).

Interim Final Requirement: As described in more detail below, this requirement clarifies what an LEA's plan for the safe return to in-person instruction and continuity of services must address and requires periodic review and, when needed, revision of the plan to ensure it remains relevant and meets statutory and regulatory requirements.

First, the requirement clarifies that an LEA's plan must include how it will maintain the health and safety of students, educators, and other school and LEA staff, and the extent to which it has adopted policies, and a



description of any such policies, on each of the CDC's safety recommendations including: universal and correct wearing of masks; modifying facilities to allow for physical distancing (e.g., use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

Second, the requirement further clarifies that the plan must describe how the LEA will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health and other needs, which may include student health and food services.

Third, the requirement provides that, during the period of the ARP ESSER award established in section 2001(a) of the ARP Act (i.e., until September 30, 2023),<sup>13</sup>

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<sup>13</sup> ARP ESSER funds are subject to the Tydings amendment in section 421(b) of the General Education Provisions Act, 20 U.S.C. 1225(b), and are therefore available to SEAs and LEAs for obligation through

an LEA must periodically, but no less frequently than every six months, review and, as appropriate, revise its plan. Consistent with section 2001(i)(2) of the ARP Act, which requires an LEA to seek public comment on the development of its plan, an LEA must seek public input and take such input into account in determining whether to revise its plan and, if it determines revisions are necessary, on the revisions it makes to its plan, i.e., the LEA must seek public input on whether to revise its plan and on any revisions to its plan no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools). The requirement clarifies that, if the LEA revises its plan, the revised plan must address each of the aspects of safety currently recommended by the CDC or, if the CDC has updated its safety recommendations at the time the LEA is revising its plan, each of the updated safety recommendations. The requirement also clarifies that an LEA that developed a plan prior to enactment of the ARP Act that meets the requirements under section 2001(i)(1) and (2) of the ARP Act but does not address each of the required aspects of safety established in this requirement must, as part of the required periodic review, revise its plan consistent with

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September 30, 2024. Review and revisions, if necessary, are not required during the Tydings period.

these requirements no later than six months after it last reviewed its plan.

Fourth, under the requirement, the plans must be: in an understandable and uniform format; to the extent practicable, written in a language that parents can understand or, if not practicable, orally translated; and upon request by a parent who is an individual with a disability, provided in an alternative format accessible to that parent.

Reasons: The statutory requirements for each LEA to develop a plan for the safe return to in-person instruction and continuity of services, to seek and incorporate public comment on the plan, and to make the plan publicly available are important for planning and transparency as LEAs work to return to, or continue, the safe operation of in-person instruction. However, the statute does not explicitly define what it means for a plan to provide for a safe return to and continuity of in-person instruction.

Because safe return to and continuity of in-person instruction is fundamental to addressing the lost instructional time and disengagement that many students have experienced during the COVID-19 pandemic, it is essential that these plans contain precise information about how LEAs will focus on prevention and mitigation of COVID-19 specific to their communities, in order to keep

students, staff, and families healthy and to avoid future shutdowns. To ensure that each plan contains a sufficient level of specificity, the requirement sets forth several aspects of safety that each LEA plan must address.<sup>14</sup> These elements are consistent with current, relevant guidance from the CDC related to the safe reopening of schools.<sup>15</sup> The requirement does not mandate that an LEA adopt the CDC guidance, but only requires that the LEA describe in its plan the extent to which it has adopted the key prevention and mitigation strategies identified in the guidance. The requirement also ensures that each plan will specifically address how it will continue to provide services that meet student and staff needs. Section 2001(i) of the ARP Act requires that the plan address “continuity of services,” but does not specifically identify those services. The requirement clarifies that, in addition to meeting academic needs, the plan must also address how the LEA will continue to provide services to meet students’ academic needs and students’ and staff social, emotional, mental health, and

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<sup>14</sup>As described above, each plan must address: universal and correct wearing of masks; modifying facilities to allow for physical distancing (e.g. use of cohorts/podding); handwashing and respiratory etiquette; cleaning and maintaining healthy facilities, including improving ventilation; contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments; diagnostic and screening testing; efforts to provide vaccinations to school communities; appropriate accommodations for children with disabilities with respect to health and safety policies; and coordination with State and local health officials.

<sup>15</sup> <https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/operation-strategy.html>.



other needs through, for example, continuing to provide students meals and access to medical services. According to the National School Lunch Program, before COVID-19, schools provided free or reduced-priced lunches to approximately 22 million students each day.<sup>16</sup> This is just one example of the many essential services that schools provide. For this reason, the requirement ensures that each LEA separately addresses continuity of services as a discrete prong of the plan.

The statute does not explicitly specify when or how often an LEA's plan must be reviewed and revised. To help an LEA adapt to the constantly evolving status of the COVID-19 pandemic, the requirement mandates that, during the period of the grant, an LEA review its plan at least every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), and seek public input in determining whether, and what, revisions are necessary. The requirements also make clear that a revised plan must continue to address safety recommendations from the CDC, which must include updated CDC guidance, to ensure that the plans continue to provide useful information that addresses the most up-to-date research on COVID-19 prevention and mitigation. This

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<sup>16</sup> ED COVID-19 Handbook Vol. 2, *Roadmap to Reopening Safely and Meeting All Students' Needs*, page 8, available at: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>

requirement will also ensure that an LEA that developed a safe return to in-person instruction and continuity of services plan prior to enactment of the ARP Act and the requirement will, at least within six months of receipt of its grant, revise, as necessary, and post its plan so that it addresses all of the safety recommendations included in the requirement.

The rationale for requiring that LEA plans for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities, is described above with respect to the same requirement as it applies to LEA ARP ESSER plans.

INTERIM FINAL REQUIREMENTS: The Secretary establishes the following interim final requirements for the ARP ESSER Fund.

(1) SEA Consultation with Stakeholders; Public Input.

An SEA receiving ARP ESSER funds must, in the development of its ARP ESSER plan--

(a) Engage in meaningful consultation with stakeholders, including, but not limited to, students; families; Tribes (if applicable); civil rights organizations (including disability rights organizations); school and district administrators (including special education administrators); superintendents; charter school

leaders (if applicable); teachers, principals, school leaders, other educators, school staff, and their unions; and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster care, migratory students, children who are incarcerated, and other underserved students;

(b) Provide the public the opportunity to provide input and take such input into account; and

(c) To facilitate consultation on its ARP ESSER plan and ongoing communication with the public, make information publicly available on its website as soon as possible but no later than June 21, 2021, and regularly provide updated available information on its website, on--

(i) The numbers of schools in the State providing each mode of instruction (i.e., fully remote or online-only instruction, both remote/online instruction and in-person instruction (hybrid model), and full-time in-person instruction); and

(ii) Student enrollment data and, to the extent available, student attendance data for all students and disaggregated by students from low-income families, students from each racial and ethnic group, gender, English learners, children with disabilities, children experiencing homelessness, children in foster care, and migratory

students for each mode of instruction listed in paragraph

(i).

(2) LEA ARP ESSER Plan.

(a) Each LEA that receives ARP ESSER funds must submit to the SEA, in such manner and within a reasonable timeline as determined by the SEA, a plan that contains any information reasonably required by the SEA. The plan, and any revisions to the plan submitted consistent with procedures established by the SEA, must describe --

(i) The extent to which and how the funds will be used to implement prevention and mitigation strategies that are, to the greatest extent practicable, consistent with the most recent CDC guidance on reopening schools, in order to continuously and safely open and operate schools for in-person learning;

(ii) How the LEA will use the funds it reserves under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time<sup>17</sup> through the implementation of evidence-based interventions, such as summer learning or summer enrichment, extended day, comprehensive afterschool programs, or extended school year programs;

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<sup>17</sup> "Academic impact of lost instructional time" has the same meaning as "learning loss," which is the term that is used in section 2001 of the ARP Act.



(iii) How the LEA will spend its remaining ARP ESSER funds consistent with section 2001(e) of the ARP Act; and

(iv) How the LEA will ensure that the interventions it implements, including but not limited to the interventions under section 2001(e)(1) of the ARP Act to address the academic impact of lost instructional time, will respond to the academic, social, emotional, and mental health needs of all students, and particularly those students disproportionately impacted by the COVID-19 pandemic, including students from low-income families, students of color, English learners, children with disabilities, students experiencing homelessness, children in foster care, and migratory students.

(b) In developing its ARP ESSER plan, an LEA must--

(i) Engage in meaningful consultation--

(A) With stakeholders, including: students; families; school and district administrators (including special education administrators); and teachers, principals, school leaders, other educators, school staff, and their unions; and

(B) To the extent present in or served by the LEA: Tribes; civil rights organizations (including disability rights organizations); and stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children in foster

care, migratory students, children who are incarcerated, and other underserved students; and

(ii) Provide the public the opportunity to provide input and take such input into account.

(c) An LEA's ARP ESSER plan must be--

(i) In an understandable and uniform format;

(ii) To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited English proficiency, be orally translated for such parent;

(iii) Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent; and

(iv) Be made publicly available on the LEA's website.

(3) LEA Plan for Safe Return to In-Person Instruction and Continuity of Services.

(a) An LEA must describe in its plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services--

(i) how it will maintain the health and safety of students, educators, and other staff and the extent to which it has adopted policies, and a description of any such policies, on each of the following safety recommendations established by the CDC:

(A) Universal and correct wearing of masks.

(B) Modifying facilities to allow for physical distancing (e.g., use of cohorts/podding).

(C) Handwashing and respiratory etiquette.

(D) Cleaning and maintaining healthy facilities, including improving ventilation.

(E) Contact tracing in combination with isolation and quarantine, in collaboration with the State, local, territorial, or Tribal health departments.

(F) Diagnostic and screening testing.

(G) Efforts to provide vaccinations to school communities.

(H) Appropriate accommodations for children with disabilities with respect to health and safety policies.

(I) Coordination with State and local health officials.

(ii) how it will ensure continuity of services, including but not limited to services to address students' academic needs and students' and staff social, emotional, mental health, and other needs, which may include student health and food services.

(b) (i) During the period of the ARP ESSER award established in section 2001(a) of the ARP Act, an LEA must regularly, but no less frequently than every six months (taking into consideration the timing of significant changes to CDC guidance on reopening schools), review and,

as appropriate, revise its plan for the safe return to in-person instruction and continuity of services.

(ii) In determining whether revisions are necessary, and in making any revisions, the LEA must seek public input and take such input into account.

(iii) If at the time the LEA revises its plan the CDC has updated its guidance on reopening schools, the revised plan must address the extent to which the LEA has adopted policies, and describe any such policies, for each of the updated safety recommendations.

(c) If an LEA developed a plan prior to enactment of the ARP Act that meets the statutory requirements of section 2001(i)(1) and (2) of the ARP Act but does not address all the requirements in paragraph (a), the LEA must, pursuant to paragraph (b), revise and post its plan no later than six months after receiving its ARP ESSER funds to meet the requirements in paragraph (a).

(d) An LEA's plan under section 2001(i)(1) of the ARP Act for the safe return to in-person instruction and continuity of services must be--

(i) In an understandable and uniform format;

(ii) To the extent practicable, written in a language that parents can understand or, if it is not practicable to provide written translations to a parent with limited



English proficiency, be orally translated for such parent;  
and

(iii) Upon request by a parent who is an individual with a disability as defined by the ADA, provided in an alternative format accessible to that parent.

Waiver of Notice and Comment Rulemaking and Delayed Effective Date

Under the Administrative Procedure Act ("APA") (5 U.S.C. 551-559), the Department generally offers interested parties notice of and the opportunity to comment on proposed requirements. However, the APA provides that an agency is not required to conduct notice and comment rulemaking "when the agency for good cause finds . . . that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest." 5 U.S.C. 553(b) (B). Here, there is good cause to waive notice and comment rulemaking. The requirements in this notice are critical to ensuring that SEAs and LEAs urgently and effectively develop plans to use the ARP ESSER resources that reflect a full understanding of student needs and support a strong response to those needs. In addition, to ensure an effective and sustained return to in-person instruction, it is imperative that LEA return to in-person instruction plans address specific areas of safety and are adjusted as needed in response to evolving COVID-19

pandemic circumstances. However, going through the full rulemaking process would delay an SEA's ability to submit a plan for its remaining ARP ESSER funds, which are emergency funds intended to meet the immediate needs of students, educators, staff, schools, LEAs, and SEAs. Notice and comment rulemaking would be contrary to the public interest because the time involved would preclude emergency funds being available to meet exigent need for summer learning and effective, timely planning for the upcoming school year, both of which are critical to mitigate and prevent the continued impact of lost instructional time as well as to meet academic, social, and emotional needs.

Nonetheless, the Department is issuing interim final requirements instead of final requirements to allow the members of the public to provide their input about the content of the requirements.

The COVID-19 pandemic continues to present extraordinary circumstances, including widespread school closures, significant loss of instructional time, and trauma for students, educators, and other staff. Various provisions of section 2001 of the ARP Act describe the emergency caused by the COVID-19 pandemic and encourage quick dispersal of ARP ESSER funds. Establishing these interim final requirements now, without the delay of notice and comment rulemaking, enables SEAs and LEAs to

effectively use ARP ESSER funds to address the immediate safety, academic, social, and emotional needs of students and help schools safely return to or continue in-person instruction.

The APA also requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). Again, because the ARP ESSER funds are needed to address the immediate needs of students, educators, schools, LEAs, and SEAs due to the COVID-19 pandemic, the Secretary also has good cause to waive the 30-day delay in the effective date of these requirements under 5 U.S.C. 553(d)(3).

#### Executive Orders 12866 and 13563

#### Regulatory Impact Analysis

Under Executive Order 12866, the Office of Management and Budget ("OMB") must determine whether this regulatory action is "significant" and, therefore, subject to the requirements of the Executive order and subject to review by OMB. Section 3(f) of Executive Order 12866 defines a significant regulatory action as an action likely to result in a rule that may--

(1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy; productivity; competition; jobs; the environment;

public health or safety; or State, local, or Tribal governments or communities in a material way (also referred to as "economically significant" regulations);

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impacts of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or

(4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This regulatory action is an economically significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

Pursuant to section 804(2) of the Congressional Review Act (5 U.S.C. 804(2)), the Office of Information and Regulatory Affairs designated this rule as a "major rule."

We have also reviewed these regulations under Executive Order 13563, which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, section 1(b) of Executive Order 13563 requires that an agency--



(1) Propose or adopt regulations only upon a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives taking into account, among other things, and to the extent practicable, the costs of cumulative regulations;

(3) Select, in choosing among alternative regulatory approaches, those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including providing economic incentives--such as user fees or marketable permits--to encourage the desired behavior, or providing information that enables the public to make choices.

Executive Order 13563 also requires an agency "to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as

possible.”<sup>18</sup> The Office of Information and Regulatory Affairs of OMB has emphasized that these techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”<sup>19</sup>

The Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action, and we are issuing these interim final requirements only on a reasoned determination that their benefits justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on the analysis that follows and the reasons stated elsewhere in this document, the Department believes that the interim final requirements are consistent with the principles set forth in Executive Order 13563.

We also have determined that this regulatory action does not unduly interfere with State, local, or Tribal governments in the exercise of their governmental functions.

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<sup>18</sup> Executive Order 13563, section 1(c).

<sup>19</sup> U.S. Office of Management and Budget (2011, Feb. 2). Memorandum for the Heads of Executive Departments and Agencies and of Independent Regulatory Agencies on Executive Order 13563, “Improving Regulation and Regulatory Review”. Office of Information and Regulatory Affairs. Washington, D.C.

In this regulatory impact analysis, we discuss the need for regulatory action, the potential costs and benefits, and the net budget impacts.

Elsewhere, under Paperwork Reduction Act of 1995, we identify and explain burdens specifically associated with information collection requirements.

#### Need for Regulatory Action and Analysis of Benefits

These interim final requirements are intended to provide two critical benefits: State and local plans under the ARP ESSER program that are informed by and meaningfully address the academic, social, emotional, and mental health needs of our Nation's students, particularly those students disproportionately impacted by the COVID-19 pandemic; and local plans required under the ARP Act that effectively guide a safe return to in-person instruction and ensure continuity of services during and after the COVID-19 pandemic. As discussed elsewhere in this document, the ARP ESSER program provides significant resources to SEAs and LEAs to respond to the unprecedented educational disruptions caused by the COVID-19 pandemic. The Department believes this regulatory action is needed to ensure that the plans SEAs and LEAs develop to use these resources reflect a full understanding of student needs and support a strong, urgent response to these pressing needs. In addition, to ensure an effective and sustained return to

in-person instruction, it is imperative that LEA plans address specific areas of safety and adjust as needed in response to evolving COVID-19 pandemic circumstances.

#### Analysis of Costs

This regulatory action establishes interim final requirements for an SEA to meaningfully consult with various stakeholder groups on its ARP ESSER plan, give the public an opportunity to provide input on the development of the plan, and facilitate consultation and public input by publishing and regularly updating information on school modes of instruction and student enrollment and, to the extent available, attendance. It also requires an LEA receiving ARP ESSER funds to develop and make publicly available a plan for the use of those funds; meaningfully consult with stakeholders and consider public input in developing its plan; and make its plan accessible, including to parents with limited English proficiency and individuals with disabilities. Finally, with respect to the LEA plan for the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, this action specifies what the plan must address; requires periodic review and, when needed, revision of the plan, with consideration of public input in each case, to ensure it meets statutory and regulatory requirements and remains relevant to the needs of schools;



and requires that the plan be accessible, including to parents with limited English proficiency and individuals with disabilities. We estimate the costs of complying with these interim final requirements in the paragraphs that follow. Throughout, we use mean wages for Education and Childcare Administrators<sup>20</sup> to monetize costs associated with SEA and LEA staff time, and we assume that the total dollar value of labor, including overhead and benefits, is equal to 200 percent of the wage rate.

SEAs and LEAs may use ARP ESSER funds to defray costs associated with these interim final requirements, including funds that an SEA reserves for administration under section 2001(f)(4) of the ARP Act.

#### SEA Consultation with Stakeholders; Public Input

The Department expects that SEAs generally will rely on previously established procedures for consulting with stakeholders and considering public input and that any burden in adapting those procedures to comply with these interim final requirements for ARP ESSER plans would be negligible. We estimate that, in implementing its procedures, an SEA will need, on average, 80 staff-hours to engage in meaningful consultation with identified stakeholder groups and 40 staff-hours to consider public input, for a total estimated average of 120 staff-hours.

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<sup>20</sup> See [https://www.bls.gov/oes/2020/may/oes\\_nat.html](https://www.bls.gov/oes/2020/may/oes_nat.html).

At \$97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately \$12,000. For 52 SEAs (including the District of Columbia and the Commonwealth of Puerto Rico), the total estimated cost is \$607,000.

Under the interim final requirements, an SEA must facilitate consultation with stakeholders and ongoing communication with the public by posting on its website information on the number of schools in the State providing different modes of instruction and on student enrollment and (if available) attendance, and it must update such information regularly. We expect that SEAs generally possess much of this information and estimate that the average SEA will need 100 hours to comply with the facilitation requirement, including initial posting and six updates. At \$97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately \$9,700. For 52 SEAs, the total estimated cost is \$505,900.

#### LEA ARP ESSER Plans

Under the interim final requirements, an LEA must develop an ARP ESSER plan that describes, at a minimum, how the LEA will use ARP ESSER funds to implement prevention and mitigation strategies in school opening and operations, address the academic impact of lost instructional time,

carry out other allowable activities, and identify and meet student needs resulting from the COVID-19 pandemic. The Department expects that the majority of LEAs have already devoted significant time and resources toward identifying activities that are responsive to these requirements and that, for these LEAs, the burden associated with ARP ESSER plan development would consist primarily in determining how best to use ARP ESSER funds for these purposes. We estimate that an LEA will need, on average, 40 staff-hours (exclusive of time to consult with stakeholders and consider public input, which is estimated in the following paragraph) to develop an ARP ESSER plan that meets the requirements and to make its plan publicly available. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the ARP ESSER plan development requirement is approximately \$3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$58,368,000.

We anticipate that, as with SEAs, LEAs receiving ARP ESSER funds largely will use existing processes for stakeholder consultation and public input and that any adaptations of those processes for purposes of the final requirement would impose minimal burden. The Department estimates that, in carrying out its process, an LEA will need, on average, 30 staff-hours to engage in meaningful

consultation with identified stakeholder groups and consider public input. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately \$2,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for stakeholder consultation and public input is \$43,776,000.

Finally, we estimate that an LEA will need an average of 10 hours to comply with the requirement that its ARP ESSER plan be accessible, including to parents with limited English proficiency and individuals with disabilities. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately \$1,000. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$14,592,000.

#### LEA Plan for Safe Return to In-Person Instruction and Continuity of Services

The Department believes that the majority of LEAs developed plans for the safe return to in-person instruction and continuity of services prior to enactment of the ARP Act. We estimate that one-third of LEAs receiving ARP ESSER funds, or an estimated 5,000 LEAs, will need to develop or revise such plans to meet statutory and regulatory requirements, using an average of 40 staff-hours. At \$97.28 per LEA staff-hour, the average estimated



cost for complying with the requirements is approximately \$3,900, and the total estimated cost is \$19,456,000.

Under these interim final requirements, an LEA must review its plan at least every six months, revise its plan as needed, and consider public input in plan review and revision. Assuming LEAs implement their plans through Fiscal Year 2023, an LEA will need to review its plan a minimum of five times--more specifically, at least once in Fiscal Year 2021 and twice in each of Fiscal Years 2022 and 2023--to meet the plan review requirement. We estimate that each review, including consideration of public input using customary methods, will require an average of 10 staff-hours, for a total average of 50 staff-hours. Further, we estimate that the average LEA will revise its plan once and require an average of 20 staff-hours for plan revision, including consideration of public input. The total average estimated staff-hours for complying with plan review and revision requirements is 70 staff-hours, and at \$97.28 per LEA staff-hour, the average estimated cost is approximately \$6,800. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for complying with the plan review and revision requirements is \$102,144,000.

Finally, we estimate that an LEA will need an average of 15 hours to comply with the requirement that its plan

(including revisions) for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately \$1,500. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$21,888,000.

#### Net Budget Impacts

We estimate that the discretionary elements of these interim final requirements will not have an impact on the Federal budget. This regulatory action establishes requirements for SEAs and LEAs receiving ARP ESSER funds but does not affect the amount of funding available for this program. We anticipate that the nearly \$122 billion in ARP ESSER funds will be disbursed in Fiscal Year 2021, and therefore estimate \$122 billion in transfers in Fiscal Year 2021 relative to a pre-statutory baseline.

#### Accounting Statement

Accounting Statement: Classification of Estimated Impacts  
[in millions]

Category	Benefits
SEA and LEA ARP ESSER plans that are informed by and successfully address student needs	Not Quantified
LEA plans that ensure a safe return to in-person instruction and continuity of services	Not Quantified
	Costs
SEA consultation with stakeholders; public input	\$1.1
LEA plan for use of ARP ESSER funds	\$117
LEA plan for safe return to in-person instruction and continuity of services	\$143
	Transfers
Activities to help safely reopen and sustain the safe operation of schools and address the impact of the coronavirus pandemic on the Nation's students	\$121,975

Regulatory Flexibility Act Certification

The Regulatory Flexibility Act does not apply to this rulemaking because there is good cause to waive notice-and-comment rulemaking under the Administrative Procedure Act (5 U.S.C. 553).

Clarity of the Regulations

Executive Order 12866 and the Presidential Memorandum "Plain Language in Government Writing" require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make these regulations easier to understand, including answers to questions such as the following:

- Are the requirements in the interim final requirements clearly stated?
- Do the interim final requirements contain technical terms or other wording that interferes with their clarity?
- Does the format of the interim final requirements (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the interim final requirements be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the interim final requirements in the SUPPLEMENTARY INFORMATION section of this preamble be more helpful in making the requirements easier to understand? If so, how?
- What else could we do to make the interim final requirements easier to understand?

To send any comments that concern how the Department could make these interim final requirements easier to understand, see the instructions in the ADDRESSES section.



Paperwork Reduction Act of 1995

As part of its continuing effort to reduce paperwork and respondent burden, the Department provides the general public and Federal agencies with an opportunity to comment on proposed and continuing collections of information in accordance with the Paperwork Reduction Act of 1995 ("PRA") (44 U.S.C. 3501 et seq.). This helps ensure that the public understands the Department's collection instructions, respondents provide the requested data in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the Department can properly assess the impact of collection requirements on respondents.

A Federal agency may not conduct or sponsor a collection of information unless OMB approves the collection under the PRA and the corresponding information collection instrument displays a currently valid OMB control number. Notwithstanding any other provision of the law, no person is required to comply with, or is subject to penalty for failure to comply with, a collection of information if the collection instrument does not display a currently-valid OMB control number.

As discussed in the Analysis of Costs and Benefits section of the Regulatory Impact Statement, this regulatory action establishes interim final requirements for an SEA to

meaningfully consult with various stakeholder groups on its ARP ESSER plan and to give the public an opportunity to provide input on the development of the plan. It also requires an LEA receiving ARP ESSER funds to develop and make publicly available a plan for the use of those funds; meaningfully consult with stakeholders and consider public input in developing its plan; and make its plan accessible, including to parents with limited English proficiency and parents with a disability. Finally, with respect to the LEA plan for the safe return to in-person instruction and continuity of services required under section 2001(i) of the ARP Act, this action specifies what the plan must address; requires periodic review and, when needed, revision of the plan, with consideration of public input in each case, to ensure it meets statutory and regulatory requirements and remains relevant to the needs of schools; and requires that the plan be accessible, including to parents with limited English proficiency and parents with disabilities. We estimate the costs and burden hours associated with complying with these interim final requirements in the paragraphs that follow. The estimates below for the costs and burden hours are the same as the costs and staff-hours discussed in the Regulatory Impact Statement unless otherwise noted. Differences between the estimates in the Regulatory Impact Statement and this

section are due to differences in calculating the net impact and annual impact of these requirements.

In the notice of final requirements, we will display the control number assigned by OMB to any information collection activities proposed in these interim final requirements and adopted in the notice of final requirements.

For SEA consultation with stakeholders and seeking public input, we estimate that an SEA will need, on average, 80 staff-hours to engage in meaningful consultation with identified stakeholder groups and 40 staff-hours to consider public input, for a total estimated average of 120 staff-hours. At \$97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately \$12,000. For 52 SEAs (including for the District of Columbia and the Commonwealth of Puerto Rico), the total estimated cost is \$607,000, and the total estimated burden is 6,240 hours.

Under the interim final requirements, an SEA must facilitate consultation with stakeholders and ongoing communication with the public by posting on its website information on the number of schools in the State providing different modes of instruction and on student enrollment and (if available) attendance, and it must update such information regularly. We expect that SEAs generally

possess much of this information and estimate that an SEA will need, on average, 33 hours to comply with the facilitation requirement, including information updates. At \$97.28 per SEA staff-hour, the average estimated cost to comply with the requirements is approximately \$3,200. For 52 SEAs, the total estimated cost is \$166,800 and the total burden is 1,716 hours. This estimate differs from the estimate in the Regulatory Impact Statement due to calculating the annual impact, rather than the net impact.

We estimate that an LEA will need, on average, 40 staff-hours to develop an ARP ESSER plan that meets the requirements and to make its plan publicly available. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the ARP ESSER plan development requirement is approximately \$3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$58,368,000, and the total burden is 600,000 hours.

For LEA consultation with stakeholders and seeking public input, we estimate that an LEA will need, on average, 30 staff-hours to engage in meaningful consultation with identified stakeholder groups and to consider public input, for a total of 30 staff-hours. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is \$3,900. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated



cost is \$43,776,000, and the total estimated burden is 450,000 hours. We estimate that an LEA will need an average of 10 hours to comply with the requirement that its ARP ESSER plan be accessible, including to parents with limited English proficiency and individuals with disabilities. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately \$1,000. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$14,592,000, and the total estimated burden is 150,000 hours.

We estimate that 5,000 LEAs will need to develop or revise safe return to in-person instruction and continuity of services plans to meet statutory and regulatory requirements, using an average of 40 staff-hours. At \$97.28 per LEA staff-hour, the average estimated cost for complying with the requirements is \$3,900. The total estimated cost is \$19,456,000, and the total estimated burden is 200,000 hours.

Under these interim final requirements, an LEA must review its plan at least every 6 months, revise its plan as needed, and consider public input in the review and revision. Under these interim final requirements, an LEA will need to review its plan twice per year. We estimate that each review will require an average of 15 staff-hours

for a total burden of 30 hours per year. We estimate that the average LEA will revise its plan once over the course of the next three years and require an average of 20 staff-hours for plan revision, an average of 7 burden hours per year. The total average estimated staff-hours for complying with plan review and revision requirements is 27 staff-hours annually, and at \$97.28 per LEA staff-hour, the average estimated cost is \$2,600. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost for complying with the plan review and revision requirements is \$39,398,000, and we estimate a total burden of 405,000 hours. This estimate differs from the estimate in the Regulatory Impact Statement due to calculating the annual impact, rather than the net impact.

Finally, we estimate that an LEA will need an average of 15 hours to comply with the requirement that its plan for the safe return to in-person instruction and continuity of services be accessible, including to parents with limited English proficiency and individuals with disabilities. At \$97.28 per LEA staff-hour, the average estimated cost to comply with the requirement is approximately \$1,500. For an estimated 15,000 LEAs receiving ARP ESSER funds, the total estimated cost is \$21,888,000, and we estimate a total burden of 225,000 hours.

Collectively, we estimate that these new information collection activities will result in a total estimated cost of \$198,791,800 and a total estimated burden of 2,037,956 hours to the public annually. The Department is requesting an emergency paperwork clearance from OMB on the data collections associated with these interim final requirements.

We must receive your comments on the collection activities contained in these interim final requirements on or before [INSERT DATE 30 DAYS FROM THE DATE OF PUBLICATION IN THE FEDERAL REGISTER]. Comments related to the information collection activities must be submitted electronically through the Federal eRulemaking Portal at [www.regulations.gov](http://www.regulations.gov) by selecting the Docket ID number ED-2021-OESE-0061 or via postal mail, commercial delivery, or hand delivery by referencing the docket ID number and the title of the information collection request at the top of your comment. Comments submitted by postal mail or delivery should be addressed to the PRA Coordinator of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave, SW, LBJ, Room 6W208D, Washington, D.C. 20202-8240.

Note: The Office of Information and Regulatory Affairs in OMB and the Department review all comments

related to the information collection activities posted at [www.regulations.gov](http://www.regulations.gov).

We consider your comments on these proposed collection activities in--

- Deciding whether the proposed collection activities are necessary for the proper performance of our functions, including whether the information will have practical use;
- Evaluating the accuracy of our estimate of the burden of the proposed collection activities, including the validity of our methodology and assumptions;
- Enhancing the quality, usefulness, and clarity of the information we collect; and
- Minimizing the burden on those who must respond. This includes exploring the use of appropriate automated, electronic, mechanical, or other technological collection techniques.

Collection of Information

Information Collection Activity	Estimated Number Responses	Hours Per Response	Total Estimated Burden Hours	Estimated Cost at an Hourly Rate of \$97.28
SEA Consultation with Public	52	120	6,240	\$607,000
SEA Facilitation and Updates	52	33	1,716	\$166,800
LEA ARP ESSER Plan Creation	15,000	40	600,000	\$58,368,000



LEA Consultation with Public	15,000	30	450,000	\$43,776,000
LEA ARP ESSER Plan Accessibility	15,000	10	150,000	\$14,592,000
LEA Plan for Safe Return Creation	5,000	40	200,000	\$19,456,000
LEA Safe Return Plan Review	15,000	27	405,000	\$39,938,000
LEA Plan for Safe Return Accessibility	15,000	15	225,000	\$21,888,000
Annualized Total	80,104	315	2,037,956	\$198,791,800

In addition to the information collection activities that are a result of these interim final requirements, the Department is issuing an ARP ESSER State Plan application template that creates burden for the public. The content of the template is based on the ARP ESSER statute, in particular the required SEA and LEA set asides (see ARP sections 2001(e)(1) (LEA set aside) and (f)(1)-(3) (SEA set asides)), as well as the regulatory requirements in these interim final requirements. The estimated burden hours for completing the ARP ESSER State Plan application template are accounted for in a separate emergency information collection request to OMB.

Intergovernmental Review

The ARP ESSER program is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

Accessible Format: On request to the program contact person listed under FOR FURTHER INFORMATION CONTACT, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format ("RTF") or text format ("txt"), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the *Federal Register*. You may access the official edition of the *Federal Register* and the Code of Federal Regulations at [www.govinfo.gov](http://www.govinfo.gov). At this site you can view this document, as well as all other documents of this Department published in the *Federal Register*, in text or portable document format ("PDF"). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

You may also access documents of the Department published in the *Federal Register* by using the article search feature at: [www.federalregister.gov](http://www.federalregister.gov). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

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Miguel Cardona,  
*Secretary of Education.*

**From:** Garibay, Montserrat  
**Subject:** ARP ESSER  
**To:** Daaiyah Bilal-Threats  
**Sent:** April 21, 2021 10:59 AM (UTC-04:00)  
**Attached:** 21-002903 ARP application DCL\_FINAL.pdf, Final ARP ESSER IFR 4.20.21.pdf, ARP ESSER State Plan Template 04-20-2021\_130PM.pdf

Daaiyah,

Here is the ARP ESSER documents and press release.

<https://www.ed.gov/news/press-releases/us-education-department-releases-state-plan-template-american-rescue-plan-elementary-and-secondary-school-emergency-relief-fund>.

Please let me know if you have any questions,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

**From:** Beth Antunez, Legislation  
**Subject:** Fwd: ESSER and Florida  
**To:** Rosenblum, Ian  
**Cc:** Garibay, Montserrat; Marla Ucelli-Kashyap, Educational Issues  
**Sent:** May 18, 2021 9:44 PM (UTC-04:00)  
**Attached:** CRRSA ESSER LEA Allocations 05.07.21.pdf, Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act (ESSER II) Fund – Initial Release.pdf

Hi Ian,

Thank you so much for meeting with AFT folks today. They were super appreciative and learned a lot, as I hope you could see by their repeated asking for your slides :)

I'm attaching the documents from our folks in Florida. It does look like the first memo is requiring districts to spend a percentage of funds in order to receive their remains ESSER I and II money.

Let us know how you want to proceed. Thanks.

Beth





Andy Tuck, Chair  
Marva Johnson, Vice Chair  
Members  
Monesia Brown  
Ben Gibson  
Tom Grady  
Ryan Petty  
Joe York

**MEMORANDUM**

**TO:** School District Superintendents

**FROM:** Jacob Oliva

**DATE:** May 7, 2021

**SUBJECT:** **Coronavirus Response and Relief Supplemental Appropriations (CRRSA) Act  
Elementary and Secondary Schools Emergency Relief (ESSER II) Fund – Initial Release**

The Florida Legislature has appropriated most of the funds available to Florida school districts and other local educational agencies (LEAs) under the ESSER II program in the General Appropriations Act (GAA), and those funds will be released after the GAA becomes effective. More information is forthcoming from the Florida Department of Education (department) relating to those funds appropriated in the GAA.

To ensure uninterrupted access to ESSER funds, LEAs on the attached list with funds in the "Advance Lump Sum" column will receive an advance allocation of their ESSER II funds for use in FY 2020-21, due to those LEAs having 45 percent or less of their original ESSER funds remaining as of April 22, 2021.

The ESSER II advance funds must be spent by September 1, 2021, and a DOE 399, final disbursement report, is due to the department no later than September 15, 2021. The ESSER II advance funds may be used for allowable expenditures back to March 13, 2020. LEAs receiving this advance allocation shall provide a proportionate allocation to charter schools within the LEA.

Districts receiving ESSER II advance funds who have previously submitted their assurances will not need to resubmit; however, all LEAs receiving ESSER II funds will be required to provide a detailed narrative and budget for all sums awarded, in accordance with any further directives from the department.

If you have any questions, please feel free to contact Mari "Miki" Presley, Assistant Deputy Commissioner at 850-245-9426 or [Mari.Presley@fldoe.org](mailto:Mari.Presley@fldoe.org).

SP/mp

Attachment: Allocation List

cc: Bethany Swanson, Interim Chief of Staff  
Eric Hall, Senior Chancellor  
Suzanne Pridgeon, Deputy Commissioner, Finance and Operations  
Mari M. "Miki" Presley, Assistant Deputy Commissioner, Finance and Operations  
School District Finance Officers

JACOB OLIVA  
CHANCELLOR OF PUBLIC SCHOOLS

**From:** Garibay, Montserrat  
**Subject:** Re: Grants for charter schools  
**To:** Wick-Bander, Olivia [NEA]  
**Cc:** Bilal-Threats, Daaiyah [NEA]  
**Sent:** June 15, 2021 10:39 AM (UTC-04:00)

Will do. Thank you.

Montserrat

On Jun 15, 2021, at 9:18 AM, Wick-Bander, Olivia [NEA] <[owickbander@nea.org](mailto:owickbander@nea.org)> wrote:

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Good Morning Montserrat

Can you please include the following people from our team in the calendar invite?

Daaiyah Bilal- Threats [DBilal@nea.org](mailto:DBilal@nea.org)  
Kyle Serrette [kserrette@nea.org](mailto:kserrette@nea.org)  
Alexis Holmes [aholmes@nea.org](mailto:aholmes@nea.org)  
Michael Scott [michaelscott@nea.org](mailto:michaelscott@nea.org)

Thank you!  
Libby

Olivia 'Libby' Wick-Bander (she/her)  
Office of Strategic Alliances  
National Education Association  
[owickbander@nea.org](mailto:owickbander@nea.org)  
(860) 508-8558

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**From:** Montserrat Garibay <[Montserrat.Garibay@ed.gov](mailto:Montserrat.Garibay@ed.gov)>  
**Date:** Monday, June 14, 2021 at 10:43 PM  
**To:** Daaiyah Bilal-Threats <[DBilal@nea.org](mailto:DBilal@nea.org)>  
**Cc:** Libby Wick-Bander <[owickbander@nea.org](mailto:owickbander@nea.org)>  
**Subject:** Grants for charter schools

Daaiyah,

Jessica is available to share information about the grants for charter schools on Wednesday, June 16 from 1:30 to 2:00 p.m.

Please let me know if you or someone from your team is available.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

**From:** Bilal-Threats, Daaiyah [NEA]  
**Subject:** About FSCS and CSP Grant Programs 2021 06 15.docx  
**To:** Garibay, Montserrat  
**Sent:** June 15, 2021 3:01 PM (UTC-04:00)  
**Attached:** About FSCS and CSP Grant Programs 2021 06 15.docx

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Montserrat,

For you. A backgrounder for our meeting tomorrow.  
Thanks for arranging it. Hope this is helpful.



# MEMO

To: Montserrat Garibay, Senior Advisor for Labor Relations, Office of the Secretary, U.S. Department of Education

From: Daaiyah Bilal-Threats, Senior Director, Education Policy and Practice, National Education Association

Date: June 16, 2021

RE: Full-Service Community Schools and Charter Schools Grant Programs

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On behalf of the more than 3 million members of the National Education Association (NEA), I am submitting this memo, which outlines two of the major grant programs authorized in the Elementary and Secondary Education Act (ESEA): the Full-Service Community Schools Grants and the Charter Schools Program. Additionally, I will include NEA's position on these programs, and I will outline how we believe they can be used to support all students of every race and ZIP code.

## Full-Service Community Schools

What is a Full-Service Community School?

- A Community School is both a place and a set of partnerships between the education system, the nonprofit sector, and local government agencies. Community Schools are a cradle-to-career strategy that can include early childhood settings, K-12 sites, and postsecondary institutions. There are at least 5,000 Community Schools across the United States, located in urban, suburban, and rural settings. While the specific programs and services vary according to local context, there are six key evidence-based pillars<sup>1</sup> of the Community School approach.
  - Strong and proven culturally relevant curriculum
  - High-quality teaching and learning
  - Inclusive leadership
  - Positive behavior practices
  - Family and community partnerships
  - Coordinated and integrated wraparound supports
- For more information about the Community Schools Model and NEA's position, please visit the [NEA Community Schools webpage](#).
- Community schools have been shown to have positive impacts on students, schools, and communities, such as highlighted in this [recent op-ed](#) and in this [February 2021 NEA Today article](#).

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<sup>1</sup> [The Community Schools model advanced by the Learning Policy Institute](#) focuses on four key features: integrated student supports, expanded learning time and opportunities, family and community engagement, and collaborative leadership and practices.

## About the Full-Service Community School Grant Competition

- From the [Full-Service Community Schools webpage](#) on the Department of Education website: The Full-Service Community Schools (FSCS) program provides support for the planning, implementation, and operation of full-service community schools that improve the coordination, integration, accessibility, and effectiveness of services for children and families, particularly for children attending high-poverty schools, including high-poverty rural schools.
- Grant program is authorized under Title IV, Part F of the *Every Student Succeeds Act* ([20 USC §§7271–7275](#))
- The Grant competition for FY 2021 was [canceled](#):
  - “The FY 2021 Full-Service Community Schools (FSCS) grant competition is cancelled.
  - “The Department made the decision to cancel the FY 2021 FSCS competition to allow more LEAs and nonprofits the opportunity to apply for this grant given COVID’s impact on schools and communities. The timing allows sites to more fully assess their needs and to better coordinate with the District’s funding available through the American Rescue Plan. The competition will resume in FY 2022, which will be able to support more communities in continuing to meet the needs of students and families as a result of the COVID-19 pandemic. We encourage you to apply for the FY2022 Full-Service Community Schools competition and will share information as soon as the application period opens.”
- The American Rescue Plan (ARP) specifically mentions full-service community schools as an allowable use of funds in the Elementary and Secondary School Emergency Relief Program (ESSER) funds. ED published an [FAQ document](#) to explain uses of ESSER funds, and states, “Using ESSER or GEER funds to support full-service community schools can help support students’ social, emotional, mental health, and academic development and other basic needs. Additionally, LEAs may utilize funds in the development or expansion of in-school student support centers that provide mentoring, counseling, and social and emotional learning supports to students in individual or group sessions” (p. 39).
  - The NEA supports the use of ESSER funds to implement the Community Schools Model as described in the [NEA’s Federal Emergency Aid for Public Education: A Guide to Funding Amounts, Uses, and Requirements](#) (p. 41).
- Although we appreciate that the implementation of full-service community schools are an allowable use of ESSER funds, we are disappointed that ED has suspended the FSCS grant competition this year. Local education agencies seeking to expand community schools could have benefitted from this additional funding source, particularly in a time where we need to build back better our public education system.

## President Biden’s Budget Request Compared to Previous Funding

2019	2020	2021	2020 (Pres. Request)
\$18M	\$25M	\$30M	\$443M

We appreciate President Biden’s recognition of the power of community schools by requesting a \$413M increase in the budget to support this grant program.



## Charter Schools Program

### What is a Charter School?

- A charter school defined in Title IV, Part D of the *Every Student Succeeds Act* ([20 USC §7221i](#)).
  - They are a public school created and developed to meet educational objectives determined by the developer and agreed to by an authorizing agency in accordance with state law. They are generally exempt from many state or local rules to allow for flexible operation and management, but they must comply with laws related to student achievement, health and safety, civil rights, disabilities, and student privacy.
- The original intent of charter schools was to provide a space for educators to be more flexible and innovative in their curriculum and instructional practices. It was hoped that successful innovations could be adapted to benefit public education more broadly.
- For more information about NEA's position, please visit the [NEA charter school accountability webpage](#).

### About the Charter Schools Program Grant Competitions

- There are several programs authorized under the *Every Student Succeed Act* ([20 USC §7221](#)) to support charter schools.
- As described on the [Charter School Programs webpage](#) on the U.S. Department of Education website, the Charter Schools Programs and supporting federal funds support charter schools through several mechanisms:
  - The Charter School Programs (CSP) provides funds to:
    - create promising new public charter schools,
    - replicate high-quality public charter schools, and
    - disseminate information about effective practices within charter schools.
  - Federal funds are also available to help charter schools:
    - find suitable facilities;
    - reward high-quality charter schools that form exemplary collaborations with traditional public schools; and
    - invest in other national initiatives that support charter schools.

### Concerns with the Charter Schools Program

- Too frequently, charters are operated expressly for profit, or are nominally non-profit but managed or operated by for-profit entities. The growth of charters has undermined local public schools and communities without producing an overall increase in student learning and growth.
  - In some cases, [charter schools sign a "sweeps contract"](#) with an education management organization who runs all aspects of the school. Although the charter school itself is non-profit, most of the funds are passed to the for-profit entity contracted to operate the school.
- All schools that receive public funds should be held to the same excellence, equity, and transparency standards as public schools.
- CSP subgrants have not always been awarded to schools with the best intent. In one case, an academy in North Carolina seeking to become a charter school [received a subgrant from the state agency](#), which has documented issues of perpetuating segregation in the community and advancing a discipline code that includes corporal punishment.

- In this case, we request the Department of Education to review the award to North Carolina to ensure it is being used for the agreed upon uses of funds, as authorized in the ESEA ([20 USC §7221b\(d\)\(3\)\(A\)\(ii\)](#)). If deemed necessary, the Department should terminate the grant and reallocate those funds to other State entities complying with the law.

#### President Biden's Budget Request Compared to Previous Funding

2019	2020	2021	2020 (Pres. Request)
\$440M	\$440M	\$440M	\$440M

Because of the documented problems associated with CSP, NEA believes important guardrails should be instituted to ensure that the integrity of CSP is maintained. We maintain that no new funding should be appropriated to CSP until guardrails are instituted and grant recipients are held accountable to the public.

#### Improving the Charter Schools Program

The Charter School Program has been used to allow anti-public education actors to engage in the fraud, waste, and abuse of federal taxpayers' dollars. It is imperative to hold charter schools accountable to the public trust. **As a result, NEA calls for no new Charter School Program grants be awarded until guardrails are installed to ensure that federal taxpayers' money is used for its intended purpose—to educate our Nation's students.** As the Full-Service Community Schools competition was suspended to better align the objectives with those of the Biden-Harris administration, CSP should be suspended as well.

Included below are 13 guardrails that NEA believes the Department should implement to ensure the CSP grants are used for their intended purpose.

1. Charter schools should be non-profit entities, both in name and in practice.
  - a. Schools that claim to be non-profit in compliance with state or federal law shall be non-profit as a matter of law, management, and operations.
  - b. The Department should conduct a review of all grants to ascertain whether there are active grantees who are in violation of the guidance regarding the relationships between the school and the for-profit organization.
  - c. The Department should require all State Entities and Facilities Program grantees to review the relationship between the subgrantee and its management corporation. If the management organization is a for-profit entity, the Department shall determine whether a violation of guidance exists.
  - d. All future grantees and sub-grantees should provide a copy of the management contract, if one exists, and report all related entities of that corporation with which they conduct business.
  - e. The grantees and subgrantees should also name the members on their board of directors and the names of the board of directors on any management contract, and they should also disclose any conflicts of interest.
  - f. The Department shall review its guidance in order to ensure that it provides clarifying language that prohibits grantees from entering into sweeps contracts with for-profit entities and that makes it clear that federal funds, including CSP funds, are not subjected to "management fees" taken by for-profit organizations.



2. Charter schools being planned or opened with Charter School Program grant or subgrant awards must be held accountable to the public via open and transparent governance. They must be subjected to the following:
  - a. Open Meetings and Open Records acts, as required of any other public entity;
  - b. Conflict-of-interest and ethics requirements at the board and director levels; and
  - c. Regular external forensic audits.
3. Charter schools must be appropriately authorized, and the Secretary must not waive this authorization requirement for any non-SEA awards that it grants.
4. State entities shall limit pre-authorization planning grants to a capped amount.
  - a. No grantee or subgrantee may use planning grants to pay themselves, family members, or anyone with an actual or apparent conflict-of-interest.
  - b. For schools that do not open within a reasonable period of time, any and all nonperishable property acquired through a planning grant must be returned to the state entity.
5. The Department must develop clear grant application guidelines that include a mechanism to verify the veracity of all claims made in an application. These guidelines must also be applied to subgrant competitions. Applicants making false claims shall be denied an award and shall be barred from receiving a future grant or subgrant under this program and may be referred for additional civil or criminal liability.
6. The Department shall reserve funds from the CSP funding to conduct audits of applications, receipts, and supervision of all state entity sub-grants. States or LEAs receiving grants must also set aside sufficient funds to conduct audits and supervision of schools under their auspices.
7. The grant competition must be reformed to allow for a more objective review process and to ensure that only qualified applicants receive a grant or subgrant award.
  - a. Application review teams must include members from beyond the charter school community.
  - b. Applications shall meet a minimum threshold of points in the review process to receive a grant or subgrant award.
  - c. Charter schools shall be subject to the same state assessments imposed on traditional public schools. Schools that do not demonstrably meet the definition of “high quality” under ESSA ([20 USC §7221j](#)) shall be ineligible for expansion grants or subgrants. Similarly, CMOs that do not meet this definition in any state shall not be eligible for planning grants or subgrants under the same or different name in any state.
  - d. Schools must meet the definition of “high quality” without undue student selection or excessive attrition. To qualify for expansion grants, the charter school must demonstrate strong academic results as well as graduation rates and attrition rates at least as strong as the school district in which the school is located.
8. Charter schools must serve at least the same proportion of students with disabilities, disadvantaged students, and English language learners as the school district in which the school is located. They must not discriminate against race, sex, religion, national origin (including language), disability, or socioeconomic status.
  - a. Applicants for a planning grant shall be required to demonstrate a plan that will ensure that they will serve at least the same proportion of students with disabilities, disadvantaged students, and English language learners as the school district in which the school is located. The applicant should provide links to state data for verification.

- b. Applicants for expansion grants shall be required to show that they are serving at least the same proportion of students with disabilities, disadvantaged students, and English language learners as the school district in which the school is located. The applicant should provide links to state data for verification.
  - c. Applicants for all grants and subgrants shall also certify that they do not and will not discriminate against race, sex, religion, national origin (including language), disability, or socioeconomic status.
- 9. Before being awarded a grant or subgrant award, the charter school's authorizer must assess the impact of opening a charter school on other local schools and the entire district must be assessed prior to authorization – fiscally, demographically, and otherwise – and these findings shall be included in the application.
- 10. Before being awarded a grant or subgrant award, the application must be presented to an elected board for a hearing to allow community input. This could be either the local school board where the charter school is or will be located, or an elected state board of education.
- 11. Any information collected in the initial application shall be provided to the Department (or the state entity in the case of a subgrant) annually before receiving additional grant payments.
- 12. Charter Management Organizations (CMOs) must be subject to the same requirements as the State Entity grants. New grants should be issued only after a prior grant has been completed, and spending has been evaluated.
  - a. CMO grants must be subject to annual external forensic audits, and the costs to conduct such audits shall be included in the awarded funds.
- 13. No less than 95% of all award funding for the Replication and Expansion of Charter Schools be directly allocated to the charter schools in the network of the Charter Management Organization—the management organization shall not retain more than 5% for providing administrative services.

**From:** Garibay, Montserrat  
**Subject:** Re: About FSCS and CSP Grant Programs 2021 06 15.docx  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Sent:** June 15, 2021 3:12 PM (UTC-04:00)

Received.  
Thank you,

Montserrat

Sent from my iPhone

On Jun 15, 2021, at 2:01 PM, Bilal-Threats, Daaiyah [NEA] <DBilal@nea.org> wrote:

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Montserrat,

For you. A backgrounder for our meeting tomorrow.  
Thanks for arranging it. Hope this is helpful.  
<About FSCS and CSP Grant Programs 2021 06 15.docx>  
<ATPFile\_CE6EEE48-3663-4393-AEBB-9A55F7C1723F.token>

**From:** Ilse Escobar  
**Subject:** Fulfill the Promise Follow-Up  
**To:** Garibay, Montserrat  
**Cc:** Gloria Martinez  
**Sent:** July 14, 2021 4:53 PM (UTC-04:00)  
**Attached:** Civil Rights Report Executive-Summary-032221-final.pdf, DOE Response to Guidance Petition 06212021.pdf, Fulfill the Promise Coalition Letter\_EngSpa.pdf, Special Education Funding Gaps Fact Sheet\_EngSpa.pdf, Report - State of Denial\_CTA\_UTLA.pdf, Summary State of Denial Report.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat,

Just wanted to say one more time how much we appreciate building with Secretary Miguel Cardona, Katy Neas, and Donna Harris-Aikens, and of course with you! Heard great things about the in-person meeting; and our virtual meeting group felt the meeting was a great start to propelling this work.

Wondering if the contact information for the Chief of Staff can be forwarded. Gloria Martinez, UTLA VP (CC'd ) promised to send a follow-up message.

Here are some materials mentioned today in our virtual meeting (and some additional helpful ones):

1. Attached: the Civil Rights Report Summary. [Full report here.](#)
2. Attached: DOE Response to Guidance Petition
3. Attached: Fulfill the Promise Coalition Letter
4. Attached: Special Education Funding Gaps Fact Sheet
5. Attached: CTA & UTLA State of Denial Report
6. Attached: CTA & UTLA State of Denial Summary/Brief
7. Our campaign website: <https://fulfillthepromise.net/>

Will work on identifying Spanish-speaking parents for roundtable meeting.

Looking forward to developing this work. Thank you!!

--

Ilse Escobar  
Community & Parent Organizer  
UTLA – Political Organizing Dept.  
[iescobar@utla.net](mailto:iescobar@utla.net) - 

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AUGUST 2019

# STATE OF DENIAL: CALIFORNIA CHARTER SCHOOLS AND SPECIAL EDUCATION STUDENTS



CALIFORNIA  
TEACHERS  
ASSOCIATION





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# STATE OF DENIAL:

## CALIFORNIA CHARTER SCHOOLS AND SPECIAL EDUCATION STUDENTS

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# STATE OF DENIAL:

## CALIFORNIA CHARTER SCHOOLS AND SPECIAL EDUCATION STUDENTS

### EXECUTIVE SUMMARY

Under federal law, students with disabilities are guaranteed a free and appropriate public education (FAPE). Whether this mandate is being faithfully carried out by California's privately operated charter schools is currently in debate. For many years there have been accusations that charter operators employ tactics to disincentivize students with disabilities (SWDs) from enrolling, actively encourage families to remove these students from charter schools, and—in the most egregious cases—push students with disabilities out of charter schools.<sup>1</sup> The alleged goal would be to suppress SWD enrollment in the interest of keeping costs low by denying services to which students with disabilities are legally entitled. These allegations have been echoed many times in California as the charter industry has continued to expand, and analyses of charter advertising and policy materials lend credible weight to these serious allegations of civil rights abuse.<sup>2</sup>

Despite the importance of this issue, there has not previously been an in-depth, multi-district, comparative analysis of enrollment between privately operated charter schools and district-run schools within the same authorizing districts. This is the first public analysis of special education enrollment disparities and the fiscal impact caused by these disparities within three of California's largest school districts. The previous lack of descriptive analysis is due to issues of both data accessibility and state accountability for students with disabilities that complicates analysis in California.<sup>3</sup> It is likely that these problems will only worsen if the state continues to allow the rampant expansion of fiscally independent, privately operated charter schools.<sup>4</sup>

<sup>1</sup> Peter Bergman and Isaac McFarlin Jr., "Education for All? A Nationwide Audit Study of Schools of Choice" (working paper, NBER, December, 2018): [http://www.columbia.edu/~psb2101/BergmanMcFarlin\\_school\\_choice.pdf](http://www.columbia.edu/~psb2101/BergmanMcFarlin_school_choice.pdf).

<sup>2</sup> Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco, "Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment," (ACLU of Southern California and Public Advocates, August 2016): [https://www.aclusocal.org/sites/default/files/field\\_documents/report-unequal-access-080116.pdf](https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf).

<sup>3</sup> See page 15 of this report for a discussion of the data accessibility issues encountered during our analysis.

<sup>4</sup> Fiscally independent charter schools act as Local Education Agencies (LEAs) that directly receive public education dollars from the state. This distinction is important for any study of the fiscal impact of charter schools, as "affiliated" charter schools are essentially "schools of the district" and are treated as such for budget purposes. Throughout this report, "charter schools" refers to fiscally independent, privately operated charter schools. "District-run schools" or "schools of the district" include both traditional public schools and fiscally dependent, affiliated charter schools.



This project was formulated to answer three major questions about the impact of the privately operated charter school industry on the special education landscape in three California school districts:

1. Within each authorizing district, were there significant differences in the percentage of special education students<sup>5</sup> enrolled within schools of the district compared to privately operated charter schools under the same district authorizer in our snapshot year 2016-2017 (academic year 2017)?
2. Are there significant differences in enrollment by eligibility under the categories established in the Individuals with Disabilities Act (IDEA) between privately operated charter schools and schools of the district managed within the same authorizing district?
3. Lastly, what is the financial impact on each of these local school districts due to special education enrollment disparity, if such disparity is found to exist?

One of the earliest states to adopt legislation allowing charter schools,<sup>6</sup> California is now home to the greatest number of privately operated charter schools in the United States.<sup>7</sup> Los Angeles Unified School District (LAUSD), Oakland Unified School District (OUSD), and San Diego Unified School District (SDUSD) are not only home to the state's greatest number of privately operated charter schools, they are also the state's top three authorizers of charter schools, and are therefore responsible for oversight of nearly a third of privately operated charter schools in the state<sup>8</sup>

For this report, our research team brought together descriptive statistical data, publicly available financial data, and the voices of parents of special-needs students who have experienced the various ways privately operated charter schools implicitly or explicitly discourage enrollment of certain children. During the 2016-2017 school year, 12.11 percent of students in California had an IDEA-identified disability<sup>9</sup> It should be noted that California identifies one of the smallest shares of students with disabilities in the country, ranking among the bottom 10 states.<sup>10</sup> For comparison, the percentage of students identified nationally is 13 percent.<sup>11, 12</sup> Between the three authorizing districts analyzed here (LAUSD, OUSD, and SDUSD), students with disabilities made up an average 11.01 percent of privately operated charter enrollment compared with 14.27 percent of students enrolled in schools of the district. The enrollment disparity in Oakland in particular stands out, as schools of the district on average enrolled nearly two times the percentage of students with disabilities (7.67 percent vs. 13.58 percent). In Los Angeles, privately operated charter schools enrolled an average of 11.11 percent SWDs, while students with disabilities made up 14.16 percent of

*The enrollment disparity in Oakland in particular stands out, as schools of the district on average enrolled nearly two times the percentage of students with disabilities (7.67 percent vs. 13.58 percent).*

<sup>5</sup> For the purposes of this report, "students with disabilities" or "special education students" are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) and that have an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>6</sup> Valerie Strauss, "Will California Gov. Brown sign a bill to ban for-profit charter schools?" The Washington Post, Answer Sheet - Analysis, August 27, 2018, [https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm\\_term=.717afed6c8aa](https://www.washingtonpost.com/education/2018/08/27/will-california-gov-brown-sign-bill-ban-for-profit-charter-schools/?noredirect=on&utm_term=.717afed6c8aa)

<sup>7</sup> National Center for Education Statistics, Digest of Education Statistics (U.S. Department of Education, table prepared August 2017), table 216.90: "Public elementary and secondary charter schools and enrollment, by state: Selected years, 2000-01 through 2015-16," [https://nces.ed.gov/ipeds/data/digest/ipeds/datafiles/digest/d17\\_216.90.asp](https://nces.ed.gov/ipeds/data/digest/ipeds/datafiles/digest/d17_216.90.asp)

<sup>8</sup> "Public Schools and Districts Data Files: Downloadable files containing general information about California's public schools and districts," Schools & Districts, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>. For the purpose of this report, all active, pending, closed, and merged charter schools are listed within the XLSX file titled "Public Schools and Districts Data Files: Contains all active, pending, closed, and merged public schools and districts," <https://www.cde.ca.gov/SchoolDirectory/report?rid=dl1&tp=xlsx&ist=Y>.

<sup>9</sup> The December 1, 2016 CASEMIS totals divided by CALPADS total enrollment for 2016-2017.

<sup>10</sup> Ben Wieder, "State Special Education Rates Vary Widely," Stateline, an initiative of The PEW Charitable Trusts, January 24, 2012, <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2012/01/24/state-special-education-rates-vary-widely>; National Center for Education Statistics, Digest of Education Statistics (U.S. Department of Education, table prepared December 2015), table 204.70: "Number and percentage of children served under Individuals with Disabilities Education Act (IDEA), Part B, by age group and state or jurisdiction: Selected years, 1990-91 through 2013-14," [https://nces.ed.gov/ipeds/data/digest/d15/tables/dt15\\_204.70.asp](https://nces.ed.gov/ipeds/data/digest/d15/tables/dt15_204.70.asp).

<sup>11</sup> National Center for Education Statistics, "Children and Youth With Disabilities," The Condition of Education (April 2018), [https://nces.ed.gov/ipeds/data/digest/d15/tables/dt15\\_204.70.asp](https://nces.ed.gov/ipeds/data/digest/d15/tables/dt15_204.70.asp).

<sup>12</sup> For this report our research team analyzed complete sets of data pertaining to each authorizing district (not samples) for descriptive and statistical significance.



enrollment in schools of the district. San Diego's privately operated charter schools enrolled a smaller share of students with disabilities (12.96 percent vs. 15.07 percent), but the difference was not statistically significant.

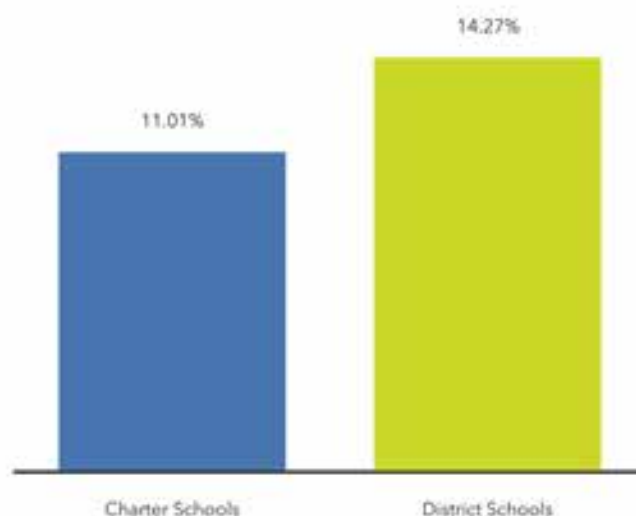
Not only is the charter industry in LAUSD, OUSD, and SDUSD enrolling a smaller share of students with disabilities, but our analysis also uncovered that, of those students enrolled, charter schools were serving a significantly smaller share of students with the most severe—and typically most financially costly—disabilities (moderate to severe).<sup>13</sup> Thus, of the students with disabilities who were enrolled within privately operated charter schools, the vast majority were concentrated in the mild to moderate eligibility categories.<sup>14</sup> Students in mild to moderate categories made up more than 80 percent of SWDs enrolled within charter schools, while in schools of the district these students comprised, on average, less than 70 percent. This analysis found students with the following moderate to severe disabilities were persistently under-enrolled by privately operated charter schools: autism, intellectual disabilities, multiple disabilities, and orthopedic impairments.<sup>15</sup>

Given that the disproportionate enrollment was pervasive across all three cohort districts, it is not surprising that these disparities are estimated to have a significant financial impact. In OUSD, where the enrollment disparities in particular stood out, the estimated gross fiscal impact of this disparity on the district can be attributed to lower charter school industry enrollment of SWDs across the spectrum of needs, with a greater portion of the fiscal impact caused by greater disproportional enrollment of severely disabled students. On the other hand, in LAUSD and SDUSD almost all the estimated gross fiscal impact is attributable to the relative under-enrollment of students with disabilities considered moderate to severe.

The estimated gross fiscal impact, without regard to the significant disparities in the students typically considered the most costly to educate, was \$9.33 million in OUSD, \$50.09 million in LAUSD and \$5.10 million in SDUSD. When the model accounted for the disparity in enrollment of the highest-needs students with disabilities, the estimated gross fiscal impact jumped to \$10.10 million in OUSD, \$74.65 million in LAUSD, and \$12.49 million in SDUSD.

The state of California has allowed charter operators to employ a number of strategies that are likely to result in disproportionately low special education enrollment.<sup>16</sup> These include signaling to parents that their special-needs child will be better served by the traditional public school, counseling enrolled special-needs families out of the school, advertising to specific target populations, and ignoring inquiries from prospective parents with special-

Average Percentage Enrolled Students With Disabilities:  
SDUSD, LAUSD & OUSD Combined



*Not only is the charter industry in LAUSD, OUSD, and SDUSD enrolling a smaller share of students with disabilities, but our analysis also uncovered that, of those students enrolled, charter schools were serving a significantly smaller share of students with the most severe—and typically most financially costly—disabilities (moderate to severe).*

<sup>13</sup> According to the Public Policy Institute of California's report of Special Education Finance, the CDE defines severe disabilities as the following: autism, visual impairment, deaf, deaf-blind, orthopedic impairment, emotional disturbance, intellectual disability, traumatic brain injury, and multiple disabilities. The Los Angeles Unified School district also confirmed these categories are considered "moderate to severe" via email (See Appendix E9). Further, these category breakdowns can also be found in the California School Accounting Manual: <https://www.cde.ca.gov/fg/ac/sa/documents/csam2019complete.pdf>

<sup>14</sup> IDEA categories considered mild to moderate are: Speech or Language Impairment, Specific Learning Disability, and Other Health Impairment.

<sup>15</sup> Each of the mild to moderate categories were analyzed to determine both descriptive and statistically significant population differences. For a complete output of each analysis by category see Appendix A.

<sup>16</sup> Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco (August 2016)

Estimated Gross Fiscal Impact of Disproportional Enrollment of Severely Disabled Students



needs children.<sup>17, 18</sup> The typical refrain from charter advocates is that they just do not have the resources to serve special education students.<sup>19</sup> This reasoning ignores the fact that all schools have an immense legal, moral, and civic responsibility to serve all students, regardless of their special education status. Neither the federal government, nor the state of California, nor the individual authorizers have met their obligation to ensure all special-needs students have access to a free and appropriate public education. Until these entities fulfill their regulatory responsibilities to ensure the rights of all special education students are upheld, there will remain little incentive for privately operated charter schools to change their current practices.

<sup>17</sup> Simon, S. Special Report: Class Struggle - How Charter Schools Get Students They Want. Reuters (February 15, 2019): <https://www.reuters.com/article/us-usa-charters-admissions/special-report-class-struggle-how-charter-schools-get-students-they-want-idUS88E91E04F20130215>

<sup>18</sup> Bergman, Peter & Isaac McFarlin Jr. "Education for All? A Nationwide Audit Study of Schools of Choice." Columbia University, University of Florida, NBER working paper (December 2018): [http://www.columbia.edu/~psb2101/BergmanMcFarlin\\_school\\_choice.pdf](http://www.columbia.edu/~psb2101/BergmanMcFarlin_school_choice.pdf).

<sup>19</sup> National Council on Disability, School Choice Series: Charter Schools - Implications for Students with Disabilities (November 15, 2018): [https://ncd.gov/sites/default/files/NCD\\_Charter-Schools-Report\\_508\\_0.pdf](https://ncd.gov/sites/default/files/NCD_Charter-Schools-Report_508_0.pdf)



## INTRODUCTION

All Californians have the fundamental right to a free and appropriate public education.<sup>20</sup> Where students with disabilities are concerned, both the federal government and the state of California have an affirmative obligation to secure and actively protect that right.<sup>21</sup> Presently, however, a combination of policy and funding mechanisms at each level of governance incentivize privately operated charter schools to sidestep this legal and moral obligation to California's most vulnerable students. This problem is multi-tiered and particularly pressing in the current political landscape.

At the federal level, neither the executive nor the legislative branch is prioritizing the needs of students with disabilities. Under President Donald Trump and Secretary of Education Betsy DeVos, the administration attempted to remove the safeguards and oversight designed to protect students with disabilities, going so far as to delay the study of disparities in special education.<sup>22, 23</sup> The same administration submitted their first budget to Congress proposing drastic cuts to both IDEA and Medicaid.<sup>24</sup> Both are foundational safeguards for the differently abled, and cuts to such vital programs often cause states to move dollars from education to cover the loss of federal health funds.<sup>25</sup> In the most recent proposed budget, Secretary DeVos has for the third year in a row zeroed out federal financial support for the Special Olympics in her proposed budget for the U.S. Department of Education.<sup>26</sup> At the same time, the United States Congress continues to fall short of its promise to fund 40 percent of the average special education cost, with federal funding currently at 15 percent.<sup>27</sup> All the while, the cost of special education throughout California continues to rise.<sup>28</sup>

Simultaneously, state school systems have granted charters to private entities that operate more independently and, arguably, less transparently than publicly-governed school boards. Since the implementation of the first charter school laws, there has been concern that entities governed by unelected boards might potentially exclude protected classes, with special education students particularly at risk due to the additional costs of mandated individualized education plans.<sup>29</sup> In the intervening 27 years, several reports have uncovered systematic exclusion of protected classes.<sup>30</sup> In addition, California's AB 602 special education funding formula has unintentionally created a disincentive for identifying and enrolling students with the most severe, and typically most costly, disabilities.<sup>31</sup>

<sup>20</sup> California Education Code – EDC, § 1. - 32500, Article 1: Declaration of Purpose [200-201] (1982), [http://leginfo.ca.gov/faces/codes\\_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1](http://leginfo.ca.gov/faces/codes_displayText.xhtml?lawCode=EDC&division=1.&title=1.&part=1.&chapter=2.&article=1).

<sup>21</sup> Individuals with Disabilities Education Act, Section 601 Purpose 9 d 1 A (As Reauthorized: 2004)§51, <https://www.govinfo.gov/content/pkg/USCODE-2011-title20/pdf/USCODE-2011-title20-chap33.pdf>.

<sup>22</sup> Christina Samuels, "Special Education Bias Rule Put on Hold for Two Years by DeVos Team," On Special Education (blog), Education Week, June 29, 2018, [http://blogs.edweek.org/edweek/special/2018/06/special\\_education\\_bias\\_rule\\_postponed.html](http://blogs.edweek.org/edweek/special/2018/06/special_education_bias_rule_postponed.html); Casey Bayer, "DeVos Rescinds Guidance Documents for Disabled Students: What Does It Mean?" Harvard Graduate School of Education: News & Events, October 24, 2017, <https://www.gse.harvard.edu/news/17/10/devos-rescinds-guidance-documents-disabled-students-what-does-it-mean>.

<sup>23</sup> Christina Samuels, "Special Education Bias Rule Put on Hold for Two Years by DeVos Team," On Special Education (blog), Education Week, June 29, 2018, [http://blogs.edweek.org/edweek/special/2018/06/special\\_education\\_bias\\_rule\\_postponed.html](http://blogs.edweek.org/edweek/special/2018/06/special_education_bias_rule_postponed.html).

<sup>24</sup> Marcella Bombardieri, Colleen Campbell, Antoinette Flores, Sara Garcia, CJ Libassi, and Ben Miller, "Trump's Budget Proposes More Than \$200 Billion in Cuts to Students," Center for American Progress, February 14, 2018, <https://www.americanprogress.org/issues/education/postsecondary/news/2018/02/14/846660/trumps-budget-proposes-200-billion-cuts-students/>.

<sup>25</sup> Heidi Schultheis, Eliza Schultz, and Rachel West, "How Medicaid Cuts Could Threaten Public School Students and Teachers in Every State," August 14, 2018, <https://www.americanprogress.org/issues/healthcare/news/2018/08/14/454736/medicaid-cuts-threaten-public-school-students-teachers-every-state/>.

<sup>26</sup> Laura Meckler, "Trump administration scrambles to defend budget cut for Special Olympics," The Washington Post, March 27, 2019, [https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f\\_story.html?utm\\_term=.d04b2f278e25](https://www.washingtonpost.com/local/education/trump-administration-scrambles-to-defend-budget-cut-for-special-olympics/2019/03/27/420b87ae-50aa-11e9-a3f7-78b7525a8d5f_story.html?utm_term=.d04b2f278e25).

<sup>27</sup> National Council on Disability, *Broken Promises: The Underfunding of IDEA*, IDEA Series (February 7, 2018) [https://ncd.gov/sites/default/files/NCD\\_BrokenPromises\\_508.pdf](https://ncd.gov/sites/default/files/NCD_BrokenPromises_508.pdf).

<sup>28</sup> Aleksandra Appleton, "Advocates: California's school budget still leaves rising special education costs to districts," Education, The Fresno Bee, June 18, 2018, <https://www.fresnobee.com/news/local/education/article213284609.html>.

<sup>29</sup> Julie Berry Cullen and Steven G. Rivkin, "The Role of Special Education in School Choice," in *The Economics of School Choice*, ed. Caroline M. Hoxby (University of Chicago Press: January 2003), 67-106. <https://www.nber.org/chapters/c10086.pdf>.

<sup>30</sup> Shakti Belway, "Access Denied: New Orleans Students and Parents Identify Barriers to Public Education," special report, Special Education & School Discipline (The Southern Poverty Law Center: December 1, 2010), <https://www.spicenter.org/2010/12/01/access-denied-new-orleans-students-and-parents-identify-barriers-public-education/>; Victor Leung, Sylvia Torres-Guillen, and Angelica Jongco (August 2016).

<sup>31</sup> Laura Hill, Paul Warren, Patrick Murphy, Iwunze Ugo, and Adita Pathak, "Special Education Finance in California," (Public Policy Institute of California: November 2016), [http://www.ppic.org/content/pubs/report/R\\_11161HR.pdf](http://www.ppic.org/content/pubs/report/R_11161HR.pdf); John Fensterwald, "Special education funding is a morass; straightening it out may not be cheap or easy," EdSource, Special Education (March 8, 2018), <https://edsource.org/2018/special-education-funding-is-a-morass-straightening-it-out-may-not-be-cheap-or-easy/594336>.



California apportions funding through Special Education Local Planning Areas (SELPA)<sup>32</sup> based on census count,<sup>33</sup> instead of funding by special education need. Built into this funding model is the untested assumption that special education needs do not vary throughout the state. Once funding is determined, SELPAs allocate these revenues according to their own formulas. Compound all of this with California's inadequate accountability for charter schools, and the education environment is ripe for inappropriate and illegal behavior, that, at the same time, may be economically rational. At a time when students cannot rely on the federal government to enforce civil rights laws and fund special education at mandated levels, the state and charter school authorizers must ensure access and service for students with special needs in charter schools.

Over the past decade, both national and individual state-level analyses of charter school special education enrollment found that students with disabilities were enrolled at a lower percentage when compared with traditional public schools, and also less likely to have more severe disabilities.<sup>34</sup> For this report, we wanted to examine basic school- and district-level measures of the special education landscape in the state of California, while amplifying the voices of parents (see pages 13, 20, 29, and 35) who have experienced the various ways charter operators implicitly or explicitly discourage enrollment of certain children. Following an analysis on special education enrollment disparity between privately operated charter schools and schools of the district within the top three charter authorizers in the state (LAUSD, OUSD, and SDUSD), our team drilled down to identify disparities in enrollment by disability eligibility category. The goal was to present a simple but thorough comparison between the percentage of students with disabilities enrolled in charter schools and schools of the district, as well as enrollment differences between specific types of disabilities. These are measures which a state and local authorizer might use to monitor how it is meeting the needs of its special education students across all campuses. These are also indicators that a parent with a special-needs child might find helpful when navigating their local education landscape.

For example, analyses of the differences in special education enrollment shed light on which schools may be particularly experienced at serving students with various special needs. They can also expose schools whose track record hints at enrollment practices designed to limit access for students with disabilities. In a state that assumes an equitable distribution of special education students in its funding formula for students with disabilities, it is imperative to periodically corroborate that assumption. While several reports have descriptively compared select operators to statewide special education averages,<sup>35</sup> to our knowledge no previous report has statistically analyzed special education enrollment between all charter schools and schools of the district within geographic areas in the state of California.<sup>36</sup> Gathering, validating, and analyzing these data points proved time-consuming, technical, and costly—possibly explaining why analyses such as ours have not previously been published and widely publicized.

<sup>32</sup> SELPAs are the entities that distribute special education funding, coordinate services, and submit special education data to the California Department of Education.

<sup>33</sup> For an in-depth write-up of Special Education Funding in California: Laura Hill, et al., "Special Education Finance in California," (PPIC: November 2016).

<sup>34</sup> Peter Bergman and Isaac McFarlin Jr., "Education for All?..." (NBER, December, 2018); U.S. Government Accountability Office, "CHARTER SCHOOLS: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities," Report to Congressional Requesters (June 2012): <https://www.gao.gov/assets/600/591/591435.pdf>; Julian Vasquez Heilig, Jennifer Jellison Holmie, Anthony V. LeClair, Lindsay D. Redd and Derrick Ward, "Separate and Unequal? The Problematic Segregation of Special Populations in Charter Schools Relative to Traditional Public Schools," *Stanford Law & Policy Review* 27, no. 251 (2016): [http://www.academia.edu/33623412/Separate\\_and\\_Unequal\\_The\\_Problematic\\_Segregation\\_of\\_Special\\_Populations\\_in\\_Charter\\_Schools\\_Relative\\_to\\_Traditional\\_Public\\_Schools](http://www.academia.edu/33623412/Separate_and_Unequal_The_Problematic_Segregation_of_Special_Populations_in_Charter_Schools_Relative_to_Traditional_Public_Schools); Drew Atchison, Jesse Levin, Iliana Brodzia de los Reyes, "Study of Spending in Public Charter and Traditional Schools in California," (American Institutes for Research, Washington, DC: November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf).

<sup>35</sup> Gordon Lafer, "Spending Blind: The Failure of Policy Planning in California Charter School Funding," *In the Public Interest: Education* (April 2017): [https://www.inthepublicinterest.org/wp-content/uploads/FINAL\\_ITPI\\_SpendingBlind\\_April2017.pdf](https://www.inthepublicinterest.org/wp-content/uploads/FINAL_ITPI_SpendingBlind_April2017.pdf); Gordon Lafer, "Breaking Point: The Cost of Charter Schools for Public School Districts," *In the Public Interest: Education* (May 2018): [https://www.inthepublicinterest.org/wp-content/uploads/ITPI\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPI_Breaking_Point_May2018FINAL.pdf).

<sup>36</sup> American Institute of Research Report compares LAUSD and OUSD share of students with disabilities to Aspire and Green Dot. Report finds statistically significant disparities in special education enrollment and by share of moderate to severe disabilities. Refer to: Drew Atchison, et al., "Study of Spending..." (AIR: November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf).



This project was formulated to answer three major questions about the impact of the charter industry on the special education landscape in California.

1. Within each authorizing district, were there significant differences in the percentage of special education students<sup>37</sup> enrolled within district-run schools compared to privately operated charter schools under the same district authorizer in our snapshot year 2016-2017 (academic year 2017)?
2. Are there significant differences in special education enrollment by eligibility under the categories established in the Individuals with Disabilities Act (IDEA) between privately operated charter schools and district-run schools managed within the same authorizing district?
3. Lastly, what is the financial impact on each of these local school districts due to special education enrollment disparity, if such disparity is found to exist?

To answer these questions, our team identified the three largest school districts in the state with the greatest number of privately operated charter schools. By that measure, Los Angeles Unified School District, San Diego Unified School District, and Oakland Unified School District are all within the top 25 in the United States.<sup>38</sup> These three districts are not only home to the state's greatest number of active charter operations, they are also the state's top three charter authorizers and are therefore responsible for oversight of nearly a third of California's active privately operated charter schools.<sup>39</sup> The answers to these questions carry immense weight, and require a thorough analysis of disparity within California schools.

## METHODOLOGY: ENROLLMENT DISPARITIES

In order to obtain the data necessary to answer the first two research questions, five California Public Records Act (CPRA) requests were sent to the six SELPAs responsible for collecting and maintaining the necessary data for all schools operating within the three target authorizing districts. Because privately operated charter schools are permitted to join SELPAs outside of their geographic region and are not required to stay within the same one as their authorizing school district, it was necessary to contact The Los Angeles Unified, Oakland Unified, San Diego Unified, Desert Mountain, Sonoma County Charter, and El Dorado Charter SELPAs for this request.<sup>40</sup>

Upon validation, the data received from each SELPA was joined with the California Department of Education's (CDE) master public school list using the school's unique County, District, School Code (CDS code).<sup>41</sup> Once joined, the data was filtered by school funding type to determine the difference between district schools and privately operated charter schools. *Schools of the district, or district schools*, are all schools identified as district-run or locally funded. Privately operated charter schools are designated *directly-funded* under column *funding type* in the CDE master file.<sup>42</sup>

<sup>37</sup> For the purposes of this report, "students with disabilities" or "special education students" are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) and that have an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>38</sup> Rebecca David, Kevin Hesla, and Susan Auld Pendergrass, "A Growing Movement: America's Largest Public Charter School Communities," National Alliance for Public Charter Schools, October 2017: [https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment\\_Share\\_Report\\_Web\\_0.pdf](https://www.publiccharters.org/sites/default/files/documents/2017-10/Enrollment_Share_Report_Web_0.pdf).

<sup>39</sup> "Public Schools and Districts Data Files: Downloadable files containing general information about California's public schools and districts," Schools & Districts, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/si/ds/pubschls.asp>. For the purpose of this research, all active, pending, closed, and merged charter schools are listed within the XLSX file titled "Public Schools and Districts Data Files: Contains all active, pending, closed, and merged public schools and districts," <https://www.cde.ca.gov/SchoolDirectory/report?rid=d11&tp=xlsx&ict=Y>.

<sup>40</sup> A single Oakland authorized, privately operated charter operator was in the Sonoma Valley SELPA. The relevant data for this charter was obtained from the Sonoma Valley SELPA for this report.

<sup>41</sup> CDS codes are the state of California's numerical, unique identifier for individual schools, their district, and their county of residence.

<sup>42</sup> All charter schools in OUSD and SDOUSD are fiscally independent, privately operated and thus codified "Directly Funded." While most charter schools authorized by LAUSD are fiscally independent, privately operated, 70 of the nearly 300 schools were locally funded, or "affiliated" charter schools. Locally funded schools are treated as schools of the district. See footnote 12.

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## ANALYSIS OF SPECIAL EDUCATION ENROLLMENT

Our first analysis focused on the share of special education students<sup>43</sup> identified in each campus by funding type and authorizer district. The analyses conducted in each of the three districts were limited to charter schools authorized by each of the three districts. This does not include charters authorized and granted by the state or by the county. This decision was made primarily because authorizers are responsible for charter oversight. It would be less appropriate to compare schools of the district to privately operated charters that were authorized under the county or the state, as they are overseen by different authorizers under different operating structures. Limiting the analyses to authorizing districts—thereby excluding charter schools that may operate within the boundaries of the district but are authorized by other entities—increased comparability in terms of oversight and accountability. In other words, the locally elected school board is ultimately responsible for both district-run schools and the charter schools which it authorizes.

Our first question was, what percentage of each school's total enrollment was composed of students with disabilities? To arrive at the percentage of students with disabilities identified for each school, the following calculation was made: the total number of students with disabilities divided by the school's total enrollment as of Norm Day,<sup>44</sup> multiplied by 100. However, this seemingly simple calculation required immense effort due to long-running systemic quirks in California. Firstly, the CDE collects total enrollment counts through the California Longitudinal Pupil Achievement Data System (CALPADS) in October each year.<sup>45</sup> But the annual counts of record for all special education students are not conducted until December through the California Special Education Management Information System (CASEMIS).<sup>46</sup> Tracking special education student data at these separate points in time creates data-compatibility issues for the type of analysis we set out to perform.<sup>47</sup>

Further, CASEMIS data covers age ranges, not grade levels. People from birth to the age of 22 who are eligible for IDEA services are counted. SELPAs then report all people within the age range identified as eligible for services under IDEA that are attending schools for which the SELPA is responsible for coordination of special education funding and services. State enrollment numbers reported under CALPADS, however, cover kindergarten through 12<sup>th</sup> grade. Where schools enroll many students outside of the most common age ranges (5-18 years of age), enrollment data for those students (below 5 and above 18) is not available.

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<sup>43</sup> Special Education Students are students identified as eligible for services under IDEA and have an Individualized Education Plan (IEP). Consistent with local, state, and federal counts of students with disabilities, students eligible under section 504 are not included in any of the following analyses.

<sup>44</sup> Norm Day is the day when a school's official total enrollment count is conducted for the academic year. It is the denominator by which all demographic calculations are set.

<sup>45</sup> Schools do send an aggregate count of SWDs to CALPADS. This number, however, excludes all students not enrolled in grades K-12. The count of record for students with disabilities is submitted by the SELPAs, who use CASEMIS. The disparity between the two data reporting systems yields a more than 74,000 student difference, or more than 10 percent of the state's official count of students with disabilities for the 2016-17 school year.

<sup>46</sup> CASEMIS counts may also take place in April and June. The December count was chosen because of its proximity to the October Norm Day count in order to limit the interval between the two snapshots.

<sup>47</sup> According to the CDE, the agency is currently taking steps to integrate CASEMIS and CALPADS. See CDE letter to County and District Superintendents and Charter School Administrators: "Letter from California state Superintendent of Public Instruction," California Longitudinal Pupil Achievement Data System (CALPADS), California Department of Education, accessed December 6, 2018, <https://www.cde.ca.gov/ds/sp/cl/c2c20161025.asp>.



## CALPADS VS. CASEMIS

Clearly, in the cases where there are CASEMIS counts present, and no corresponding enrollment counts, a calculation of percentage is not feasible. Such is the case in adult education centers and infant centers. For this reason, we excluded early education centers and adult education centers from our comparisons of the share of SWDs within schools.<sup>48</sup> No privately operated charter schools were classified by the CDE as being a “preschool” or an “adult education center.”<sup>49</sup> This conservative methodological decision results in an undercount of the special education students in district schools, but not in privately operated charter schools. For instance, the Special Education Infant/Preschool Program in Los Angeles Unified, a program of the district, enrolled nearly 2,500 students with disabilities in 2017. However, because a static, total enrollment count was not available, it was not included in the analysis of enrollment.<sup>50</sup>



In limited cases, calculating the percentage of students with disabilities for certain campuses using CASEMIS data as the numerator and the official state enrollment total as the denominator can result in percentages well over 100. This happens for two reasons. First, calculated percentages over 100 were most likely to be seen in district schools that enroll only special education students.<sup>51</sup> This is a likely consequence of timing, namely, taking a total enrollment count in October, and then separately counting students with disabilities two months later, in December. In 13 of the 16 special education schools (all schools of the district) more students were in these schools during the CASEMIS count than were enrolled on Norm Day. Pinpointing exactly where these students are coming from may provide further information about allegations that privately operated charter schools routinely counsel special education students out after the official enrollment count has been taken. The second reason the percentage of students with disabilities may result in a number over 100 is related to the previous discussion of preschool students. This is most often the case when a traditional elementary school also enrolls pre-kindergarten students with disabilities.<sup>52</sup> As explained below, we took several steps to limit the effects of these outlier schools.

<sup>48</sup> These schools were not excluded from the comparisons by disability type, which did not utilize enrollment data.

<sup>49</sup> “Public Schools and District Data Files: Downloadable files containing general information about California’s public schools and districts,” Schools & Districts, California Department of Public Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/su/ds/pubschils.asp>. For the purpose of this research, all active, pending, closed, and merged charter schools are listed within the XLSX file titled “Public Schools and District Data Files: Contains all active pending, closed, and merged public schools and districts.” <https://www.cde.ca.gov/SchoolDirectory/report?rid=d11&tp=stx&ict=Y>.

<sup>50</sup> This school was not excluded from the comparisons by disability type (AUT, DB, EMD, SLI, etc.) as the denominator was the total count of special education students.

<sup>51</sup> There were no privately operated charter schools classified by the state as Special Education Schools in LAUSD, OSUD, or SDUSD in 2017.

<sup>52</sup> For example, in San Diego Unified School District, Alcott Elementary enrolled 240 infants and toddlers in the 2016-17 school year. This results in more than half of the student population not counted in the CALPADS enrollment numbers but counted in the CASEMIS data. The calculation resulted in a 146 percent percentage special education population.

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## LIMITING OUTLIERS

As previously stated, because CASEMIS includes students with disabilities outside of the K-12 structure, and CALPADS does not, we removed all early education schools (preschools) and all adult education centers from the analysis. In addition, we excluded schools with less than 10 percent of the statewide average public-school enrollment; and excluded schools with SWD enrollment greater than 120 percent of total enrollment.

The first exclusion, of schools with less than 10 percent of the statewide average public-school enrollment, was done to mitigate the effect of small school populations.<sup>53</sup> Ten percent of the statewide average in 2017 was 60 enrolled students.<sup>54</sup> Between the three district authorizers, 14 schools were removed for this reason. Two of the 14 schools excluded for this reason were privately operated charter schools.

The second exclusion, of schools with SWD enrollment greater than 120 percent of total enrollment, was done to limit the effect of schools with outlier SWD percentages. Four schools were excluded for this reason, and all were schools of the district. No privately operated charter school had a calculated SWD percentage exceeding 100 percent. Again, this was a deliberately conservative methodological decision, as it results in an understatement of SWD enrollment solely at district-run schools.<sup>55</sup>

There was one district school that had both an enrollment of greater than 60 students as well as a percentage of students with disabilities greater than 120 percent. This was the previously footnoted Alcott Elementary in San Diego Unified (see footnote 52).

## ANALYSIS OF CASEMIS DISABILITY CATEGORIES

The second analysis sought to determine if there was a statistical difference in the types of students with disabilities enrolled at privately operated charter schools compared to schools of the district. There are 13 disability categories recognized by IDEA for which a student can qualify for services (i.e., eligibility categories). According to the Public Policy Institute of California's report of Special Education Finance, the CDE defines severe disabilities as the following: autism, visual impairment, deaf, deaf-blind, orthopedic impairment, emotional disturbance, intellectual disability, traumatic brain injury, and multiple disabilities.<sup>56</sup> In some publications these 10 eligibility categories are referred to as "low incidence" or "moderate to severe." While Specific Learning Disability, Speech and Language Impairment, and Other Health Impairment, are often labeled as "high incidence" or considered "mild to moderate." It is important to understand that intensity of disability within many eligibility categories can vary widely. Here, we analyzed all CASEMIS/IDEA eligibility categories in order to determine whether there was a statistically significant disproportionate concentration of students with specific disabilities between each of the three authorizing district's school types.

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<sup>53</sup> Small school population lead to greater variability due to the small denominator. All schools of the district excluded from the analysis due to enrollment less than 60 were Special Education Schools, Community Day Schools, Alternative Schools of Choice, or Home and Hospital Programs. Excluding these schools at this threshold was a deliberately conservative decision resulting in an underrepresentation of special education enrollment within schools of the district.

<sup>54</sup> "Fingertip Facts on Education in California - CalEdFacts," California Department of Education, accessed Tuesday, July 10, 2018, <https://www.cde.ca.gov/ds/sd/cb/celfingertipfacts.asp>

<sup>55</sup> The analysis was also conducted including all schools with an enrollment of fewer than 60 (while still excluding schools with a greater than 120% SWD enrollment). In each district, the SWD enrollment disparity increased between schools of the district and privately operated charter schools.

<sup>56</sup> Laura Hill, et al., "Special Education Finance in California," (PPIC, November 2016): 13.





“My son and I came as the perfect student-parent contribution to his education,” Tracy said. “He wanted to succeed. As an 11-year-old, he had put in two to five hours a day studying. I sat and helped him. I wasn’t not participating ... if the school is also putting in their part, it seems like he should be able to succeed.”

## TRACY & KAHLIL

This last year, 16-year-old Kahlil played the lead role of Jean Valjean at a Berkeley Playhouse Teenstage production of *Les Misérables*. He is finished the 10th grade through classes at a local community college, where he has a 3.50 GPA. But two years ago, Kahlil was far from the confident young man he is today, when his parents pulled him out of 8th grade at Oakland School for Arts (OSA), a charter middle and high school.

In 5th grade, Kahlil was diagnosed with a disability called auditory processing disorder after his teacher and his mom, Tracy, noticed that he was having trouble with schoolwork. Tracy said that it seemed like he was really trying to do the work, but often didn’t quite know what the work was. Kahlil was given an Individualized Educational Plan (IEP) at his district-run public school. But in 6th grade, he enrolled at OSA.

Kahlil had worked hard to get into OSA’s theater program, and was excited to be at the new school. But according to Tracy, 6th grade was really a difficult year for their whole family because of academics. Kahlil would come home without really knowing what had gone on in his classes. It would take him—with help from Tracy—two to five hours every night to get through his homework. Kahlil got As and Bs that year, but all the time he and Tracy put in wore them both out.

In IEP meetings with the school staff, Tracy had no idea what services Kahlil could, or should, get to support him adequately, and would just agree to everything the school suggested. “OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

By 7th grade, Kahlil was still coming home without understanding what he was supposed to do—even though Tracy knew that Kahlil could do the work. He needed someone to outline a sequence of steps for him, which he would follow. Tracy did some of that at home, because it clearly wasn’t happening at school, but it exhausted both of them. She decided to put a two-hour time limit on homework because Kahlil needed time at home to relax and be a kid, not just study. That year, he got Bs and Cs. His grades were lower, but he was still passing.



There were also problems in the theater program. During one rehearsal for the middle school musical, while the cast was learning their music, Kahlil was pacing while singing. He was practicing the same music as everybody else, only standing. Kahlil was told by the high school student running the rehearsal to sit down, but he didn't want to. The other members of the cast began confronting him about why he was being difficult, making him—and the high school student—even more upset. After all, from Khalil's perspective, he was just trying to do the work. When Tracy's husband came to pick Kahlil up, the theater teacher told him what happened, and her husband had to explain that Kahlil has a disability—something that Tracy believes the school staff should have already known and accommodated – and that he learns music better standing up. According to Tracy, the teacher told her husband, "Well, maybe we won't be able to work with your son anymore."

By 8th grade, both Kahlil and Tracy were completely burned out. Neither of them had it in them to put in hours of study time at home anymore. It was clear that Kahlil wasn't getting the support he needed. Tracy made a concrete demand of the special education department. First, she asked to have someone check in with Kahlil for all his classes to make sure he understood the assignment and knew how to complete it. When the school denied her request, she tried a different tack. She asked for approval for Kahlil to take his academic classes at a local community college but continue his arts education at OSA. Tracy knew of another student with this arrangement and thought it would be more manageable for Kahlil: because of the way the credits transferred, he could take fewer classes at a time to meet the yearly requirement. The school also denied that request.

“According to Tracy, the special education director of OSA had a different proposal. He told Tracy that he didn't really see Kahlil going to college after high school, and suggested that her son could do high school diploma-track work, rather than college-track work...”

“OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

According to Tracy, the special education director of OSA had a different proposal. He told Tracy that he didn't really see Kahlil going to college after high school, and suggested that her son could do high school diploma-track work, rather than college-track work, which would mean fewer classes and less stress. Tracy was stunned and scared. She suddenly realized that the school hadn't been trying to help Kahlil succeed because they didn't think he could—despite all of the hours of effort that she and her son had both put in. “My son and I came as the perfect student-parent contribution to his education,” Tracy said. “He wanted to succeed. As an 11-year-old, he had put in two to five hours a day studying. I sat and helped him. I wasn't not participating ... if the school is also putting in their part, it seems like he should be able to succeed.”

Kahlil failed every class except for English. His English teacher was the only one who ensured that Kahlil knew the assignments and made sure that he did them. His confidence was shaken, and he was suffering from depression and anxiety. Kahlil, who already had his heart set on a “dream school,” was doubting that he could even attend college at all. It was clear to Tracy that he needed a break. At the end of the year, Tracy pulled her son out of OSA. She asked the principal of OSA whether Kahlil could return in the future, and was told that they couldn't hold his spot open. When she asked whether he would have to re-apply and re-audition, the principal never responded to her email.

Kahlil thrived in his 10th grade studies at community college. His teachers were conscientious about putting everything in writing for him, and as a result he completed his homework without Tracy's help, Kahlil's confidence returned.



Each IDEA eligibility category was compared against school type. For example: of the students enrolled with disabilities, what percentage were identified as Autistic? Is the difference between schools of the district and privately operated charters statistically significant? We analyzed each of the 13 categories<sup>57</sup> using the following calculation: the total number of students identified in a specific identification category (e.g., orthopedic impairment) divided by the total number of students with disabilities enrolled, then multiplied by 100. In order to compare schools of the district with privately operated charter schools, we used two-tailed Welch t-tests to determine significant differences of means for each of the analyses. The Welch t-test was appropriate given the methodological assumption of unequal variances and the unequal number of campuses within each school type.<sup>58</sup>



## DATA ISSUES

**Pulling together descriptive data on students with disabilities** locally and statewide for this analysis proved challenging. In the absence of public access to special education data and active governmental oversight of potential disparate enrollment practices, privately operated charter schools have insufficient external incentive to provide equitable access to California's special education students. Further, pervasive difficulties in obtaining basic information about special education enrollment means that California families with students entitled to special education services do not have access to the information they need to make fundamental decisions about their child's education.

Basic, descriptive special education enrollment statistics proved difficult to obtain from both the SELPAs and the Special Education Division within the CDE. In all, the necessary information and data gathering took more than six months, dozens of CPRA requests, significant financial costs, copious follow-up emails and phone conversations, post-receipt clarifications, and numerous corrections of conspicuous data anomalies, all of which shuffled our researchers between multiple departments at many levels of educational governance.<sup>59</sup>

None of the districts, at the time of data collection, had publicly posted any statistics regarding special education enrollments by campus.<sup>60</sup> Neither raw numbers nor percentages were available online. The data received from each of our five uniform information requests spanning five separate SELPAs came in five completely different formats. Data issues included both problematic identification of campuses as well as incorrect counts of students with disabilities.

*(continued)*

<sup>57</sup> In the 2016-17, no LAUSD authorized school identified a single student enrolled with Multiple Disabilities (MD). Because neither schools of the district, nor authorized privately operated charters within the district enrolled students identified MD, the MD comparison was not performed for LAUSD.

<sup>58</sup> The alpha level set for each of the null hypotheses was .05. This is the standard P-value for determining statistical significance in education research.

<sup>59</sup> See Appendix E for PRA Communications.

<sup>60</sup> District aggregate CASEMIS counts are available via Dataquest. However, school level CASEMIS counts are not, unless the district consists of only a single school, as is the case with some charters. As of late September 2018, LAUSD has rolled out their Open Data portal, where you can find the raw count of special education students in each of LAUSD's district schools. If you dig deep enough, you can even find the number of students enrolled by disability type on the website. This raw, contextless data might even be useful, had the school district chosen to include the more than 200 privately operated charter schools it currently authorizes and is responsible for monitoring.



It took several specially trained researchers 18 months to collect and analyze this data. Not all parents have the resources nor time to pursue this type of investigation, yet they have the most pressing need for this information.

For example, some SELPAs sent only partial strings of a school's unique CDS identification code, while others did not send statewide codes at all and instead displayed indistinct, abbreviated school names. One SELPA sent data documents in which several school codes had been matched to incorrect schools.<sup>61</sup> Another sent only its internal codes for each special education category and did not provide a key until it, too, was specifically requested. All of these variations made for a cumbersome data collection and validation process.

Not only were there issues related to properly identifying schools—a baseline necessity for accurately connecting schools across data sets—but several files were sent with data that was contextually illogical. Two SELPAs sent files with clear issues and data errors involving students with an established medical disability (EMD), which pertains exclusively to three- to five-year-old children. One sent a file claiming each of its schools enrolled large numbers of students with an EMD across grade levels, including middle and high school campuses. Another SELPA left out EMD students altogether (along with having left out the category deaf-blind). These errors required immense scrutiny and time to correct in order to run reliable analyses.

In an initial attempt to conduct a statewide analysis, the researchers worked through the Special Education Division of the CDE. This proved more challenging than working through the SELPAs. Anyone requesting data from the CDE that is not currently published in DataQuest or available on the download data files page is required to complete an onerous data request process, including a preliminary request requiring a full concept write-up by the requestor (see Appendix G12). The requestor may also expect to pay for data requests made through the CDE. As a reminder, this request was for a simple numerator and denominator: the total CASEMIS count of special education students enrolled in each school and the total number of students enrolled. Once they overcame the initial barriers to data access, our researchers contended with ongoing confusion within the state's Special Education Division over education terminology, CDS codes, and the three funding types for each school. It should also be noted that the CDE does not perform thorough validation procedures on the data they receive from schools. These issues may stem from the CDE maintaining its Special Education Division separately from other departments responsible for student population counts.<sup>62</sup> As a result, obtaining the data requested for counts of special education students in each of the schools required extensive communications. By its own admission, the Special Education Division, on two separate occasions, sent our team data where valid counts were severely limited (See Appendix E7 & E8). These challenges and inaccuracies proved costly for data that ultimately could not be validated and were thus deemed unusable. Consequently, a statewide analysis could not be conducted for this report.

Further, there was immense confusion over the terms "school district" and "Norm Day." The former because the Special Education Division deals with SELPAs exclusively, instead of local education agencies (e.g. districts), and the latter due to the CDE's practice of maintaining counts of students with disabilities separate from counts of all other student demographics. Just as with SELPAs, there were problems with correctly identifying schools. However, the Special Education Division was candid about their inability to ensure that schools have submitted the correct school-level unique identifier to the state.<sup>63</sup> Therefore every data request made for school level data with the accompanying unique CDS code from the Special Education Division could not be validated. In other words, there would be no way that this research team

<sup>61</sup> The state's master list of public schools was compared to each of the SELPA data sets in order to identify anomalous school to CDS pairings. The CDE master list of public schools was established as the reference document.

<sup>62</sup> See methodology for further clarification on the difference between CASEMIS and CALPADs data collection.

<sup>63</sup> See Appendix E7



could verify that the count of students with disabilities matched the particular school as provided by the CDE. For this reason, the CDE-provided special education data set was not used for this report. As it currently stands, the CDE does not have a process for identifying discrepancies and the Special Education Division cannot identify which schools are run by private charter operators and which are run by traditional school districts.<sup>64</sup>

Researchers also initially had difficulty obtaining data from LAUSD. While requesting and gathering data for this project, our team requested data regarding severity of disabilities, including definitions, population counts, and all ways in which LAUSD categorizes students by “severity” such as mild to moderate and moderate to severe. After nearly three months of going back-and-forth, we were informed that neither LAUSD’s Special Education Department, nor the Office of Data and Accountability, nor any other department “keeps track of this kind of information.”<sup>65</sup> After making this claim in April 2018, six months later LAUSD unveiled its Open Data Portal,<sup>66</sup> where school district data is made available to the public. Currently a count of students considered mild to moderate and moderate to severe, as they relate to each of the eligibility categories, is readily available for each of the past three years within the data portal for all schools of the district.<sup>67</sup>

## FINDINGS: ENROLLMENT DISPARITIES

*In Los Angeles, Oakland, and San Diego, students with disabilities who had been enrolled by privately operated charter schools were concentrated in categories considered less severe than those enrolled in schools of the district.*

According to our analysis of CASEMIS data for academic year 2017, privately operated charter schools as a group in Los Angeles and Oakland under-enrolled students with disabilities compared to district-run schools. In Los Angeles, Oakland, and San Diego, students with disabilities who had been enrolled by privately operated charter schools were concentrated in categories considered less severe than those enrolled in schools of the district. Across all three authorizers, students with intellectual disabilities, students on the autism spectrum, and students with an orthopedic impairment<sup>68</sup> were routinely under-enrolled in privately operated charter schools. This under-enrollment of students with severe disabilities in privately operated charter schools also revealed a relative surfeit of students in the Specific Learning Disability and Other Health Impairment categories, both considered to be mild to moderate in severity. Below are the results of analyses regarding special education enrollment and service by eligibility categories.

Average Percentage of Enrolled Students with Disabilities			
Authorizing District	Independent Charters	Schools of the District	P Value
All 3 Authorizing Districts*	11.01%	14.27%	0.00
LAUSD*	11.11%	14.16%	0.00
OUSD*	7.67%	13.58%	0.00
SDUSD	12.96%	15.07%	0.06

<sup>64</sup> See Appendix E6

<sup>65</sup> See Appendix E2

<sup>66</sup> “LAUSD Open Data,” Open Data Portal, Los Angeles Unified School District, 2019, <https://my.lausd.net/opendata/dashboard>.

<sup>67</sup> Privately operated charter schools, though authorized by the district, are not included in this Open Data Portal. Only 2 privately run charter schools authorized by LAUSD were not part of the LAUSD SELPA in 2017.

<sup>68</sup> Defined as a physical disability that does not impair cognitive functioning

## UNDER-ENROLLMENT OF SPECIAL EDUCATION STUDENTS OVERALL

Though it has been repeated anecdotally throughout the United States, there has been little quantitative evidence presented to show how privately operated charter schools are underserving students with disabilities. In an aggregate analysis of all three authorizing districts, privately operated charters enrolled a significantly smaller share of students with disabilities than did schools of the district (11.01 percent vs. 14.27 percent,  $p=0.00$ ). In individual statistical analyses of Los Angeles and Oakland, privately operated charter schools were found to have enrolled students with disabilities at a significantly lower rate than schools of the district. This disproportionate enrollment was greatest in Oakland, where privately operated charter schools enrolled students with disabilities at roughly half the rate of district-run schools. On first glance, it appears that under-enrollment was prevalent in all three school districts. However, while San Diego's privately operated charter schools averaged a smaller share of students with disabilities (12.96 percent vs. 15.07 percent,  $p=0.06$ ), they did not do so at a statistically significant lower rate.

## UNDER-ENROLLMENT OF STUDENTS WITH THE MOST SEVERE DISABILITIES

Average Percentage of Special Education Student Population with a Mild to Moderate Disability			
Authorizing District	Independent Charters	Schools of the District	P Value
LAUSD*	84.82%	71.15%	0.00
OUSD*	87.10%	76.28%	0.00
SDUSD*	83.75%	72.78%	0.00

Students who generally require greater support and more costly accommodations are systematically under-enrolled within privately operated charter schools. This statistically significant disproportionality by severity was identified in nearly half of the IDEA eligibility categories considered most severe. Conversely, students with disabilities considered to be mild to moderate—generally requiring less costly accommodations—made up a greater percentage of the special education enrollment within privately operated charters. When it comes to moderate to severe disability, these students comprised between 23.7 and 28.9 percent of the special education population enrolled within the three cohorts of district schools. Conversely, within privately operated charter schools the concentration of these students ranged between 12.9 and 16.25 percent on average.

Percentage of Campuses Enrolled <10 Students with a Moderate to Severe Disability		
Authorizing District	Independent Charters	Schools of the District
LAUSD	74.66%	25.03%
OUSD	88.89%	52.38%
SDUSD	69.23%	19.77%

Nearly seven of every 10 privately operated charters in San Diego enrolled fewer than 10 students eligible for special education services in moderate to severe categories, whereas fewer than two out of every 10 schools of the district did the same. In LAUSD, three of every four privately operated charter schools enrolled less than 10 of these students, whereas three of every four of Los Angeles' district schools enrolled more than 10. While a greater percentage of both charters and district schools in Oakland enrolled a smaller share of students with moderate to severe disabilities, the disproportionality persists. Just over half of Oakland's schools of the district enrolled less than 10 of these students, but nearly nine in every 10 privately operated charter schools did the same.



## LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

LAUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	10.96%	18.59%	0.00
Intellectual Disability (ID)*	1.15%	4.42%	0.00
Orthopedic Impairment (OI)*	0.50%	2.48%	0.00
Hard of Hearing (HH)*	1.09%	1.50%	0.02
Visually Impaired (VI)*	0.14%	0.43%	0.00

Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.

During the 2016–2017 school year, privately operated charter schools in LAUSD enrolled a significantly smaller share of special education students on average than did schools of the district (11.11 percent vs. 14.16 percent,  $p = 0.00$ ). Looking at moderate to severe eligibility categories, schools of the district enrolled a greater proportion in five of 11 categories (ID, HH, VI, OI, and AUT). Statistically significant differences were not found in the remaining six categories. Students in the ID, OI, or VI categories were enrolled within privately operated charter schools at roughly a quarter of the rate at which they were enrolled in district-run Los Angeles Unified schools. For students on the autism spectrum, there was a nearly eight percentage point difference in enrollment between the private charter schools and schools of the district.

By contrast, students identified as having a mild to moderate disability made up a greater percentage of privately operated charters schools' special education population in two of three categories (SLD and OHI). There was not a statistically significant difference in the percentage of SLI students between LAUSD schools of the district and privately operated charter schools.

## OAKLAND UNIFIED SCHOOL DISTRICT (OUSD)

OUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	4.43%	11.09%	0.00
Intellectual Disabilities (ID)*	2.04%	5.85%	0.00
Orthopedic Impairment (OI)*	0.00%	0.26%	0.01
Deaf (DEAF)*	0.00%	0.21%	0.01
Multiple Disabilities (MD)*	0.07%	0.79%	0.01

Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.

Students with disabilities made up an average 7.67 percent of the total student population in privately operated charter schools within OUSD—significantly less than the 13.58 percent that make up the student population within Oakland Unified schools of the district ( $p = 0.00$ ). Of all the school districts analyzed, the greatest disproportionality in special education enrollment was identified in Oakland. As with LAUSD and SDUSD, a more granular analysis of severity categories revealed five categories in which schools of the district enrolled greater percentages of students identified with moderate to severe disabilities (ID, DEAF, OI, MD, and AUT). A statistically significant difference was not found in the remaining six categories. Oakland-area privately operated charter schools enrolled students with autism and students with intellectual disabilities at less than half the average rate of district schools. Students in the OI or Deaf categories were not enrolled in any privately operated charter school within Oakland during the 2016–17 school year.





“Vanessa was new to the charter school. She didn't know what to expect, and didn't push back. She now says that if she had one lesson to share with other parents from this experience it would be, “Speak up when you think something is wrong.”

## VANESSA & ISABEL

**V**anessa Aguirre's daughter, Isabel, went to elementary school at a traditional public school in San Diego Unified School District, where she first was diagnosed with a learning difference in 3rd grade, and received an Individualized Educational Plan (IEP). When Isabel reached middle school, Vanessa decided to send her to The Learning Choice Academy (TLC) because her friends whose kids went there really liked it. She was assured by TLC staff that they would be able to accommodate Isabel's disability.

TLC is a homeschool program, which meant that Isabel did schoolwork three days per week at home and went to campus two days per week for a full day of classes. It was a big decision to send Isabel to TLC, because it was over nine miles away from her home, and the commute to campus would take nearly 45 minutes in morning traffic. But Vanessa thought that the time commitment would be worth it for her daughter.

When Isabel first started at TLC, Vanessa was surprised that she wasn't being given more schoolwork to do. Vanessa inquired, and was told that anything her daughter didn't complete in class would be sent home. She was concerned that the amount Isabel received to do at home didn't seem like enough to fill three days, but because Vanessa was new to the charter school she didn't know what to expect, and didn't push back.

A month into the first semester, one of the school staff requested to meet with Vanessa because Isabel was behind. They scheduled a meeting, but the TLC staffer called the day before the scheduled date to say that Vanessa had missed their meeting. This happened repeatedly, and each time Vanessa says the staffer told her that she would have to put a letter in Isabel's file about the alleged missed meeting. It was Vanessa's understanding that the school has a policy that after a parent misses three meetings, the student can be kicked out of the charter, making these events particularly stressful.

Further, Vanessa found out that Isabel was missing assignments that she had never seen. Two months into the school year, the school staffer showed Vanessa how to access the school's online portal, where parents and students can see assignments and progress. Vanessa was excited that she could finally get Isabel on track to getting her work



done. However, after a couple days of Isabel making good progress on her assignments, they were locked out of the website. The staffer had changed their password, and it took several days to figure out what had happened and make up for the interruption.

Vanessa began to feel like Isabel was being set up to fail. Her feelings grew stronger as the school year progressed, heightened by instances like a TLC staffer telling her that Isabel had not completed the required Physical Education time—something she was responsible for doing at home, and had always done.

What ultimately made Vanessa realize that TLC wasn't the right place for her daughter was when the special education staff told her, in contradiction of their initial promise, that Isabel's needs were greater than TLC could accommodate. "I could tell they were trying to squeeze us out from the beginning," Vanessa says, "but that really clinched it."

Vanessa decided to take Isabel out of the charter school and enroll her in the neighborhood public school. Vanessa had initially been reluctant to put Isabel in her local school because she was concerned that she wouldn't get all the services she needed. But Isabel is now thriving alongside other kids with similar disabilities, and feels like she finally fits in. She already knows kids at her new school from the neighborhood, so it doesn't feel as lonely as the charter school did. And, crucially, Isabel is getting the support she needs from the staff at the school to really succeed.

Vanessa says that if she had one lesson to share with other parents from this experience it would be, "Speak up when you think something is wrong. I should have spoken up earlier because I thought they had our best interests at heart, but now I don't think they did."

...

**“** What ultimately made Vanessa realize that TLC wasn't the right place for her daughter was when the special education staff told her, in contradiction of their initial promise, that Isabel's needs were greater than TLC could accommodate. "I could tell they were trying to squeeze us out from the beginning," Vanessa says, "but that really clinched it."

Consistent with all three cohort districts, students identified with a Specific Learning Disability eligibility accounted for a significantly greater percentage of special education enrollment within privately operated charter schools than in schools of the district (49.52 percent vs. 38.96 percent,  $p= 0.02$ ).

## SAN DIEGO UNIFIED SCHOOL DISTRICT (SDUSD)

SDUSD Special Education Students Identified in Moderate to Severe Categories			
Moderate to Severe	Independent Charters	Schools of the District	P Value
Autism (AUT)*	9.93%	16.05%	0.00
Intellectual Disabilities (ID)*	1.52%	4.66%	0.00
Orthopedic Impairment (OI)*	0.99%	1.68%	0.03
Emotional Disturbance (ED)*	2.78%	1.53%	0.04
Established Medical Disability (EMD)*	0.00%	0.05%	0.01
Multiple Disabilities (MD)*	0.03%	1.33%	0.00

Note: Displayed categories are those identified with a statistically significant difference in the percentage of SWDs enrolled. See statistical outputs for all Categories in Appendix A.

On average students with disabilities made up nearly 13 percent of privately operated charter schools' enrollment in San Diego. While this is a lower percentage than the 15 percent or more of students with disabilities in all other schools in San Diego, the difference is not statistically significant. Consistent with Los Angeles and Oakland, however, a more granular analysis by severity revealed statistically significant differences in enrollment by disability between San Diego's privately operated charter schools and district-run schools. Students on the autism spectrum made up a smaller share of the special education enrollment within privately operated charter schools compared with schools of the district by more than six percentage points. ID students made up more than three times the share of special education students in San Diego's district schools than in privately operated charter schools. At less than a percentage point difference, ED was the only moderate to severe disability of which privately operated charter schools enrolled a greater share on average than did schools of the district. No student with an EMD (three- to five-year-olds) was enrolled within a privately operated charter school in San Diego during the 2017 academic year. MD students were enrolled at more than 40 times the rate in schools of the district than in privately operated charter schools. As in Los Angeles, SLD and OHI students accounted for a statistically significant greater share of the special education enrollment within privately operated charter schools in San Diego. However, SDUSD was the only authorizer in which all three mild to moderate categories were found to be significantly different. SLI students also made up a statistically significant greater share of the special education population within schools of the district than within privately operated charter schools (21.20 percent vs. 14.50 percent,  $p= 0.00$ ).

*Students with disabilities made up an average 7.67 percent of the total student population in privately operated charter schools within OUSD—significantly less than the 13.58 percent that make up the student population within Oakland Unified schools of the district.*



## CHARTER NETWORKS SYSTEMATICALLY UNDER-ENROLLING SWDS

2017 Charter Management Networks with Less than 10% SWD Enrollment			
Charter Network	# Schools	Total Student Enrollment	SWD
The Accelerated Schools	3	1,728	9.78%
American Indian Model Schools	3	1,048	2.86%
Amethod Public Schools	6	1,540	6.36%
Aspire Public Schools	35	14,401	8.61%
Albert Einstein Academies	2	1,409	8.94%
Celerity Educational Group	6	3,088	9.42%
Compass Charter Schools	3	885	4.52%
Education for Change	6	3,084	7.72%
Inspire Charter Schools	5	7,392	7.05%
KIPP Charter Schools	25	10,731	9.98%
New Designs Educational Group	2	1,370	6.86%
Rocketship Public Schools	12	5,897	7.34%

The data our team received from the five SELPAs allowed for an analysis of a set of complete charter networks throughout California. Some of these charter chains have schools within each of our three authorizing districts, while others maintain a local concentration of schools. In an analysis of charter networks which enrolled more than 800 students in 2017, a pattern of under-enrollment in some of the most popular and far reaching charter networks was discovered. Well-known charter organizations like Aspire Public Schools (the largest charter management organization in the state),<sup>49</sup> KIPP Charter Schools, Inspire Charter Schools, and Rocketship Public Schools were among the networks who enrolled more than 5,000 students from across the state and whose share of students with disabilities was less than 10 percent. Of the largest charter chains, Inspire (7.05 percent) and Rocketship (7.34 percent) enrolled among the lowest percentage of students with disabilities across the three authorizing districts. The localized charter networks under-enrolling students with disabilities are the Celerity Education Group and the New Designs Education Group in Los Angeles, and the Albert Einstein Academies of San Diego. The most glaring difference is in Oakland, where American Indian Model's three schools enrolled less than three percent students with disabilities. No network enrolling more than 800 students, authorized within our cohort districts, enrolled a smaller percentage of students with disabilities than American Indian Model schools.

<sup>49</sup> Based on an analysis of total enrollment. "Enrollment by School: Downloadable data files for school-level enrollment by racial/ethnic designation, gender, and grade," Student & School Data Files, California Department of Education, accessed March 7, 2018, <https://www.cde.ca.gov/ds/sd/sd/filesenr.asp>. For the purpose of this report, information was retrieved from the 2016-17 year of data, <http://dq.cde.ca.gov/dataquest/dfile/dfile.aspx?cLevel=School&cYear=2016-17&cCat=Enrollment&cPage=filesenr.asp>.

## STAND-ALONE CHARTER SCHOOLS UNDER-SERVING STUDENTS WITH DISABILITIES

Stand-Alone Charter with Less than 10% SWD Enrollment		
Charter Network	Total Student Enrollment	SWD
Goethe International Charter (LAUSD)	434	7.14%
Granada Hills Charter High (LAUSD)	4,662	7.70%
Iftin Charter (SDUSD)	423	4.02%
Larchmont Charter (LAUSD)	1,432	9.50%
Montague Charter Academy (LAUSD)	898	8.24%
Oakland Military Institute, College Preparatory Academy (OUSD)	683	7.17%
Oakland School for the Arts (OUSD)	779	8.34%
Palisades Charter High (LAUSD)	2,982	8.99%
Port of Los Angeles High (LAUSD)	979	9.60%
Preuss School UCSD (SDUSD)	816	3.68%
The O'Farrell Charter (SDUSD)	1,689	9.30%
Urban Discovery Academy Charter (SDUSD)	485	8.66%
Vaughn Next Century Learning Center (LAUSD)	2,906	6.68%
Vista Charter Middle (LAUSD)	415	6.99%

This issue of under-enrollment in privately operated charter schools was not limited to large charter networks. The persistent under-enrollment of special education students also occurs frequently in stand-alone charter schools. Students with disabilities accounted for less than 10 percent of the total population in many of the large one-off charter schools with an enrollment of 400 students or more.

Some charter schools on the list have both a very large reach and a long history. The Vaughn Next Century Learning Center was granted one of California's first charters, converting in 1993 and reauthorized four separate times since. This privately operated charter, which enrolled nearly 3,000 students in 2017, enrolled well under half the average percentage of students with disabilities enrolled in Los Angeles Unified schools of the district (6.68 percent vs. 14.16 percent). In the Preuss School in San Diego, which received its charter authorization in 1999, students with disabilities made up less than four percent of enrollment.

Privately operated charter schools in all three cohort districts enrolled a smaller share of the area's students with disabilities than did schools of the district. These findings are consistent across both stand-alone charter schools, as well as within some of the largest charter school chains in the country. Persistent under-enrollment is not just a surface-level finding. As the eligibility categories are broken down, it is clear that the students with disabilities whom charter schools are enrolling are statistically more likely to have mild to moderate disabilities, and thus more likely to be less fiscally demanding and less resource intense.

## SPECIAL EDUCATION FUNDING OVERVIEW

According to California's Legislative Analyst's Office (LAO), "special education is among the most significant areas of K-12 expenditures, supported by a combination of the single largest state categorical allocation, one of the biggest federal education grants, and a substantial portion of local school budget." Schools are legally required to provide the services outlined in each student's Individualized Education Program (IEP). The LAO estimates that students with disabilities cost, on average, more than twice as much as educating general education students—\$22,300 compared to \$9,600, as of 2013.<sup>70</sup> Unsurprisingly, the enrollment disparity quantified in this report potentially has significant financial implications.

<sup>70</sup> Mac Taylor, "Overview of Special Education in California," Legislative Analyst's Office (Sacramento, CA: January 3, 2013): <https://lao.ca.gov/reports/2013/edu/special-ed-primer/special-ed-primer-010313.pdf>.



The additional costs of serving students with disabilities—the excess, or marginal, expense resulting from the costs of IEP required services, not the full costs of educating a SWD—are supposed to be paid via restricted special education funding.<sup>71</sup> Each state determines their system for special education funding, in terms of the formula used to determine funding levels between local education agencies, with this in turn informing what percentage of the marginal costs are covered by restricted revenue. Cullen and Rivkin (2003) provide a succinct description of the trade-offs that must be balanced when choosing how to fund special education and the potential interplay of those trade-offs within a market system of education:

“The tensions inherent in the development of a finance system that encourages schools to provide special services where appropriate but not to classify students as disabled inappropriate in order to procure additional resources will persist regardless. However, expanding schooling choices has the potential to mitigate these tensions through competitive discipline or to exacerbate them through increased sorting ... How well the amount of federal and state revenue matches the marginal costs of serving disabled students will determine whether schools have incentives to under- or overclassify students as disabled and to offer too few or too many additional services.”

As this report shows, for at least the three districts analyzed in California, the outcome for SWD under the growth of charter schools has been increased sorting by charter schools, commonly known as “cropping.”

## SPECIAL EDUCATION FUNDING IN CALIFORNIA

According to the Public Policy Institute of California (PPIC), in California, “the federal government provides 9 percent, the state 29 percent, and local school districts 62 percent of total [special education] funding.” However, the cost of providing all IEP-required services typically exceeds the amount of federal and state restricted funding received for these students. This funding shortfall, or unfunded mandate, is subsidized from the Local Education Agency (LEA)’s other revenue generated by all students, including special education students. This contribution from other funding represents an average of 53.9 percent of the total cost of education special education students in the state of California.<sup>72</sup> The total costs in our three districts were \$51.5 million in Oakland, \$212.6 million in San Diego, and \$930 million in Los Angeles.<sup>73</sup>

In other words, when charter schools under-enroll students with disabilities, the public school district is forced to spend a disproportionate share of its general fund revenue to support students with disabilities, and charter schools are able to spend less. When a student without disabilities enrolls in a charter school who would have otherwise attended their neighborhood public school, the student takes with them their Local Control Funding Formula (LCFF) revenue, a portion of which would have gone to defray the unfunded special education mandate. This represents an additional loss of revenue to the public school district over and above the multi-factorial effects of declining enrollment.<sup>74</sup>

<sup>71</sup> For the purposes of this report, “students with disabilities” or “special education students” are those students identified eligible in one of the 13 IDEA categories (see Appendix B for a full list) with an individual education plan (IEP). Students identified under federal provision 504 are not included in any of the following analyses.

<sup>72</sup> MGT of America, *Review: Fiscal Impact of Charter Schools on LAUSD, Final Report* (Tallahassee, FL: 2016): 8.

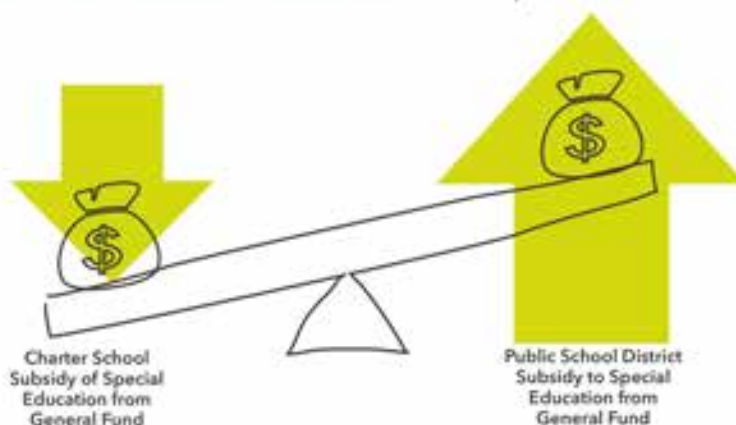
<sup>73</sup> Gordon Lafer, “Breaking Point: The Cost of Charter Schools for Public School Districts,” *In the Public Interest: Education* (May 2018): [https://www.inthepublicinterest.org/wp-content/uploads/ITPI\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPI_Breaking_Point_May2018FINAL.pdf); Communication from San Diego Unified School District received October 27, 2017: “Special Education,” Los Angeles Unified School District, May 17, 2016, <https://boe.lausd.net/sites/default/files/05-17-16SpecEdSpecialEducation.pdf>.

<sup>74</sup> See the following for details on the various ways that declining enrollment due to charter schools interacts with factors such as increased oversight burdens and fixed costs: MGT of America, *Review: Fiscal Impact of Charter Schools on LAUSD* (2016); Gordon Lafer, “Breaking Point...” (2018).

The corollary is that when a student with disabilities enrolls in their neighborhood public school, the school must still meet the unfunded portion of their special education mandate, despite having a smaller proportion of non-disabled students from whom to draw LCFF revenue. This spares the charter school, which the student could have attended, from an even greater special-education funding shortfall, and, in fact, represents an additional gain in revenue over and above the simple effect that increased enrollment might have.

In addition to the overall special education funding shortfall caused by the underfunding from the federal government, California's main program for financing special education provides further perverse financial incentives that reward disproportionality. AB 602, passed in 1997, accounts for 80 percent of state special education funds and operates on the law of averages—rather than on the basis of disability category, which was how funds were previously allocated. It distributes funds based on an average daily attendance amount for all students (i.e. a census formula), not based on counts of students with special needs. One underlying assumption with a census formula is that both the proportionate share and category/severity mix of students with disabilities is roughly equivalent throughout the state. When choosing between the available trade-offs referenced above, California chose to avoid creating a financial incentive to over-identify students for special education services, thereby potentially creating incentives to under-identify and/or under-enroll SWDs, especially those with the highest needs.

*When charter schools under-enroll students with disabilities, the public school district is forced to spend a disproportionate share of its general fund revenue to support students with disabilities, and charter schools are able to spend less.*



## CALIFORNIA'S SELPA SYSTEM, CHELPAS, AND ADVERSE SELECTION

California's system for distributing special education dollars further exacerbates the issues with using a census formula. State special education funding, largely composed of AB 602 funding, is distributed to LEAs through SELPAs<sup>75</sup> that are typically organized by geographic region. Though many are composed of several LEAs that join together to deliver services amongst themselves, school districts that enroll kindergarten through 12th grade and enroll 30,000 or more pupils may be large enough to form their own "single-district" SELPA. LAUSD, OUSD, and SDUSD all qualify, and have opted to form their own "single-district" SELPAs. In addition to multi-district and single-district SELPAs, five SELPAs consist exclusively of charter schools ("CHELPAS"), and one SELPA serves only court schools in Los Angeles County. When the California Legislative Analyst's Office examined CHELPAs in 2013, it found that they enroll disproportionately fewer SWDs than other SELPAs.<sup>76</sup>

The federally guaranteed right to special education, accompanied by additional state and federal funding for that right, is essentially a type of insurance program. Both individual families and individual local schools or education agencies are insured against the high costs required to educate a child with special needs. If we think of special education as a type of insurance program, California's SELPA system functions similar to risk pooling, allowing the higher costs of SWDs to be offset by the lower costs of general education students. A larger risk pool filled with a more diverse population of individuals will generally result in more predictable and stable costs for providers.

<sup>75</sup> The AB 602 base allocation, the largest source of funding for SELPAs, includes both state funds and federal IDEA funds.

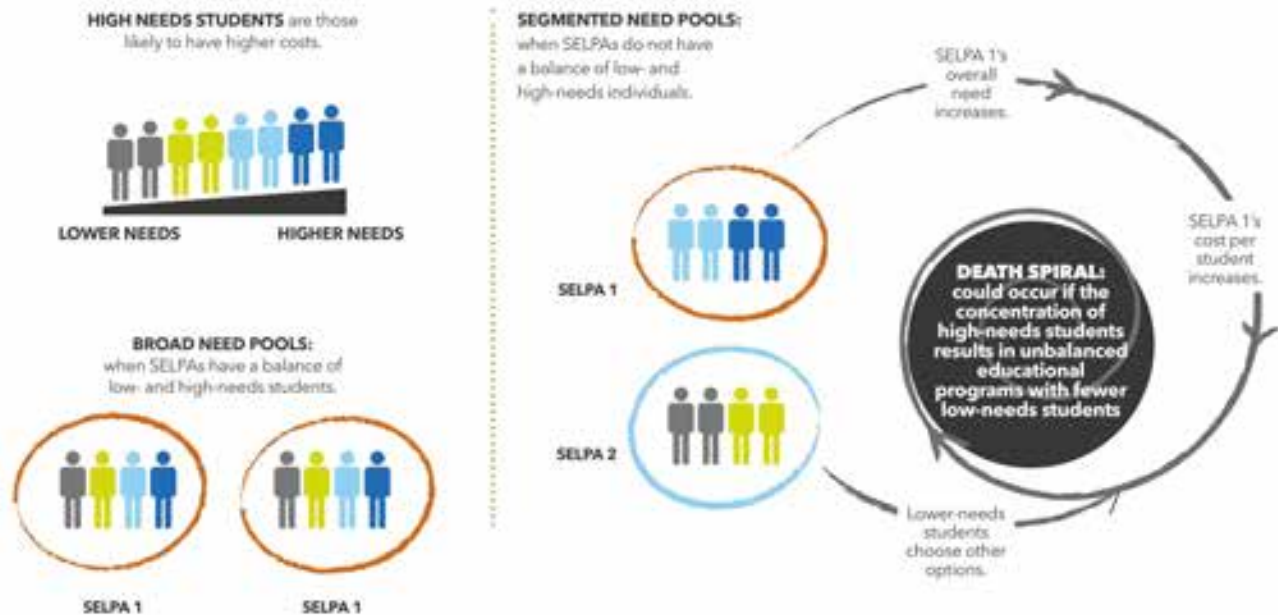
<sup>76</sup> School districts these SELPAs reference: Sonoma, Desert Mountain, EDCOE, LACOE, Fresno.



When charter schools opt out of SELPAs and into CHELPAs, this insurance system is subject to adverse selection. Adverse selection occurs when an insurer—in this case, individual SELPAs—attracts a disproportionate share of higher-cost individuals, skewing the enrollment pool. One possible mechanism for this adverse selection in the SELPA system is that charter schools, combined with the various financial choices outlined above, create rewards for providers who avoid high-cost individuals.

### Special Education as Social Insurance

*If we think of the right to special education as a type of social insurance program, this is what can happen as charter schools serving lower needs students segment the population,*



What is happening in California is what we would see in the Affordable Care Act exchanges if some ACA insurance plans were allowed to evade consumer protections and deny policies based on pre-existing conditions. If this were allowed to happen, insurance plans playing under looser rules would structure themselves to be attractive to lower-cost individuals—and unattractive to higher-cost individuals—by providing fewer required benefits and premiums that vary by health status.

In other words, because some players in public education—charter schools—are allowed to participate in the same market under looser rules, despite theoretically equivalent legal obligations, there are effectively two unbalanced risk pools for the social insurance program that is special education: a fiscally unsustainable high-cost pool for the “compliant coverage” offered by public schools to all students, and a low-cost pool for “non-compliant coverage” offered by charter schools that have implicit and explicit methods at their disposal to self-select their students. The former comply with their legal and social obligations to educate all students regardless of disability status. The latter evade it. Long-term, sorting into two unbalanced risk pools via adverse selection could destabilize the entire public education system that educates both students with and without disabilities.

## METHODOLOGY: GROSS FISCAL IMPACT

The first two questions we asked in this report dealt with enrollment. First, were there significant differences in the percentage of special education students enrolled at district-run schools compared to charter schools within the same district authorizer? Second, and more granularly, were there significant differences between special education enrollment by IDEA eligibility categories?

Having found that the answer to both enrollment questions was a resounding “yes,” we now ask: what is the gross fiscal impact in each of the authorizing districts due to this pervasive special education enrollment disparity?<sup>77</sup>

There are potentially several ways to model the fiscal impact of disproportionate distribution of SWDs, and the further disparity in distribution of student with severe disabilities. To our knowledge, no prior report has quantified the distribution disparity between district-run public schools and all privately operated charter schools authorized by the host districts, and no report has attempted to estimate the fiscal impact of those disparities.

One obvious method would be to use an average cost to educate SWDs, either by severity or by disability category.<sup>78</sup> However, when asked, the three districts did not provide neither an average nor a range of costs to educate SWDs, either by severity or by disability category.<sup>79</sup> In addition, there does not seem to be consensus in the education field on an average cost to educate a severely disabled versus non-severely disabled student, nor is there consensus on the average cost to educate by disability category.<sup>80</sup> In addition to the districts’ inability to provide information regarding costs to educate SWDs, the availability and comparability of overall financial data was also an issue, mirroring the issues with obtaining disability severity data.<sup>81</sup>

Comparability was a pressing issue to consider given the multi-district analysis. In terms of comparability, when asked for total special education expenditures for 2016-17, each district’s self-report appeared to include and exclude different line items, revealing what appears to be a variety of methodologies behind each district’s self-report.<sup>82</sup> The Fiscal Crisis & Management Assistance Team (FCMAT), which provides guidance to LEAs in business and financial management practices, has itself stated that “special education financial reporting methods used by districts, county offices, and SELPAs can vary.”<sup>83</sup>

In short, much like with the overall enrollment disparity analysis, the issues with data accessibility and comparability, and state accountability for expenditure information for students with disabilities turned what could have been a straightforward financial analysis into a much more involved model. Given the potential financial impacts of disproportionality on public school districts, special education financial reporting from district and charter schools should be much more transparent in order to proactively protect students with disabilities.

<sup>77</sup> This report considers the district-level gross fiscal impact due to charter schools’ special education enrollment disparity. This report does not model the net fiscal impact, i.e. revenues minus costs in an “if equal” enrollment scenario.

<sup>78</sup> For example, an actual average cost per district for the same year for which disproportionate enrollment was analyzed. Failing that, an estimated average cost for another year could be used to model the fiscal impact of disproportionality, with appropriate adjustments where necessary for inflation and/or geographic cost-of-living differences.

<sup>79</sup> It is beyond the scope of this report to speculate as to whether the districts would not, or could not, provide these costs. However, it is worth noting that, when asked directly, LAUSD did not provide cost estimates to educate SWDs. But a separate search of the district’s website found a “Special Education: Fiscal Facts and Challenges” presentation that estimated the 2015-16 cost per general ed student at \$11,169 and the cost per SWD at \$19,500.

<sup>80</sup> One of the most recent per-pupil expenditure analyses was published twenty years ago by the Special Education Expenditure Project and does include an analysis of expenditures by disability. However, we did not use this analysis as the basis for our fiscal impact model for a number of reasons: the information is extremely outdated; IDEA disability categories have changed since the study was published; only 11 of the 13 IDEA categories in use at the time were disaggregated; and the expenditures are based on a national study, limiting the applicability to a high-cost-of-living state such as California.

<sup>81</sup> See Appendix D.

<sup>82</sup> Although each district’s self-reporting had its own idiosyncrasies, correspondence about LAUSD’s self-reporting revealed \$80.6 Million in Goal 5770 (Nonseverely Disabled Students) that the district disclosed was attributable to “Fiscally Independent Charter Schools.” (There were no expenditures attributable to FICS in 5750 Severely Disabled Students.) After months of correspondence to gain further clarity, it appears that this is related to LAUSD’s unique SELPA arrangements with some of its authorized charter schools. Because LAUSD did not provide us information that would allow us to distinguish this amount using the information in the CDE SACs database, in the interest of uniformity across the districts, this amount, which represents approximately 5 percent of LAUSD’s total Special Education expenditures, was included in LAUSD’s estimated fiscal impact analysis. See Appendix D for more information about data accessibility issues and correspondence with LAUSD.

<sup>83</sup> Michael H. Fine, *Corona-Norco Unified School District: Special Education Review* (Sacramento, CA: Fiscal Crisis & Management Team, California School Information Services, June 14, 2018).





“You won’t need to worry about anything,” the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.

## NEREYDA BAUTISTA

**A**fter a representative from a Futuro Prep charter school visited her daughter’s preschool, Nerey Bautista decided to enroll her soon-to-be kindergartner at the charter school instead of their local public school. After all, the Futuro representative made a compelling case: two teachers per classroom, “better” academic outcomes than the neighborhood school, a promise that her daughter would have “everything she needs” to be successful—all at no cost to families. Nerey was sure she was making the right choice for her child.

Around that same time, Nerey and her husband began to worry that their daughter didn’t seem to be developing verbal communication skills at the rate they were expecting. She asked the charter school representative about this and was repeatedly assured that her daughter would have the focus and support that she needed at Futuro Prep, whatever the challenge. “You won’t need to worry about anything,” the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.

Nerey’s daughter entered kindergarten unable to communicate using phrases and speaking with only single words. She and her husband were told by Futuro Prep their daughter’s communication would grow as she progressed through school alongside her classmates, and that they would make sure she had everything she needed. Over the course of the next few months, Nerey’s daughter’s communication skills didn’t improve. Nerey requested an evaluation and asked the school to consider speech therapy. The evaluation determined that Nerey’s daughter was autistic. Soon, Nerey found herself attending a meeting at the charter school to discuss an Individualized Educational Program (IEP) that had been developed for her daughter. That meeting forever changed Nerey’s life as a parent.

During the IEP meeting, Nerey learned that her daughter had been regularly separated from the other students and taken to sit in the school’s main office until the end of each day. There, she was left alone to entertain herself with colored pencils and paper. According to Nerey, this happened “most of the time” she was enrolled at Futuro Prep, “because she was different than the other kids.” The charter school told Nerey that if she remained enrolled, she would likely be left behind the other students.

"It felt like they were not trying to help at all," she said, "like they just wanted her out of the school." She felt like she had somehow failed her daughter. She couldn't believe that her daughter wasn't receiving the services or the education she had been promised. "Coloring in a coloring book?!" Nerey said, "She could do that at home!" She left the school in tears, feeling incredibly sad and guilty for enrolling her daughter at a charter school without being fully aware of what was going on every day. Nerey wholeheartedly believes that those few months of struggling in school set her child back even further. Soon, Nerey would be enrolling her second youngest daughter, who also received an autism diagnosis, in kindergarten too. Nerey committed to becoming an advocate for her children and to fighting for their ability to receive a quality education. She immediately withdrew her daughter from Futuro Prep and enrolled her in the neighborhood school.

Today, both Nerey's daughters are receiving the support they need in public school to grow socially, emotionally, and academically. Nerey now takes a very active role in securing support for her children and she jumps at every opportunity to volunteer or just be present at her children's school. And thanks to guidance from school faculty and a local regional center, Nerey and her husband have developed an understanding of what autism is and how best to work in partnership with school faculty to make sure their children have what they need to succeed. "We need to be a team," she said, "It's better for our kids."

Nerey is quick to caution other parents who are considering enrolling their child in a charter school, especially if that child is in need of special education services. Her advice to others facing similar circumstances is to talk with parents who have their children enrolled in a particular charter school to gauge their experience, and to try hard to speak with other parents who have removed their children from charter schools about why they made that decision. Finally, Nerey recommends that parents ask lots of questions of their school. "If I see something that doesn't make sense to me, I ask. If it still doesn't make sense to me, I go to other places to ask," she said. "I don't just hear something and say 'oh okay.'"



*Nerey and her husband have developed an understanding of what autism is and how best to work in partnership with school faculty to make sure their children have what they need to succeed. "We need to be a team," she said, "It's better for our kids."*

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## USING SACS DATA AND SPECIAL EDUCATION GOAL CODES

The California School Accounting Manual (CSAM) provides some guidance on how to proceed given the lack of uniform financial information available directly from the districts. Under the Standardized Accounting Code Structure (SACS) that public school districts are required to use when reporting finances to the state, LEA “defines an objective” in various goal fields, for example by looking at the instructional setting or group of students receiving services.<sup>84</sup> Goal Codes 5000-5999 relate to special education and provide specific codes for severely disabled vs. non-severely Disabled expenditures, among other special education-related goals.

The CSAM states that the following disability categories fall under Goal Classification Code 5750: “Severely disabled students have the following profound disabilities: autism, blindness, deafness, severe orthopedic impairments, serious emotional disturbances, and/or severe mental retardation<sup>85</sup> (Education Code Section 56030.5).”<sup>86</sup> Non-severely disabled students are defined as those who do not fall within those categories.<sup>87</sup> In addition, the CSAM requires “consistent and verifiable supporting documentation that indicates how the costs relate to the goal” in order to charge costs directly to a goal such as the Special Education Goal (p. 540).

## AVERAGE PROPORTIONAL EXPENDITURES METHOD

However, although the disability categories for the SACS Goals are clearly outlined, and theoretically require documentation of how costs relate to the goal, interviews with LEA finance professionals reveal that in practice, the self-reported categorization of expenditures to these goals and the ready availability of documentation may vary widely. For example, a conversation with an OUSD official revealed that the attribution of expenditures to 5750 (severely disabled students) versus 5770 (non-severely disabled students) was not directly related to disability category, but more likely related to a variety of factors such as instructional placement.<sup>88</sup>

This bears out in the SACS data: if one were to assume that OUSD attributed expenditures to goals using the CSAM-defined disability categories, OUSD would appear to be spending nearly three times more to educate mild to moderately disabled students than severely disabled students. An official from the El Dorado SELPA, when summarizing the wide variation in self-reported categorization, said, “If you’ve seen one SELPA, you’ve seen one SELPA.”<sup>89</sup>

To distribute the LEA-specific variations in attribution decisions of severe versus non-severe student expenditures to their relative SACS Goal, we averaged the share of the specific Special Education Goals relative to total expenditures attributed to the Special Education Goal for all districts that are also their own single-district SELPA,<sup>90</sup> serve 30,000 students or more, and serve grades K-12.

The proportional expenditure analysis was limited to single-district SELPAs because the allocation of funds is relatively straightforward: funding is received directly from the state, and the districts pay for services on their own.<sup>91</sup> Including multi-district SELPAs, on the other hand, would have introduced potential issues with the allocation

<sup>84</sup> Using the state SACS database also improves comparability, as it eliminates timing issues that could occur with district self-reports and uses data that has gone through a consistent process through local audits, and county and state approvals.

<sup>85</sup> This disability is now properly called Intellectual Disability (ID). The researchers acknowledge that this term is a vestigial relic of an outdated document.

<sup>86</sup> School Fiscal Services Division, California Department of Education, *California School Accounting Manual*, 2016 ed. (Sacramento: Department of Education, CDE Press, 2016): 154.

<sup>87</sup> *Ibid.*

<sup>88</sup> Conversation with N. Bawa, Executive Director, Special Education, OUSD, on 12/18/2018.

<sup>89</sup> Conversation with G. Quann, El Dorado Director, on 06/06/2018.

<sup>90</sup> There are two distinct types of Single District SELPAs: metropolitan or non-metropolitan. The listed parameters are for urban single-district SELPAs. Non-metropolitan single-district SELPAs were not included in this analysis, as they are not comparable to the three authorizing metropolitan districts that are the focus of this study. “Size and Scope of Special Education Local Plan Areas as approved by the State Board of Education at the November 17-18, 1983 meeting.” Special Education Laws, Regulations, & Policies, California Department of Education, last reviewed Wednesday, August 29, 2018, <https://www.cde.ca.gov/sp/se/lr/szscpselpa.asp>.

<sup>91</sup> For these reasons, San Francisco Unified School District was excluded from the cohort, as it has a unique relationship with its county Office of Education and thus its accounting for certain goals, including special education, is structured differently in the SACS data.

and distribution of state and federal funding through multi-district SELPAs to their member LEAs, impairing meaningful comparison of LEA data.<sup>92</sup> Limiting the expenditure analysis to single-district SELPAs also limits the set to expenditures made by districts in metropolitan areas that are similar to the urban districts of LAUSD, OUSD, and SDUSD.

We then applied this average proportional distribution to each district's actual SACS expenditures attributed to all Special Education 5000-5999 goals in the SACS 2016-17 data, to arrive at an "equalized dollar figure" per goal. As outlined above, this equalized dollar figure provides a more comparable per-goal expenditure as it distributes inter-district variations in goal attribution decisions.

This equalized dollar figure method makes the following assumptions:

1. That there is a reasonable benchmark range for proportionality of expenditures, direct costs attributable to specific student populations, and overhead costs.<sup>93</sup>
2. That LEA-specific variations in attribution of severe versus non-severe student expenditures to respective SACS Goals are relatively evenly distributed across the spectrum of over- versus under-attribution to the CSAM-defined disability categories. For example, this model assumes that if one district under-allocates expenditures for autism for Goal 5750, another district may be over-allocating expenditures for autism to Goal 5770.<sup>94</sup>
3. That the distribution of students with disabilities is relatively equal amongst the single-district SELPA LEAs.
4. That the distribution of students with severe disabilities is relatively equal amongst the single-district SELPA LEAs.

After arriving at the equalized dollar figure per Special Education Goal, we then assigned Goals as either direct costs attributable to an identifiable sub-group of SWD, or as overhead costs attributable to all SWD enrolled by the LEA. Note that in this instance, the overhead costs are not indirect costs as they can be directly attributed to the SWD population, and the relative severe versus non-severe SWD populations, using an allocation factor.

Some overhead costs are clearly attributable to all SWDs: 5001-Special Education Unspecified, 5050-Regionalized Services, and 5060-Regionalized Program Specialist. And 5750 and 5770 costs are clearly direct costs attributable to severely and non-severely disabled students, respectively.<sup>95</sup>

Further, 5710-Special Education Infants and 5730-Special Education Preschool Students are direct costs attributable to their respective SACS-defined populations of infants and preschool students, respectively. However, these costs could justifiably come into play in the calculation of overall SWDs disproportionality because infants and preschool students are almost exclusively enrolled in public schools. In other words, although these costs are direct costs for the public schools themselves, attributable to their respective student populations, in the broader framework of a public education system that includes charter schools that are not required nor equipped to serve infants and preschool students, these costs could be interpreted as overhead costs borne only by public schools.<sup>96</sup>

<sup>92</sup> For example, some member LEAs of multi-district SELPAs are designated the Administrative Unit, receiving funds on behalf of the SELPA and distributing those funds to other member LEAs. Additionally, multi-district SELPAs are not required to use AB 602's census formula to distribute funding to their constituent LEAs. Multi-district SELPAs also frequently reserve some funding at the SELPA level to pay for shared services for member LEAs, which would further reduce comparability to LEAs in single-district SELPAs.

<sup>93</sup> This method does not take into account inter-district differences in service delivery models that might affect either total special education expenditures or proportionality of expenditures per student populations.

<sup>94</sup> This assumption is supported by the relatively symmetrical distribution of the actual proportions of expenditures attributable to 5750 and 5770.

<sup>95</sup> Transitioning special education students receiving training in ROCP classes are not necessarily reflected as such as the SACS Goal is 6000-ROCP, Resource 6360-Pupils with Disabilities attending ROCP.

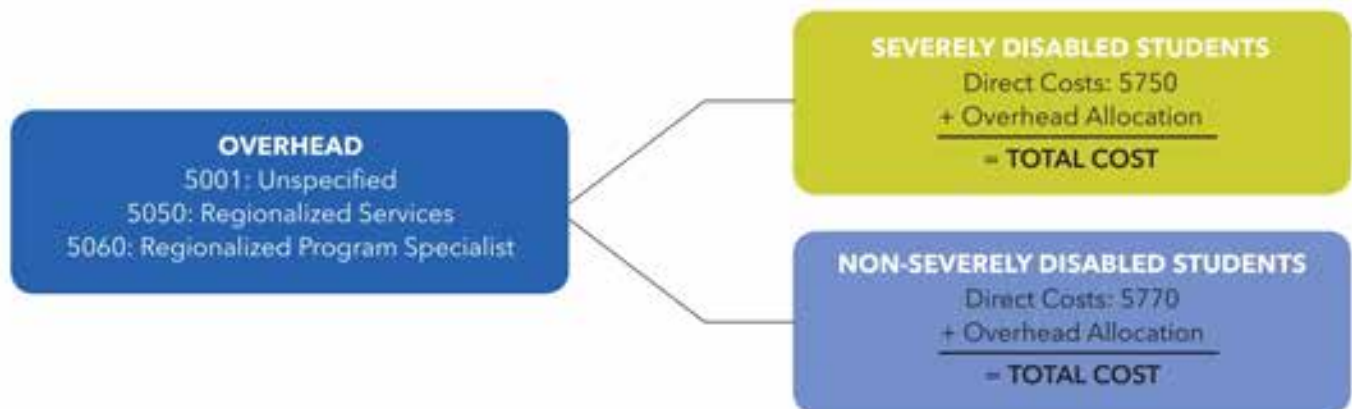
<sup>96</sup> This revealed yet another data issue when the researchers attempted to quantify how many charter schools service infants and/or preschoolers. CDE does not appear to be a reliable source of information regarding which schools service preschool-aged students. For example, the CDE master public schools list, which feeds the CDE school directory, lists very few schools as serving a low grade of "P", and a random check of schools known to the researchers to serve preschoolers revealed that many of these schools were listed with a low grade of "K."



Despite a logical rationale that these expenditures are a marginal cost largely attributable to public schools only, the researchers made a deliberately conservative choice to exclude 5710 and 5730 expenditures for infants and preschool students from the overhead allocation for SWDs enrolled by public schools. Excluding these expenditures produces a more conservative final estimate of the fiscal impact of the disproportionate enrollment of SWDs between public and charter schools.<sup>97</sup>

The overhead allocation was then determined by dividing the total overhead costs by the total number of SWDs enrolled by the district.<sup>98</sup> This per-SWD overhead allocation was then allocated to the specific subgroup of SWDs by severity.

### Special Education Overhead Allocation



<sup>97</sup> 5710 and 5730 expenditures make up a total of approximately 6.5 percent of single-district SELPA special education expenditures.

<sup>98</sup> Weighting all SWD equally for the overhead allocation is a deliberately conservative allocation method. Anecdotal reports could be used to justify weighting the overhead allocation more heavily towards severely disabled students. For example, expenditures in 5060-Regionalized Program Specialist tend to be more focused on severely disabled students than non-severely disabled students.

## FINDINGS: ESTIMATED GROSS FINANCIAL IMPACT

Given that disproportionate enrollment was found to be pervasive across all three cohort districts, it is unsurprising that these disparities have a significant estimated gross financial impact. In OUSD, where the enrollment disparities in particular stood out, the estimated gross financial impact is attributable to both the disproportionality in non-severely disabled students and severely disabled students, with a greater portion of the financial impact caused by the latter. On the other hand, in LAUSD and SDUSD, almost all the estimated gross fiscal impact is attributable to the relative under-enrollment of students with disabilities considered moderate to severe.<sup>99</sup>

Cohort Districts: SWD Enrollment as Percentage of Total Enrollment



Another factor that affects the relative size of the gross fiscal impact in each district is the equalized per-student cost by disability severity. In OUSD and LAUSD, the per-student cost for those with moderate to severe disabilities was 89.92 percent and 86.42 percent higher, respectively, than the per-student cost for those with mild to moderate disabilities. In SDUSD, however, the per-student cost for those with moderate to severe disabilities is over twice as much as the per-student cost for those with mild to moderate disabilities (101.26 percent higher).

An inter-district comparison of the equalized per-student cost by disability severity also shows a key difference between the districts. OUSD's per-student cost for students in both severity categories was significantly lower than the per-student costs in LAUSD and SDUSD.

Equalized per-Student Cost by Disability Severity			
Authorizing District	OUSD	LAUSD	SDUSD
5750 - Severe	\$ 23,991.58	\$ 37,219.50	\$ 39,381.64
5770 - Non-Severe	\$ 12,632.29	\$ 19,965.21	\$ 19,567.47

<sup>99</sup> Note that the estimated financial impact uses aggregate (district-wide) enrollment figures to arrive at a gross financial impact estimate for each district, whereas the enrollment disparity analysis uses the average (school-specific) percentage of special education students in order to be able to perform a statistical comparison of means. As a result, there are slight differences in the enrollment figures between the financial impact section and the disparity analysis section. For example, unlike in the disparity analysis, only schools with no enrollment available were excluded; other outliers were not excluded.





*The charter middle school they chose really seemed like a good fit, and both parents were excited about the possibilities for their children to learn and grow in an environment tailored to fit their needs.*

## CHERYL, NORMAN & THEIR TWIN SONS

**A**t age four, Cheryl and Norman's twin sons were both diagnosed as autistic. When it came time to enroll the boys in elementary school, they decided to place their sons in their neighborhood public school with the intention of "mainstreaming" their children, knowing that they could rely on the help of teachers and staff at the school. As both boys were relatively high functioning at the time, their parents decided to complement this with additional services they found outside the school. The boys had good experiences in elementary school and were soon ready to move on to middle school.

At that point, Cheryl and Norman had been looking into a small handful of area charter schools where they hoped to find a complete set of services for their sons. They were very interested in what they saw being offered, and decided to enroll the boys in the smaller of the schools where they felt their sons "wouldn't get lost in the shuffle." The charter middle school they chose really seemed like a good fit, and both parents were excited about the possibilities for their children to learn and grow in an environment tailored to fit their needs. "It seemed like a miracle to get in," Cheryl said, "It felt like we won the lottery."

Just prior to the start of middle school, Cheryl met with the charter school's principal to explain that the boys had some additional needs for support related to their autism diagnoses. She sought some assurance that the decision to enroll her children at the school was indeed the right one, and inquired directly about whether the school would be able to get them matched with the support they needed. According to Cheryl, she was given very little along those lines. She was instead reminded by the principal that the school was a "very high achieving school," and that the parents "would have to keep that in mind."

Cheryl and Norman went ahead with placing their sons in the charter school. "In some ways it was really good," Cheryl said. She and Norman were definitely impressed by the school's rigorous educational program, but when it came to specialized support, the charter school could only provide a "very small" program—essentially one period per day that the parents say amounted to little more than homework help. "There really wasn't anything else."



Cheryl said, “no place for them to go and no person on campus who knew anything about autism.” In fact, they don’t recall the charter school promising anything specific for their sons. While they didn’t necessarily feel like the school was intent on “getting rid of them,” Cheryl and Norman both felt that the charter school was merely “tolerating” their children while asking them to ensure their sons’ good behavior and classroom progress.

While at the charter school, both the boys had Individualized Education Programs (IEPs), and the school was well aware of their diagnoses and individual needs. In addition, Cheryl and Norman describe their sons at the time as having been “very socially awkward,” which led to feeling ostracized at school by their peers. The boys were bullied and some of the teachers at the charter school became increasingly frustrated and upset by the boys’ behavior. “We would get calls from the school and think to ourselves, ‘you know they’re autistic—that’s a symptom,’” Cheryl said. Both parents felt like they were not being engaged to do real problem solving with the school, or offered any real help. “It was just ‘your child is doing this, please do something,’” said Norman. At one point, one of their sons—who had been struggling with understanding certain social cues—was given a written warning for perceived back-talk to one of his teachers. He was placed on a disciplinary track, which “was a little scary” for Cheryl and Norman.

“With both of their sons now graduated from high school and attending college, the parents look back at their experience with mixed feelings. “You’ve got to see that there is good and bad in both traditional public schools and in charter schools...”

Looking back at their sons’ time in middle school, Cheryl and Norman feel that it was “a very isolating experience” for them as parents of special education students and that it left their sons “not feeling very good about themselves.” When considering high schools for the boys, Cheryl and Norman decided to keep exploring their options. They applied both of their sons for a private school with a bona fide autism program, but only one of the boys was admitted. Their other son, who required slightly more in terms of support, went back to the neighborhood public school to begin the ninth grade.

Cheryl and Norman are happy to report that both of their sons ended up thriving in high school, and both were able to take advantage of programs, support, and the help of teachers who worked hard to find opportunities for the boys to learn and to realize their potential. In fact, at the neighborhood public high school, Cheryl and Norman’s higher-needs son connected with a music teacher who was able to help bring his musical talent to the forefront. With the support of his music teacher, their son developed a talent and love for music that took him all the way to college. “None of these gifts or abilities were recognized at the charter school,” Cheryl said.

With both of their sons now graduated from high school and attending college, the parents look back at their experience with mixed feelings. Neither can say that if they had it all to do over again they wouldn’t have enrolled their kids in a charter school. They still appreciate the charter school’s relatively smaller class sizes and its academic program, but wish they had been more proactive in advocating for the services they felt their kids’ needs warranted. “You’ve got to see that there is good and bad in both traditional public schools and in charter schools,” they said.

Still, Cheryl and Norman have advice for other parents who are considering enrolling their special education student in a charter school. They say parents should be sure to research the school, visit it, talk to the principal and resource staff, and ask other parents about their experiences. But they caution that the unfortunate reality is that if a parent pushes too hard for programs or services at a charter school, they just may not be able to get their child enrolled there.

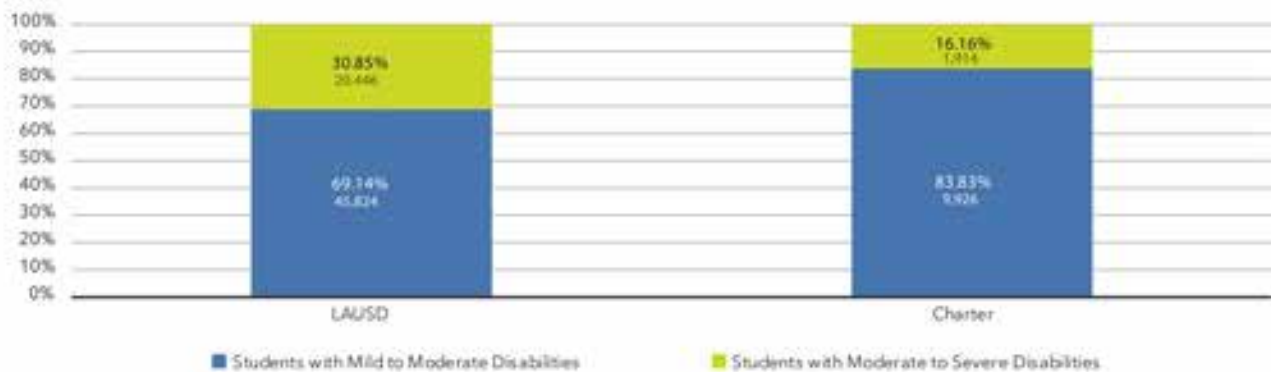
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## LOS ANGELES UNIFIED SCHOOL DISTRICT (LAUSD)

In LAUSD, charter schools enrolled students with disabilities at a statistically significant lower rate than district schools (12.78 percent vs. 10.74 percent). Exploring this disproportionality at a more granular level, the majority of the disproportionality was attributable to the fact that, as a percentage of students with disabilities, district schools enrolled students with disabilities considered the most severe (30.85 percent) at almost twice the rate as charter schools (16.16 percent). Meanwhile students with disabilities considered mild to moderate made up a much lower percentage of students with disabilities at district schools than at charter schools (69.14 percent vs. 83.83 percent).<sup>100</sup> But, when looking at the enrollment of students with disabilities considered mild to moderate as a percentage of total enrollment, the share is about equal between district and charter schools (8.83 percent vs. 9.00 percent).

LAUSD vs Charter Enrollment of Students with Disabilities, by Severity



The intersection of the relatively equal proportion of students with mild to moderate disabilities as a share of total enrollment, combined with the significantly lower proportion of students with all disabilities as a share of total enrollment, clearly shows that the disproportionality is due to a marked over-enrollment in those students with mild to moderate disabilities. This means that there is a relatively wide range of the estimated gross fiscal impact in Los Angeles arising from the under-enrollment of students with disabilities, depending on whether the model takes into account the disparity in severity of disabilities. The estimates range from a low of \$50.09 million to a high of \$74.65 million annually as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross fiscal impact is an annual \$50.09 Million as of the 2016-17 school year.

LAUSD Charter Schools, Gross Fiscal Impact Regardless of Severity*	
Total Special Education Expenditures	\$1,791,852,858.41
Total SWDs, District	66,277
Average Expenditure per SWDs	\$27,035.82
Total SWDs Under-enrolled, Charters	1,853
<b>Estimated Fiscal Impact to District**</b>	<b>\$50,093,997.16</b>

\* A single document displaying the average cost per special education student was received from LAUSD. Multiple requests for the document's context and the underlying methodology for calculation were made by researchers for this project. None were provided. According to the single document provided by LAUSD, the estimated cost in the 2017-18 school year per special education student was \$20,689 (See Appendix G13)

\*\* Products and sums in all tables may not calculate to displayed total due to rounding.

<sup>100</sup> To reiterate, the count of children with an eligibility of established medical disability is excluded from the numerator of these calculations, as it pertains exclusively to three- to five-year-old children.

By contrast, using the model that does consider the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD-enrollment prevails, the estimated gross fiscal impact is an annual \$54.91 million as of the 2016-17 school year. This more specific fiscal impact model reveals how great the impact is of the disproportionality due to moderate to severely disabled student enrollment. The magnitude of the gross fiscal impact is caused largely by the fact that the estimated costs to educate a severely disabled student in LAUSD are 86.42 percent higher than the estimated costs to educate a student with mild to moderate disabilities, and because the disparity in SWD enrollment is so heavily caused by the under-enrollment of students with the most severe disabilities.

<b>LAUSD Charter Schools Gross Fiscal Impact, Severity as a Factor, Overall SWD Disparity Prevails</b>	
Total Moderate-Severe SWDs Under-enrolled, Charters	1,475
Equalized Per-Student Cost, Moderate-Severe	\$37,219.50
<b>Estimated Fiscal Impact to District</b>	<b>\$54,909,660.11</b>

Finally, using the model that takes into account both the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross fiscal impact for LAUSD is an annual \$74.65 million as of the 2016-17 school year. This model, arguably the most specific, illustrates the impact of the under-enrollment of the highest needs students when further magnified by the under-enrollment of students with disabilities overall. Strikingly, the charter industry in LAUSD under-enrolls an estimated 2,165 students with the most significant, lower-incidence disabilities, when both the overall enrollment and more granular severity disparities are equalized. The charter industry has recently taken to pointing out the growth in the percentage of students with disabilities, for example, "from 7.5% in 2010-11 to 9.2% in 2015-16"<sup>101</sup> for charter schools in the El Dorado Charter SELPA. However, as this analysis shows, much of that surface gain is due to a marked over-enrollment in those students with mild to moderate disabilities, i.e. disabilities that, on average, require only 54 percent of the expenditures that the highest-needs students require.

<b>LAUSD Charter Schools Gross Fiscal Impact, Severity and Overall SWD Disparity Equalized</b>	
Total Mild-Moderate SWDs Under-enrolled, Charters	0
Total Moderate-Severe SWDs Under-enrolled, Charters	2006
Equalized Per-Student Cost, Mild - Moderate	\$19,965.21
Equalized Per-Student Cost, Moderate - Severe	\$37,219.50
<b>Estimated Fiscal Impact to District</b>	<b>\$74,649,219.62</b>

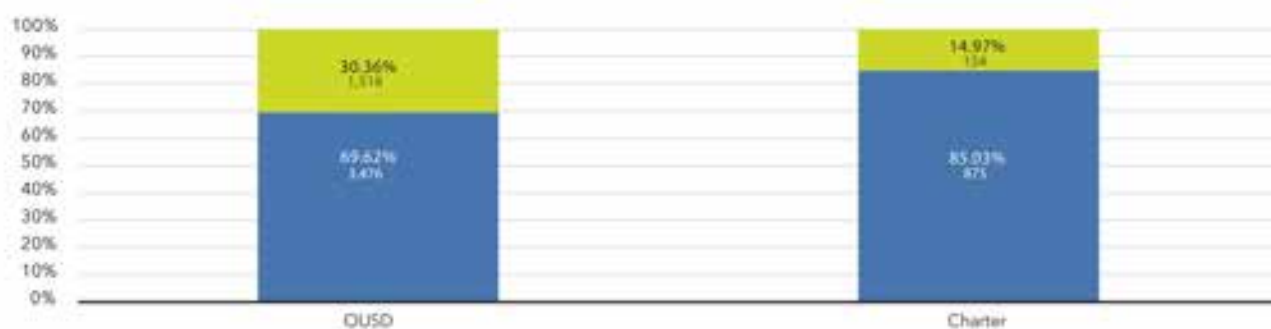
<sup>101</sup> California Charter Schools Association, "Meeting the Needs of Every Student Through Inclusion: A Qualitative Study of Ten California Charter Schools," October 2016, <http://library.ccsa.org/2016-Special-Education-Report.pdf>.



## OAKLAND UNIFIED SCHOOL DISTRICT (OUSD)

In OUSD, which had the most marked disparities in enrollment of students with disabilities, charter schools enrolled students with disabilities at a statistically significant lower rate than district schools (7.95 percent vs. 13.62 percent). When the disproportionality is examined more granularly, although a large portion is attributable to the under-enrollment of students with disabilities considered most severe, a noticeable portion is also attributable to the under-enrollment of students with disabilities considered mild to moderate as well.

OUSD vs Charter Enrollment of Students with Disabilities, by Severity



Depending on whether the model takes into account the disparity in severity of disabilities, the estimated gross financial impact in OUSD arising from the under-enrollment of students with disabilities ranges from an annual low of \$3.15 million to a high of \$10.01 million as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross financial impact on OUSD is an annual \$9.33 million as of the 2016-17 school year.

### OUSD Charter Schools, Gross Fiscal Impact Regardless of Severity

Total Special Education Expenditures	\$85,838,597.24
Total SWDs, District	4,993
Average Expenditure per SWDs	\$17,191.79
Total SWDs Under-enrolled, Charters	543
<b>Estimated Fiscal Impact to District</b>	<b>\$9,332,085.09</b>

By contrast, using the model that does consider the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD enrollment prevails, the estimated gross financial impact is an annual \$3.15 million as of the 2016-17 school year. In LAUSD and SDUSD, considering severity as a factor results in a higher estimate of the financial impact. In OUSD, however, it results in a lower estimate. As mentioned above, charter schools as a whole in LAUSD and SDUSD do *not* under-enroll students with disabilities considered mild to moderate when compared to district schools, and the vast majority of the under-enrollment of SWDs in those districts is attributable to the under-enrollment in students with moderate to severe disabilities. In OUSD, however, the overall under-enrollment of SWDs is attributable to students with disabilities in both populations.

**OUSD Charter Schools Gross Fiscal Impact, Severity as a Factor,  
Overall SWD Prevails**

Total Moderate-Severe SWDs Under-enrolled, Charters	131
Equalized Per-Student Cost, Moderate-Severe	\$23,991.58
<b>Estimated Fiscal Impact to District</b>	<b>\$3,151,502.74</b>

Finally, using the model that takes into account both the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross financial impact in OUSD is an annual \$10.10 Million as of the 2016-17 school year.

**OUSD Charter Schools Gross Fiscal Impact,  
Severity and Overall SWD Disparity Equalized**

Total Mild-Moderate SWDs Under-enrolled, Charters	261
Total Moderate-Severe SWDs Under-enrolled, Charters	282
Equalized Per-Student Cost, Mild-Moderate	\$12,632.29
Equalized Per-Student Cost, Moderate-Severe	\$23,991.58
<b>Estimated Fiscal Impact to District</b>	<b>\$10,055,888.45</b>

## SAN DIEGO UNIFIED SCHOOL DISTRICT (SDUSD)

In San Diego, the disparity in enrollment of students with disabilities overall between charter and district schools was not found to be statistically significant. However, because there is still an observable disparity in both, a financial impact from both the overall SWD enrollment disparity as well as the more granular disparity in severity can be estimated. SDUSD had the smallest disparity in overall SWD enrollment (13.74 percent vs. 12.70 percent, district vs. charter). However, this top-level appearance of greater equity masks a more granular inequity in terms of the students with the highest needs. In SDUSD, charter schools as a whole enroll a greater proportion of students with mild to moderate disabilities, but continue the pervasive trend of enrolling a lower proportion of students with moderate to severe disabilities.

Depending on whether the model takes into account the disparity in severity of disabilities, the estimated gross financial impact in SDUSD arising from the under-enrollment of students with disabilities ranges from an annual low of \$5.10 million to a high of \$ 12.49 million as of the 2016-17 school year.

Using the simplest model, which only takes into account the overall disproportionality in the enrollment of students with disabilities, the estimated gross fiscal impact is an annual \$5.10 million as of the 2016-17 school year.

**SDUSD Charter Schools, Gross Fiscal Impact Regardless of Severity**

Total Special Education Expenditures	\$393,228,254.68
Total SWDs, District	14,549
Average Expenditure per SWDs	\$27,027.85
Total SWDs Under-enrolled, Charters	189
<b>Estimated Fiscal Impact to District</b>	<b>\$5,095,476.43</b>

By contrast, using the model that considers the more granular disparities in the enrollment of students with disabilities considered moderate to severe, but assumes that the overall disparity in SWD enrollment prevails, the estimated gross fiscal impact doubles an annual \$10.48 million as of the 2016-17 school year. Similar to LAUSD,



the charter industry in SDUSD does not under-enroll students with disabilities considered mild to moderate when compared to district schools, and the vast majority of the under-enrollment of SWDs in those districts is attributable to the under-enrollment in students with moderate to severe disabilities.

SDUSD Charter Schools Gross Fiscal Impact, Severity as a Factor, Overall SWD Prevails	
Total Moderate-Severe SWDs Under-enrolled, Charters	266
Equalized Per-Student Cost, Moderate-Severe	\$39,381.64
<b>Estimated Fiscal Impact to District</b>	<b>\$10,481,766.16</b>

Finally, using the model that accounts for both the enrollment disparities in severity as well as the overall enrollment disparity of all students with disabilities, the estimated gross fiscal impact by the charter industry in SDUSD is an annual \$12.49 Million as of the 2016-17 school year.

SDUSD Charter Schools Gross Fiscal Impact, Severity and Overall SWD Disparity Equalized	
Total Mild-Moderate SWDs Under-enrolled, Charters	0
Total Moderate-Severe SWDs Under-enrolled, Charters	317
Equalized Per-Student Cost, Mild-Moderate	\$19,567.47
Equalized Per-Student Cost, Moderate-Severe	\$39,381.64
<b>Estimated Fiscal Impact to District</b>	<b>\$12,489,753.89</b>

## CONCLUSION

Our research shows significant disparities between schools of the district and privately operated charter schools in both the aggregate and breakdowns by severity of disability. These findings have acute consequences for any vulnerable student population, especially for those generally considered to be the most costly to educate in a state where education dollars are scarce. While all schools in the state currently operate under a funding system that arguably disincentivizes enrollment of students with severe disabilities, privately operated charters operate in an even less regulated environment. They may be able to engage, undetected, in adverse selection practices that ensure they enroll fewer students with moderate to severe disabilities when compared to other area schools.

Pulling together descriptive data on students with disabilities locally and throughout the state for this report proved difficult, owing to a lack of adequate data infrastructure and reticence from public agencies in sharing that data. This lack of transparency results in major problems related to both parental access to information and charter accountability. Accountability structures must ensure all schools are accessible to and meeting the needs of California's diverse population of special-needs students. The barriers to data access experienced by this research team give some indication of how difficult it would be for an average parent with a special-needs child to navigate their local special education environment.

For too long, California has allowed charter school operators and their advocates to employ multiple strategies to ensure low special education enrollment. The industry's general response is that they do not have the resources to accommodate special education students.<sup>102</sup> It's up to California to choose whether to consider this excuse—and the inequities it begets—acceptable. All operators of all schools, regardless of type, have an immense moral and civic

<sup>102</sup> National Council on Disability, School Choice Series: Charter Schools - Implications for Students with Disabilities (November 15, 2018): [https://nacd.gov/sites/default/files/NCD\\_Charter\\_Schools\\_Report\\_508\\_0.pdf](https://nacd.gov/sites/default/files/NCD_Charter_Schools_Report_508_0.pdf)

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responsibility to educate all students, regardless of their special education status. Neither the federal government nor the state of California has met their obligation to fund district special education programs, and as a result there are real consequences to public schools. District public schools advocate and fight for additional resources, while concurrently providing the necessary services required to meet the needs of all students. It would be manifestly unacceptable—and illegal—for any district public school to claim that this task is just too difficult and the resources just too scarce for them to continue providing services for students with disabilities. The question is whether California will continue to find it acceptable for publicly financed, privately operated charter schools to claim they just don't have the capacity to ensure access to all students.

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## APPENDIX A

### ANALYSES OF STUDENTS WITH DISABILITIES ENROLLED WITHIN COHORT DISTRICTS

The following section is an analysis of the percentage of students with disabilities enrolled at each school within the three cohort districts. The calculation for each school is the total December 1, 2016 CASEMIS count/CALPADS Total Enrollment for 2016-2017.

#### LAUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-preschool or adult education centers LAUSD Authorized privately operated charters.
  - N = 992
  - (Schools of the District) n1 = 771
  - (Charters) n2 = 221
- **Welch T-Test (two-tail):** Privately operated charters authorized within the Los Angeles Unified School District enrolled lower average percentages of special education students (M = 11.11, SD = 3.49) than LAUSD schools of the district (M = 14.16, SD = 11.62). **The mean difference was significant,  $t(988) = 6.36$ ,  $p = 0.00$ .**

#### OUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-preschool or adult education centers OUSD Privately operated charters.
  - N = 120
  - n<sub>1</sub> = 84
  - n<sub>2</sub> = 36
- **Welch T-Test (two-tail):** Privately operated charters authorized within the Oakland Unified School District enrolled lower average percentages of special education students (M = 7.67, SD = 2.96) than OUSD schools of the district (M = 13.58, SD = 6.16). **The mean difference was significant,  $t(116) = 7.09$ ,  $p = 0.00$ .**

#### SDUSD AUTHORIZED SCHOOLS

- **Populations:** All non-preschool or adult education centers LAUSD district and affiliated schools compared to all non-or adult education centers SDUSD Privately operated charters.
  - N = 222
  - n<sub>1</sub> = 172
  - n<sub>2</sub> = 50
- Privately operated charters authorized within the San Diego Unified School District did not enroll lower than average percentages of special education students (M = 12.96, SD = 4.58) than SDUSD schools of the district (M = 15.07, SD = 11.95). *The mean difference was not significant,  $t(205) = 1.89$ ,  $p = .06$*

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## ANALYSIS OF STUDENT ENROLLMENT BY MILD TO MODERATE DISABILITIES WITHIN COHORT DISTRICTS

The following section is a calculation of the IDEA categories Specific Learning Disorder (SLD), Speech and Language Impairment (SLI), and Other Health Impairment (OHI) as a percentage of each school's total special education population. This is the # of students identified SLD + SLI + OHI and reported December 1, 2016 through CASEMIS/total campus special education population reported December 1, 2016 through CASEMIS.

### LAUSD AUTHORIZED SCHOOLS

- **Populations:** (2) All LAUSD district and affiliated schools compared to all LAUSD Authorized privately operated charters.
  - $N = 1001$
  - $n_1 = 779$
  - $n_2 = 222$
- **Welch T-Test (two-tail):** Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of special education students identified mild to moderate ( $M = 84.82$ ,  $SD = 8.66$ ) than LAUSD schools of the district ( $M = 71.15$ ,  $SD = 16.93$ ). **The mean difference was significant,  $t(719) = -22.20$ ,  $p = 0.00$ .**

### OUSD AUTHORIZED SCHOOLS

- **Populations:** All OUSD district and affiliated schools compared to all OUSD Privately operated charters.
  - $N = 121$
  - $n_1 = 85$
  - $n_2 = 36$
- **Welch T-Test (two-tail):** Privately operated charter schools authorized within the Oakland Unified School District enrolled greater than average percentage of special education students identified mild to moderate ( $M = 87.06$ ,  $SD = 7.86$ ) than OUSD schools of the district ( $M = 76.28$ ,  $SD = 17.21$ ). **The mean difference was significant,  $t(118) = -6.92$ ,  $p = 0.00$ .**

### SDUSD AUTHORIZED SCHOOLS

- **Populations:** (2) All SDUSD district and affiliated schools compared to all SDUSD Privately operated charters.
  - $N = 223$
  - $n_1 = 173$
  - $n_2 = 50$
- Privately operated charter schools authorized within the San Diego Unified School District did not enroll greater than average percentage of special education students identified mild to moderate ( $M = 83.43$ ,  $SD = 7.68$ ) than SDUSD schools of the district ( $M = 72.78$ ,  $SD = 12.51$ ). **The mean difference was significant,  $t(131) = -7.37$ ,  $p = 0.00$**



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## ANALYSES OF ELIGIBILITY CATEGORIES WITHIN COHORT DISTRICT

The following section is a calculation of each eligibility category as a percentage of each school's total special education population. Example: # of students identified as requiring services for an intellectual disability/total campus special education population.

In each of our analyses, autism, intellectual disability, and orthopedic impairment identifications made up a statistically significant greater proportion of their special education population in schools of the district than in privately operated charter schools.

### OAKLAND UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All OUSD district and affiliated schools compared to OUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered "moderate to severe" (or low incidence) by California and PPIC:*

#### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 4.43$ ,  $SD = 5.12$ ) than OUSD schools of the district ( $M = 11.09$ ,  $SD = 14.52$ ). **The mean difference was significant,  $t(116) = 3.72$ ,  $p = 0.00$ .**

#### \*Deaf

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for deafness ( $M = 0.00$ ,  $SD = 0.0$ ) than OUSD schools of the district ( $M = 0.21$ ,  $SD = 0.77$ ). **The mean difference was significant,  $t(84) = 2.54$ ,  $p = 0.01$ .**

#### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in OUSD schools of the district ( $M = 0.03$ ,  $SD = 0.21$ ). *The mean difference was not statistically significant,  $t(84) = 1.39$ ,  $p = 0.17$ .*

#### Emotional Disturbance

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an emotional disturbance in privately operated charter schools authorized within the Oakland Unified School District ( $M = 4.49$ ,  $SD = 4.82$ ) and the same population of students in OUSD schools of the district ( $M = 4.07$ ,  $SD = 6.58$ ). *The mean difference was not statistically significant,  $t(89) = -0.40$ ,  $p = 0.69$ .*

#### Hard of Hearing (HH)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of hard of hearing students entitled to services in privately operated charter schools authorized within the Oakland Unified School District ( $M = 1.23$ ,  $SD = 2.68$ ) and the same population of students in OUSD schools of the district ( $M = 0.71$ ,  $SD = 1.25$ ). *The mean difference was not statistically significant,  $t(42) = -1.12$ ,  $p = 0.27$ .*

#### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 2.04$ ,  $SD = 3.27$ ) than OUSD schools of the district ( $M = 5.85$ ,  $SD = 6.89$ ). **The mean difference was significant,  $t(117) = 4.13$ ,  $p = 0.00$ .**

### \*Multiple Disabilities

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for Multiple Disabilities ( $M = 0.07$ ,  $SD = 0.43$ ) than OUSD schools of the district ( $M = 0.79$ ,  $SD = 2.24$ ). **The mean difference was significant,  $t(97) = 2.85$ ,  $p = 0.01$ .**

### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.00$ ,  $SD = 0.00$ ) than OUSD schools of the district ( $M = 0.26$ ,  $SD = 0.84$ ). **The mean difference was significant,  $t(84) = 2.82$ ,  $p = 0.01$ .**

### Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.34$ ,  $SD = 1.30$ ) and the same population of students in OUSD schools of the district ( $M = 0.30$ ,  $SD = 0.74$ ). *The mean difference was not statistically significant,  $t(45) = -0.19$ ,  $p = 0.85$ .*

### Visual impairment

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a Visual impairment in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.34$ ,  $SD = 1.24$ ) and the same population of students in OUSD schools of the district ( $M = 0.38$ ,  $SD = 1.52$ ). *The mean difference was not statistically significant,  $t(80) = 0.13$ ,  $p = 0.89$ .*

### Established Medical Disability (EMD)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an established medical disability in privately operated charter schools authorized within the Oakland Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in OUSD schools of the district ( $M = 0.02$ ,  $SD = 0.18$ ). *The mean difference was not statistically significant,  $t(84) = 1.00$ ,  $p = 0.32$ .*

**The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:**

### \*Other Health Impairment (OHI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for Other Health Impairments in privately operated charter schools authorized within the Oakland Unified School District ( $M = 13.24$ ,  $SD = 10.86$ ) and the same population of students in OUSD schools of the district ( $M = 11.75$ ,  $SD = 8.21$ ). *The mean difference was not statistically significant,  $t(53) = -0.74$ ,  $p = 0.47$ .*

### \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Oakland Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 49.52$ ,  $SD = 22.43$ ) than OUSD schools of the district ( $M = 38.50$ ,  $SD = 19.71$ ). **The mean difference was significant,  $t(59) = -2.56$ ,  $p = 0.01$ .**

### Speech or Language Impairment (SLI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a speech or language impairment in privately operated charter schools authorized within the Oakland Unified School District ( $M = 24.30$ ,  $SD = 25.34$ ) and the same population of students in OUSD schools of the district ( $M = 26.03$ ,  $SD = 19.95$ ). *The mean difference was not statistically significant,  $t(54) = 0.36$ ,  $p = 0.72$ .*



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## SAN DIEGO UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All SDUSD district and affiliated schools vs. All SDUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered "moderate to severe" (or low incidence) by California and PPIC:*

### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 9.93$ ,  $SD = 7.12$ ) than SDUSD schools of the district ( $M = 16.05$ ,  $SD = 8.69$ ). **The mean difference was significant,  $t(95) = 5.08$ ,  $p = 0.00$ .**

### Deaf

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students with deafness entitled to services in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.15$ ,  $SD = 1.09$ ) and the same population of students in SDUSD schools of the district ( $M = 0.41$ ,  $SD = 2.26$ ). *The mean difference was not statistically significant,  $t(174) = 1.13$ ,  $p = 0.26$ .*

### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in SDUSD schools of the district ( $M = 0.02$ ,  $SD = 0.16$ ). *The mean difference was not statistically significant,  $t(173) = 1.32$ ,  $p = 0.19$ .*

### \*Emotional Disturbance

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for an Emotional disturbance ( $M = 2.78$ ,  $SD = 3.51$ ) than SDUSD schools of the district ( $M = 1.53$ ,  $SD = 4.47$ ). **The mean difference was significant,  $t(99) = -2.07$ ,  $p = 0.04$ .**

### Hard of Hearing (HH)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of hard of hearing students entitled to services in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.75$ ,  $SD = 1.32$ ) and the same population of students in SDUSD schools of the district ( $M = 1.04$ ,  $SD = 2.78$ ). *The mean difference was not statistically significant,  $t(174) = 1.05$ ,  $p = 0.30$ .*

### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 1.52$ ,  $SD = 2.18$ ) than SDUSD schools of the district ( $M = 4.66$ ,  $SD = 4.48$ ). **The mean difference was significant,  $t(174) = 6.85$ ,  $p = 0.00$ .**

### \*Multiple Disabilities

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for Multiple Disabilities ( $M = 0.03$ ,  $SD = 0.14$ ) than SDUSD schools of the district ( $M = 1.33$ ,  $SD = 3.76$ ). **The mean difference was significant,  $t(175) = 4.54$ ,  $p = 0.00$ .**

### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.99$ ,  $SD = 1.85$ ) than SDUSD schools of the district ( $M = 1.68$ ,  $SD = 2.24$ ). **The mean difference was significant,  $t(94) = 2.22$ ,  $p = 0.03$ .**

### Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.24$ ,  $SD = 0.70$ ) and the same population of students in SDUSD schools of the district ( $M = 0.17$ ,  $SD = 0.60$ ). *The mean difference was not statistically significant,  $t(71) = -0.59$ ,  $p = 0.56$ .*

### Visual impairment

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a Visual impairment in privately operated charter schools authorized within the San Diego Unified School District ( $M = 0.20$ ,  $SD = 0.61$ ) and the same population of students in SDUSD schools of the district ( $M = 0.32$ ,  $SD = 0.97$ ). *The mean difference was not statistically significant,  $t(127) = 1.06$ ,  $p = 0.29$ .*

### \*Established Medical Disability (EMD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for an established medical disability ( $M = 0.00$ ,  $SD = 0.00$ ) than SDUSD schools of the district ( $M = 0.05$ ,  $SD = 0.26$ ). **The mean difference was significant,  $t(173) = 2.55$ ,  $p = 0.01$ .**

*The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:*

### \*Other Health Impairment (OHI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for Other Health Impairments ( $M = 22.37$ ,  $SD = 11.38$ ) than SDUSD schools of the district ( $M = 16.6$ ,  $SD = 7.02$ ). **The mean difference was significant,  $t(60) = -3.41$ ,  $p = 0.00$ .**

### \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 46.26$ ,  $SD = 16.32$ ) than SDUSD schools of the district ( $M = 35.15$ ,  $SD = 15.85$ ). **The mean difference was significant,  $t(78) = -4.27$ ,  $p = 0.00$ .**

### \*Speech or Language Impairment (SLI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the San Diego Unified School District enrolled lower average percentages of students entitled to services for a speech or language impairment ( $M = 14.79$ ,  $SD = 14.08$ ) than SDUSD schools of the district ( $M = 21.01$ ,  $SD = 15.10$ ). **The mean difference was significant,  $t(84) = 2.71$ ,  $p = 0.01$ .**



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## LOS ANGELES UNIFIED SCHOOL DISTRICT ELIGIBILITY CATEGORIES:

**Populations:** All LAUSD district and affiliated schools vs. All LAUSD privately operated (directly funded) charters.

*The following tests pertain to categories considered "moderate to severe" (or low incidence) by California and PPIC:*

### \*Autism

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for autism ( $M = 10.96$ ,  $SD = 7.50$ ) than LAUSD schools of the district ( $M = 18.59$ ,  $SD = 13.28$ ). **The mean difference was significant,  $t(646) = 11.03$ ,  $p = 0.00$ .**

### Deaf

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students with Deafness entitled to services in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.25$ ,  $SD = 1.08$ ) and the same population of students in LAUSD schools of the district ( $M = 0.34$ ,  $SD = 3.15$ ). *The mean difference was not statistically significant,  $t(970) = 0.64$ ,  $p = 0.52$ .*

### Deaf-Blind

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for deaf-blindness in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.00$ ,  $SD = 0.00$ ) and the same population of students in LAUSD schools of the district ( $M = 0.00$ ,  $SD = 0.03$ ). *The mean difference was not statistically significant,  $t(778) = 1.65$ ,  $p = 0.16$ .*

### Emotional Disturbance

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an Emotional disturbance in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 1.02$ ,  $SD = 1.85$ ) and the same population of students in LAUSD schools of the district ( $M = 0.99$ ,  $SD = 2.95$ ). *The mean difference was not statistically significant,  $t(572) = -0.17$ ,  $p = 0.87$ .*

### \*Hard of Hearing (HH)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of hard of hearing students entitled to services ( $M = 1.09$ ,  $SD = 1.92$ ) than LAUSD schools of the district ( $M = 1.50$ ,  $SD = 3.17$ ). **The mean difference was significant,  $t(593) = 2.40$ ,  $p = 0.02$ .**

### \*Intellectual Disability

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for an intellectual disability ( $M = 1.15$ ,  $SD = 2.48$ ) than LAUSD schools of the district ( $M = 4.42$ ,  $SD = 7.86$ ). **The mean difference was significant,  $t(991) = 9.99$ ,  $p = 0.00$ .**

### Multiple Disabilities

*Multiple Disabilities were not reported for any Los Angeles Unified Authorized Schools.*

### \*Orthopedic Impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled lower average percentages of students entitled to services for an orthopedic impairment ( $M = 0.50$ ,  $SD = 1.19$ ) than LAUSD schools of the district ( $M = 2.48$ ,  $SD = 6.50$ ). **The mean difference was significant,  $t(926) = 8.05$ ,  $p = 0.00$ .**

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### Traumatic Brain Injury

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a traumatic brain injury in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.08$ ,  $SD = 0.51$ ) and the same population of students in LAUSD schools of the district ( $M = 0.12$ ,  $SD = 0.41$ ). *The mean difference was not statistically significant,  $t(305) = 1.18$ ,  $p = 0.24$ .*

### \*Visual impairment

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for a Visual impairment ( $M = 0.14$ ,  $SD = 0.69$ ) than LAUSD schools of the district ( $M = 0.43$ ,  $SD = 2.10$ ). **The mean difference was significant,  $t(983) = 3.25$ ,  $p = 0.00$ .**

### Established Medical Disability (EMD)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for an established medical disability in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 0.01$ ,  $SD = 0.13$ ) and the same population of students in LAUSD schools of the district ( $M = 0.01$ ,  $SD = 0.14$ ). *The mean difference was not statistically significant,  $t(379) = 0.39$ ,  $p = 0.69$ .*

*The following tests pertain to categories considered mild to moderate (or high incidence) by California and PPIC:*

### \*Other Health Impairment (OHI)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for Other Health Impairments ( $M = 16.15$ ,  $SD = 8.72$ ) than LAUSD schools of the district ( $M = 11.94$ ,  $SD = 8.04$ ). **The mean difference was significant,  $t(336) = -6.45$ ,  $p = 0.00$ .**

### \*Specific Learning Disability (SLD)

Welch T-Test (two-tail): Privately operated charter schools authorized within the Los Angeles Unified School District enrolled greater than average percentages of students entitled to services for a Specific Learning Disabilities ( $M = 53.25$ ,  $SD = 18.52$ ) than LAUSD schools of the district ( $M = 42.73$ ,  $SD = 21.19$ ). **The mean difference was significant,  $t(401) = -7.22$ ,  $p = 0.00$ .**

### Speech or Language Impairment (SLI)

Welch T-Test (two-tail): There was not a statistically significant difference between the percentage of students entitled to services for a speech or language impairment in privately operated charter schools authorized within the Los Angeles Unified School District ( $M = 15.41$ ,  $SD = 18.36$ ) and the same population of students in LAUSD schools of the district ( $M = 16.45$ ,  $SD = 14.77$ ). *The mean difference was not statistically significant,  $t(307) = 0.77$ ,  $p = 0.44$ .*



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## APPENDIX B

### DISABILITY CATEGORY CODES EXPLAINED<sup>103</sup>

The following categories are considered “moderate to severe” according to the California Department of Education.

**Autism (AUT):** The Autism category covers the autism spectrum, including students displaying difficulties interpreting social interactions, adjusting to interruptions in routine, and experiencing intense sensitivity to certain sensory experiences. Autism covers a wide spectrum. One student with autism may be high-functioning, verbal, and able to navigate the eclectic sensory environment of a school with relative comfort. Another student with autism may have difficulties expressing themselves through speech with major barriers to communication and may perpetually need intense support.

**Deafness/Hearing Impairment (DEAF):** Hearing impairment is of greater severity than Hard of Hearing. A student who is hearing-impaired may have difficulties processing linguistic information through learning, with or without amplification.

**Deaf-Blindness (DB):** A student with a combination of hearing and visual impairment which may cause severe communication difficulties shall be identified by deaf-blindness.

**Emotional Disturbance (ED):** Emotional Disturbance is defined as an inability to learn that cannot be explained by intellectual, sensory, or health factors. A student with schizophrenia shall be identified under IDEA as having an emotional disturbance.

**Established Medical Disability (EMD):** A child aged three to five that an IEP team has concluded has high probability of requiring special education services.

**Hard of Hearing (HH):** A student who is hard of hearing may have a permanent or fluctuating hearing impairment that has not risen to the level of deaf. HH students may have a difficult time with hearing classroom discussion or educational videos.

**Intellectual Disability (ID):** A student with an intellectual disability has difficulty adapting to expected behaviors and will function significantly below average intellectually. ID students will have difficulty accomplishing complex tasks, understanding new concepts, and may have a limited vocabulary. A pupil with Down syndrome shall be identified under the ID eligibility category.

**Multiple Disabilities (MD):** A student with a combination of disabilities across eligibility categories. For example, a student who is deaf-blind and dyslexic shall be identified MD, rather than identified as both DB and SLD.<sup>104</sup>

**Orthopedic Impairment (OI):** A student with an orthopedic impairment may have a physical impairment that does not impact their intellectual capacity. A student born without an appendage or who has a cerebral palsy shall be identified under IDEA as having an orthopedic impairment.

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<sup>103</sup> “CALPADS Primary Disability Category Codes,” California Assessment of Student Performance and Progress (CAASPP) System, California Department of Education, accessed November 6, 2018, <https://www.cde.ca.gov/ta/tg/ca/disablecodes.asp>; “Disability Categories,” K-22 Special Education, California State University, Los Angeles, 2019, <http://www.calstatela.edu/academic/cooe/programs/cats/categories-disability-under-idea-children-and-youth-aged-3-through-21>.

<sup>104</sup> Because Los Angeles Unified SELPA uses the Welligent software to track individual education plans, it is claimed that adding a unique MD category would make it impossible to disentangle without triple counting that same student qualifying under both DB and SLD. This student would show up once in DB, once in SLD, and once in MD. It is for this reason that the LAUSD SELPA does not contain the MD category.

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**Traumatic Brain Injury (TBI):** TBI encompasses open and closed injuries to the head which impairs an array of cognitive functions. A student who has incurred a head injury that leads to long-term memory deficiency shall qualify for services under TBI. Congenital brain abnormalities, those present from birth, are separately included under the Intellectual Disabilities category.

**Visual impairment (VI):** A student who is blind or has great difficulty seeing (even with correction) shall be identified under IDEA as having a visual impairment.

*The following categories are considered "mild to moderate" according to the California Department of Education:*

**Other Health Impairment (OHI):** Conditions under OHI are wide ranging and include hemophilia, epilepsy, diabetes, ADHD, and other impairments that can cause a student's strength or alertness to be limited.

**Specific Learning Disability (SLD):** SLD is the largest category within IDEA and accounts for nearly half of all identified disabled students in the United States. A student with dyslexia, dysgraphia, or dyscalculia shall be identified as having a Specific Learning Disability.

**Speech or Language Impairment (SLI):** A student who stutters or has difficulty speaking shall be identified under the Speech or Language Impairment category.

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## APPENDIX C

- ADA** - Americans with Disabilities Act
- IDEA** - Individuals with Disabilities Education Act
- CALPADS** - California Longitudinal Pupil Achievement Data System
- CASEMIS** - California Special Education Management System
- CDE** - California Department of Education
- CMO** - Charter Management Organization
- CPRA** - California Public Records Act Request
- DB** - Deaf-Blind
- ED** - Emotional Disturbance
- EMD** - Established Medical Disability
- HH** - Hard of Hearing
- ID** - Intellectual Disability
- IEP** - Individual Education Plan
- LAUSD** - Los Angeles Unified School District
- MD** - Multiple Disabilities
- OCR** - United States Department of Education Office of Civil Rights
- OI** - Orthopedic Impairment
- OHI** - Other Health Impairment
- OUSD** - Oakland Unified School District
- SACS** - Standardized Accounting Code Structure
- SDUSD** - San Diego Unified School District
- SELPA** - Special Education Local Plan Area
- SLD** - Specific Learning Disability
- SLI** - Speech or Language Impairment
- SWD** - Student with Disabilities
- TBI** - Traumatic Brain Injury
- USED** - United States Department of Education
- VI** - Visual Impairment



## APPENDIX D

### DATA ISSUES EXPANDED

#### LOS ANGELES UNIFIED SCHOOL DISTRICT SELPA

The Los Angeles Unified School District SELPA sent all CASEMIS/IDEA disability categories except for Multiple Disabilities. LAUSD, like most of the other SELPAs, sent only primary disabilities and abbreviated each of the disability categories instead of applying numeric category codes, which aided in initial analyses. While the California Department of Education (CDE) and the US Department of Education collapse students with Multiple Disabilities into the single category MD, the LAUSD SELPA does not. After several rounds of communication, LAUSD did append a Multiple Disabilities column to the CASEMIS report. This, however, was a duplicative count. Unlike all other SELPAs in this report, LAUSD could not respond with a CASEMIS report including a distinct count of students eligible for services by category MD. Our team confirmed with all other SELPAs that the MD category provided by each consisted of a distinct category count wherein a single student could not be represented both in the category of their primary disability and the MD count. For instance, a student whose primary disability is identified on the autism spectrum and is also deaf would only show in the MD category, not the MD category *in addition to* the categories for identified autistic and identified deaf. Without this distinct student disability count, it would not be appropriate to compare these categories to those in other SELPAs.<sup>105</sup>

ESC	LOC CODE	SCHOOL NAME	COST CENTER	NORM ENROLLMENT	AUT	DV	DEAF	ED	EMD	HH	ID	OHI	OI	SLD	SLU	TBI	VI	SWD TOTAL	%SWD	HIGH	LOW
C	1914	WIDNEY HS	1191401	278	82		*	*			124	*	48	*		*	*	278	100.0%	*	271
C	1918	MCALISTER HS CYESIS	1191801	143								*	*	16				19	13.3%	18	*
C	1919	LANTERMAN HS	1191901	92	28						25	*	44				*	102	110.9%	*	100
C	1955	SALVIN SP ED CTR	1195501	100	17			*			26	*	40				*	107	107.0%	*	105
C	2027	ALDAMA EL	1202701	509	*			*	*	*				17	14			43	8.4%	36	*
C	2041	ALEXANDRIA AVE EL	1204101	744	*			*		*				28	16			60	8.1%	51	*
C	2068	ALLESANDRO EL	1206801	398	*			*		*				21	*			39	9.8%	35	*
C	2076	JONES SPS	1207601												*			*		*	0
C	2134	STUDIO SCHOOL	1516401	290	*			*		*				33				41	14.1%	37	*
C	2151	ANNANDALE EL	1215101	210	18			*	*	*	*	*	*	*	*			44	21.0%	16	28

Referring to the above snapshot, the reader may notice that “%SWD” has been provided. The LAUSD SELPA was the only one to provide a total student count and a percentage calculation. Notice, too, that there are schools reporting students with disabilities greater than 100 percent. As previously mentioned, this is because there is no stable denominator to calculate the percentage of students with a disability in California public schools. LAUSD used Norm Day total enrollment as the denominator. In cases where schools are also special education centers, any increase in population between the Norm Day enrollment snapshot and the December 1 CASEMIS snapshot will yield an illogical percentage (greater than 100). Anecdotally, we are aware that student mobility is high after Norm Day, especially regarding students with disabilities. Thus special education schools may be more likely to receive an influx of special

<sup>105</sup> First Responsive CASEMIS 2016 document received from LAUSD SELPA. Asterisks represent student counts of less than 10.



education students after the Norm Day enrollment snapshot. Where all other schools are concerned, any increase or decrease is far less likely to reveal the inherent problem with these mismatched points in time.

Accounting for another wrinkle in the collection of accurate special education data, we learned during a call with the Los Angeles Unified SELPA that SELPA CASEMIS counts do not always match the official numbers published by the CDE. This discrepancy happens when more than one SELPA claims the same student on the December 1 CASEMIS report.<sup>106</sup> When this occurs, the CDE drops this student from both SELPA counts and, according to the LAUSD SELPA, the state makes no attempt to resolve the issue with either of the claiming SELPAs.<sup>107</sup> This mismatch does not factor into California's AB 602 special education funding model, as the state apportions special education funding by SELPA based on average daily attendance of all students, not on how many special education students have been identified and are enrolled.<sup>108</sup> However, these discrepancies, which the CDE does not report to SELPAs, make it difficult to obtain an accurate statewide count of how many special-needs students have been identified as eligible for receiving special education services.

Further into this phone conversation, our team learned that if a SELPA wants to make a rough calculation of the percentage of special education students within each of its member schools, they must reach out directly to their LEAs for total enrollment numbers. Some comply with the request, others do not. Since LAUSD is a single-district SELPA, they therefore have access to all data relating to their own district-run public schools. In the 2016-17 school year, 205 out of the 215 non-LAUSD LEAs (privately operated charter schools) provided total enrollment numbers to the LAUSD SELPA. It appears that privately operated charter schools have no obligation to report these numbers to their SELPA—the entity charged with compliance-monitoring and all aspects of special education coordination.<sup>109</sup> LAUSD provides excellent, practical, examples of how the two data points separated by two months lead to over/understated special education percentages.

## SAN DIEGO SELPA CASEMIS

San Diego Unified School District's (SDUSD) SELPA CASEMIS data came in a different format. In the initial response, SDUSD provided codes for all schools and disability categories without a key, and mislabeled the school code column "Count of STUDENT\_ID." After verifying these were, in fact, school codes (the last six or seven digits of a CDS code), a follow-up email was sent inquiring about the numeric codes in row two (likely referring to each of the different disability types) and the odd school codes in column A, such as those consisting of a single number "1" or another with the characters "PARENTA."<sup>110</sup>

ROW LABELS	210	220	230	240	250	260	270	280	281	290	300	310	320	330	GRAND TOTAL
1	27		*	*		57	*	51		90		*	187		364
107029		*		*				*		35			*		55
107052	10					*		18		56		*	*		99
107078					*	*	*	13		33		*	*		53
107086	*					*		*		25			10		44
107094	*	*		*		*	*	*		17			*		35
107102	*			*			*	*		34		*	*		54
107177	16	*		*	*	*	*	14		67		*	13		122
201219	11			*		*	*	29		62		*	15	*	133
107482										*			*		18
108266	*			15						26			10		61
108274	*	*		29			*	24	31	31	*	*	14		109

<sup>106</sup> The magnitude of this issue is currently unknown.

<sup>107</sup> Phone conversation with LAUSD SELPA March 1, 2018.

<sup>108</sup> California carved special education funding out of the Local Control Funding Formula Law of 2013; PPIC Special Education Finance in California (November 2016).

<sup>109</sup> "California Special Education Local Plan Areas," Special Education, Administration & Support, accessed January 8, 2018, <https://www.cde.ca.gov/sp/ae/as/caselpas.asp>.

<sup>110</sup> Responsive CASEMIS 2016 document from San Diego Unified School District. Asterisks represent student counts of less than 10.

The SELPA responded and explained that “1” is the code used for non-public school students receiving special education services within the district, and “PARENTA” refers to parentally placed students in private schools, which show up in the two-other large district SELPAs as NPS, or nonpublic nonsectarian schools.<sup>111</sup> SDUSD was the only one to provide a separate count of both primary and secondary disabilities.<sup>112</sup>

## DESERT/MOUNTAIN CHARTER SELPA CASEMIS

Desert/Mountain SELPA, one of two composed primarily of charter operators, provided CASEMIS documents initially consisting of only heavily abbreviated school names. No uniquely identifying county and district codes were attached, severely limiting our ability to identify where schools are geographically located. This is uniquely important with data from Desert Mountain and El Dorado, as they are composed of charter operations from throughout the state that have opted out of their own truly local SELPA. This was also the only SELPA that did not provide a separate column for the total number of students with disabilities. However, before reaching back out for totals, we noticed anomalies in the EMD column.<sup>113</sup>

SCHOOL	ID	HH	DEA	SLI	VI	ED	OI	OHI	SLD	DB	MD	AUT	TBI	EMD
ACA OF CAREERS & EX	0	0	0	0	*	0	*	21	0	0	*	0	0	31
ACADEMY ACAD EX	0	0	38	0	0	*	28	50	0	0	10	0	0	140
CA STRAM SAN BERNARD	0	0	*	0	*	0	*	*	0	0	*	0	0	20
EXCELSIOR CHARTER	*	0	13	*	15	*	68	128	0	0	25	0	0	260
EXPLORER SCHOOL	0	0	10	0	0	0	20	25	0	0	*	0	0	67
HEALTH SCI MS	0	0	*	*		0	*	14	0	0	0	0	0	20
HEALTH SCIENCES HIGH	0	0	*	0		0	27	58	0	0	11	0	0	101
HIGH TECH ELEM	0	0	*	0		0	12	19	0	0	13	0	0	63
HIGH TECH HIGH	*	0	*	0		0	28	30	0	0	13	0	0	85
HIGH TECH MIDDLE	*	0	*	0		0	15	19	0	0	*	0	0	47
HTH MEDIA ARTS	0	0	*	0		0	20	20	0	0	10	0	0	56
HTI	*	0	*	*		*	18	20	0	0	10		0	58

The CASEMIS data received contained extraordinarily large counts of students identified as having an established medical disability (EMD). This category is exclusive to three- to five-year-old children with either a congenital syndrome or a disabling medical condition.<sup>114</sup> Integers in the EMD category were reported for schools serving students at all grade levels, including middle and high schools. We sent a follow-up email inquiring about the unlikely counts contained under the EMD category. A representative from the Desert Mountain SELPA responded that this column was misnamed and adds up to the sum of all other disability categories in each row. A quick sum of each row, however, revealed that the number in the formerly identified “EMD” column matched the total of all other columns within a record less than 10 percent of the time. Further, because we no longer had the EMD category, did this mean there were not any EMD students within the SELPA? A call to follow up with Desert Mountain was scheduled to achieve clarity. The call was short. Immediately after inquiring about the summed record totals, the analyst offered to rerun the data.

In the final CASEMIS pull we received from Desert Mountain preschool students were presented as a separate row count. This practice by Desert Mountain is extremely valuable given the limitations of enrollment numbers to include preschool students. No other SELPA was able to provide us data with separately identified preschool students with disabilities.

<sup>111</sup> “Nonpublic Nonsectarian Schools,” California Education code - EDC, § 33000 - 64100, Article 2: Definitions (1980), [http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?sectionNum=56034&lawCode=EDC](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?sectionNum=56034&lawCode=EDC).

<sup>112</sup> They were provided in the same workbook on separate sheets.

<sup>113</sup> First Responsive CASEMIS 2016 document received from Desert Mountain SELPA. Asterisks represent student counts of less than 10.

<sup>114</sup> California Education Code - EDC, § 33000 - 64100, Chapter 4.45: Special Education Programs for Individuals With Exceptional Needs Between the Ages of three and Five years, inclusive, [56440 - 56447.1], [http://leginfo.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=EDC&sectionNum=56441.11](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=EDC&sectionNum=56441.11).



## THE EL DORADO COUNTY CHARTER SELPA

The other charter exclusive SELPA, El Dorado County, initially provided CASEMIS data excluding the deaf-blind and EMD categories. This was quickly rectified with a follow-up email.<sup>115</sup>

LEA NAME	ID	HH*	DEAF*	SLI	VI*	ED	OI*	OHI	SLD	MD	AUT	TBI	GRAND TOTAL
ACACIA ELEMENTARY CHARTER	0	0	0	10	0	0	0	*	0	0	0	0	17
ADACIA MIDDLE CHARTER	*	0	0	*	0	0	1	0	0	0	0	0	*
ACADEMY OF ARTS AND SCIENCES	0	0	0	0	0	0	0	*	0	0	*	0	11
ACADEMY OF ARTS AND SCIENCES: FRESNO	*	0	0	*	*	0	0	*	0	0	0	0	*
ACADEMY OF ARTS AND SCIENCES: LA K-12	0	0	0	*	*	0	0	*	0	0	*	0	22
ACADEMY OF ARTS AND SCIENCES: SONOMA	0	0	0	*	0	*	0	*	0	0	0	0	14
ACADEMY OF ARTS AND SCIENCES: THOUSAND OAKS & SIMI VALLEY	*	0	0	0	0	*	0	0	0	0	*	0	*
ACADEMY OF PERSONALIZED LEARNING	*	0	0	*	0	0	0	0	0	0	*	0	18
ACE CHARTER HIGH	*	*	0	*	0	*	0	*	0	0	0	0	60

Having requested CDS codes with all data CPRAs, and having received them in several different formats, some with full unique identification codes, and others with only the school code, we found some schools were paired with the wrong CDS code while performing standard, necessary quality controls to confirm the responsive data. Having received a warning from the CDE regarding their inability to validate CDS codes, we knew this to be a possibility.

All three California Virtual Academy (CAVA) Schools within the El Dorado SELPA (Kings, Mateo, and Fresno), submitted school codes that did not match the campus, e.g. the school code for CAVA Kings was attached to CAVA Fresno, etc. In a follow-up request for the full CDS code for each campus (or LEA), the error was corrected. However, another issue was immediately revealed.

Once we received the full CDS codes from El Dorado, the schools were missing leading zeroes resulting in false county codes. For instance, the code "1612590115014" was received by El Dorado County SELPA for campus KIPP Bridge Academy. CDS codes are uniform in structure, the first two digits refer to the county, followed by six digits for the district, and the last 6 or 7 digits for the individual school. This CDS code, as received, places this school in Kings County (16). KIPP Bridge Academy, however, is actually in Alameda County (01).

## THE CALIFORNIA DEPARTMENT OF EDUCATION (CDE):

Throughout our interactions with the Special Education Division of the CDE, there was significant confusion surrounding terms that required multiple rounds of emails and phone calls. The first of which centered on the category "district." Each of our requests asked that CDS codes be included in order to provide us a unique ID for each school and/or each school district. While the term "school district" is commonly used as a synonym for a local education agency, the CDE assumed this term to mean "district of accountability" or "district of service" which is their designation for SELPA.

Once the miscommunication was corrected, the Special Education Division informed our team they do not commonly work with CDS codes. If they agreed to attempt to pull the CDS codes into the data documents, there would be no guarantee of code accuracy. While schools and districts do include their CDS code when submitting CASEMIS data, ultimately ending up at the Special Education Division, there are no internal checks to ensure the correct CDS code was submitted for a particular school. Our contact at the CDE explained they sometimes receive CDS codes with anomalous characters appended. In a later email correspondence, we received the following message reiterating the CDS code issue.<sup>116</sup>

<sup>115</sup> First Responsive CASEMIS 2016 document received from El Dorado SELPA. Asterisks represent student counts of less than 10.

<sup>116</sup> Communication from the California Department of Education Special Education Division received March 01, 2018.

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How this occurs, when the CASEMIS technical reporting guide states error codes will populate if any part of the CDS code is erroneously entered, is a question currently without an answer.<sup>117</sup> Our immediate concern after hearing this was that a school might inadvertently submit an incorrect code, making it extremely difficult to accurately depict the special education population between schools and districts. As we found in the El Dorado CASEMIS data set, our concern was valid.

The next significant confusion was revealed in a request for total special education students and total Norm Day enrollment at each school by funding type. An important part of this analysis was to situate each of the SELPAs within the statewide context. In June 2018, we reached out to the CDE for CASEMIS category totals for each school by funding type in order to conduct analyses of district schools, affiliated charters, and privately operated charter schools. After receiving a letter from the CDE confirming receipt of our request and noticing that the term "Norm Day enrollment" was amended to read "Total Day Enrollment," we replied seeking clarification.<sup>118</sup> The Special Education Division was wholly unfamiliar with the term "Norm Day." They had interpreted the request to mean the team wanted to know how many special education students were attending "normal day classes." This data would have referred to the total number of students spending all or part of the day in the general education setting. When we were all on the same page, the Special Education Division stated they do not have access to general education totals, and we would need to contact CALPADS to receive that data.<sup>119</sup> Further, the Special Education Division does not have a way to identify which schools are district-run and which schools are affiliated or privately operated. This resulted in both miscommunication, lost time, and incomplete state data.

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<sup>117</sup> California Department of Education, Special Education Division. *California Special Education Management Information System: Technical Assistance Guide 2017-18. Draft.* Sacramento: 11, 13.

<sup>118</sup> CDE Cost Letter for PRA, received January 22, 2018.

<sup>119</sup> Email communication with the CDE Special Education Division, received January 22, 2018.



## APPENDIX E

### COMMUNICATIONS

Figure 10: PRA to LAUSD Regarding CASEMIS Category Expenditures



Figure 11: Response to PRA from LAUSD Regarding CASEMIS Category Expenditures



Figure 12: PRA Cost Letter from CDE Special Education Division

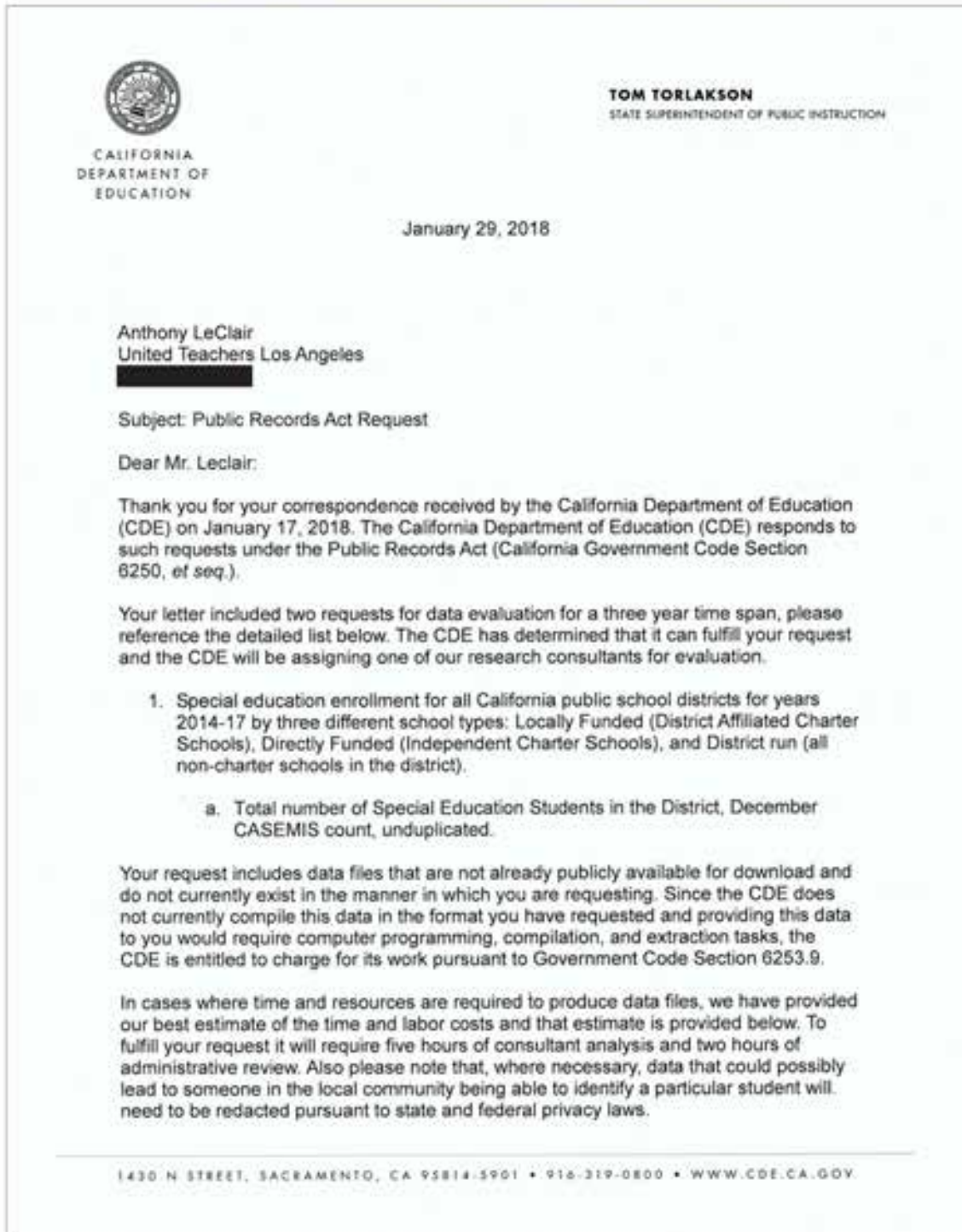


Figure 12: PRA Cost Letter from CDE Special Education Division, cont'd.

Anthony Vincent LeClair  
January 29, 2018  
Page 2

The total cost for your Public Records Act request comes to \$455.00. Please send your check or money order to the CDE at the address below, and we will send you the records as requested:

California Department of Education  
Special Education Division, Data, Evaluation and Analysis Unit  
1430 "N" Street, Suite 2401  
Sacramento, California 95814

Please also note that your request for public records, as well as our response, may be subject to a future records request filed by another party. If you have any questions at all regarding this correspondence, please contact me by phone at [REDACTED] or by e-mail at [REDACTED]

Sincerely,



Shiyloh Duncan-Becerril, Education Administrator  
Special Education Division  
Assessment, Evaluation, and Support

SBD:rw  
PRA reference number: 2018-3

Figure 13: CDE Special Education Division Email Regarding Norm Day Enrollment



Figure 14: CDE Special Education Division Email Regarding CASEMIS and CALPADS

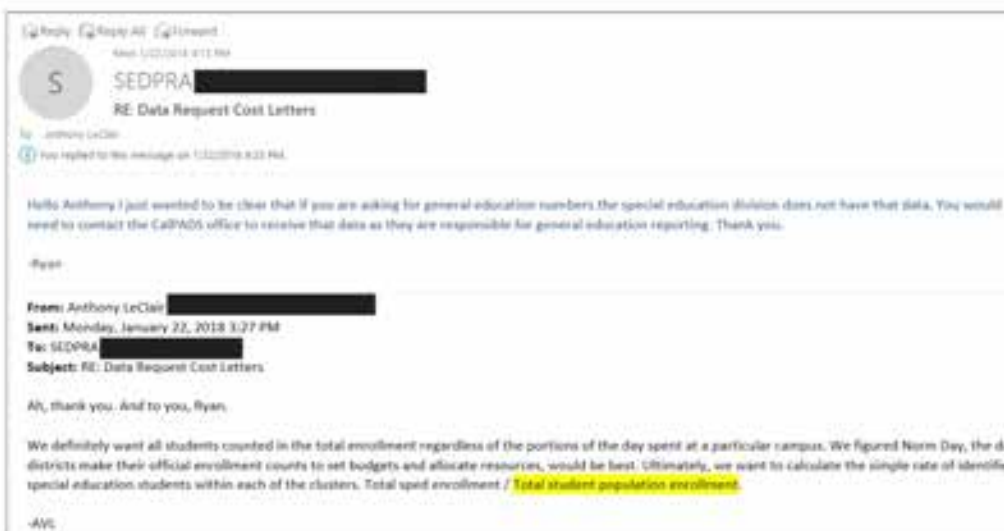






Figure 17: Educational Employees Relations Act Special Education Costs in LAUSD<sup>120</sup>

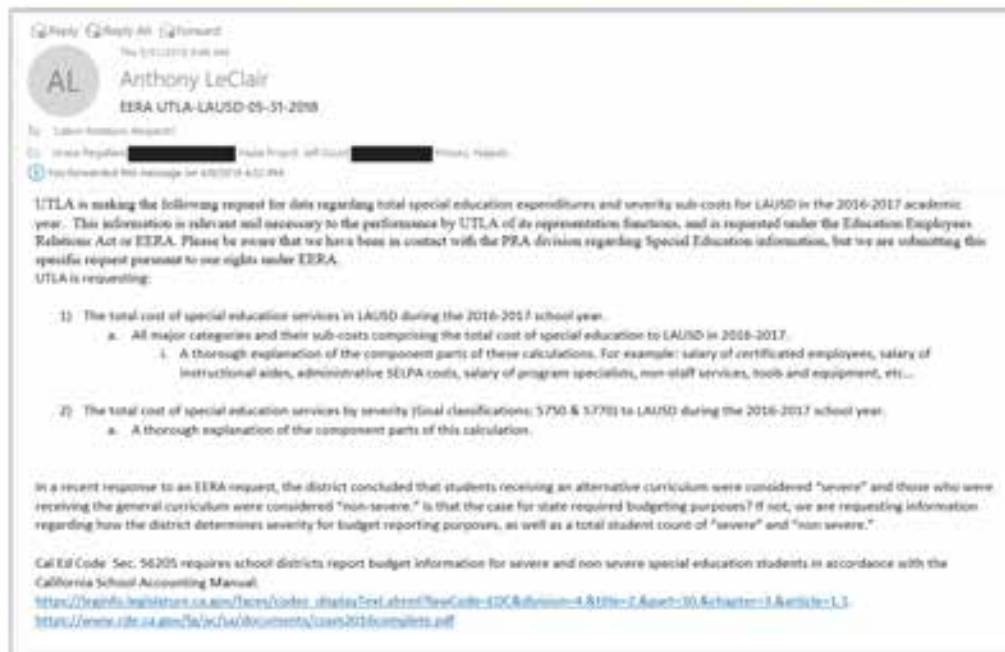


Figure 18: Confirmation of Special Education Mild/Moderate and Moderate to Severe Counts and Eligibility Categories



<sup>120</sup> The following request for information remained unresolved for over 7 months.

## APPENDIX F

### FINANCIAL MODEL EQUATIONS

Below is a summary of the calculations used in the financial model.

#### STEP 1: PROPORTIONAL DISTRIBUTION PER SACS GOAL

$$\text{AVG SD SELPA \% 5750 (SEVERE)} = \frac{[\$TOTAL\ 5750] + [\$TOTAL\ 5XXX\ SPED]}{[\$TOTAL\ 5770] + [\$TOTAL\ 5XXX\ SPED]}$$

$$\text{AVG SD SELPA \% 5770 (NONSEVERE)} = \frac{[\$TOTAL\ 5770] + [\$TOTAL\ 5XXX\ SPED]}{[\$TOTAL\ 5770] + [\$TOTAL\ 5XXX\ SPED]}$$

#### STEP 2: EQUALIZED DISTRICT-SPECIFIC SACS GOAL

$$\text{\$ EQUALIZED PER DISTRICT 5750} = [\text{AVG SD-SELPA 5750 \%}] \times [\text{\$DISTRICT TOTAL 5XXX}]$$

$$\text{\$ EQUALIZED PER DISTRICT 5770} = [\text{AVG SD-SELPA 5770 \%}] \times [\text{\$DISTRICT TOTAL 5XXX}]$$

#### STEP 3: EQUALIZED OVERHEAD ALLOCATION

$$\text{\$ OVERHEAD ALLOCATION PER SWD} = \frac{([\text{\$EQUALIZED 5001}] + [\text{\$EQUALIZED 5050}] + [\text{\$EQUALIZED 5060}])}{([\text{\# DISTRICT SWD}] )}$$

#### STEP 4: EQUALIZED TOTAL COST BY SEVERITY

$$\begin{aligned} \text{\$ EQUALIZED TOTAL COST, SEVERE} \\ = [\text{\$EQUALIZED 5750}] + ([\text{\$OVERHEAD ALLOCATION}] \times [\text{\#SEVERE SWD}]) \end{aligned}$$

$$\begin{aligned} \text{\$ EQUALIZED TOTAL COST, NONSEVERE} \\ = [\text{\$EQUALIZED 5770}] + ([\text{\$OVERHEAD ALLOCATION}] \times [\text{\#NONSEVERE SWD}]) \end{aligned}$$

#### STEP 5: EQUALIZED PER-STUDENT COST BY SEVERITY

$$\begin{aligned} \text{\$ EQUALIZED PER SWD COST, SEVERE} \\ = [\text{\$EQUALIZED TOTAL COST, SEVERE}] / ([\text{\# AUT + VI + DEAF + OI + ED + ID + HH + DB + MD + TBI}]) \end{aligned}$$

**Note:** This excludes established medical disability (EMD), a classification used for 3-, 4-, and 5-year-olds only, to more closely match the numerator to the denominator.

$$\begin{aligned} \text{\$ EQUALIZED PER SWD COST, NONSEVERE} \\ = ([\text{\$EQUALIZED TOTAL COST, NONSEVERE}]) / ([\text{\# SLD + SH + OHI}]) \end{aligned}$$

**Note:** The numerator excludes infant and preschool expenditures, but the denominator may include some students less than five years old because students under the age of five may be identified as being entitled to special education services in categories other than EMD. This is a conservative choice, resulting in an understated equalized per SWD cost.

**STEP 6a-1: NUMBER UNDER-ENROLLED SEVERELY DISABLED SWD – OVERALL SWD ENROLLMENT DISPARITY PREVAILS**

$$\text{'IF EQUAL' SWD \%} = \frac{([\#SWD_{FICS}] + [\#SWD_{DISTRICT}])}{([\#ENR_{FICS}] + [\#ENR_{DISTRICT}])}$$

$$\text{'IF EQUAL' SWD SEVERE \%} = \frac{([\#SEVERE_{FICS}] + [\#SEVERE_{DISTRICT}])}{([\#SWD_{FICS}] + [\#SWD_{DISTRICT}])}$$

$$\# \text{'IF EQUAL' SWD SEVERE} = [\text{'IF EQUAL' SWD SEVERE \%}] \times [\#SWD_{FICS}]$$

**STEP 6a-2: GROSS FISCAL IMPACT ATTRIBUTABLE TO SEVERELY DISABLED SWD UNDER-ENROLLMENT – OVERALL SWD ENROLLMENT DISPARITY PREVAILS**

**# SEVERE SWD UNDERENROLLED (OVERALL SWD DISPARITY STAYS)**

$$= [\# \text{'IF EQUAL' SWD SEVERE}] - [\#SEVERE_{FICS}]$$

**\$GROSS FISCAL IMPACT<sub>SEVERE SWD</sub>**

$$= (\#SEVERE_{FICS} - \# \text{'IF EQUAL' SWD SEVERE}) \times \$ \text{ EQUALIZED PER SWD COST, SEVERE}$$

**STEP 6b-1: NUMBER UNDER-ENROLLED SEVERELY DISABLED SWD – AND OVERALL SWD DISPARITY EQUALIZED**

**'IF EQUAL' SWD SEVERE %**

$$= \frac{([\#SEVERE_{FICS}] + [\#SEVERE_{DISTRICT}])}{([\#ENR_{FICS}] + [\#ENR_{DISTRICT}])}$$

**# 'IF EQUAL' SWD SEVERE**

$$= [\text{'IF EQUAL' SWD SEVERE \%}] \times [\#ENR_{FICS}]$$

**STEP 6b-2: GROSS FISCAL IMPACT ATTRIBUTABLE TO SEVERELY DISABLED SWD UNDER-ENROLLMENT – AND OVERALL SWD DISPARITY EQUALIZED**

**\$GROSS FISCAL IMPACT<sub>SEVERE SWD</sub>**

$$= ([\#SEVERE_{FICS}] - [\# \text{'IF EQUAL' SWD SEVERE}]) \times [\$ \text{ EQUALIZED PER SWD, COST SEVERE}]$$

**STEP 7a: NUMBER UNDER-ENROLLED SWD, NON-SEVERE – AND OVERALL SWD DISPARITY EQUALIZED**

**Note:** Because non-severely disabled students make up a disproportionate share of privately operated charter schools' SWD population, it does not make sense to model without the overall disparity addressed.

**'IF EQUAL' SWD NONSEVERE %**

$$= \frac{([\#NONSEVERE_{FICS}] + [\#NONSEVERE_{DISTRICT}])}{([\#ENR_{FICS}] + [\#ENR_{DISTRICT}])}$$

**# 'IF EQUAL' SWD NONSEVERE**

$$= [\text{'IF EQUAL' NONSEVERE \%}] \times [\#ENR_{FICS}]$$



**STEP 7b: GROSS FISCAL IMPACT ATTRIBUTABLE TO NON-SEVERELY DISABLED SWD UNDER-ENROLLMENT**

$$\begin{aligned} & \text{\$GROSS FISCAL IMPACT}_{\text{NONSEVERE SWD}} \\ &= (\{\$\text{EQUALIZED PER SWD COST, NONSEVERE}\} \times \{\#\text{NONSEVERE}_{\text{FICS}}\}) \\ & - (\{\$\text{EQUALIZED PER SWD COST, NONSEVERE}\} \times \{\#\text{'IF EQUAL' SWD NONSEVERE}\}) \end{aligned}$$

**STEP 8a: TOTAL GROSS FISCAL IMPACT, OPTION 1: REGARDLESS OF SEVERITY**

$$\begin{aligned} \text{AVGS REGARDLESS SEVERITY} &= \frac{(\{\$\text{TOTAL 5XXX SPED}\})}{(\{\#\text{TOTAL SWD}\})} \\ \text{\# 'IF EQUAL' SWD} &= \{\text{'IFEQUAL' SWD \%}\} \times \{\#\text{ENR}_{\text{FICS}}\} \\ \text{\$ GROSS FISCAL IMPACT} &= (\{\text{'IF EQUAL' SWD \#}\} - \{\#\text{SWD}_{\text{FICS}}\}) \times \{\text{AVG \$ REGARDLESS SEVERITY}\} \end{aligned}$$

**STEP 8b: TOTAL GROSS FISCAL IMPACT, OPTION 2: SEVERITY AS A FACTOR**

$$\text{\$ GROSS FISCAL IMPACT}_{\text{SEVERE SWD}} + \text{\$ GROSS FISCAL IMPACT}_{\text{NONSEVERE SWD}}$$

## APPENDIX G

### IMAGES

Figure 18: Alcott Elementary in SDUSD "About Our School" Page Highlighting Enrollment of Students Under 5 Who Are Not Included in CALPADS Enrollment.



LAUSD Open Data Portal: Special Education Severity Count. The research team was told by LAUSD through multiple means of communication that an aggregate count by "severity" was unavailable.

Figure 19: LAUSD Open Data Portal Students with Disabilities Severity Type

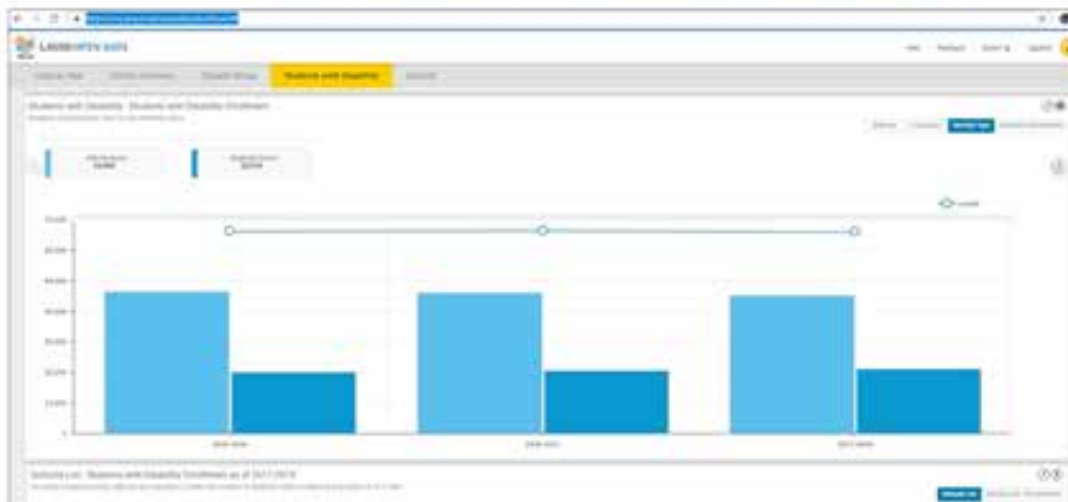


Figure 20: Special Education Fiscal Facts and Challenges LAUSD 2016<sup>121</sup>

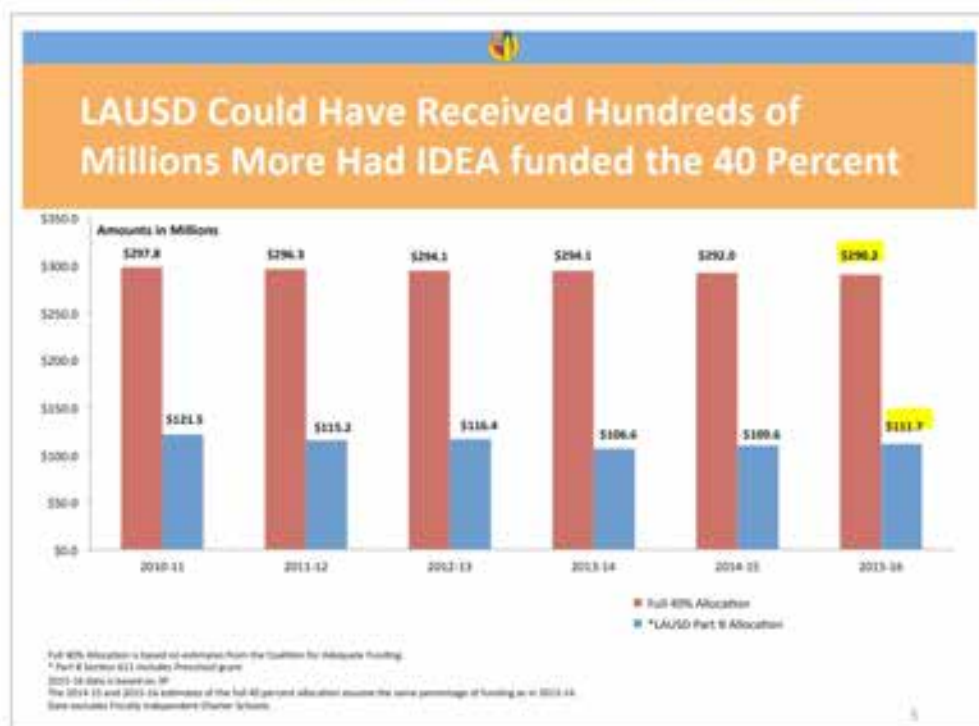


Figure 21: CDE Data Request Page Including Research Concept Paper

**California DEPARTMENT OF EDUCATION**  
 Curriculum & Instruction • Testing & Accountability • Finance & Grants • State & District • Specialized Programs • Learning Support • Professional Learning

Home > Data & Statistics > Data Requests

### Data Requests

Individuals may request data that are not publicly available on the CDE Web site (e.g. DataQuest).

The California Department of Education (CDE) collects student level data through the California Longitudinal Pupil Achievement Data System (CALPADS) for state and federal reporting purposes. These data, in addition to assessment data, are available at the aggregate level to the public through the CDE's data reporting portal, [DataQuest](#), and the [CDE Downloadable Data Files](#). [View more](#)

For data that are not available through these public resources, the CDE maintains a Data Request process that facilitates the release of assessment data and CALPADS information (located under the [Resources](#) tab) while ensuring compliance with state and federal data privacy and security laws (see the [Laws and Regulations](#) tab for further information). For data that do not fit the above criteria, please consult the [Data Resource Guide](#). **Requestors must complete the [Statistical Data Request Form](#) and submit it electronically with a [Research/Evaluation Concept Paper](#).** Guidelines for the required [Research/Evaluation Concept Paper](#) are located under the [Resources](#) tab. Also located under the [Resources](#) tab is the [2018-2020 CDE Research Priorities](#).

Members of the press or other media outlets requesting data from the CDE must contact the CDE Communications Office for assistance by e-mail at [communications@cde.ca.gov](mailto:communications@cde.ca.gov) or by phone at 916-227-0815.

Please note that the CDE is a public state agency and as such all data requests (i.e. personally identifiable information (PI) and non-PI), once fulfilled or denied, will be publicly posted on the Data Request Web page under the [Approved Data Requests](#) tab.

[Laws and Regulations](#) | [PII and Non-PII](#) | [State and District](#) | [Assessments](#) | [Approved Data Requests](#)

#### Laws and Regulations

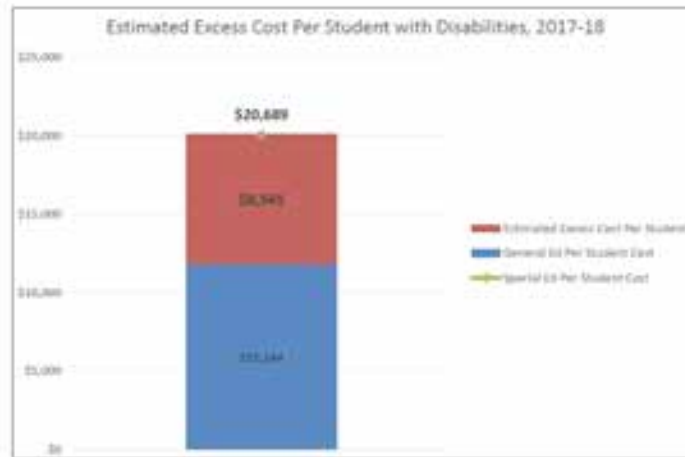
All data requestors seeking to use CDE data must be familiar with, and comply with, state and federal laws pertaining to data security and confidentiality. Data requests must be managed in accordance with all applicable federal and state privacy laws including, but not limited to, the Family Educational Rights and Privacy Act (FERPA) of 1984 (20 U.S.C. Sec. 1232g; 34 CFR Part 99); The National School Lunch Act (42 U.S.C. 1756, 7 CFR Section 240.6); the California Information Practices Act (California Civil Code Section 1798); and California Education Code (EC).

#### Family Education Rights and Privacy Act (FERPA)

[Share This Page](#)  
 Trending in Data Requests  
 Data Requests (this page)  
 Recently Posted in Data Requests  
 No items posted in the last 90 days.

<sup>121</sup> <https://boe.lausd.net/sites/default/files/10-11-16SPEDFiscalFactsChallenges.pdf> Retrieved April 8, 2019

Figure 22: Estimated Excess Cost Per Student with Disabilities (Single Page Received)



Authors: Anthony LeClair, Data Specialist, UTLA; Elaine Grace Regullano, CPA (inactive), Strategic Research and Analytics Director, UTLA; & Ann Swinburn, Strategic Research Analyst, CTA

Thanks to Terry Lutz for the report design.





March 2021 • FulfillThePromise.net

# Fulfill The Promise

*A National Civil Rights Campaign for Special Education*

## FUNDING GAPS

When Congress fails to fulfill its promise to fund IDEA at 40% and the Dept of Education fails to protect the civil rights of students with disabilities, schools, students, and families suffer.

Below are examples of how much more states would receive for the 2020-21 school year for special education students if Congress fulfilled its promise.

**ALASKA**  
\$63.5 Million

**CALIFORNIA**  
\$1.973 Billion

**MARYLAND**  
\$350.7 Million

**MASSACHUSETTS**  
\$506.7 Million

**TEXAS**  
\$2.010 Billion

**WISCONSIN**  
\$410.6 Million

## WHO WE ARE

We are a growing diverse coalition from across the US of parents of students with disabilities, disability rights advocates, unions, community organizations, and representatives from our respective communities. We are putting the federal government on notice through a class petition for guidance documents to fulfill their promises to our students.



Nearly 50 years ago, the federal government made promises to our students with disabilities under the [Individuals with Disabilities Act](#) and [Section 504 of the Rehabilitation Act](#):

1. That all children with disabilities have available to them a free and appropriate public education with support and services designed to meet their unique needs
2. That the federal government would cover 40% of the additional cost required to provide those necessary services
3. That the federal government would protect the civil rights of students with disabilities to have their needs met in a comparable way as non-disabled students

## SOME OF THE REMEDIES WE ARE SEEKING WITHIN 90 DAYS

**Federal guidance to meet needs of students with disabilities** such as the backlog of IEP evaluations, trauma related needs, and unique needs of English language learners and students of color

**Guidance regarding how to safely provide in-person special education services** while also complying with necessary COVID-19 health and safety protocols to protect a population of students that may be especially at risk for infection and death

Guidance to ensure that **American Rescue Plan Act funds are spent in equitable ways** to assist students with disabilities and students with mental health needs

Commitment to improving enforcement protocols and boosting the government's oversight capacity to **monitor shortcomings and prevent further systematic problems**

All students benefit from an adequately funded IDEA program that allows all students to thrive. We are committed to fighting for the necessary resources for our students during this devastating pandemic and working towards a new normal where the federal government finally fulfills its promises to our students, schools, and communities.





# Cumplir La Promesa

Una Campaña Nacional de Derechos Civiles para la Educación Especial

## DÉFICIT DE FINANCIAMIENTO

Cuando el Congreso no cumple su promesa de financiar IDEA al 40% y el Departamento de Educación no protege los derechos civiles de los estudiantes con discapacidades, las escuelas, los estudiantes y las familias sufren.

A continuación, se muestran ejemplos de cuánto más recibirían los estados en el año escolar 2020-21 para estudiantes de educación especial si el Congreso cumpliera su promesa.

**ALASKA**  
\$63.5 millones

**CALIFORNIA**  
\$1.973 mil millones

**MARYLAND**  
\$350.7 millones

**MASSACHUSETTS**  
\$506.7 millones

**TEXAS**  
\$2.010 mil millones

**WISCONSIN**  
\$410.6 millones

## QUIENES SOMOS

Somos una coalición cada vez más diversa de todo Estados Unidos de padres de estudiantes con discapacidades, defensores de los derechos de las personas con discapacidad, sindicatos, organizaciones comunitarias y representantes de nuestras respectivas comunidades. Estamos notificando al gobierno federal a través de una petición de clase para obtener documentos de orientación para cumplir sus promesas a nuestros estudiantes.



Hace casi 50 años, el gobierno federal hizo promesas a nuestros estudiantes con discapacidades bajo la **Ley de Personas con Discapacidades** y la **Sección 504 de la Ley de Rehabilitación**:

1. Que todos los niños con discapacidades tengan a su disposición una educación pública gratuita y apropiada con apoyo y servicios diseñados para satisfacer sus necesidades únicas.
2. Que el gobierno federal cubriría el 40% del costo adicional requerido para brindar esos servicios necesarios
3. Que el gobierno federal protegería los derechos civiles de los estudiantes con discapacidades para que se satisfagan sus necesidades de una manera comparable a la de los estudiantes sin discapacidades.

## ALGUNOS DE LOS REMEDIOS QUE BUSCAMOS EN 90 DÍAS

Orientación federal para satisfacer las necesidades de los estudiantes con discapacidades, como la acumulación de evaluaciones IEP, las necesidades relacionadas con el trauma y las necesidades únicas de los estudiantes del idioma inglés y estudiantes de color

Orientación sobre cómo proporcionar de manera segura servicios de educación especial en persona y al mismo tiempo cumplir con los protocolos de salud y seguridad del COVID-19 necesarios para proteger a una población de estudiantes que puede estar especialmente en riesgo de infección y de muerte

Orientación para garantizar que los fondos de la Ley del Plan de Rescate Americano se gasten de manera equitativa para ayudar a los estudiantes con discapacidades y a los estudiantes con necesidades de salud mental

Compromiso de mejorar los protocolos de aplicación e impulsar la capacidad de supervisión del gobierno para monitorear las deficiencias y prevenir más problemas sistemáticos

Todos los estudiantes se benefician de un programa IDEA adecuadamente financiado que les permite prosperar. Estamos comprometidos a luchar por los recursos necesarios para nuestros estudiantes durante esta devastadora pandemia y a trabajar hacia una nueva normalidad donde el gobierno federal finalmente cumpla sus promesas a nuestros estudiantes, escuelas y comunidades.





# Texas

*A National Civil Rights Campaign for Special Education*

After the school denied the student's evaluation...the mother hired an attorney. The principal...very quickly gave in and evaluated the student. **Unfortunately by the time the student was admitted to special education, she was already a junior in high school.**

**We need to shift our perspective and holistically view special education as a rising tide that lifts all boats.** Providing funding for special education programs and students ultimately benefits all students.

—*Alyssa P., special education teacher, Austin Independent School District*

## FUNDING GAPS

Texas would receive over **\$2.010 Billion** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

## AUSTIN ISD

Fulfilling the promise means that students with disabilities could have more of their needs supported. For example, to meet nationally recommended ratios for psychologists, counselors, and social workers, Austin needs:

**64 more counselors**

**275 more social workers**

**132 more psychologists**

These additional staff, and much more, could be paid for if Congress fulfilled its promise to Texas' students with disabilities.

## SPECIAL EDUCATION IN TEXAS

In 2018, the federal government found that Texas had violated federal law requiring schools to serve all students with disabilities. For over a decade, Texas illegally denied tens of thousands of children with disabilities their right to special education. Even though federal monitors stepped in, the crisis still isn't over for many families.

Texas is in the bottom three states with the lowest share of children receiving early intervention services for disabilities. Years of state budget cuts to Texas' Early Childhood Intervention program have made it harder for Texas infants and toddlers with disabilities to get the services they need.

School districts continue to be accused of attempting to deny or delay eligibility, talking parents out of special education services for their students. Melina E.A., a Latinx mother of two children in San Antonio, and one of the declarants, believes her daughter C.A. was only evaluated for an IEP because she made advocating for her daughter a full time job.

“As a result of inadequate funding, [we have] a system where the squeaky wheel parents or parents who threaten legal action are often the only parents receiving services for their children—and even then, these services are usually not robust enough to fully assist the child.”

—*Melina E.A., San Antonio, Texas parent*

The federal government has 90 days from when we filed our petition to respond. Building support for these remedies with parents, disability rights advocates, students, and educators is key so that by the June 21 deadline, we have a national momentum that will carry us to victory.

Visit [www.FulfillThePromise.net](http://www.FulfillThePromise.net) for more information.





# Texas

Una Campaña Nacional de Derechos Civiles para la Educación Especial



Después de que la escuela negó la evaluación del estudiante ... la madre contrató a un abogado. El director ... se rindió rápidamente y evaluó al estudiante.

**Desafortunadamente, cuando la estudiante fue admitida en educación especial, ya estaba en el tercer año de la escuela secundaria.**

**Necesitamos cambiar nuestra perspectiva y ver la educación especial de manera integral como una marea creciente que eleva a todos los barcos.** Proporcionar fondos para los programas y estudiantes de educación beneficia a todos los estudiantes.

—Alyssa P., maestra de educación especial, Distrito Escolar Independiente de Austin



## DÉFICIT DE FINANCIAMIENTO

Texas recibiría en exceso de **\$ 2.010 mil millones** más en el año escolar 2020-21 para estudiantes de educación especial si el Congreso cumpliera su promesa.

## AUSTIN ISD

Cumplir la promesa significa que los estudiantes con discapacidades podrían recibir más apoyo para sus necesidades. Por ejemplo, para cumplir con las proporciones recomendadas a nivel nacional para psicólogos, consejeros y trabajadores sociales, Austin necesita:

**64 más consejeros**

**275 más trabajadores sociales**

**132 más psicólogos**

Este personal adicional, y mucho más, podría pagarse si el Congreso cumpliera su promesa a los estudiantes con discapacidades de Texas.

## LA EDUCACIÓN ESPECIAL EN TEXAS

En 2018, el gobierno federal descubrió que Texas había violado la ley federal que exige que las escuelas atiendan a todos los estudiantes con discapacidades. Durante más de una década, Texas negó ilegalmente a decenas de miles de niños con discapacidades su derecho a la educación especial. Aunque los monitores federales intervinieron, la crisis aún no ha terminado para muchas familias.

Texas se encuentra en los tres últimos estados con la proporción más baja de niños que reciben servicios de intervención temprana para discapacidades. Años de recortes al presupuesto estatales para el Programa de Intervención en la Primera Infancia de Texas han dificultado que los bebés y niños pequeños de Texas con discapacidades obtengan los servicios que necesitan.

Los distritos escolares continúan siendo acusados de intentar negar o retrasar la elegibilidad, disuadir a los padres de los servicios de educación especial para sus estudiantes. Melina E.A., madre latina de dos hijos en San Antonio, y una de las declarantes, cree que su hija C.A. solo fue evaluada para un IEP porque hizo de la defensa de su hija un trabajo de tiempo completo.

“Como resultado de la financiación inadecuada, [tenemos] un sistema en el que los padres de familia o los padres que amenazan con emprender acciones legales son a menudo los únicos padres que reciben servicios para sus hijos, e incluso entonces, estos servicios no suelen ser lo suficientemente sólidos como para ayudar plenamente al niño.”

—Melina E.A., San Antonio, madre de Texas

El gobierno federal tiene 90 días desde que presentamos nuestra petición para responder. Crear apoyo para estos remedios con los padres, defensores de los derechos de las personas con discapacidad, estudiantes y educadores es clave para que, para la fecha límite del 21 de junio, tengamos un impulso nacional que nos lleve a la victoria.

Visite [www.FulfillThePromise.net](http://www.FulfillThePromise.net) para obtener más información.





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# California

*A National Civil Rights Campaign for Special Education*

At birth...doctors did not think [Isaiah] would survive beyond his birthday... **Despite Isaiah's health conditions he has shown that with the right assistance he can overcome most anything...** He has learned to walk, write, manage his behavior, and developed relationships with his family, classmates, and teachers.

If Isaiah consistently obtained the services he is entitled to in his IEP...he would exceed expectations... **His special education services are critical to enable Isaiah to live the productive, independent, and engaged adult life that he deserves.**

—Tiffany G., Los Angeles, California parent

## FUNDING GAPS

California would receive over **\$1.973 Billion** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

## LOS ANGELES UNIFIED

Fulfilling the promise means that students with disabilities could have more of their needs supported. If IDEA was funded at 40%, **LAUSD would have received \$229 Million more for students with disabilities.** This could pay for **almost 2,000 more counselors, social workers, and psychologists.**

These additional staff, and much more, could be paid for if Congress fulfilled its promise to California's students with disabilities.

## SPECIAL EDUCATION IN CALIFORNIA

California consistently ranks towards the bottom in identification rates of students with disabilities: 45th in students identified under IDEA, and 46th in students with accommodations under Section 504.

As a result of a lack of accountability, **privately run charter operators have been allowed to employ strategies that are likely to result in disproportionately low special education enrollment.** In Los Angeles, Oakland, and San Diego, charter schools have enrolled a significantly smaller share of students with the most severe—and typically most financially costly—disabilities.

**The special education teacher shortage is alarmingly acute in California.** In 2016 and 2017, more than 20% of special education teachers quit their position within the year. More than 13% left California schools all together.

Because of the shortages, **2 out of every 3 new recruits are entering the profession through California's substandard credential and permit pathway**—which was supposed to be an option of last resort, as it leads to a workforce that may not have had the opportunity to learn how to teach students from diverse backgrounds.

**M. has never received the services mentioned in his IEP...to assist in his classes. When I asked...I was told that there was no funding. In the last few months M. lost his granny, aunty, and cousin, and now his great-aunt has taken a turn for the worse...he is struggling to process his grief."**

—Laquana A., Oakland, California parent

The federal government has 90 days from when we filed our petition to respond. Building support for these remedies with parents, disability rights advocates, students, and educators is key so that by the June 21 deadline, we have a national momentum that will carry us to victory.

Visit [www.FulfillThePromise.net](http://www.FulfillThePromise.net) for more information.





# California

Una Campaña Nacional de Derechos Civiles para la Educación Especial

Al nacer ... los médicos no pensaron que [Isaiah] sobreviviría más allá de su cumpleaños ... **A pesar de las condiciones de salud de Isaiah, ha demostrado que con la asistencia adecuada puede superar casi cualquier cosa ...** Ha aprendido a caminar, escribir, controlar su comportamiento, y desarrolló relaciones con su familia, compañeros de clase y maestros.

Si Isaiah obtuviera constantemente los servicios a los que tiene derecho en su IEP ... superaría las expectativas ... **Sus servicios de educación especial son fundamentales para permitirle a Isaiah vivir la vida adulta productiva, independiente y comprometida que se merece.**

—Tiffany G., Los Angeles, madre de California

## DÉFICIT DE FINANCIAMIENTO

California recibiría en exceso de **\$ 1.973 mil millones** más en el año escolar 2020-21 para estudiantes de educación especial si el Congreso cumpliera su promesa.

## DISTRITO ESCOLAR UNIFICADO DE LOS ANGELES

Cumplir la promesa significa que los estudiantes con discapacidades podrían recibir más apoyo para sus necesidades. Si IDEA estuviera financiada al 40%, **LAUSD habría recibido \$ 229 millones más para estudiantes con discapacidades.** Esto podría pagar por **casi más de 2,000 consejeros, trabajadores sociales y psicólogos.**

Este personal adicional, y mucho más, podría pagarse si el Congreso cumpliera su promesa a los estudiantes con discapacidades de California.

## LA EDUCACIÓN ESPECIAL EN CALIFORNIA

California se ubica constantemente en el último lugar en las tasas de identificación de estudiantes con discapacidades: 45 ° en estudiantes identificados bajo IDEA y 46 ° en estudiantes con adaptaciones bajo la Sección 504.

Como resultado de la falta de rendición de cuentas, **a los operadores de chárter con administración privada se les ha permitido emplear estrategias que probablemente resulten en una matrícula de educación especial desproporcionadamente baja.** En Los Ángeles, Oakland y San Diego, las escuelas autónomas han inscrito una proporción significativamente menor de estudiantes con las discapacidades más graves, y por lo general las más costosas desde el punto de vista financiero.

**La escasez de maestros de educación especial es alarmantemente aguda en California.** En 2016 y 2017, más del 20% de los maestros de educación especial renunciaron a su puesto durante el año. Más del 13% abandonó todas las escuelas de California.

Debido a la escasez, **2 de cada 3 nuevos reclutas ingresan a la profesión a través del programa deficiente de California para credenciales y permisos,** que se suponía que era una opción de último recurso, ya que conduce a una fuerza laboral que puede no haber tenido la oportunidad de aprender cómo enseñar a estudiantes de diversos orígenes.

**M. nunca ha recibido los servicios mencionados en su IEP ... para ayudar en sus clases. Cuando pregunté ... me dijeron que no había financiación. En los últimos meses, M. perdió a su abuela, tía y prima, y ahora su tía abuela ha empeorado ... está luchando por procesar su dolor "**

—Laquana A., Oakland, madre de California

El gobierno federal tiene 90 días desde que presentamos nuestra petición para responder. Generar apoyo para estos remedios con los padres, defensores de los derechos de las personas con discapacidad, estudiantes y educadores es clave para que tengamos un impulso nacional que nos lleve a la victoria para la fecha límite del 21 de junio.

Visite [www.FulfillThePromise.net](http://www.FulfillThePromise.net) para obtener más información.





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# Wisconsin

A National Civil Rights Campaign for Special Education

One of the disadvantages I have noticed with 504 plans is that there are no supplemental services beyond the 504 accommodation. Whereas students with IEPs work with a special education teacher who can advocate for the services in the students' IEP, there are no teachers assigned to ensure 504 accommodations are met...

Many students need counseling or therapy services that they do not receive, and not receiving these services can impact their ability to learn.

—Kari B., special education teacher, Milwaukee, Wisconsin

## FUNDING GAPS

Wisconsin would receive over **\$410.6 Million** more in the 2020-21 school year for special education students if Congress fulfilled its promise.

## MADISON AND MILWAUKEE

Fulfilling the promise means that students with disabilities could have more of their needs supported. For example, to meet nationally recommended ratios for psychologists, counselors, and social workers, Madison Metropolitan and MPS needs:

**347 more counselors**  
**197 more social workers**  
**14 more psychologists**

These additional staff, and much more, could be paid for if Congress fulfilled its promise to Wisconsin's students with disabilities.

## SPECIAL EDUCATION IN WISCONSIN

Due to the privatization experiment in Milwaukee, an increasing share of the public school student population is composed of students with special needs. This increases the pressure on public schools to provide needed services for students amidst staffing shortages and high case loads.

This privatization experiment is inextricably linked to the war on public employees, with Act 10 resulting in more teachers leaving the profession, fueling shortages, especially of special education teachers. The pandemic has only accelerated this trend: half of all Wisconsin schools, and 90% of high poverty schools, struggle to find fully credentialed special education teachers.

“MPS has functioned with persistent vacancies for a decade with immense student effects [resulting] in class-size increases with some elementary classrooms at 36 students...It is far more difficult for students to receive the necessary one-on-one or small group support...”

—Amy Mizialko, special education teacher and president of MTEA

“Right now we are just trying to survive, but I want Z. to make up all of the services he has missed during the pandemic. I know everyone, teachers, students, parents, are all experiencing trauma...I think that compensatory services will require more staff and more funding.”

—Anna H., Madison, Wisconsin parent

The federal government has 90 days from when we filed our petition to respond. Building support for these remedies with parents, disability rights advocates, students, and educators is key so that by the June 21 deadline, we have a national momentum that will carry us to victory.

Visit [www.FulfillThePromise.net](http://www.FulfillThePromise.net) for more information.





LISTA DE DATOS

Marzo 2021 • FulfillThePromise.net

# Wisconsin

Una Campaña Nacional de Derechos Civiles para la Educación Especial

Una de las desventajas que he notado con los planes 504 es que no hay servicios suplementarios más allá de la adaptación 504. Mientras que los estudiantes con IEP trabajan con un maestro de educación especial que puede abogar por los servicios en el IEP de los estudiantes, no hay maestros asignados para garantizar que se cumplan las adaptaciones 504 ...

Muchos estudiantes necesitan servicios de consejería o terapia que no reciben, y no recibir estos servicios puede afectar su capacidad de aprendizaje.

—Kari B., special education teacher, Milwaukee, Wisconsin

## DÉFICIT DE FINANCIAMIENTO

Wisconsin recibiría en exceso de \$ 410.6 millones más en el año escolar 2020-21 para estudiantes de educación especial si el Congreso cumpliera su promesa.

### MADISON Y MILWAUKEE

Cumplir la promesa significa que los estudiantes con discapacidades podrían recibir más apoyo para sus necesidades. Por ejemplo, para cumplir con las proporciones recomendadas a nivel nacional para psicólogos, consejeros y trabajadores sociales, Madison Metropolitan y MPS necesitan:

347 más consejeros

197 más trabajadores sociales

14 psicólogos más

Este personal adicional, y mucho más, podría pagarse si el Congreso cumpliera su promesa a los estudiantes con discapacidades de Wisconsin.

## LA EDUCACIÓN ESPECIAL EN WISCONSIN

Debido al experimento de privatización en Milwaukee, una proporción cada vez mayor de la población estudiantil de las escuelas públicas está compuesta por estudiantes con necesidades especiales. Esto aumenta la presión sobre las escuelas públicas para que brinden los servicios necesarios a los estudiantes en medio de la escasez de personal y la gran cantidad de casos.

Este experimento de privatización está indisolublemente ligado a la guerra contra los empleados públicos, con la Ley 10 resultando en más maestros que abandonan la profesión, alimentando la escasez, especialmente de maestros de educación especial. La pandemia solo ha acelerado esta tendencia: la mitad de todas las escuelas de Wisconsin y el 90% de las escuelas de alta pobreza, luchan por encontrar maestros de educación especial con credenciales completas.

MPS ha funcionado con vacantes persistentes durante una década con inmensos efectos en los estudiantes [que dan como resultado] aumentos en el tamaño de las clases con algunas aulas de primaria con 36 estudiantes ... Es mucho más difícil para los estudiantes recibir el apoyo personal o en grupos pequeños que es necesario ..."

—Amy Mizialko, maestra de educación especial y presidenta de MTEA

En este momento solo estamos tratando de sobrevivir, pero quiero que Z. recupere todos los servicios que perdió durante la pandemia. Sé que todos, maestros, estudiantes, padres, todos están experimentando un trauma ... Creo que los servicios compensatorios requerirán más personal y más fondos."

—Anna H., Madison, madre de Wisconsin

El gobierno federal tiene 90 días desde que presentamos nuestra petición para responder. Generar apoyo para estos remedios con los padres, defensores de los derechos de las personas con discapacidad, estudiantes y educadores es clave para que para la fecha límite del 21 de junio tengamos un impulso nacional que nos lleve a la victoria.

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# STATE OF DENIAL: CALIFORNIA CHARTER SCHOOLS AND SPECIAL EDUCATION STUDENTS

RESEARCH BRIEF

AUGUST 2019

## ABSTRACT

Charter schools in San Diego, Los Angeles, and Oakland enroll, on average, fewer students with disabilities than schools that are operated by San Diego Unified School District (SDUSD), Los Angeles Unified School District (LAUSD), and Oakland Unified School District (OUSD). In addition, charter schools in these three districts enroll fewer students with the most severe disabilities—who generally require the greatest resources to serve—than do district schools. This enrollment disparity produces a disproportionate gross fiscal impact for these three school districts because special education is funded on a per-pupil basis, rather than based on need.

*The full report can be found at  
<http://www.cta.org/StateOfDenial>*

## INTRODUCTION

**P**ublic school district officials and advocates for students with disabilities have long alleged that charter schools do not enroll students with disabilities at levels comparable to those of district schools—a claim that has been borne out by several recent studies.<sup>1</sup>

For the first time, our analysis quantifies the extent of this disparity in special education student enrollment between school districts and the charter schools they authorize in three California school districts: San Diego Unified School District (SDUSD), Los Angeles Unified School District (LAUSD), and Oakland Unified School District (OUSD). We found that across the three districts in the 2016–17 academic year, on average students with disabilities made up only 11.01 percent of the enrollment in charter schools, while comprising 14.27 percent of enrollment in district schools.

Further, although districts and advocates for students with disabilities have long observed that charter schools enroll students with disability categories that are less severe—and therefore less costly to serve—than do public school districts, very little research has been done to assess to what extent this might be true. Our analysis found that of those students enrolled, and when compared to enrollment in district schools in their authorizing school district, charter schools were serving a significantly smaller share of students with the most severe disabilities, including a persistent under-enrollment of students with autism, intellectual disabilities, multiple disabilities, and orthopedic impairments.

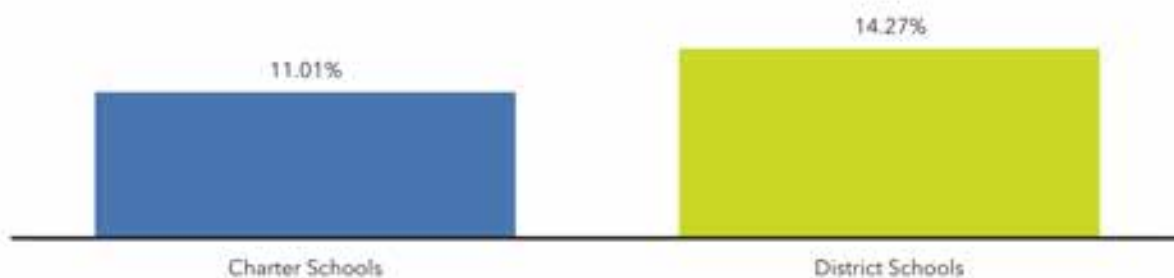
*(continued)*

Finally, in California, where special education funding is calculated on a per pupil basis—with no allowance for how many students with disabilities are enrolled, nor for the severity of their disabilities—California school districts potentially carry a significant disproportionate cost of providing mandated services to students with disabilities due to these enrollment disparities.<sup>2</sup> We estimated, for the first time, the gross fiscal impact of these disparities on SDUSD, LAUSD, and OUSD and found that they are significant—totaling between \$64.52 million and \$97.19 million at the three districts combined. (See the full report for a detailed discussion of methodology.)

## ENROLLMENT DISPARITIES OF SPECIAL EDUCATION STUDENTS

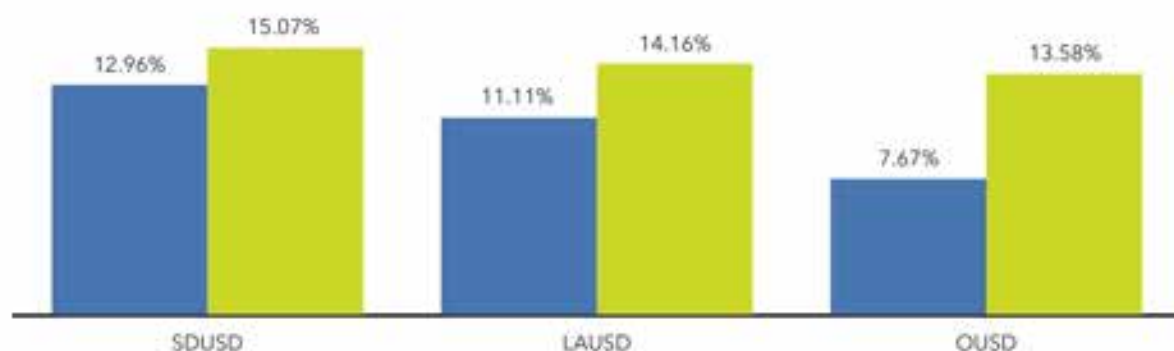
Our analysis of special education data for academic year 2017 found that charter schools as a group in San Diego, Los Angeles, and Oakland enrolled a significantly smaller share of students with disabilities than did district schools (11.01% vs. 14.27%).<sup>3</sup>

Average Percentage Enrolled Students With Disabilities: SDUSD, LAUSD & OUSD Combined



Our analysis also found that charter schools in each district enrolled students with disabilities at significantly lower rates overall than district schools. This enrollment disproportionality was greatest in Oakland where charter schools enrolled students with disabilities at roughly half the rate of district-run schools (7.67% vs 13.58%). In Los Angeles, the average enrollment disparity between charter schools and district schools was slightly smaller, yet still significant (11.11% vs 14.16%). Finally, in San Diego, charter schools enrolled a smaller share of students with disabilities (12.96% vs 15.07%), albeit not at a statistically significant lower rate.<sup>4</sup>

Average Percentage Enrolled Students With Disabilities





## SPECIAL EDUCATION ENROLLMENT IN CHARTER SCHOOL CHAINS & STAND-ALONE SCHOOLS

While our analysis was focused on comparing charter school enrollment to public schools in their authorizing school district, the datasets we obtained also allowed us to look at enrollment of students with disabilities in a number of Charter Management Organizations (CMOs)—or chains of charter schools—around the state.<sup>5</sup> What we found was that while 12.11 percent of statewide California students had an identifiable disability, and between 13 percent and 15 percent of the cohort school districts students did, many of the CMOs we analyzed had a calculated enrollment of students with disabilities below 10 percent.

Aspire Public Schools—a statewide charter school chain with total student enrollment over 14,000, and with schools in two of three cohort districts—enrolled only 8.61 percent students with disabilities. KIPP Charter Schools, Inspire Charter Schools, and Rocketship Public Schools all enrolled more than 5,000 students in multiple districts across the state, yet had special-needs enrollment below 10 percent. In fact, of the largest charter school chains, Inspire (7.05 percent) and Rocketship (7.34 percent) enrolled among the lowest percentage of students with disabilities across the three authorizing districts.

Local Los Angeles chains Celerity Education Group and the New Designs Education Group enrolled less than 10 percent students with disabilities—with New Designs particularly low at 6.86 percent. In San Diego, only 8.94 percent of students at Albert Einstein Academies chain had disabilities. In Oakland, American Indian Model Schools' three schools enrolled less than three percent students with disabilities—the lowest of all the charter school chains we analyzed.

2017 Charter Management Networks with Less than 10% SWD Enrollment			
Charter Network	# Schools	Total Student Enrollment	%SWD
The Accelerated Schools	3	1,728	9.78%
American Indian Model Schools	3	1,048	2.86%
Amethod Public Schools	6	1,540	6.36%
Aspire Public Schools	35	14,401	8.61%
Albert Einstein Academies	2	1,409	8.94%
Celerity Educational Group	6	3,088	9.42%
Compass Charter Schools	3	885	4.52%
Education for Change	6	3,084	7.72%
Inspire Charter Schools	5	7,392	7.05%
KIPP Charter Schools	25	10,731	9.98%
New Designs Educational Group	2	1,370	6.86%
Rocketship Public Schools	12	5,897	7.34%

This under-enrollment of less than ten percent students was not limited to charter school chains: it was also persistent in stand-alone charter schools that are unaffiliated with any chain.<sup>6</sup> Some charter schools on the list have both a very large reach and a long history, like the Vaughn Next Century

Learning Center in Los Angeles, one of California's first charter schools, which enrolled nearly 3,000 students in 2017, of whom only 6.68 percent were students with disabilities—well under half the percentage enrolled in LAUSD schools. Similarly, the Preuss School in San Diego—which received its charter authorization in 1999—enrolled only 3.68 percent students with disabilities.

Stand-Alone Charter with Less than 10% SWD Enrollment		
Charter Network	Total Student Enrollment	%SWD
Goethe International Charter (LAUSD)	434	7.14%
Granada Hills Charter High (LAUSD)	4,662	7.70%
Iftin Charter (SDUSD)	423	4.02%
Larchmont Charter (LAUSD)	1,432	9.50%
Montague Charter Academy (LAUSD)	898	8.24%
Oakland Military Institute, College Preparatory Academy (OUSD)	683	7.17%
Oakland School for the Arts (OUSD)	779	8.34%
Palisades Charter High (LAUSD)	2,982	8.99%
Port of Los Angeles High (LAUSD)	979	9.60%
Preuss School UCSD (SDUSD)	816	3.68%
The O'Farrell Charter (SDUSD)	1,689	9.30%
Urban Discovery Academy Charter (SDUSD)	485	8.66%
Vaughn Next Century Learning Center (LAUSD)	2,906	6.68%
Vista Charter Middle (LAUSD)	415	6.99%

## ENROLLMENT DISPARITIES OF STUDENTS WITH DISABILITIES MOST LIKELY TO BE SEVERE

Because general enrollment only tells part of the story about whether charter schools are meeting their obligations to serve special education students, we also analyzed special education data that relates to the severity of disability for students in charter schools, as well as in their authorizer districts. What we found is that in Los Angeles, Oakland, and San Diego, charter schools under-enroll students with disabilities that generally require greater supports and more expensive accommodations, when compared to schools in their authorizing school district.

In fact, within each district we analyzed, charter schools routinely enrolled students with intellectual disabilities, students on the autism spectrum, and students with an orthopedic impairment—all categories that often require greater supports and more expensive accommodations—at lower percentages than their authorizing districts. The result was, of course, that these students with the highest needs were concentrated in district schools.

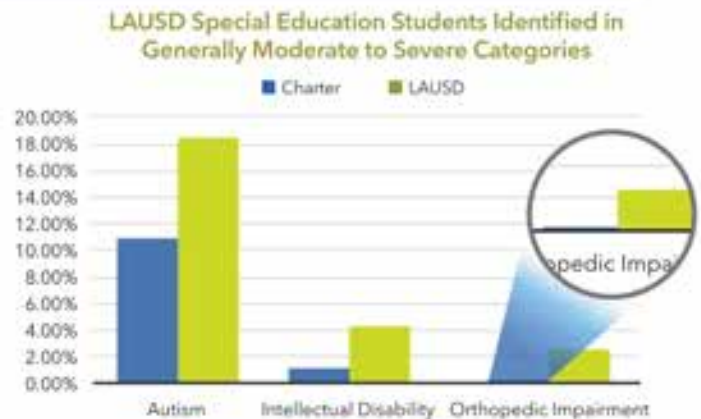
Conversely, our analysis shows that the students with disabilities who were enrolled in charter schools were concentrated in categories considered less severe than those enrolled in district schools. Charter schools in all three districts studied revealed a relative surfeit of students in the Specific Learning Disability and Other Health Impairment categories defined by the Individuals with Disabilities Education



Act, both overall considered to be mild to moderate in severity, and less expensive to serve. (See Appendix B of the full report for a description of the disability categories analyzed.)

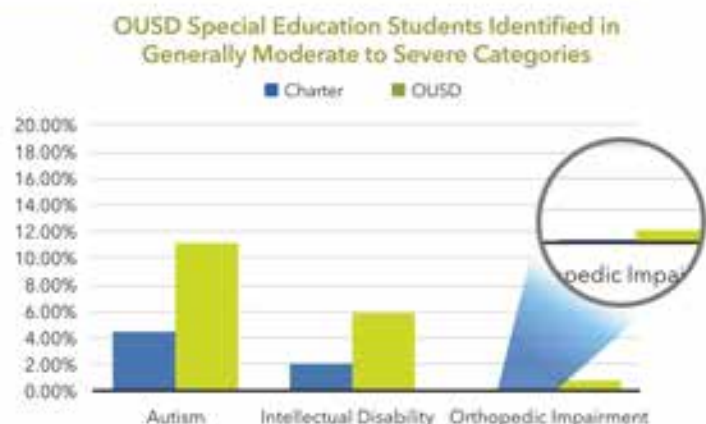
## LAUSD

In LAUSD, we found that students with an intellectual disability, an orthopedic impairment, or a visual impairment were enrolled in charter schools at roughly a quarter of the rate at which they were enrolled in district-run Los Angeles Unified schools. For students on the autism spectrum, there was a nearly eight percentage point difference in the average enrollment as a percentage of special education students between the charter schools and district schools.



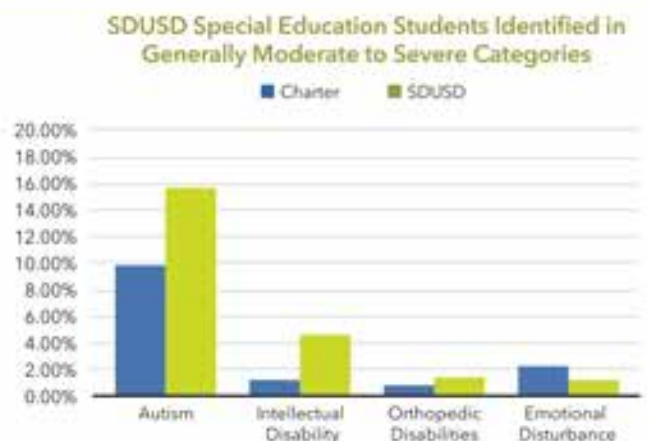
## OUSD

Oakland charter schools enrolled students with autism and students with intellectual disabilities at less than half the average rate of district schools. Notably, students with an orthopedic impairment and those who were identified as deaf were not enrolled in any charter school within Oakland during the 2017 academic school year.



## SDUSD

In San Diego, we found that students on the autism spectrum made up a smaller share of the special education enrollment within charter schools compared to district schools by more than six percentage points. Students with an intellectual disability made up more than three times the average share of special education students in San Diego's district schools than in charter schools. Unlike in Oakland and Los Angeles, where charter schools did not enroll a statistically significantly greater share of any moderate to severe disability than district schools, in San Diego, charter schools served a greater share of students classified in the disability category emotional disturbance, with less than a percentage point difference.





## TRACY & KAHLIL

Last year, 16-year-old Kahlil played the lead role of Jean Valjean at a Berkeley Playhouse Teenstage production of *Les Misérables*. He finished the 10th grade through classes at a local community college, where he had a 3.50 GPA. But two years ago, Kahlil was far from the confident young man he is today, when his parents pulled him out of 8th grade at Oakland School for Arts (OSA), a charter middle and high school.

In 5th grade, Kahlil was diagnosed with a disability called auditory processing disorder after his teacher and his mom, Tracy, noticed that he was having trouble with schoolwork. Tracy said that it seemed like he was really trying to do the work, but often didn't quite know what the work was. Kahlil was given an Individualized Educational Plan (IEP) at his district-run public school. But in 6th grade, he enrolled at OSA.

Kahlil had worked hard to get into OSA's theater program. But according to Tracy, 6th grade was really a difficult year for their whole family because of academics. Kahlil would come home without really knowing what had gone on in his classes. It would take him—with help from Tracy—two to five hours every night to get through his homework.

“OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

In Individualized Educational Plan (IEP) meetings with the school staff, Tracy had no idea what services Kahlil could, or should, get to support him adequately, and would just agree to everything the school suggested. “OK, these are the experts,” Tracy thought, “they know what they are doing.” What the school provided, however, was clearly not helping Kahlil.

By 8th grade, both Kahlil and Tracy were completely burned out. Neither of them had it in them to put in hours of study time at home anymore. It was clear that Kahlil wasn't getting the support he needed. Tracy asked the school to have someone check in with Kahlil for all his classes to make sure he understood the assignment and knew how to complete it. She also asked for approval for Kahlil to take his academic classes at a local community college but continue his arts education at OSA. The school denied both requests.

According to Tracy, the special education director of OSA had a different proposal. He told Tracy that he didn't really see Kahlil going to college after high school, and suggested that her son could do high school diploma-track work, rather than college-track work. Tracy was stunned and scared. She suddenly realized that the school hadn't been trying to help Kahlil succeed because they didn't think he could. “My son and I came as the perfect student-parent contribution to his education,” Tracy said. “He wanted to succeed. As an 11 year old, he had put in two to five hours a day studying. I sat and helped him. I wasn't not participating ... if the school is also putting in their part, it seems like he should be able to succeed.”

Kahlil's confidence was shaken, and he was suffering from depression and anxiety. Kahlil, who already had his heart set on a “dream school,” was doubting that he could even attend college at all. It was clear to Tracy that he needed a break. At the end of the year, Tracy pulled her son out of OSA. *Read more of Tracy and Kahlil's story on page 13 in the full report.*



## THE COST OF SPECIAL EDUCATION ENROLLMENT DISPARITIES FOR CALIFORNIA DISTRICTS

There is a high cost to California school districts as a result of how unequally charter schools enroll both special education students in general and students with hardest-to-serve disabilities in particular. This cost is borne by districts as a result of California's formula for funding special education, which distributes funding roughly on a total per pupil basis, with no accounting for whether or not a student has a disability, or the severity of their disability.

We estimated, for the first time, the gross fiscal impact of these disparities on SDUSD, LAUSD and OUSD and found that they are significant—totaling between \$64.52 million and \$97.19 million at the three districts combined.<sup>7</sup>

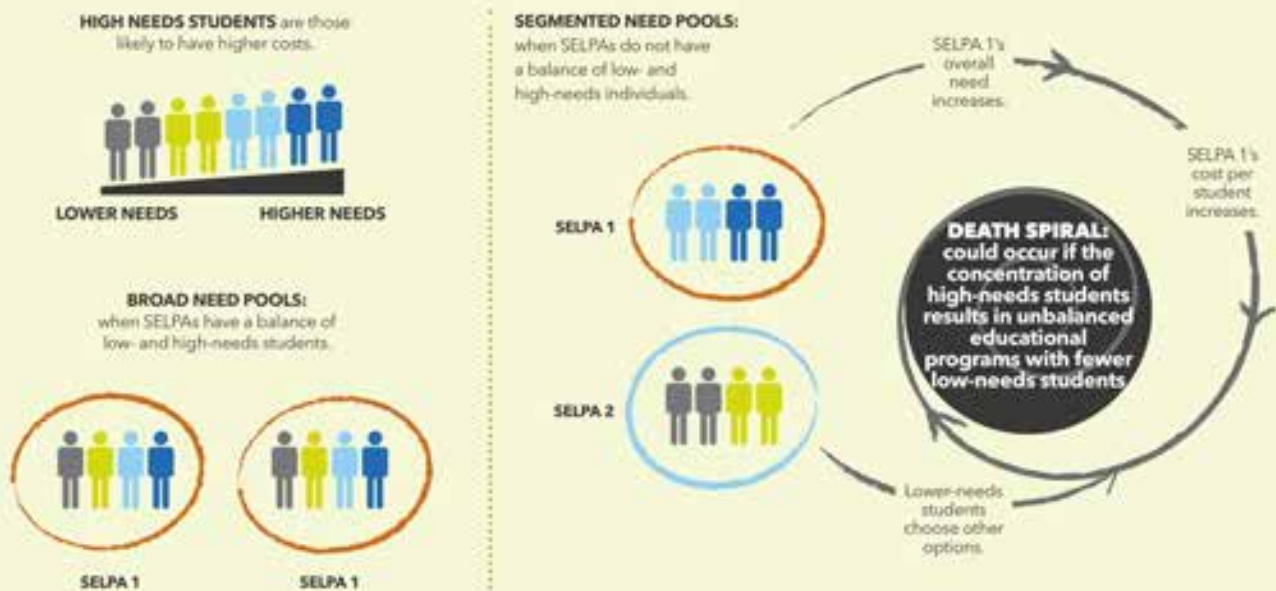


In Los Angeles, our analysis found that as of the 2016-17 school year, the under-enrollment of students with disabilities in LAUSD-authorized charter schools is costing the school district at least \$50.09 million—when factoring in just the disparity of overall special education enrollment—and as much as \$74.65 million annually when the severity of disabilities of students is also included. In Oakland, we found the gross fiscal impact of this under-enrollment to OUSD is between \$3.15 million and \$10.01 million annually. Finally, in San Diego the estimated gross fiscal impact for the under-enrollment of special education students in charter schools ranges from \$5.10 million to \$12.49 million each year.

## SPECIAL EDUCATION FUNDING AS A SOCIAL INSURANCE PROGRAM

**One way to understand why there is a cost to California school districts** when charter schools under-enroll students with disabilities is to think of the federally guaranteed right to special education, accompanied by additional state and federal funding for that right, as a type of social insurance program. Under this insurance program, all families and all schools are insured against the higher costs of educating a child with special needs. In California's funding structures for special education, level of need is pooled—just as in an insurance program. Pooling of need allows the higher costs of services for students with disabilities to be offset by the lower costs for general education students.

*If we think of the right to special education as a type of social insurance program, this is what can happen as charter schools serving lower needs students segment the population.*



However, because charter schools enroll students from the same geographic area without enrolling students with the same levels of need, we are left with two unbalanced pools for the social insurance program that is special education: a high-cost pool for the "coverage" offered by public schools that enroll higher percentages of the highest needs students, and a low-cost pool for the "coverage" offered by charter schools that enroll lower percentages of these same students. Because both pools are funded based on total enrollment, rather than based on the level of need of those enrolled, the cost is higher for districts carrying the higher needs students.



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## CONCLUSION

Advocates for students with disabilities have long held that charter schools do not enroll, and therefore do not serve, students with disabilities at the same levels as public school districts—either in overall enrollment or level of need—which leads to a greater fiscal impact for public school districts.

Our analysis affirms these concerns for the first time in the three California school districts we examined. Because of the structure for funding special education in California—which arguably disincentivizes enrolling students with disabilities in charter schools by funding based on total enrollment, and not need—we have no reason to believe that similar results would not be borne out in other districts throughout the state.

These findings are particularly important at this point in time in California, when a growing body of evidence shows that the rapid growth of charter schools has led to growing fiscal impact for public school districts. As policymakers at all levels of government weigh how to best meet the needs of California students equitably, we hope they will take these findings into account.

## CONSIDERATIONS FOR POLICYMAKERS

The aim of our report was to provide an in-depth analysis of special education enrollment to quantify the anecdotal evidence so often cited by public education advocates. However, our analysis affirms the need for policy changes brought forth by advocates that would begin to address the inequities described in this report. The following represent just a few of those proposals:

- 1. Increase Federal Funding for Special Education:** Perhaps the most obvious solution to these inequities would be for the federal government to meet its original 1975 obligation to fund 40 percent of public special education costs. This language is already in federal statute and requires only the political will to push Congress to budget the necessary resources. Federal lawmakers should make the original promise the absolute floor, rather than the ceiling, of funding for students with disabilities.
- 2. Federal Civil Rights Monitoring:** The Office of Civil Rights within the US Department of Education must independently and proactively monitor student access to and service within charter schools across the nation. While some states are capable of effectively monitoring their education systems for civil rights abuses, the federal government's total abdication of this power to prioritize equity and access has not, and will not, lead to a safer and more responsive system for students and their families.
- 3. Accountability and Oversight by the CA Department of Education (CDE) and Authorizers:** The CDE should hold accountable both the charter schools that are underserving special education students, and the authorizers who are responsible for their oversight. This would not be the first time a state has moved to protect the rights of special education students, as the New York State Education Department's Office of Special Education recently investigated and concluded the practices at Success Academy Charter Schools were violating the civil rights of special education students under the Individuals with Disabilities Education Act. Both Success Academy and the New York City Department of Education (Success Academy's authorizer) were held accountable and corrective action was required.<sup>8</sup>





## NEREYDA BAUTISTA

**A**fter a representative from a Futuro Prep charter school visited her daughter's preschool, Nerey Bautista decided to enroll her soon-to-be kindergartner at the charter school instead of their local public school. After all, the Futuro representative made a compelling case: two teachers per classroom, "better" academic outcomes than the neighborhood school, a promise that her daughter would have "everything she needs" to be successful—all at no cost to families. Nerey was sure she was making the right choice for her child.

Around that same time, Nerey and her husband began to worry that their daughter didn't seem to be developing verbal communication skills at the rate they were expecting. She asked the charter school representative about this and was

repeatedly assured that her daughter would have the focus and support that she needed at Futuro Prep, whatever the challenge. "You won't need to worry about anything," the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.

**“***You won't need to worry about anything," the representative told her. In retrospect, Nerey is reminded of the old saying that if something seems too good to be true, then it probably is.*

Nerey's daughter entered kindergarten unable to communicate using phrases and speaking with only single words. She and her husband were told by Futuro Prep their daughter's communication would grow as she progressed through school alongside her classmates, and that they would make sure she had everything she needed. Over the course of the next few months, Nerey's daughter's communication skills didn't improve. Nerey requested an evaluation and asked the school to consider speech therapy. The evaluation determined that Nerey's daughter was autistic. Soon, Nerey found herself attending a meeting at the charter school to discuss an Individualized Educational Program (IEP) that had been developed for her daughter. That meeting forever changed Nerey's life as a parent.

During the IEP meeting, Nerey learned that her daughter had been regularly separated from the other students and taken to sit in the school's main office until the end of each day. There, she was left alone to entertain herself with colored pencils and paper. According to Nerey, this happened "most of the time" she was enrolled at Futuro Prep, "because she was different than the other kids." The charter school told Nerey that if she remained enrolled, she would likely be left behind the other students.

"It felt like they were not trying to help at all," she said, "like they just wanted her out of the school." She felt like she had somehow failed her daughter. She couldn't believe that her daughter wasn't receiving the services or the education she had been promised. "Coloring in a coloring book?!" Nerey said, "She could do that at home!" She left the school in tears, feeling incredibly sad and guilty for enrolling her daughter at a charter school without being fully aware of what was going on every day. *Read more of Nerey's story on page 29 in the full report.*



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**4. Re-Examine California's Model for Funding Special Education to Account for Special Education Enrollment Disparities Between Districts and Charter Schools:** California's system of allocating special education funding based on total student population counts, as opposed to targeted counts of students by special education eligibility categories, has led to harmful fiscal impacts for the school districts we studied due to charter schools significantly under-enrolling these students. We have no reason to believe the results would be different for other districts.

This funding model makes two critical assumptions: that need does not vary by network or location, and that all schools are open to serving all students. These assumptions require further serious investigation because the current system actively discourages charter schools from both identifying students with disabilities, and perversely incentivizes the creation of barriers to access through enrollment.

**5. Require Charter Schools to Join the Same SELPA as the District in Which They Are Located:** California policymakers should return the responsibility of coordinating special education services for charter schools to local Special Education Local Plan Areas (SELPA), and end the practice of allowing charter schools to opt-out of their local SELPA in favor of remote charter-only SELPAs that are sometimes hundreds of miles away.

As it stands, from a functional perspective, a student moving between schools within the same local area may have inconsistent accommodations and experiences due to schools belonging to different SELPAs. This undermines continuity of services, which is of utmost importance for special education students. This opt-out also undermines the fiscal stability of local school districts which, as our analysis found, are serving a disproportionately larger share of special education students without a larger share of funding.

**6. Conduct Educational and Fiscal Impact Analyses When Considering New Charter School Petitions and Renewals:** As fiduciaries of their local education agencies, and as elected officials entrusted to protect all students' best interests, charter school authorizers must make economic and education impact analyses an essential part of both the charter school authorization and reauthorization processes. Elected officials, the authorizing body, and the public must have independent information about the impact of opening a new charter school in an established education community. Information should cover the full learning needs of all students, including essential topics regarding enrollment, retention, discipline, and the financial impact on the community and the neighborhood's public schools. Districts must be allowed to use the findings of these impact reports as justification for denying new charter school petitions that will have an adverse fiscal impact on district programs and services.

**7. Charter School Site-Based Special Education Committees:** Coupled with both state and local governance oversight, charter operators themselves can take a proactive role to ensure they are open to and meeting the needs of all children in the community in which they operate. Each charter school campus should create a site-based special education committee. As those who spend the most time with special education students, both educators and parents are uniquely positioned to lead these committees.





## VANESSA & ISABEL

Vanessa Aguirre's daughter, Isabel, went to elementary school at a traditional public school in San Diego Unified School District, where she first was diagnosed with a learning difference in 3rd grade, and received an Individualized Educational Plan (IEP). When Isabel reached middle school, Vanessa decided to send her to The Learning Choice Academy (TLC) because her friends whose kids went there really liked it. She was assured by TLC staff that they would be able to accommodate Isabel's disability.

A month into the first semester, one of the school staff requested to meet with Vanessa because Isabel was behind. They scheduled a meeting, but the TLC staffer called the day before the scheduled date to say that Vanessa had missed their meeting. This happened repeatedly, and each time Vanessa says the staffer told her that she would have to put a letter in Isabel's file about the alleged missed meeting. It was Vanessa's understanding that the school has a policy that after a parent misses three meetings, the student can be kicked out of the charter, making these events particularly stressful.

Further, Vanessa found out that Isabel was missing assignments that she had never seen. Two months into the school year, the school staffer showed Vanessa how to access the school's online portal, where parents and students can see assignments and progress. Vanessa was excited that she could finally get Isabel on track to getting her work done. However, after a couple days of Isabel making good progress on her assignments, they were locked out of the website. The staffer had changed their password, and it took several days to figure out what had happened and make up for the interruption.

What ultimately made Vanessa realize that TLC wasn't the right place for her daughter was when the special education staff told her, in contradiction of their initial promise, that Isabel's needs were greater than TLC could accommodate. "I could tell they were trying to squeeze us out from the beginning," Vanessa says, "but that really clinched it." *Read more of Vanessa and Isabel's story on page 20 in the full report.*

“*Vanessa was new to the charter school, so she didn't know what to expect, and didn't push back. She now says that if she had one lesson to share with other parents from this experience it would be, "Speak up when you think something is wrong."*



## LACK OF ACCESSIBLE DATA

One reason why research analyzing purported enrollment disparities between charter schools and their authorizing districts has not previously been performed is because basic, descriptive special education enrollment statistics are prohibitively difficult to obtain.

For our analysis, the necessary information and data gathering took more than six months, dozens of California Public Records Act (CPRA) requests, significant financial costs, numerous follow-up emails and phone conversations, and numerous clarifications and corrections of clear data anomalies that shuffled the researchers between multiple departments at many levels of educational governance.

It took several specially trained researchers 18 months to collect and analyze this data. Parents, especially parents of children with special needs, do not necessarily have the resources or the time to do this work, yet they have an even more pressing need for this information.

With hurdles at every stage of the analytic process, special education data in the state of California is far from accessible to the general public and must be improved. *(See the full report for a full description of data issues encountered in our research.)*

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## ENDNOTES

- <sup>1</sup> See Peter Bergman and Isaac McFarlin Jr., "Education for All?..." (NBER, December, 2018); U.S. Government Accountability Office, "CHARTER SCHOOLS: Additional Federal Attention Needed to Help Protect Access for Students with Disabilities," Report to Congressional Requesters (June 2012): <https://www.gao.gov/assets/600/591435.pdf>; Julian Vasquez Heilig, Jennifer Jellison Holme, Anthony V. LeClair, Lindsay D. Redd and Derrick Ward, "Separate and Unequal? The Problematic Segregation of Special Populations in Charter Schools Relative to Traditional Public Schools," *Stanford Law & Policy Review* 27, no. 251 (2016): [http://www.academia.edu/33623412/Separate\\_and\\_Unequal\\_The\\_Problematic\\_Segregation\\_of\\_Special\\_Populations\\_in\\_Charter\\_Schools\\_Relative\\_to\\_Traditional\\_Public\\_Schools](http://www.academia.edu/33623412/Separate_and_Unequal_The_Problematic_Segregation_of_Special_Populations_in_Charter_Schools_Relative_to_Traditional_Public_Schools); Drew Atchison, Jesse Levin, Iliana Brodziak de los Reyes, "Study of Spending in Public Charter and Traditional Schools in California," (American Institutes for Research, Washington, DC: November 2018): [https://www.gettingdowntofacts.com/sites/default/files/18-6018\\_Charter%20Report%20-%20Final\\_0.pdf](https://www.gettingdowntofacts.com/sites/default/files/18-6018_Charter%20Report%20-%20Final_0.pdf); "Breaking Point: The Cost of Charter Schools for Public School Districts," Dr. Gordon Lafer, May 2018, [https://www.inthepublicinterest.org/wp-content/uploads/ITPL\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/ITPL_Breaking_Point_May2018FINAL.pdf); "Spending Blind: The Failure of Policy Planning in California's Charter School Facility Funding," Dr. Gordon Lafer, April 2017, [http://www.inthepublicinterest.org/wp-content/uploads/FINAL\\_ITPL\\_SpendingBlind\\_April2017.pdf](http://www.inthepublicinterest.org/wp-content/uploads/FINAL_ITPL_SpendingBlind_April2017.pdf)
- <sup>2</sup> Special education funding, as with many other types of state education funding in California, is allocated based on student average daily attendance (ADA). Because of absences, ADA is always slightly lower than the total number of students enrolled in a school district or charter school at any given time. However, because the funding follows the student, we refer to this funding as "per-pupil" for ease of understanding, although this is obviously an imprecise term.
- <sup>3</sup> Fiscally independent, privately-operated charters schools act as Local Education Agencies (LEAs) that directly receive public education dollars from the state. This distinction is important for any study of the fiscal impact of charter schools, as "affiliated" charter schools are essentially "schools of the district" and are treated as such for budget purposes. Throughout this report, "charter schools" refers to fiscally independent, privately-operated charter schools. "District-run schools" or "schools of the district" include both traditional public schools and fiscally dependent, affiliated charter schools. All charter schools in Oakland and San Diego are fiscally independent from the school district, or "directly funded" by the state. Los Angeles has 70 charter schools that are fiscally dependent on the school district, or "locally funded," these schools were treated as district schools. See the full report on page XX for a discussion about why the analysis was limited to these particular schools.
- <sup>4</sup> For this report our research team analyzed complete sets of data pertaining to each authorizing district (not samples) for descriptive and statistical significance.
- <sup>5</sup> We limited our analysis to charter school chains enrolling over 800 students, and with a presence in at least one of our cohort districts. See the full report on page 34 for more information about our methodology for this analysis.
- <sup>6</sup> We limited our analysis of stand-alone charter schools to those enrolling at least 400 students, and located in one of our cohort districts. See the full report on page 24 for more information about our methodology for this analysis.
- <sup>7</sup> See the full methodology for our calculation of the average cost of special education enrollment disparities beginning on page 9 of the full report.
- <sup>8</sup> [New York State Department of Education Office of Special Education Written Decision \(2019\)](#)



CALIFORNIA  
TEACHERS  
ASSOCIATION



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Authors: Anthony LeClair, Data Specialist, UTLA; Elaine Grace Regullano, CPA (inactive), Strategic Research and Analytics Director, UTLA; & Ann Swinburn, Strategic Research Analyst, CTA

Thanks to Terry Lutz for the report design.



**From:** Gloria Martinez  
**Subject:** UTLA Follow Up  
**To:** Nix, Sheila  
**Sent:** July 22, 2021 2:15 PM (UTC-04:00)  
**Attached:** SameStormDiffBoats\_FINAL.pdf

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Hello Sheila,

It was great to be able to connect in person last week while Secretary Cardona was in town. We hope his western tour was a successful one. As promised, I'm following up to put one thing on your radar and follow up on some of the items we had mentioned in our meeting.

**OCR:** We truly appreciate you suggesting that we meet with Catherine Lhamon once she's confirmed to her post. We were following up to see if we should start scheduling that meeting? We now how quickly people's calendars can fill up once they start a new job and expect she will be in high demand.

**Fulfilling the Promise to Our Special Education Students:** As we are beginning to see the numbers on morbidity in children due to COVID-19, especially as it relates to Long-COVID, we can expect to see an increase in disabilities that negatively affect student educational performance across the United States. As we discussed, IDEA has never been properly funded. The Van Hollen PACT ACT would begin to right that wrong. Do you know if the Secretary intends to advocate for the bill?

**A DeVos Grant in LAUSD:** We had briefly mentioned this in our meeting at Verve, but wanted to provide more detail. Last summer LAUSD discretely applied for and was awarded a DeVos era ED grant that can trace its roots back to the American Legislative Exchange Council (ALEC) and other far-right groups. As it stands, implementing the grant, along with an associated ESEA waiver, would upend the basic premise that all students deserve to attend a fully resourced school, while introducing immense financial volatility to high poverty schools, and fertilizing the ground for vouchers in southern California. We agree with Secretary Cardona that safe in-person learning is a priority, so we're concerned that this is coming at a time when it is more important than ever to ensure robust COVID-19 protocols in each of our over 1000 campuses to keep everyone in the learning community safe.

**Safe In-Person Learning:** While the Delta variant is taking hold in the United States, it is important as ever to do everything we can to keep infections out of our schools and thus out of our communities, especially as the virus has disproportionately affected low income communities and communities of color (LAUSD families are majorities of both). In July 2020, our research team published [Same Storm, but Different Boats: The safe and equitable conditions for starting LAUSD in 2020-2021](#), in order to jump start the conversation of a safe school year in our nation's second largest school district for Fall 2020 (document also attached). While vaccinations available to those 12 years and older are a game changer, much of the information remains relevant. For all students, especially those most at risk, universal mask wearing, high quality air filtration systems, and testing & tracing represent an essential mitigation trinity for students and educators. We appreciate that Secretary Cardona has been talking about districts spending their ESSER funds to aggressively support safe in-person learning.

Thank you,

**Gloria Martinez** | *Elementary Vice President*

213-368-6237 Office

(b)(6) Cell





FulfillThePromise.net

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## The Same Storm, but Different Boats: The Safe and Equitable Conditions for Starting LAUSD in 2020-21

UTLA + July 2020

LAUSD educators clearly want to get back into schools with their students, but the underlying question at every step must be: *Given broader societal conditions, how do we open physical schools in a way that ensures that the benefits outweigh the risks, especially for our most vulnerable students and school communities?*

The COVID-19 pandemic in the United States underscores the deep equity and justice challenges arising from our profoundly racist, intensely unequal society. Unlike other countries that recognize protecting lives is the key to protecting livelihoods, the United States has chosen to prioritize profits over people. The Trump administration's attempt to force people to return to work on a large scale depends on restarting physical schools so parents have childcare.<sup>1</sup>

In Los Angeles, this means increasing risk especially in Black and Brown working communities, where people are more likely to have "essential" jobs, insufficient health care, higher levels of preexisting health conditions, and to live in crowded housing.<sup>1</sup> Meanwhile, the rewards of economic recovery accrue largely to white and well-off communities that have largely been shielded from the worst of the pandemic's effects.

Vulnerable students — already facing hurdles such as structural racism, poverty, homelessness, immigration documentation issues, learning and health disabilities, and limited technology access — were disproportionately negatively impacted by the Los Angeles Unified School District's shift to crisis distance learning.<sup>2</sup> Educators know better than most the critical role that schools play in children's lives, supporting not just their educational lives but their social and physical development. But until a vaccine or cure is available, starting school without policies in place to mitigate viral spread and provide additional student supports will almost certainly compound the pandemic's outsize trauma on those students and their families.

This document outlines the equity lens that we must use to view both today's emergency and tomorrow's recovery. First, we ask, *Who is suffering the most, and why?* Next, we outline current best practices that must be in place to ensure that our most vulnerable communities are helped, not hurt, by the restart of schools. Throughout, results from UTLA member surveys and the first round of parent surveys collected by UTLA will provide insight into the deeply felt concerns that are impacting educators, students, and their families. Finally, we discuss how funding must be drastically improved if schools are to start safely and equitably.

In March, when it was clear that the deadly virus was spreading in the community, UTLA educators led the way in calling for LAUSD to save lives by shutting down schools. Today, we are calling on politicians to demonstrate their commitment to saving lives by fully funding the safe and equitable start of school.

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<sup>1</sup> ALEC, a right-wing corporate lobby group calling to "bring the economy back to life through a free market approach that gets big government out of the way" hosted a call with Education Secretary Betsy DeVos on May 5 for this purpose.



# The Same Storm, but Different Boats: The Safe and Equitable Conditions for Starting LAUSD in 2020-21

## I The Same Storm, But Different Boats

- The Color of COVID-19
- Students with Disabilities and Other Health Concerns

## II Safe and Equitable Start of School: Biology Has Rules, Even If We Choose to Ignore Them

- Broad Community Preparedness
- Testing and Contact Tracing Protocols
- Physical Distancing
- Emphasis on Hygiene
- Protections for High-Risk Students and Employees
- Increased Health, Emotional, and Academic Supports

## III Well-Funded Schools and Communities for Well-Being

## IV In Conclusion: Normal Wasn't Working For Us Before. We Can't Go Back

## The Same Storm, But Different Boats

*"We're all in this together"* is a common slogan during this crisis. What this platitude fails to acknowledge is that, while we may all be in the same storm, we are not all in the same boat. The United States is at an unprecedented moment of overlap between a global pandemic, deep economic recession, and an uprising for Black Lives that exposes the structural race and class fissures that have resulted in higher unemployment, exposure, infection, and death rates in Black, Brown, and poor communities.

### THE COLOR OF COVID-19

Unsurprisingly, the data is increasingly showing that there is a "disproportionate burden of illness and death among racial and ethnic minority groups."<sup>3</sup> BIPOC<sup>b</sup> communities are more likely to experience economic and social factors that increase risk of illness and death. Below are just some examples:

- More likely to live in high-density housing (making social distancing difficult), because of decades of residential housing segregation caused by institutional racism.<sup>4</sup> In California, the overcrowding is even more intensified by a housing crisis that has resulted in an overcrowding rate over twice that of the national average.<sup>5</sup>
- More likely to live in multi-generational households, increasing the risk of infection of vulnerable older family members. Such living situations also make it more difficult to isolate if an individual gets sick, as space may be limited.<sup>6</sup>
- More likely to live further away from medical centers and to be uninsured, leading to poorer underlying health and barriers to care, increasing the likelihood of severe illness and death from COVID-19.<sup>7</sup> For example, African Americans, Latinx, and Native American individuals are more

<sup>b</sup> Black, Indigenous, People Of Color



**"I will not send my child...it is not safe for our children and teachers that have elderly family members that live with them."**

*- UTLA parent survey response -*

likely to have chronic illnesses such as obesity, heart disease, diabetes, and lung disease — all of which are linked to higher COVID-19 fatality. 93% of all LA County virus fatalities had underlying health conditions.<sup>8</sup>

- When employed, more likely to be required to work outside the home in "essential" jobs that place them in harm's way for infection. For example, although Black workers make up only 12% of all employed workers, they make up 36% of all nursing, psychiatric, and home health aides.<sup>9</sup>
- More likely to have a job without paid sick leave, increasing their exposure to other workers who may be infected, and increasing the likelihood that they themselves will expose others to COVID-19. Latinx workers are less likely to have access to paid leave compared to white workers.<sup>10</sup>
- More likely to rely on public transportation, increasing the risk of viral exposure.<sup>11</sup>
- More likely to live in areas with poorer environmental and air quality, increasing the likelihood of preexisting health conditions. In LAUSD, over 65,000 students have asthma.<sup>12</sup>
- Undocumented immigrants are ineligible for most governmental relief funds, and ineligible to enroll in the Affordable Care Act. More than 5 million U.S.-born children who have undocumented-immigrant parents are likely to suffer extreme poverty. As a result, they are much more likely to be uninsured and thus more likely not to receive the health care they need.<sup>13</sup>
- Close to 100,000 LAUSD students are English Learners.<sup>14</sup> While many ELs are native born, they overwhelmingly come from immigrant families. In addition to similar healthcare context as undocumented immigrants, ELs' families face added difficulties in poor translation or no translation in their native language.<sup>15</sup>
- Data from across the United States reveals Black people in some cities are as much as 4 times more likely to be charged for COVID-19-related emergency order violations. At the same time, thousands of armed, white, anti-mask protestors

packed the streets in multiple cities across the US with little police intervention.<sup>16</sup>

Because of the forces of structural racism, Blacks, Latinx, and Pacific Islanders in Los Angeles County are dying of COVID-19 at twice the rate of white residents.<sup>17</sup> Residents of high-poverty areas were almost four times as likely to die of COVID-19 compared to those who lived in wealthier areas.<sup>18</sup> The effect on human lives is quantifiable: the disproportionate effect of coronavirus means that at least 700 Blacks, Latinx, and Asian Americans died because of structural racism that puts them more at risk compared to white people. Nearly 1,000 people living in high poverty areas died because of class and income inequality that puts them more at risk compared to people living in wealthy areas.<sup>19</sup>

**"I am [older] and African American. Although I am healthy for my age and I love my job, I am afraid to come back... I have adopted high school students and I want to live to see them graduate and get into college."**

*- UTLA member survey response -*

Restarting physical schools during the pandemic will inevitably increase the risk of infection and death for all Angelenos, but especially for over half a million LAUSD students and families who fall into a vulnerable category because of race and/or poverty.<sup>20</sup>

**LAUSD Student Demographics<sup>21</sup>**

Latino	73.4
White	10.5
African American	8.2
Asian	4.2
American Indian or Alaskan Native, Native Hawaiian or Pacific Islander	< 1
Filipino	2.1
Not Reported	1

*Note: Percentages do not add up to 100%*



## STUDENTS WITH DISABILITIES AND OTHER HEALTH CONCERNS

Students with disabilities make up 13% of the population of LAUSD. These students often rely on additional in-person services and supports for their learning success, particularly if they have a disability classified as moderate to severe. Because of unregulated privatization growth, students classified as moderately to severely disabled make up a disproportionate percentage of the special education population of LAUSD: 31% of all LAUSD special education students have a disability classified as moderate-severe, compared to only 16% at charter schools.<sup>22</sup> The shift to crisis distance learning has been especially disruptive for these students. For families of students with disabilities who are also low-income or who do not speak English, the situation becomes even more fraught.

Unfortunately, research shows that people with intellectual and developmental disabilities (IDD) are more likely to be infected, and more likely to experience serious illness and death from COVID-19.<sup>23</sup> Children younger than 17 years old with IDD were nearly 9 times more likely to contract COVID-19 than children without these disabilities. Initial outcomes show that people with IDD who contract COVID-19 may be 2.5 times more likely to die than those without such a disability.

As recently as late June 25, 2020, the CDC expanded its list of people at high risk of severe illness, and changed its presentation of age-related risk, noting that risk doesn't begin suddenly at 65, but rather increases with age. Among other risk factors, obesity (BMI of 30 or higher) and diabetes were added.<sup>6</sup> At least 25% of LAUSD students fall into these expanded categories, even though many of them would not necessarily have an IEP and be classified as a student with a disability.<sup>24</sup>

The inadequate guidance from the federal and state levels does not help districts meet the challenge of how to ensure the needs of students with disabilities are met during the pandemic era of education. For example, on the important question of personal protective equipment (PPE), the state's guidance is simply: "Consider how the LEA [Local Education Agency] will address students with disabilities who refuse or are not able to wear

masks."<sup>25</sup> On the question of physical distancing, the state appears to *prima facie* admit that students with disabilities should be exposed to greater risk in order to receive instruction: "Establish flexibilities and plan for how to implement physical distancing given lack of space and facility limitations..."

**"My daughter has asthma and allergies. I have a high-risk baby that is 6 months [old]. I don't have insurance coverage. I'm afraid for my daughter's health. Please, I really need help."**  
- UTLA parent survey response -

Special education educators are keenly aware of the challenges of distance learning for their students. Given the high risk of infection and death for vulnerable students, it is critical that we fully fund IDEA to ensure all supports are in place to meet the needs of our students with disabilities. Without that targeted funding, the crisis services offered will not outweigh the risks endemic to in-person learning.

## Safe and Equitable Starting of School: Biology Has Rules, Even If We Choose to Ignore Them.

LAUSD is the second-largest school district in the country, with over half a million students and their families who are especially vulnerable to serious illness and death because of structural racism, poverty, and/or disability. To equitably start school, we must adhere to known best practices to prevent the virus' spread while employing education practices that benefit all students, especially those suffering the most from learning loss and social isolation. Most organizations and individuals that have come out unequivocally in favor of reopening schools are either motivated by "reigniting the economy" (ignoring the fact that this is first and foremost a *public health crisis* and not primarily an economic crisis), or gloss over the likely impacts of starting school on broader school

<sup>6</sup> See Appendix A for the CDC's list of People at increased risk for severe illness



communities, to which our students are inextricably bound.

While much about the virus remains unknown, a few facts should be kept in mind:

1) **This is a highly contagious, deadly disease and the role of children in the transmission of COVID-19 is currently unknown.** Some studies raise concerns that children may transmit COVID-19 through two mechanisms: increased contacts/opportunities for transmission; and high viral loads even when asymptomatic.<sup>4</sup> In Cleveland, Ohio, as the state lifted protective measures, more children tested positive for COVID-19 and hospital admissions for children also increased, raising doubt about the myth that children do not get ill from the virus.<sup>26</sup> Although other countries' initial school reopenings show extremely low rates of child-parent transmission, North Carolina and Texas identified several clusters at daycare centers.<sup>27, 28</sup>

"Everyone in the household suffers from asthma, diabetes, and high blood pressure and I don't feel comfortable sending my [students] to school."

- UTLA parent survey response -

2) **This is a novel virus. Scientists continue to uncover new symptoms and risk factors, and the long-term effects are almost completely unknown.** As recently as May, the CDC added three new symptoms of coronavirus, adding congestion/runny nose, nausea/vomiting, and diarrhea to the list.<sup>29</sup> In late June, the CDC expanded its list of people at high risk of severe illness.<sup>30</sup> In early July, 239 scientists in 32 countries wrote an open letter to the World Health Organization outlining evidence that airborne transmission may be a significant factor in the pandemic's spread.<sup>31</sup> On July 8, WHO confirmed that there is "emerging evidence" of airborne

transmission.<sup>32</sup> If true, recommended infection control guidance would change dramatically.

And lost amidst the relief at the low mortality rate in children is the distinction between morbidity and mortality. Many young people still experience severe illness, and the rare multisystem inflammatory syndrome in children (MIS-C) is still not well understood. A European study found that 13% of children required respiratory support, and that patients younger than one month may be more likely to require intensive care.<sup>33</sup> COVID-19 is now suspected to cause lung, heart, kidney, brain, and clotting complications — and these are just the known immediate effects.<sup>34</sup> The longer-term effects are almost completely unknown. As we discuss best practices, recommendations may shift or expand as the science shifts and expands.

3) **LAUSD educates over half a million students, employs over 60,000 adults, and is spread out over 720 square miles.**<sup>35</sup> The vast network of busing and commuting results in an extraordinary number of contacts, which undermines social distancing and contact tracing, key methods of pandemic control. An asymptomatic child may bring the virus home to their high-risk grandparents, to their densely populated apartment building, to a parent with an essential job that brings them in contact with hundreds of people.

4) **As of publication, California case counts and death rates were shattering records and hospitalization rates were increasing.** Los Angeles County accounted for 40% of new cases in the last two weeks of June, despite being home to only a quarter of the state's population.<sup>36</sup> Other countries that have reopened schools, such as New Zealand, Vietnam, and Germany, did so only after they had flattened the curve and in a setting of broader societal preparedness, including rapid case identification, contact tracing, and isolation.<sup>37</sup>

<sup>4</sup> One study showed that although children were 1/3 as susceptible to infection as adults, with schools open the risk evens out due to children having three times as many contacts as adults. Based on this, researchers estimated that closing schools can reduce pandemic surge by 40 - 60 %. The second study shows that children who test positive have as high a viral load, and sometimes higher, than adults. More concerning is the fact that a group of 47 infected children were mostly symptom-free, and these asymptomatic children had viral loads that were as high or even higher than symptomatic children and adults.



5) **There is a jarringly disparate rate of COVID-19 infection, severe illness, and death among BIPOC working communities, where structural racism and economic inequality mean people live with economic and social factors that increase risk of illness and death.**

In these communities, people are more likely to have “essential” jobs, insufficient health care, higher levels of preexisting health conditions, and live in crowded housing. Because of the forces of structural racism, Blacks, Latinx, and Pacific Islanders in Los Angeles County are dying of COVID-19 at twice the rate of white residents.

UTLA’s conversations with and initial polling of LAUSD parents show that 83% of parents said they do not feel confident enough to send their child back to school in the fall. Unfortunately, low-income and BIPOC individuals are more likely to have to work outside the home, and will be more likely to send their children to school even if they are reluctant to do so.<sup>38</sup> Meanwhile, more affluent families, already at lower risk of infection and death thanks to economic and/or racial privilege, are more likely to have the luxury of choice to keep their children home, further widening the already existing risk gap.

As Dr. Kirsten Bibbins-Domingo of UCSF said, “It’s a luxury to shelter in place.”<sup>39</sup> But it should not be a luxury for parents to be able to choose to keep themselves and their children safe.

Parents’ main concerns, expressed via townhalls, conversations, and initial surveys include:

- having enough funding to ensure safety and enough personnel to ensure cleanliness
- younger students’ struggles with physical distance
- students with preexisting health issues such as asthma, medically fragile students, and students with disabilities
- availability of personal protective equipment
- fear of increased policing in schools
- being forced to go back to a potentially unsafe working situation in order to be able to pay for basic life necessities

To ensure that our most vulnerable students and families are helped, not hurt, by the starting of school, we must implement best practices to mitigate the risk of viral transmission. These practices have been gathered from many sources, including scientific guidelines set forth by the Centers for Disease Control and Prevention (CDC), the California Department of Education (CDE), the LA County Office of Education (LACOE), practices from other countries that have reopened schools especially in Scandinavia and Asia, practices from childcare centers in the United States that have been caring for the children of essential workers, and feedback from UTLA educators and LAUSD parents.

**Restarting schools safely and equitably occurs in a broader setting of community preparedness, requiring greater federal and state resources to support a strategy of physical distancing in small, isolated groups, with a strong emphasis on hygiene. Finally, all plans and practices must be responsive to the rapidly emerging epidemiology of this novel virus.**





## BROAD COMMUNITY PREPAREDNESS

There is no safe restart of physical schools without the foundation of broad community preparedness that demonstrates a commitment to stopping the spread of the virus through objective metrics and dramatically increased funding. This includes:

- Testing of 100% of symptomatic individuals in the community
- Clear, specific, and consistent guidance from public health officers
- A common response plan for all cities within the LAUSD boundaries to reduce the risk of confusion and unnecessary risk
- Decreasing or stable infection and hospitalization rates in Los Angeles County for 14 days and an absolute case number that indicates community spread has stopped
- Close monitoring of the transmission rate (R0 rate) to ensure it does not rise above 1
- Paid sick leave for parents to be able to keep symptomatic children home
- Clear framework to protect against personal liability, in acknowledgment of the fact that there is no way to eliminate all risk during an active pandemic
- Greatly increased federal and state funding to support physical distancing and hygiene practices

**“My principal even said, ‘Nothing is changed, except we don’t meet up.’ REALLY?! That’s an insane view.”**

*- UTLA member survey response -*

## TESTING AND CONTACT TRACING PROTOCOLS

- A robust, free testing and contact tracing system for the entire community that explicitly addresses access issues about Black, Brown, and low-income communities
- Assigned seating in classrooms and on buses so that contact tracers will know exactly who was sitting next to someone who is found to be infected
- Rapid response and quarantine protocols upon any active infections in students or staff<sup>40</sup>
- Upon discovery of active infections that necessitate a classroom or school closure, clear

protocols and parameters for restarting at the school and district level<sup>41</sup>

- Clear procedures for confirming that members of students’ household do not have the coronavirus<sup>42</sup>

**“My greatest concern is that my classroom is very small. There is one door in and out of the class. There is one small half window for [air circulation].”**

*- UTLA member survey response -*

## PHYSICAL DISTANCING

- Keeping students in small groups (“pods”) with as little contact with others as possible<sup>43</sup>
- Plans that account for siblings to maintain the “pod” protections for households
- Staggered arrival, recess, lunch, and pickup times
- Drastically reduced class sizes to no more than 12 per classroom
- Specific implementation plans given each school’s unique physical layout
- One-way travel in hallways, and lockers assigned by “pods” and/or the elimination of lockers to avoid commingling in hallways
- Personal protective equipment provided for staff and students
- Reduced furniture in classrooms to increase space for physical distancing and reduce surfaces needing disinfecting
- Dramatically changed transportation plans to ensure social distancing
- Increased air circulation in classrooms and buildings<sup>44</sup>
- Instruction provided in outdoor settings when possible

## EMPHASIS ON HYGIENE

- Frequent and thorough hand washing supported by installation of portable hand-washing stations; adjusted lesson plans to factor in time for hygiene; and considerations for additional supervision needs for younger children’s hand washing regimens<sup>45</sup>
- Strict cleaning and sterilizing regimens, including ensuring schools have proper supplies (including



[My single greatest concern is] "our nurse is only on campus three times a week."

- UTLA member survey response -

paper towels given the likely need to eliminate hand dryers in bathrooms)

- Special attention for high-touch surfaces such as drinking fountains, door handles, and faucet handles<sup>46</sup>
- Adequate supplies of Personal Protective Equipment (PPE) for all staff and students
- Self-directed symptom and temperature screening of students by parents before they leave home (and see above regarding newly added symptoms)<sup>47</sup>
- Student and staff symptom and temperature screening before entering buses or school buildings (although see above regarding the unknown role of asymptomatic transmission by children)
- Designated rooms for isolating students who exhibit symptoms<sup>48</sup>

#### PROTECTIONS FOR HIGH-RISK STUDENTS AND EMPLOYEES

- Clear options and accommodations for staff and pupils who are at higher risk or have family members who are higher risk (and see above regarding CDC's recently added risk factors)<sup>49</sup>
- Clear guidelines for students and staff with health issues that cannot safely wear PPE or that need specialized PPE (such as deaf and hard of hearing students and staff who rely on lip reading)<sup>50</sup>

- Clear guidelines for safe service delivery of IEP-required services for students with disabilities
- Additional support for parents who have vulnerable individuals in the household to be able to stay home to reduce chances of infection and death
- Policies designed to mitigate the disproportionate risk of infection, serious illness, and death in students' BIPOC and/or poor communities

#### INCREASED HEALTH, EMOTIONAL, AND ACADEMIC SUPPORTS

In addition to taking steps to mitigate the risk of viral transmission, LAUSD should also take steps to provide increased supports for students, many of whom may be returning to school having experienced increased trauma from the health and economic effects of the pandemic.

- A nurse in every school, to support health outreach including:
  - Strong programs for free and widespread influenza vaccination for students and staff, given the overlap of influenza with the potential return to school buildings in the fall<sup>51</sup>
  - A coordinated approach with all appropriate agencies in the LAUSD boundaries to ensure children receive all recommended vaccinations before return to school, given the precipitous drop in recommended childhood vaccinations as a result of the pandemic (leading to increased likelihoods of simultaneous infectious disease outbreaks such as measles)<sup>52</sup>
- Explicit plans to address social emotional trauma and continued stress amidst pandemic through increased mental health supports, including

With an over 55% response rate from UTLA members, the UTLA Safe and Equitable Schools survey showed that over 85% of members said that the following safety measures were "critically important" or "very important" for them to feel that it is safe and appropriate to return to schools:

- ✓ Widespread testing of students and employees
- ✓ Significantly increased cleaning protocols
- ✓ Personal protective equipment for employees
- ✓ Personal protective equipment for students
- ✓ A rigorous tracing procedure for anyone in close contact with someone who tests positive
- ✓ Reduced class sizes to keep students six feet away from each other
- ✓ Alternative learning/work arrangements for high-risk students and staff



increased staffing of counselors, psychologists, PSWs, and PSAs. According to the CDC, even before the crisis, suicide was the second leading cause of death among youth aged 10 – 24 years.<sup>53</sup> An estimated 20% of LAUSD students have a diagnosable mental health issue.<sup>54</sup>

- Explicit plans to carry out health and safety protocols without resorting to punitive policing and punishment
- No standardized testing infringing on instructional time<sup>55</sup>
- Increased academic supports to address learning loss, balanced with realistic academic expectations given the likely continued stress and trauma that will be experienced by students and their families upon restarting, so that the return to school does not become an additional source of trauma
- A commitment to a balanced curriculum with physical education, arts, and other electives to teach the whole child
- Explicit plans to avoid marginalization of families where English is not the primary language through consistent communication and opportunities for feedback in all languages spoken in the school community
- Compensatory services for students with disabilities, including extra supports where needed for transitioning back into the school setting
- Policies to support staff mental health, including accommodations where needed, clear and regular communication from administrators and the district, opportunities to express concerns, and participatory decision-making processes
- Pre-opening training and “rehearsals” so staff may adequately prepare and identify areas for improvement

## Well-funded Schools and Communities for Well-Being

“LAUSD needs to do what is right for everyone. In order to make everything safe, it’s going to take a lot of money, money that the district does not have.”

- UTLA parent survey response -

Implementing even a portion of COVID-19 best practices would require additional funding. The American Association of School Administrators (AASA) and the Association of School Business Officials (ASBO) estimates that the average school district would need to spend an additional \$1.8 million to safely reopen school sites.<sup>56</sup> Extrapolating using the figures from the AASA/ASBO analysis, LAUSD’s total additional expenses to restart physical schools could be nearly \$250 million.

These estimates do not take into account measures to address the increased need for mental health and social services, the educational needs of children who may have fallen behind in the shift to crisis distance learning, regular testing of students and staff, or the long-term effects on students that will need to be addressed over multiple years. Finally, these costs do not include investments into distance learning, which will continue to be provided, either to all students under a full distance learning or hybrid model, or to a significant subset of students even under a full-time return to schools model.

Unfortunately, instead of flattening the curve, politicians and the billionaires they serve have instead flattened school budgets and our capacity to safely restart schools. California’s public schools were severely underfunded even before the Great Recession and have only recently seen a return to non-inflation-adjusted pre-recession funding.<sup>56</sup> Libraries, parks, and public health programs are planning for catastrophic cuts. Meanwhile, U.S. billionaire wealth has surged by more than \$584 billion.<sup>57</sup> Over 150 of those billionaires live in California. There is money to safely restart schools, if federal, state, and local governments are willing to finally prioritize pupils over plutocrats.

<sup>56</sup> Average school district has 3,659 students, eight buildings, 183 classrooms, 329 staff members, and 40 school buses. Expenses contemplated for additional health monitoring, cleaning/disinfecting, health and safety protocol, PPE, etc.

<https://www.asbointl.org/asbo/media/documents/Resources/covid/COVID-19-Costs-to-Reopen-Schools.pdf>



## FEDERAL SUPPORT

1. **Federal Bailout:** Although the CARES and HEROES Acts<sup>58</sup> provided funding for K-12, both fell far short of what would be needed to rescue districts and state and local governments. And as of publication, no money has been dedicated to address the specific needs of students with disabilities, which in LAUSD annually requires nearly \$1 billion in general fund transfers due to the federal government's failure to meet its IDEA funding promise. Many experts are calling for at least \$500 billion in additional federal assistance this year, and a commitment to continue support over several years.
2. **Fully Fund Title I:** Congress has perpetually underfunded Title I, ignoring the growth in student enrollment, the increasing costs of education, and the reality that schools have become the de facto centers of their respective communities. In California, specifically, last year the Title I funding gap was \$3,400 per Title I eligible student — the largest gap in the nation.<sup>59</sup> This funding is foundational to meeting the needs of our students, and Title I was persistently underfunded well before the pandemic. Congress must appropriate substantial emergency and ongoing resources through the Title I program if we are to have a solid floor in which to provide education during and after the pandemic.
3. **Fully Fund IDEA:** Since the passage of the Individuals With Disabilities Education (IDEA) Act in 1975, Congress has never come close to allocating the 40% funding promised to ensure a free and appropriate public education for students with disabilities. Instead, funding has consistently hovered around 16%.<sup>60</sup> In early May, 25 senators wrote a letter voicing their support for IDEA's full implementation at this time in conjunction with an additional appropriation of \$12 billion in IDEA funding to ensure school districts across the country are able to meet the needs of students with disabilities. To date, that letter has been entirely ignored by the Senate Majority Leader, Mitch McConnell, and no such funding has been officially proposed or discussed in the Senate.
4. **Medicare for All:** Coronavirus shows definitively why we need Medicare For All. People fearful of crippling medical bills avoid seeking testing and treatment, leading to undetected COVID-19 cases and a likely increase in death rates thanks to people delaying medical care until they reach a critical condition. The boundless greed of the for-profit health industry, combined with this country's deeply ingrained racism, has led to race-based health disparities that have resulted in excess deaths especially among Black communities long before the pandemic further widened the health gap. That same greed has resulted in Gilad Sciences pricing a five-day course of Remdesivir at \$3,120 — despite having received \$70.5 million in public funding for the development of the coronavirus drug.<sup>61</sup>

## STATE SUPPORT

Although the 2020-21 California budget did not have cuts to K-12, a “no cuts” budget is not enough to restart safely amidst pandemic when California ranks 38th in the nation in per-pupil funding.<sup>62</sup> With the state's rainy day fund projected to be depleted within three years, Californians must make a choice: continue deficit spending that will take years to pay down at the expense of communities, or demand that California's record number of millionaires and billionaires finally pay their fair share.<sup>63</sup>

1. **The California Schools and Local Communities Funding Act of 2020, aka Schools and Communities First:** This proposition on the November 2020 ballot will increase funding to education and local government by reassessing property tax of commercial and industrial properties valued at \$3 million or more from 1978 assessments to current assessment values. Projected to add \$7.5 billion to \$12 billion a year with 40% allocated to schools and 60% added to local governments.<sup>64</sup>
2. **Wealth Tax:** A new tax on unrealized capital gains to California billionaires only, 1% a year until capital gains taxes are met. This would generate an estimated \$10 billion a year initially.
3. **Millionaire Tax:** Add a 1% surtax on incomes over \$1 million a year, and 3% for over \$3 million a year. This would generate an estimated \$4.5 billion-plus a year.



## LOCAL SUPPORT

Although the machinations of Washington, D.C. and Sacramento have received the spotlight during this crisis, many of the living and working conditions in people's everyday lives are decided at the local level. Local policies often set the precedent for more progressive moves at the state and national level.

1. **Defund Police:** Police violence is a leading cause of death and trauma for Black people, and is a serious public health and moral issue.<sup>65</sup> We must shift the astronomical amount of money devoted to policing, to education and other essential needs such as housing and public health.
2. **Housing Security:** There is no “safer at home” for those who do not have a home. Students need stability, and cities have the power to pass ordinances to prevent evictions and provide rental relief funds. Instead of just one-time relief, as was passed by the LA City Council in June 2020, housing can be a human right assisted by the state.<sup>66</sup> Additionally, as Project Roomkey has demonstrated, sheltering the homeless community is a matter of political will, not scarce resources.<sup>67</sup> Over 15,000 homeless students in LAUSD need permanent shelter.<sup>68</sup>
3. **Paid Sick Leave:** Parents should not have to decide between staying home with a sick child or going to work in order to be paid. All cities in LAUSD's boundaries should follow LA City Council's lead and require ten additional sick days, and expand those sick days to require it of all businesses.<sup>69</sup>
4. **Charter Moratorium:** Privately operated, publicly funded charter schools drain resources from district schools — and many have “double-dipped” during this crisis by taking federal small business bailout loans even though state funding did not decline this school year.<sup>70</sup> In addition, colocation adds students to campuses when we need to reduce the number of students to allow for physical distancing.
5. **Financial Support for Undocumented Students and Families:** California's more than 2 million undocumented residents are by and large ineligible for state and federal benefits. Even if their children are US citizens, in the era of ICE raids and mass deportations, many undocumented parents are too fearful to apply for benefits for their children. California undocumented immigrants disproportionately pay taxes without benefits, paying an estimated \$4.5 billion in federal taxes and \$2.5 billion in California state taxes in 2018.<sup>71</sup> Immigrant students and workers, so vital to our schools and our economy, must be supported during this crisis.

## In Conclusion: Normal Wasn't Working For Us Before. We Can't Go Back

UTLA educators went on strike in 2019 demanding smaller class sizes; more nurses, librarians, and counselors; an end to racist “random” searches; and more, because *normal wasn't working*. Educators won these demands because it wasn't just 35,000 educators in the streets demanding a new normal, but 70,000 Angelenos walking side by side with educators demanding increased investments in schools and communities.

No matter the scenario in August, it's clear that it will not be a “normal” school year. But when “normal” means deep race and class fissures that result in increased infection and death rates in Black, Brown, and high-poverty communities; when “normal” means increasing police budgets even as schools, libraries, and public health face catastrophic cuts; when “normal” means corporations receiving trillions in bailout funds as federal commitments to support special education and high-poverty students remain unfulfilled; when “normal” means working families lining up for miles for food banks while US billionaires increased their wealth by over \$584 billion — it is clear that going back to normal is not an option. This crisis presents an opportunity to create a new normal that supports all students.

UTLA educators are eager to get back to our schools where they can care for, laugh with, and most importantly, teach our students. But even more than teaching, our job in a pandemic is to keep students and



communities safe. As politicians have gutted public goods, the burden on schools to be safe havens for learning has become more substantial. The eventual restarting of physical schools should be primarily about learning, not merely about opening childcare centers for workers, whose employers by and large pay minimum wage and don't offer healthcare and paid sick leave.

Learning happens when students and educators feel safe, and safety is only possible in a broader setting of community preparedness, requiring greater federal and state resources to support a strategy of physical distancing in small, isolated groups, with a strong emphasis on hygiene. All of that is attainable, but only if schools and communities are funded appropriately. California can do that if politicians are finally willing to prioritize pupils over plutocrats.

Despite an avowed interest in hastily reopening schools, American politicians, and society as a whole, have not done what is needed to safely restart — as evidenced by record-shattering infection rates, rapidly filling ICU wards, a grotesque lack of PPE for essential workers, a shameful lack of tests, an almost complete inability to contact trace new outbreaks, and dramatically disproportionate infection and death rates in Black, Brown, and high-poverty communities. The United States leads the world in the number of coronavirus cases and deaths — and not coincidentally, also leads the world in number of billionaires, per-capita energy consumption, prisoners, school shootings, and medical bankruptcy.<sup>f,72,73,74,75</sup> This is not the setting of community preparedness that serves as the foundation for safe classroom instruction amidst a pandemic.

When politicians exhort educators and other workers to “reignite the economy,” UTLA educators ask: *who are you planning to use as kindling?* The benefits to restarting physical schools must outweigh the risks, especially for our most vulnerable students and school communities. As it stands, the only people guaranteed to benefit from the premature physical reopening of schools amidst a rapidly accelerating pandemic are billionaires and the politicians they've purchased.

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<sup>f</sup> Medical bankruptcy is such a foreign concept outside of the United States that no other country even attempts to track it.

## Appendix A

As of June 25, 2020, the CDC list for “People Who Are at Increased Risk for Severe Illness”

- Older Adults
  
- People of any age with the following conditions **are at increased risk** of severe illness from COVID-19:
  1. Chronic kidney disease
  2. COPD (chronic obstructive pulmonary disease)
  3. Immunocompromised state (weakened immune system) from solid organ transplant
  4. Obesity (body mass index of 30 or higher)
  5. Serious heart conditions such as heart failure, coronary artery disease, or cardiomyopathies
  6. Sickle cell disease
  7. Type 2 diabetes mellitus
  
- People with the following conditions **might be at an increased risk** for severe illness from COVID-19:
  8. Asthma (moderate-to-severe)
  9. Cerebrovascular disease
  10. Cystic fibrosis
  11. Hypertension or high blood pressure
  12. Immunocompromised state (weakened immune system) from blood or bone marrow transplant, immune deficiencies, HIV, use of corticosteroids, or use of other immune weakening medicines
  13. Neurologic conditions, such as dementia
  14. Liver disease
  15. Pregnancy
  16. Pulmonary fibrosis (having damaged or scarred lung tissues)
  17. Smoking
  18. Thalassemia (a type of blood disorder)
  19. Type 1 diabetes mellitus



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- <sup>69</sup> Reyes, Emily Alpert, and David Zahniser. "L.A. expands sick leave amid coronavirus — but only for employees at big companies." *Los Angeles Times*, March 27, 2020. <https://www.latimes.com/california/story/2020-03-27/los-angeles-coronavirus-sick-leave-companies>.
- <sup>70</sup> Lafer, Gordon. "Breaking Point: The Cost of Charter Schools for Public School Districts." *In the Public Interest*, May 2018. [https://www.inthepublicinterest.org/wp-content/uploads/IPI\\_Breaking\\_Point\\_May2018FINAL.pdf](https://www.inthepublicinterest.org/wp-content/uploads/IPI_Breaking_Point_May2018FINAL.pdf); "It's Not Fair: Local Charter Schools Receive Millions In PPP Loans As Area Districts Struggle To Find Money To Reopen Safely." CBS Los Angeles, July 7, 2020. <https://losangeles.cbslocal.com/2020/07/07/its-not-fair-local-charter-schools-receive-millions-in-ppp-loans-as-area-districts-struggle-to-find-money-to-reopen-safely/>.
- <sup>71</sup> "Fact Sheet: Immigrants in California." American Immigration Council, June 4, 2020. <https://www.americanimmigrationcouncil.org/research/immigrants-in-california>.
- <sup>72</sup> Jonathan Panciano. "The Countries with the Most Billionaires," *Forbes*, April 8 2020: <https://www.forbes.com/sites/jonathanpanciano/2020/04/08/the-countries-with-the-most-billionaires-in-2020/#1e9effbe4429>.

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- <sup>73</sup> Roy Walmsley. "World Prison Population List: 12th Edition," World Prison Brief and Institute for Criminal Policy Research, Sept. 30, 2018: [https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl\\_12.pdf](https://www.prisonstudies.org/sites/default/files/resources/downloads/wppl_12.pdf).
- <sup>74</sup> Chip Grabow and Lisa Rose. "The US has had 57 Times as Many School Shootings as the Other Major Industrialized Countries Combined," CNN, May 21, 2018. <https://www.cnn.com/2018/05/21/us/school-shootings-us-versus-world-trnd/index.html>.
- <sup>75</sup> International Energy Agency. "IEA: Atlas of Energy." 2017. <http://energyatlas.iea.org/#!/tellmap/-1118783123>.



**From:** Jane Meroney, Legislation  
**Subject:** here you go....  
**To:** Wall, Mary C. EOP/WHO; Cavalier, Aleigha M. EOP/WHO; Garibay, Montserrat  
**Cc:** Beth Antunez, Legislation; Michelle Ringuette, Office of the President; Jennifer Rodriguez, Political  
**Sent:** July 22, 2021 3:55 PM (UTC-04:00)  
**Attached:** AFT Back to School Campaigns (1).xlsx

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8 minutes? Please forward as appropriate to folks in meeting I may have missed.

Year	Activity	Initiative	Notes
2011	2011-2012	2011-2012	2011-2012
2012	2012-2013	2012-2013	2012-2013
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2098	2098-2099	2098-2099	2098-2099
2099	2099-2100	2099-2100	2099-2100
2100	2100-2101	2100-2101	2100-2101

**From:** Beth Antunez, Legislation  
**Subject:** Fwd: AFT's Recommendations to the White House Task Force on Worker Organizing & Empowerment  
**To:** Garibay, Montserrat  
**Sent:** July 30, 2021 4:18 PM (UTC-04:00)  
**Attached:** AFT Recs for White House Taskforce on Worker Organizing and Empowerment.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat,

Sharing AFT's recs to the task force on worker organizing and empowerment, sent today.

Thanks,  
Beth

Begin forwarded message:

**From:** "Randi Weingarten, Office of the President" <rweingar@aft.org>  
**Date:** July 30, 2021 at 3:49:45 PM EDT  
**To:** [REDACTED]  
**Cc:** Rhinehart.Lynn.K@dol.gov, Orton.Josh.M@dol.gov  
**Subject:** AFT's Recommendations to the White House Task Force on Worker Organizing & Empowerment

Mr. Pedrotty,

Please find attached the AFT's recommendations to the White House Task Force on Worker Organizing & Empowerment. Let us know if you have any questions or would like to meet and discuss further.

In Unity,

Randi Weingarten  
AFT President





*A Union of Professionals*

## **AFT Recommendations for the White House Task Force on Worker Organizing and Empowerment**

Everyone who works hard in America deserves a fair shot at the American dream. Collective bargaining and strong unions are the bedrock for a thriving middle class and the freedom for all to thrive. The Biden-Harris administration offers an opportunity for a resurgence of organizing and a renaissance of unions. We must commit to protecting the voice of working people, their safety on the job, and their ability to organize and bargain collectively.

Strong unions and the right to collective bargaining help to raise wages and benefits so that working people can support their families; and everyone in our communities benefit when workers have a strong voice on the job. From educators and school staff fighting for investments in public schools, smaller class sizes, and safe and welcoming environments, to nurses and health professionals standing up for safe staffing levels and the care their patients need, collective bargaining empowers working people to advocate on behalf of the people they serve and for the greater good. Strong unions build a path to the middle class, with union workers earning nearly 20 percent more than their nonunion counterparts. The impact is even greater for women workers (23 percent), Black workers (26 percent) and Latino workers (39 percent). Strong unions also increase productivity and promote economic growth as increased wages are reinvested back into communities, strengthening our economy and lessening the demand on government aid. Further, 65 percent of Americans approve of labor unions, making this a deeply popular agenda.

Below are AFT sectoral recommendations for how the federal government can boldly and creatively support the rights of workers to organize and improve public services. In addition to each of the sectoral recommendations, the AFT supports policies that will apply across the federal government to ensure that our tax dollars are being used to lift up labor standards. The AFT strongly supports an executive order or other policy that will apply to all federal purchasing and contracting, which includes minimum labor standards (such as just cause, prevailing wages, protections against contracting out, successor rights and continued healthcare coverage) as well as other policies crafted to ensure the efficient and uninterrupted provision of services to the public (such as carefully crafted labor peace requirements). The AFT also encourages each participating agency in the task force to fully explore how its statutory authority regarding respective funding streams can be exercised in favor of lifting labor standards in these ways.

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The American Federation of Teachers is a union of professionals that champions fairness; democracy; economic opportunity; and high-quality public education, healthcare and public services for our students, their families and our communities. We are committed to advancing these principles through community engagement, organizing, collective bargaining and political activism, and especially through the work our members do.

Randi Weingarten  
PRESIDENT

Fedrick C. Ingram  
SECRETARY-TREASURER

Evelyn DeJesus  
EXECUTIVE VICE PRESIDENT

American Federation of Teachers, AFL-CIO • 555 New Jersey Ave. N.W. • Washington, DC 20001 • 202-879-4400 • [www.aft.org](http://www.aft.org)



## EDUCATION

The Department of Education administers billions of federal dollars to improve and strengthen our education systems and ensure equal educational opportunity for all Americans. Ensuring that our schools are able to effectively recruit and retain qualified and diverse educators, enjoy cooperative labor and management partnerships, and have the resources they need to provide safe schools for our communities is crucial to that strengthening process. For these reasons, we submit the following recommendations for consideration:

### LEVERAGING WORKER VOICE

**Set a priority for competitive grants on applicants that include labor-management collaboration.**

The Education Department manages many modest competitive grant programs (community schools, civics, literacy, etc.) for school districts. The administration can set priorities that will favorably weigh applications which have been developed through a labor-management partnership, that foster labor-management collaboration, etc. Applicants would still need to meet the program requirements set out in statute, but administrations have discretion in setting these priorities.

Similarly, the Education Department could require that **state education agencies factor in labor-management collaboration in issuing Title II of the Every Student Succeeds Act (ESSA) formula subgrants to districts. Title II money supports professional development.** The Department of Education may be able to direct SEAs to prioritize subgrants to local education agencies in which the professional development program was developed in partnership with teachers, school staff and their unions. Too often, professional development is given to educators and not developed with them.

**Local education agencies not covered by the National Labor Relations Act that accept federal education funds must provide teachers and their representatives meaningful opportunities to communicate with other teachers in the LEA.** If the LEA has collective bargaining, the union should have unfettered access to communicate with all the teachers when discussing professional learning opportunities, school and class working conditions, and other aspects of collective bargaining.

**The AFT encourages the Department of State to work with AFT and other workers' rights organizations to review and reform the J-1 program.** The J-1 program includes thousands of K-12 teachers from abroad who are forced to pay exorbitant fees for what is characterized as a "cultural exchange" but which is in fact a work program. The AFT has specific policy recommendations that include increased engagement, transparency and accountability.

## UNION JOBS AND NEW ORGANIZING

**LEAs cannot displace union jobs by contracting with nonunion contractors.** This is particularly an issue for our paraprofessionals and school-related personnel when schools are often tempted to outsource work to lower-cost and lower-quality nonunion contractors. (USDA & Ed)

**LEAs not covered by the NLRA cannot hire replacement workers in the event of a labor action resulting in a work stoppage.** LEAs should not be able to use federal funds to actively intervene in a labor dispute by hiring replacement workers.

**LEAs that accept federal education funds must adopt a “just cause” burden of proof for termination and discipline.** Our experience tells us that one of the main barriers to unionization in LEAs without union representation is fear of job loss. If the Department of Education could require LEAs that accept federal funds to adopt a just cause standard, it would reduce fear about engaging in union activity.

## LEVELING THE PLAYING FIELD

**States and/or LEAs must hold charter schools to the same standards as public schools.** The Education Department administers a number of programs directing significant funding exclusively to charter schools, in addition to the programs such as Title I of ESSA in which charter schools are eligible with their traditional public school counterparts. These federal education funds should be leveraged to ensure that charters are held to the same standards as their traditional public school counterparts, for example by requiring that charter schools serve the same percentage of students with disabilities and English language learners as their neighboring LEA counterparts (or provide a public explanation of why they cannot), or by requiring charter schools to meet the same teacher certification standards as traditional public schools in the state.

**If the Charter Schools Program is to continue to exist, it needs guardrails.**

The Charter Schools Program (CSP) Grant funds in the Department of Education were intended to promote “high quality” charter schools. Past oversight of the program has failed to prevent waste, fraud and abuse, with over 70 schools receiving funds even though the schools never actually opened. The program has also failed to address racial inequality issues. A recent analysis of CSP grants in North Carolina shows that many charter schools served a significantly whiter student population than the neighboring traditional public schools. Putting aside the question of whether the program is even necessary given the size of the charter sector, guardrails are unquestionably needed to prevent the CSP program from funding resegregation efforts, low-quality charter schools and fraudulent grant applications.

**End tax-exemption for charter school bonds that support for-profit charter management organizations.** The Treasury Department should publish guidance making it clear that for-profit charter



schools should not have the ability to raise capital via the municipal bond market. For-profit charter school operators like Charter Schools USA are increasingly using the tax-exempt municipal bond market to fund construction of their charter schools. To accomplish this, a nonprofit charter holder acts as the borrower. Treasury regulations need to look past the tax status of the borrowing entity and evaluate the tax status of the charter school management organization.

**Enforce inurement regulations against charter holders contracting with for-profit charter schools.**

The IRS has turned a blind eye to the obvious inurement happening in the for-profit charter sector. Most states require that the legal entity which holds the “charter” for a charter school to be a nonprofit. The for-profit charter industry evades this restriction by setting up nonprofit corporations, hand-picking their boards, and using these 501(c)(3) nonprofits as little more than a “pass through,” funneling nearly all of the state aid dollars back to the for-profit charter school management company. This should already be unlawful private inurement, and the IRS should start enforcing the existing law.

**Require school districts taken over by a state or outside authority to file periodic reporting with the Department of Education.** Across the country, parents and teachers are losing local control and self-determination over their schools, via state takeovers. This measure is overwhelmingly taken against districts that educate large numbers of students of color. To ensure that takeovers are used only when absolutely necessary, the Department of Education should require state-controlled LEAs to submit a plan outlining the conditions under which local control would be returned, as well as periodic reporting explaining the reason that a state government continues to deprive citizens of local control over their school district.

### **Higher Education**

Explore incorporating minimum labor standards in Title IV program participants, National Science Foundation, and National Institutes of Health funding streams. For those recipients not covered by the NLRA, incorporate neutrality, and anti-retaliation provisions for organizing activity. The AFT encourages the Department of Homeland Security to work with federal and local labor agencies in an interagency effort to protect workers’ rights. This should begin with the creation of a process by which any worker who is involved in a labor dispute (including new organizing efforts) can access affirmative relief so that immigration status can never be used to undermine the rights of immigrant workers and their co-workers.

The AFT also encourages that DHS and the Department of State review and clarify the following rules:

- The F-1 student visa regulations, 8 CFR §214.2(f)(5) & (6), require “a full course of study” and the J-1 regulations, 22 CFR §62.40, require a sponsor terminate an exchange visitor’s participation in the program if they “fail to pursue the activities for which he or she was admitted to the United States.” Both regulations should be clarified to make certain that labor protests, including strikes, are protected and would not be grounds under either regulation for any adverse action from an employer, sponsor organization or the government.

- The F-1 regulations also include a provision called “effect of strike,” which requires the suspension of work authorization in case of a strike [8 CFR §214.2(f)(14)]. While it appears that this regulation was initially meant to prevent employers from using workers on temporary work visas to replace striking workers, employers are using it to threaten workers who are organizing and striking, and it should be clarified. See, e.g., [Washington University in St. Louis, Case 14-CA-202172, NLRB Advice Memorandum dated Oct. 31, 2017](#) (noting the tension between the regulation and labor law); Bill Schackner, “Is Fear over Visa Status Being Used to Derail Penn State Unionization Effort?” (*Pittsburgh Post-Gazette*, April 12, 2018) available [here](#).
- Work hour limits should also be clarified either by regulation or guidance to make clear that a student worker on an F-1 or J-1 visa who accepts a job advertised as within the work hour limit (e.g., less than 20 hours/week during the academic year) will not be found out of status if they subsequently complain (e.g., in a grievance or otherwise) about being required to work in excess of that limit. This will also allow student workers to exercise their rights to file grievances and enforce their rights under collective bargaining agreements and wage and hour laws.

### **Healthcare**

The AFT encourages the incorporation of minimum labor standards for all recipients of Centers for Medicare & Medicaid Services (CMS) funds and other healthcare-designated federal funds. For those recipients not covered by the NLRA, the standards should incorporate neutrality, and anti-retaliation provisions for organizing activities. In addition, they should create a Healthcare Workplace Fairness Scoring System to be incorporated in all federal healthcare-related contracts for services and goods, including:

- Pay a healthcare prevailing wage rate based upon the standard of unionized facilities;
- Low staff turnover rate;
- Health and safety protections; and
- Staffing ratios.

The government should use the Workplace Fairness Scoring as either a qualification for CMS funds, or to be eligible for a higher CMS star rating.

Integrate successorship protections for workers on purchasers of healthcare facilities in federal law and policy, including, but not limited to, Federal Trade Commission approval of hospital mergers and continued eligibility for CMS funds, including the CMS Medicare Change of Ownership Rules (CHOWS), which require notification from both seller and buyer, and CMS regional office approval.

Expand CHOWS to require public notice and comment for proposed service contracts between a Medicare-certified provider and any entity that would permit delivery of medical care by an outside entity. Public notice and comment should cover disclosure of ownership, value and duration of contract, etc.

Require recipients of CMS funds and other federal funding to make the names of all employees and job titles available for request by the public for non-commercial purposes where doing so would not violate disclosure laws or make employee PII (personally identifiable information) susceptible.

Expand Occupational Safety and Health Administration notification of healthcare inspections to include labor representatives in all cases, not just in facilities where the union has a collective bargaining agreement.

The Federal Trade Commission and U.S. Department of Justice Antitrust Division, per the Clayton Act, regulate the anti-trust implications of healthcare mergers. We recommend interagency consideration of the following enhanced regulation:

- Shift the burden of proof to the merging entity that a proposed healthcare merger will not result in raised prices.
- Give collective bargaining representatives standing in the proceedings, similar to their role in bankruptcy proceedings, so that anti-competitive implications on wages are taken into consideration.
- Require all healthcare providers to report any material change in ownership to the Department of Health and Human Services and the Federal Trade Commission to create a public record and allow the agencies to monitor consolidation.
- Lower thresholds that trigger merger review to expand oversight.

Modify the Community Benefit standards for nonprofit hospitals (and other entities) to specifically include minimum labor standards like prevailing wage, just cause protections, staffing ratios, etc. Modify the rules for federal tax incentive programs like the Opportunity Zone tax credit created under the Tax Cuts and Jobs Act, Housing and Urban Development Empowerment Zones, and any other related tax programs designed to promote economic development to specifically include minimum labor standards like prevailing wage, just cause protections, staffing ratios, etc.

Modify the rules for grant programs like the Community Development Block Grant program so that they specifically include appropriate standards such as minimum labor standards like prevailing wage, just cause protections, staffing ratios, etc.

### **Federal Sector**

Reorient the Federal Labor Relations Authority to support the rights of federal workers by immediately appointing an FLRA general counsel and removing FLRA Member James T. Abbott.

Appoint new members of the Federal Service Impasses Panel who are experienced, knowledgeable and committed to collective bargaining.



Direct the General Services Administration to require all federally owned or controlled buildings to permit access to union representatives and organizers so that federal and contractor employees can have better access to information about their rights to form unions.

Issue a clear directive that federal employee unions can email the bargaining unit on the work email.

Appoint pro-labor members to FSIP and FLRA with expediency to directly impact the formation of labor-management partnerships and solution-driven unionism through collective bargaining. Support innovative labor-management partnership through labor-management forums and pre-decisional involvement by issuing an executive order and accompanying guidance. Because of the unique nature of federal sector unions, which seek support and authority through the FLRA, it is important emphasize at the appointee and staff levels that collective bargaining is, in the words of the Congress that passed the statute, "in the public interest." All Americans benefit from the input of federal workers through collective bargaining to ensure that government works efficiently to support the American people.

### **State and Local Subdivisions**

The advisory about the Social Security Administration requirement that federal dollars for unemployment must be processed using civil service merit protection staff at the state level should be reaffirmed and enforced.

Consider applying the civil service merit protection requirement to all state and local subdivision recipients of federal funds (or at least those most sensitive to security and accountability concerns) through an executive order.

**From:** Petko, Michael [NEA-CAO]  
**Subject:** RE: Meeting UTLA/AFT/NEA  
**To:** jgood; Garibay, Montserrat; Rhodes, Christian; Beth Antunez, Legislation; Scott, Michael [NEA]; rhernand@aft.org; Gloria Martinez; Grace Regullano; Juan Ramirez; cmyartcruz; Evy Vaughn  
**Cc:** mvalenzuela; beaston@reclaimourschoolsla.org; sroussea@usc.edu  
**Sent:** August 30, 2021 11:26 AM (UTC-04:00)  
**Attached:** Weighted-Student Funding Update.docx

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I created a short brief on this for MA a couple of years ago (see attached). The brief provides a summary of the issue and some CBA options to address if this should happen.

Not much has changed on the issue except the title (It originally was called Weighted-student funding). It's the same concept. The per-student funds move with the child. It sounds good to parents because it provides them with a voice in their child's education. This makes SWF difficult to overcome. My original research also demonstrated that there will be clear winners and losers in any kind of transition, so that is something to keep in mind.

I also have a larger report completed several years ago when this was a growing trend. The information in the report is still relevant because the argument of proponents is still similar. The report can be found still on NEA's website under Weighted-Student Funding.

I'll plan to be on the call at 2:00.

Mike

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**From:** Jeff Good [mailto:jgood@utla.net]  
**Sent:** Friday, August 27, 2021 9:25 PM  
**To:** Garibay, Montserrat <Montserrat.Garibay@ed.gov>; Rhodes, Christian <Christian.Rhodes@ed.gov>; Beth Antunez, Legislation <bantunez@aft.org>; Scott, Michael [NEA] <MichaelScott@nea.org>; Petko, Michael [NEA-CAO] <MPetko@nea.org>; rhernand@aft.org; Gloria Martinez <gmartinez@utla.net>; Grace Regullano <gregullano@utla.net>; Juan Ramirez <jramirez@utla.net>; cmyartcruz <cmyartcruz@utla.net>; Evy Vaughn <EVAughn@UTLA.net>  
**Cc:** mvalenzuela <mvalenzuela@utla.net>; beaston@reclaimourschoolsla.org; sroussea@usc.edu  
**Subject:** RE: Meeting UTLA/AFT/NEA

Hi Montserrat-UTLA is requesting that the following people be added to the meeting:

Mario Valenzuela  
Billy Easton  
Sylvia Roussea

They are copied on this email.

Thanks. We're looking forward to Monday.  
JG

**Jeff Good**  
**UTLA Executive Director**

(b)(6)  
[jgood@utla.net](mailto:jgood@utla.net)

-----Original Appointment-----

**From:** Garibay, Montserrat <[Montserrat.Garibay@ed.gov](mailto:Montserrat.Garibay@ed.gov)>

**Sent:** Thursday, August 26, 2021 4:09 PM

**To:** Rhodes, Christian; Beth Antunez, Legislation; [MichaelScott@nea.org](mailto:MichaelScott@nea.org); [MPetko@nea.org](mailto:MPetko@nea.org); [rhernand@aft.org](mailto:rhernand@aft.org); Jeff Good; Gloria Martinez; Grace Regullano; Juan Ramirez; Cecily Myart-Cruz; Evy Vaughn

**Subject:** Meeting UTLA/AFT/NEA

**When:** Monday, August 30, 2021 2:00 PM-2:30 PM (UTC-05:00) Eastern Time (US & Canada).

**Where:** Microsoft Teams Meeting

[EXTERNAL EMAIL]

Agenda

- I. Introductions
- II. Grant Information
- III. Q/A

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## Weighted-Student Funding Update

### Names for Weighted-Student Funding (WSF)

Backpack Funding

100% Solution

Student-based budgeting

Fair Student Funding

Student-Weighted Funding

### Reasons for Implementing WSF<sup>1</sup>

- Equity: Students are funded equitably regardless of which school they attend.
- School Empowerment: Schools have both the autonomy and the responsibility to design their schools to best meet their student needs.
- Innovation: Principals have the freedom to organize their school in whatever way they believe will best serve their students.
- Accountability: Every school controls its own budget and school leaders are responsible for resource decisions and related outcomes.
- Transparency: A WSF formula makes it clear to all relevant stakeholders how much money schools receive and how the allocation process works.

### Problems with WSF

Schools have no control over teacher salaries and/or choice of teachers. The added dollars from WSF seldom empowers the schools to make choices that improve teacher quality.<sup>2</sup>

Another issue is that the transfer of funds may not be enough to optimize the students' needs because the additional dollars transferred to the school may not be enough to equip the school with the required staffing and resources.

In a different scenario, the addition of a special need student may actually lead to an inefficiency in the school budgeting because the school will have to spend more on the student than it has funding, pulling money from other resources. In this scenario, the smaller schools lack an economy of scale to make the delivery of resources more cost-effective or efficient.

Major concern is the push that WSF might benefit charter schools. The problem is although federal and state dollars may follow the child, local dollars would not necessarily do so without fundamentally changing the entire school finance system.<sup>3</sup>

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<sup>1</sup> Education Resource Strategies. Online: [http://www.erstrategies.org/library/why\\_districts\\_implement\\_wsf](http://www.erstrategies.org/library/why_districts_implement_wsf).

<sup>2</sup> Hanashek, Eric. (2012) Misplaced Optimism and Weighted Funding. EdNext. Online: <http://educationnext.org/misplaced-optimism-and-weighted-funding/>

<sup>3</sup> *Ibid.*

WSF funding may not pay attention to the funds coming into the district, but only “divides the scraps.” It is basically a rearranging of already inadequate funding, and appears to be a backdoor approach to vouchers and charter schools.<sup>4</sup>

WSF really designed to challenge teacher assignments and seniority. The reason is that funds are usually provided to the school based on “**spendable dollars**” no teaching or staff positions. Problems may arise in attempting to remove salary schedules in favor of more flexibility without any guidance for accountability of spending.<sup>5</sup>

Some districts discover that staff cannibalize one another in fighting over the inadequate pot of money. Paraprofessionals are hurt the most.<sup>6</sup>

The actual weights tied to funding may not be as “apparent” as claimed. Usually, schools are given a pot of money and told to operate with it. There is no more attention provided to special needs students.<sup>7</sup>

There is a real potential for an illusion of flexibility. In Seattle, WA, the reality is that only about 10 percent of the money received by the school is flexible. The rest is tied to other required mandates based on union agreements and state regulations.<sup>8</sup>

The use of real salaries as a component of WSF rather than average salaries will create deficits in low-need schools. High-need schools will obtain more funding, but that does not necessarily incentivize teachers to work in those schools.<sup>9</sup>

School districts may require a renegotiation of teacher CBAs in order to increase autonomy at the school level. E.g., minimize work rules (flat contracts)

Studies completed by known research organizations, evaluating strategic funding options, don’t emphasize WSF as the best option.<sup>10</sup>

Be prepared, WSF does create winners and losers.<sup>11</sup>

### **Collective Bargaining Ideas for WSF**

Action: Use an average salary calculation for WSF budgets  
Purpose: Helps protect teacher seniority

Action: Do not allow for negotiation of working conditions or rules at the school level.

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<sup>4</sup> See more at: <http://www.edwize.org/weighted-student-funding-100-questionable#sthash.5XR11NtR.dpuf>.

<sup>5</sup> See more at: <http://www.edwize.org/a-trojan-horse-whinnies#sthash.uva7sZ9u.dpuf>

<sup>6</sup> See more at: <http://www.edwize.org/weighted-student-funding-100-questionable#sthash.5XR11NtR.dpuf>

<sup>7</sup> See more at: <http://www.edwize.org/weighted-student-funding-100-questionable#sthash.5XR11NtR.dpuf>

<sup>8</sup> See more at: <http://www.edweek.org/ew/articles/2012/06/13/35weighted.h31.html>

<sup>9</sup> *Ibid.*

<sup>10</sup> See more at: <http://jelaniaustin.com/2014/08/30/financial-equity-in-education-is-a-red-herring/>; also see, [http://www.educationresourcestrategies.org/news/aisd\\_tackles\\_inequity\\_in\\_school\\_funding](http://www.educationresourcestrategies.org/news/aisd_tackles_inequity_in_school_funding).

<sup>11</sup> See NEA RES’s report on WSF: <http://www.nea.org/assets/docs/HE/formula.pdf>

Purpose: Prevents principals from instituting working conditions without providing proper compensation.

Action: Limit open enrollment to transferring to “magnet” schools already in place.  
Purpose: Prevents manipulation of programs to attract more “costly” students.

Action: Implement a “teacher committee” to monitor curriculum programs.  
Purpose: Increases teacher involvement and input in curriculum development.

Action: Require that teachers be included in a hiring committee.  
Purpose: Helps to guide new hires and keep principals in check.

Action: Provide that teachers will participate in any Governing School Council to provide feedback to principal on management and budgeting.  
Purpose: Helps to give teachers and staff a say in funding matters.

Action: Maintain Seniority rights for teachers.  
Purpose: There is no research support to demonstrate that seniority is a problem in school performance.

Action: Require that all employees of any school governed under a WSF be part of the employee union (May need to allow principals to place teachers back into the district teaching pool if teacher does not fit school’s focus/goals).  
Purpose: Again, there is no research support that union membership is related to poor school performance.

Action: Participate in an annual School Quality Report.  
Purpose: Provides leadership from the union, and also provides ability to create guidelines for analysis and accountability.

Action: Require that district include a hold-harmless provision within the funding formula to assist schools that may lose funding do to student demographics.  
Purpose: There is a real misunderstanding about the purpose of a school’s budget. There is not real dollar for dollar connection between students and funding. Just because a school may lose 20% of its funding because of WSF does not mean that it can reduce 20% of its expenses.

Action: Encourage a differentiation in the school formula. One budget for instruction and another for maintenance.  
Purpose: This goes with the previous action. There is no dollar for dollar connection to the student and the costs of running a school. Just because a school may lose 20% of its funding because of WSF does not mean that it can reduce 20% of its expenses.



**Cities with WSF (Hyperlinks included)**

[Baltimore Public Schools](#)

[Belmont Pilot Schools, Los Angeles Unified School District](#)

[Boston Pilot Schools \(](#)

[Chicago Public Schools—Renaissance 2010 Schools](#)

[Cincinnati Public Schools](#)

[Clark County School District \(Las Vegas\)](#)

[Denver Public Schools](#)

[Hartford Public Schools](#)

[State of Hawaii](#)

[Houston Independent School District](#)

[New York City Department of Education](#)

[Oakland Unified School District](#)

[Poudre School District \(Fort Collins, Colorado\)](#)

[Saint Paul Public Schools \(Minnesota\)](#)

[San Francisco Unified School District](#)

**From:** Garibay, Montserrat  
**Subject:** Lost Instructional Time Guidance  
**To:** bantunez@aft.org; rivicci@aft.org  
**Sent:** August 31, 2021 2:17 PM (UTC-04:00)  
**Attached:** Reopening\_Handbook\_LIT\_083121.508\_VF for distribution.pdf

Here is the Lost Instructional Time Guidance document. It will be released today at 3 p.m.

<https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



# Strategies for Using American Rescue Plan Funding to Address the Impact of Lost Instructional Time





**U.S. Department of Education**

Dr. Miguel A. Cardona

*Secretary of Education*

**August 2021**

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## I. Introduction

With the passage of the [American Rescue Plan Act of 2021 \(ARP Act\)](#), local educational agencies (LEAs) and schools have significant federal resources available which should be used to implement evidence-based<sup>1</sup> and practitioner-informed strategies to meet the needs of students related to COVID-19. While the pandemic has impacted all communities, it has deepened pre-pandemic disparities in access and opportunities facing students of color, multilingual learners, students with disabilities, and lesbian, gay, bisexual, transgender, and queer (LGBTQ+) students, with significant impacts on their learning as described in the U.S. Department of Education's (Department's) Office for Civil Rights report [Education in a Pandemic: The Disparate Impacts of COVID-19 on America's Students](#). Further, parents whose children received virtual only or combined instruction were [more likely to report](#) higher prevalence of risk on 11 of 17 indicators of child and parental well-being than were parents whose children received in-person instruction.<sup>1</sup> ARP Elementary and Secondary School Emergency Relief (ARP ESSER) funds provide an opportunity to make investments that respond to the urgent needs of students in ways that address gaps in educational opportunity and build local capacity to sustain meaningful and effective teaching and learning. ARP ESSER funds can be used to support the design, implementation, evaluation, and use of data to inform continuous improvement of proven and promising strategies and practices to address the impact of lost instructional time.

Section 2001(e)(1) of the ARP Act requires LEAs to reserve at least 20 percent of their ARP ESSER funds, and section 2001(f)(1) requires that states likewise reserve at least 5 percent of their ARP ESSER funds to (1) address the academic impact of lost instructional time<sup>2</sup> through the implementation of evidence-based interventions; (2) ensure that the interventions implemented respond to students' social, emotional, mental health, and academic needs; and (3) address the disproportionate impact of COVID-19 on students from low-income backgrounds, students of color, students with disabilities, multilingual learners, migratory students, students experiencing homelessness, and children and youth in foster care. While ESSER funds under the Coronavirus Aid, Relief, and Economic Security Act (ESSER I) and the Coronavirus Response and Relief Supplemental Appropriations Act (ESSER II) may also be used for all of the purposes for which ARP ESSER funds may be used, LEAs and SEAS are not required to set aside a specific amount of ESSER I or ESSER II funds to address the academic impact of lost instructional time.

The Department's COVID-19 Handbook, [Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs](#) (Volume 2) includes strategies for addressing the impact of COVID-19 on students, educators, staff, and families—such as meeting students' basic needs (including food security), creating safe and inclusive learning environments, accelerating students learning through instructional approaches, tutoring, and expanded learning time, increasing educational opportunity, and stabilizing

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<sup>1</sup> The ARP Act defines "evidence-based" as having the meaning in section 8101(21) of the Elementary and Secondary Education Act of 1965 (ESEA) ([20 U.S.C. 6311\(b\)\(2\)\(B\)\(xi\)](#)) and includes several tiers of evidence. "Evidence-based," when used with respect to a state, LEA, or school activity, means an activity, strategy, or intervention that (1) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on strong evidence from at least one well-designed and well-implemented experimental study ("tier 1"); moderate evidence from at least one well-designed and well-implemented quasi experimental study ("tier 2"); or promising evidence from at least one well-designed and well-implemented correlational study with statistical controls for selection bias ("tier 3"); or (2) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes and includes ongoing efforts to examine the effects of such activity, strategy, or intervention ("tier 4").

<sup>2</sup> The term "academic impact of lost instructional time" is used to refer to "learning loss" as that term is used in section 2001 of the ARP Act. This document uses the term "impact of lost instructional time" to characterize the impact of COVID-19 on educational opportunity and to be mindful that students are not viewed from a deficit-perspective. Strategies selected should build on the many strengths that students bring to their learning every day.



and supporting the educator and staff workforce. This document is intended to complement Volume 2 by focusing on strategies to support state and local efforts in effectively using ARP ESSER funds to address the impact of lost instructional time on underserved and disproportionately impacted students including:

1. Reengaging students in their learning including by meeting the social, emotional, mental health, and academic needs of students and through such approaches as tutoring and creative staffing;
2. Providing information and assistance to families as they support students, including through home visits and information sharing; and
3. Using high-quality assessments to inform teaching and learning, including acceleration, and target resources and supports.

Additional details on allowable uses of ESSER I, II, and ARP ESSER funds can be found in the Department's [Use of Funds Frequently Asked Questions](#) document.

### Engaging the learning community

As schools, programs, and districts work to develop, refine, and implement strategies, including those in this guidance, engagement with educators and staff (including their unions and professional organizations), students, families, and the learning community is key. Community representatives should include, at a minimum, administrators, teachers, specialized instructional support personnel (e.g., paraprofessionals), related service providers, early childhood education providers, school counselors, school social workers, school psychologists, and nurses, as well as custodial personnel, transportation personnel, food personnel, and family services representatives. This engagement can also include community partners such as local health departments, community-based mental health providers, family-serving community-based organizations, and college and university partners to help enhance and expand the school support network to promote student well-being and access to services.

Strategic planning to meet students' needs should include students, parents, and guardians, and individuals and organizations that represent the interests of students, staff, and parents and guardians, including students with disabilities, and multilingual learners. To that end, schools and school districts should also conduct active and specific engagement with historically underserved students and families—including parents and students of color; multilingual learners; students with disabilities; American Indian, Alaska Native, and Native Hawaiian students; students in foster care; students in correctional facilities; students experiencing homelessness; and migratory students.

This engagement should begin early in the decision-making process and should be ongoing, meaningful, collaborative, and accessible to individuals with disabilities and limited English proficiency. This will help schools, programs, and districts develop trust and build capacity as they select and implement strategies designed for systemic change at the local and school level. Additional strategies for engaging families are included in this guidance.

## II. Reengaging students by meeting their social, emotional, mental health, and academic needs

### a. Building trust with families to support in-person learning

Addressing lost instructional time starts with the goal of providing all students equal access to safe, high-quality, in-person learning. To achieve this goal, school, health, and community partnerships will help to ensure the physical health and safety of families and students so that they feel safe and supported returning to in-person learning. According to the [most recent](#) National Assessment of Educational Progress (NAEP) 2021 School Survey conducted at the end of the last school year, Black, Asian, and Latino public school students continued to return to in-person instruction at a far slower rate than their white peers.<sup>ii</sup> Even as schools increasingly offered in-person learning options between January and May of 2021, students of color only showed less growth over the months in enrolling in full-time in-person instruction in comparison with white students, with Asian 8th grade students returning at the lowest rates, at 23 percent compared to their white peers at 62 percent. Making up for the impact of lost instructional time in the last two school years for students, particularly for students of color who have been more likely to receive low-quality remote instruction,<sup>iii</sup> will only go so far if schools do not address the reasons why families are hesitant for their children to return to in-person learning.

As we continue to resume in-person learning and increase parent and caregiver confidence in sending their children back to school, working to ensure the health and safety of school communities must be the top priority. Districts and schools can take the following steps to prioritize the health and safety of the school community this academic year:

- Communicate frequently with families – in their home language – and work to build their confidence that children will be safe in-person;
- Encourage and provide access to vaccinations for eligible students and staff;
- Implement COVID-19 testing in schools;
- Address ventilation needs where applicable;
- Implement universal indoor masking;
- Maintain at least 3 feet of physical distance between students within classrooms to reduce transmission risk. Because of the importance of in-person learning, schools should implement physical distancing to the extent possible within their structures, but should not exclude students from in-person learning to keep a minimum distance requirement. When it is not possible to maintain a physical distance of at least 3 feet, such as when schools cannot fully re-open while maintaining these distances, it is especially important to layer multiple other prevention strategies, such as screening testing;
- Provide safe transportation;
- Provide affordable child care; and
- Ensure access to healthy meals and other basic needs.

The Department's [Return to School Roadmap](#) provides resources and local examples to support states, districts, and schools in these efforts.

Additional steps may need to be taken by districts and schools to support families of color in returning to in-person learning. [Volume 2](#) discusses some of the reasons families of color have cited for not



returning to in-person learning, including for example health and safety concerns, fears of xenophobic and racist harassment against Asian American students in particular, physical safety concerns due to under-resourced school facilities, and school discipline policies.

For schools struggling to re-enroll students in in-person learning, educators should prepare to have conversations, which may at times be uncomfortable, with their students and families about their needs that may not currently be met or the needs that students and families did not feel were adequately met before the pandemic. Educators should evaluate and reflect on their school culture, climate, and policies and can use well-designed survey tools to learn what practices may be keeping all students from feeling safe, included, and academically challenged and supported. Based on this information, they should commit to making improvements to achieve the goal of [safe](#), inclusive, and supportive learning environments. Schools and programs should actively and consistently reach out to families to hear their concerns and work to build trusting relationships. For example, [Connecticut's Welcoming Schools Initiative](#) provides school districts with a set of principles of family engagement and accompanying training in the areas of (1) physical environment; (2) school-wide practices and policies; (3) welcoming school staff; and (4) written materials. Schools can use different staffing structures to implement these strategies.

[Volume 2](#) provides resources for school climate surveys for families and students and how to use that data to drive equitable in-person reopening decisions. One resource provided by [Communities in Schools](#) offers a toolkit of surveys for different student age groups and family surveys in English and Spanish. Another set of resources is provided by [Colorín Colorado](#) including [strategies for supporting multilingual learners](#) during COVID-19. [Climate surveys](#) can include questions tailored to the school community context and can be administered in a number of ways, including during a home visit so as to be inclusive of families who might not otherwise fill out surveys. Funding under the ARP can be used to support these strategies, as well as personal outreach.

Personal outreach to families goes a long way in establishing connections and building or rebuilding trust. This can begin with school and program leaders making themselves available to families by providing flexible meeting times or holding one-on-one conversations or town-hall style meetings either virtually or in-person to accommodate parents who are essential workers or those who work multiple jobs. Outreach can also include phone calls home and sharing resources when meeting in person, over email, or on a school or district website. Further, school communications must be accessible to families with disabilities and shared with limited-English-proficient families in a language that they can understand.<sup>iv</sup> Supporting parents in understanding the operations and practices of their child's school or program can help them to feel more included and better equipped to help their child advance academically. Cultivating clear, open, and honest communication pathways from all educators and staff invites greater opportunity for dialogue about what families and students need.

An equitable return to school and learning programs includes meeting students and families where they are. Some school communities have done so by hosting outdoor school barbecues or picnics in the communities where their students live rather than at school or partnering with community-based organizations that families may already be familiar with or from which they receive other services.

[Volume 2](#) provides strategies for reaching specific subgroups of students such as students experiencing homelessness and migratory students. Door-to-door campaigns that were designed to locate absent and disconnected youth during the pandemic have shone a light on the effectiveness of home visits in school communities that did not already employ such an engagement strategy. Prearranged, regular visits



between a student's family and their educators that are not targeted to be specifically about academics or discipline can demonstrate school staff's respect for a student's home and family life and [can improve](#) student academic success. Instead, these visits should be focused on supporting student social and emotional well-being and building relationships with families. District and school officials should invest in professional development so that educators and staff can conduct meaningful and respectful home visits to establish greater rapport and build trust. The Centers for Disease Control and Prevention (CDC) recommended safety measures, including masking and distancing, should also be implemented when conducting home visits.

Even when students do return to in-person learning, educators and staff should be sensitive to the challenges that many of them have experienced and how to mitigate their impact on student engagement and learning. The following resources are available to support trauma-sensitive schools:

- The [Child Trauma Toolkit for Educators](#) provides school administrators, teachers, staff, and parents and caregivers with basic information about working with traumatized children in the school system;
- The [Creating, Supporting, and Sustaining Trauma-Informed Schools: A System Framework](#) presents a tiered approach to creating a trauma-informed school environment that addresses the needs of students, staff, administrators, and families who might be at risk for experiencing the symptoms of traumatic stress;
- A [Trauma-Informed School Strategies During COVID](#) fact sheet that provides information on the physical and emotional well-being of staff, creating a trauma-informed learning environment, identifying and assessing traumatic stress, addressing and treating traumatic stress, trauma education and awareness, partnerships with students and families, cultural responsiveness, emergency management and crisis response, and school discipline policies and practices; and
- The [National Center on Safe Supportive Learning Environments, Trauma Sensitive Schools Training Package](#) provides school and district administrators and staff a framework and roadmap for adopting a trauma-sensitive approach school- or districtwide.

The CDC provides [resources on preventing and mitigating the impact of Adverse Childhood Experiences \(ACEs\)](#), which are potentially traumatic childhood events, including but not limited to, experiencing violence, abuse, or neglect, or witnessing violence in the home or community. Research on the [science of learning](#) has established that while adverse experiences, such as experiencing and witnessing violence, can have profound effects on students, learning environments and conditions can be designed in [culturally responsive ways](#) that can help students overcome these effects and thrive. This research also shows that social, emotional, identity, cognitive, and academic development are all interconnected. Improving academic outcomes for students requires nurturing each of these areas of development in ways that are asset-oriented and personalized to meet students where they are as they return to school.

Educators can use this research to transform learning opportunities and practices including strategies for acceleration to address lost instructional time. One resource to support educators in these efforts is the [Design Principles for Schools](#) which guides the transformation of learning settings for children and adolescents using five integrated elements: positive developmental relationships; environments filled with safety and belonging; rich learning experiences and knowledge development; development of skills, habits, and mindsets; and integrated support systems.

Schools and educators can leverage tools that allow teachers to understand and cultivate student's non-academic skills by [measuring school climate, providing social-emotional supports, and reducing school](#)

[exclusions](#). Implementing and improving such measures can help to give weight and prioritize social and emotional outcomes in balance with academic outcomes.

Some questions educators and staff can ask to help increase student engagement include the following:

- To what extent are students free from bullying and harassment?
- To what extent do students see themselves in the curriculum?
- To what extent do students relate to what they are learning?
- To what extent are students' out-of-school identities, cultures, and experiences brought into the classroom?
- Are high expectations communicated to students along with the appropriate supports for them to succeed?
- Are students' mental health or other needs responded to with a positive, inclusive learning environment and support?
- Are questions and any response option provided age-and culturally appropriate?

Depending on responses to these questions, schools may revisit their discipline policies to assess if they contribute to lost instructional time with disproportionate effects on certain student subgroups and examine their curricular and instructional design to determine if they contribute to student disengagement, including among subgroups of students. Rebuilding from COVID-19 is an opportunity to reexamine and strengthen school policies and practices to assure families that school will reopen equitably for all students. Developing trust will not happen overnight – it requires a culture shift over time. With intentional training and professional development for educators and staff and the establishment of equitable practices to include more voices – including the voices of students and families — school leaders can lead their school communities to becoming healthier and more welcoming schools.

## b. Supporting students during key transitions

Many students will be making key transitions, such as [from early childhood programs to elementary school](#), elementary school to middle school, middle school to high school, and high school to postsecondary education and the workforce, after having been in a virtual environment. Other students, such as migratory students, students experiencing homelessness, children and youth in foster care, and children of active-duty military, may have moved during the pandemic and may be enrolling in a new school. These students are returning to in-person learning in schools they may be unfamiliar with and that have new routines and expectations. This can make their return more stressful and increase their need for additional support. To support these transitions, schools can invite new students and their families to visit and take a tour of the school and meet educators and staff in advance of the first day of school. This can also include [summer bridge programs](#), or orientation days or weeks prior to the start of the school year.

States and districts can use ARP ESSER funds to establish early warning indicator (EWI) systems to promote targeted engagement [strategies in response to data from EWIs](#). EWI systems can track attendance, assignment completion, and grades. When viewed at the classroom and student level, these data can strengthen a school's ability to provide specific and timely interventions. States and districts can also collect data on the successful transitions of students from [pre-school to elementary school](#), elementary school to middle school, middle school to high school, and high school to postsecondary



education. For example, schools can use [on-track indicators](#) to assess how well students are making the transition into high school so that the schools can provide additional supports as needed. Schools may want to consider implementing or enhancing multi-tiered systems of support that typically include: (1) [school-wide supports](#); (2) progress monitoring; (3) tiered systems of academic and [behavioral interventions](#); and (4) the use of evidence-based instructional and behavioral interventions. [Additional strategies for keeping students on track](#), including specific strategies for English learners and students with disabilities, are provided by the University of Chicago Consortium on School Research.

The use of well-designed student surveys in advance of and during these transitions can also provide important information to educators on how students are feeling about these transitions and where additional support might be needed. Further, for highly mobile students, schools and districts should work quickly to secure a student's records and connect with admissions staff, a counselor, registrar, or teacher from the sending school to ensure the student is quickly enrolled, placed in the correct grade, and awarded credits for work already completed. Schools should remember to utilize surveys in compliance with the [Protection of Pupil Rights Amendment](#) (PPRA).

Additional examples of the work underway across the nation can be found in the Department's [Safer Schools and Campuses Best Practices Clearinghouse](#).

#### c. Using community partnerships to support reengagement

As students return to in-person instruction following the COVID-19 pandemic, community partnerships can allow districts to expand learning beyond the classroom and reengage students' learning. A study found that schools with strong ties to families and communities were four times more likely to make significant gains in reading and math.<sup>9</sup> One example is the Austin, Texas Citizen Schools at Bedichek Middle School, which provides an afterschool program that seeks to inspire middle-school students by providing relevant learning experiences and supporting youth with mentors. The model includes apprenticeships with community members, academic support and instruction, and exploration sessions, such as community field trips and service opportunities. One resource for developing partnerships with districts and schools to provide afterschool and summer programs that support student reengagement and learning is the Afterschool Alliance's [Toolkit](#).

Another example is the partnership between [City Year](#), an AmeriCorps program that works with under-resourced schools across the country, and the Everyone Graduates Center at Johns Hopkins University. The non-profit organizations work together to help educators establish practices to strengthen students' connection to school. Their efforts have supported an [Action Community](#) of schools in Colorado, Florida, New York, and South Carolina. This community developed and shared a resource intended to increase a student's sense of school belonging and engagement. City Year AmeriCorps members can also serve as full-time [student success coaches](#), partnering with educators to help students build on their strengths and develop skills to thrive in school and in life.

#### d. Addressing student social, emotional, and mental health needs

As students return to learning in an in-person setting, state, district, and school leaders, including Board of Education Chairs and members, and other educators can take specific steps to be prepared to be responsive to student social and emotional needs and the mental health crisis facing students as they cope with the COVID-19 pandemic. Based on a survey from October 2020, 75 percent of educators



strongly agree that social and emotional support for students has never been more important.<sup>vi</sup> Further, during 2020, the proportion of mental health-related emergency department visits among adolescents aged 12–17 years increased 31 percent compared with that during 2019.<sup>vi</sup> There was also [an increase](#) in suspected suicide attempts. These concerns can translate into an increased need for social, emotional, or mental health supports (e.g., counseling services).

An LEA may use ESSER funds to provide mental health services and supports for students and their families, teachers, and LEA staff who are experiencing COVID-19 pandemic-related trauma, including students who were experiencing trauma prior to the pandemic that may have been exacerbated by the pandemic. Funds may also be used to provide professional development and training that increase awareness of mental health literacy for teachers and staff. Many schools already implementing multitiered supports may integrate mental health strategies and interventions into these existing systems. LEAs may also use the funds to hire additional school psychologists and counselors to provide the services or to contract for such services for students, educators, and other district staff. ESSER and GEER funds may also be used to provide student and educator access to online counseling services and other mental health supports. Funds may be used to provide resources and information to students and families to provide a greater understanding of mental health and address any stigma associated with mental health that may be a barrier to accessing services even when available.

As an additional approach to responding to the mental health crisis, for example, schools and districts can use ARP ESSER funds to support or implement multi-tiered systems of support (MTSS) frameworks that support school communities and integrate social and emotional learning into the school day. The [Center on Positive Behavioral Interventions and Supports'](#) abbreviated district guide describes the use of an MTSS framework, like positive behavioral interventions and supports (PBIS), to design classrooms and schools in a manner that provides effective, efficient, and relevant supports to all students, families, and educators during and after a crisis.

Promoting supportive environments also includes [increasing school connectedness and engaging parents](#). Connectedness to family, peers, and important adults in schools and community organizations is key to protecting adolescent health. Students are more likely to thrive if they know they matter and that they have adults, teachers, and friends who care about their safety and success. These protections can last long into adulthood, leading to better mental health, less substance use, and fewer experiences of violence. Making these supportive connections can also be particularly important for LGBTQ+ students who, [based on the most recent CDC data](#), are twice as likely as heterosexual students to have experienced feelings of sadness and hopelessness and more likely to have experienced persistent feelings of sadness or hopelessness than heterosexual students. Further, almost half of lesbian, gay, or bisexual students seriously considered suicide in 2019.

Further, to create supportive learning environments, exclusionary disciplinary practices such as suspension or expulsion, which disproportionately impact students of color<sup>vii</sup> (as well as students with disabilities, English learners, and LGBTQ+ students), can be replaced with restorative justice frameworks that provide non-punitive schoolwide frameworks.<sup>ix</sup> Additionally, schools could consider implementation of stand-alone social-emotional schoolwide initiatives, such as the [CASEL School Guide](#) or use of curriculums with a strong evidence base, and PBIS. Schools or districts may also choose to partner with community-based organizations (CBOs) to expand mental health services or to supplement existing school counselor staff. Another resource is the [Turnaround for Children Toolbox](#), which provides evidence-based strategies for creating school systems, structures, and practices that support students' holistic development and learning.



States and districts may use ARP ESSER funds to provide educators with the supports and professional development they need to integrate social and emotional learning into their practice and address trauma and loss resulting from the pandemic and on the most effective evidence-based strategies to reengage and support students in their learning. Additional strategies to support the social, emotional, mental health, and academic needs of students can be found in Volume 2.

#### e. Reengaging and supporting students in their learning

As students continue to return to in-person instruction, educators and staff may face challenges in reengaging students in their learning and supporting students during what may be a difficult transition. Some researchers estimate that 3 million students have either been consistently absent from or have not been actively participating even if logged on in remote learning since the beginning of the pandemic.<sup>x</sup> These students were more likely to be multilingual learners, students with disabilities, students in foster care, students from low-income backgrounds, Native American youth, migratory students, or students experiencing homelessness;<sup>xi</sup> and LGBTQ+ students, especially LGBTQ+ students who are Black or Native American, who are more likely than others to be homeless.<sup>xii</sup> It is particularly important to reengage those students who had the least opportunity to engage in virtual learning, missed the most instruction, and were least engaged by their schools prior to and during the pandemic, and to ensure those students receive the social and emotional supports that they need to succeed academically.

To address this challenge, states, districts, and schools may engage in a variety of evidence-based practices to reengage students and address the varied impacts of lost instructional time. Educators should personalize instruction to meet students' individual needs. It is critical to do so without lowering high expectations for their long-term goals in student achievement or using tracking or traditional remediation. Students benefit from doing work and engaging in curriculum that is challenging, supported, and interesting including accessing content that is above grade-level.<sup>xiii</sup> For example, if students are coached on developing skills rather than engaged in traditional remediation techniques, students can complete 27 percent more grade-level work.<sup>xiv</sup> For this approach to be successful, educators will need to first identify what core or foundational content students need to know to be prepared for the next level. Educators may establish a baseline and use data-based decision making to inform lesson plans and academic progression. School leaders should provide educators with guidance on the scope of what is critically important for students to learn and master, including critical thinking and applied learning skills.

One way to operationalize the principles of personalization and support is through tailored acceleration that combines “high-quality, teacher-led instruction with other instructional approaches so that all students do not need to learn the same thing at the same time...[such that] students can then access the most essential building-block skills from prior grades with the key on-grade skills to create individualized learning pathways that get them back to grade-level and beyond as fast as possible. The goal of tailored acceleration is to ensure that all students attain college and career readiness...regardless of where they may be starting—while adhering to the principles of high expectations, rigorous accountability, and educational equity.”<sup>xv</sup> [Key program design options educators can use for providing tailored acceleration can be found in this resource.](#)

To support learning acceleration, schools are providing teachers with intensive professional development including on how to identify content and skills that need to be prioritized, how to design

and select instructional strategies, and how to use data to inform instruction. Schools can also plan ahead for how they will use upcoming school vacation time to support students with the greatest need. For example, the [Acceleration Academies](#) in the Lawrence Public School system in Massachusetts provided accelerated learning opportunities during school breaks, resulting in significant gains in student performance. As the school year begins and educators gain better insight into where their students are, this model could be implemented during upcoming breaks to support struggling students. The model also provides practices that could be incorporated when school is in session. Another example is the [Complex Instruction approach](#) which enables students to learn and teachers to teach at a high intellectual level in academically, linguistically, racially, ethnically, and socially heterogeneous classrooms.

States can use their ARP ESSER funding to issue guidance to districts on how to support student reengagement and learning. One example of a state's effort to support acceleration rather than remediation is [Delaware's Strategy to Accelerate Learning](#), which was designed in response to the COVID-19 pandemic to address students' disrupted learning for the past two years, and includes--

- Adopting and using high-quality instructional materials;
- Providing necessary professional learning for teachers and educators;
- Ensuring all students have access to grade-level instruction; and
- Reexamining and creating support structures to accelerate learning.

A number of innovative opportunities are available through the use of emergency relief funds that may not have previously been possible both because of the availability of funds and technological innovation that has taken place. For example the Department [recently clarified](#) that an SEA or LEA may use ESSER and Governor's Emergency Education Relief (GEER) funds to develop or implement an innovative approach to providing instruction to accelerate learning and mitigate the effects of lost instructional time for students most impacted by the COVID-19 pandemic. This could include emerging technology-based or technology-enabled approaches, including evidence-based educational technology platforms.<sup>3</sup> Throughout the pandemic, educators have learned ways of leveraging technology to expand their options for instructional approaches. Educators should consider how to translate those approaches to in-person environments. In this way, technology-enabled practices can be used to enhance in-person learning and student performance and create meaningful opportunities to extend learning time.

## f. Supporting students with disabilities

Even before the COVID-19 pandemic, there were significant gaps between the proficiency and graduation rates of students with disabilities and their peers without disabilities, even though research demonstrates that students with disabilities can meet the same academic standards when provided high-quality evidence-based instruction and needed services and supports.<sup>46</sup> The Department's

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<sup>3</sup> If a school or district has adopted an innovative practice in response to the pandemic and wishes to continue these practices, it might not need to obtain additional evidence (e.g., an independent program evaluation) for the program during the pandemic. The Department has clarified that "As part of the 'demonstrates a rationale (tier 4)' level of evidence, grantees may develop and use approaches that are novel, if they are consistent with theoretical and empirical findings from research and the grantee will continue to review the effects of the practice to build the evidence base." Further, any use of technology by students for educational purposes must include consideration of requirements under Section 504 to ensure equal access and effective communication for students with disabilities.



[Frequently Asked Questions on the Elementary and Secondary School Emergency Relief Programs and the Governor’s Emergency Education Relief Programs](#) describes how funds may be used for accommodations and for the provision of required educational and related aids and services determined necessary to ensure the provision of FAPE to students with disabilities who are not eligible under IDEA but receive services in accordance with a Section 504 plan.

One resource with strategies for accelerating learning for students with disabilities is the National Center for Learning Disabilities’ [“Promising Practices to Accelerate Learning for Students with Disabilities During COVID-19 and Beyond.”](#) This resource describes how schools can implement the following strategies:

- Educating students with disabilities alongside their peers;
- Redesigning and accelerating curriculum;
- Using continuous formative assessments (described in greater detail below); and
- Prioritizing inclusion of students with disabilities.

States can also take important steps to support districts and schools in meeting the needs of students with disabilities, including following service disruption or changing service needs as students return to school. For example, in February 2021, the Minnesota Department of Education released a guide, [Minnesota: Guide to Addressing the Impact of the COVID-19 Pandemic on Students with Disabilities](#), which is intended to assist school districts, charter schools, and parents and caregivers in making equitable and individualized determinations of services, including extended school year (ESY) services, general education recovery services, revised individualized education program (IEP) services, and COVID-19 compensatory services. The guide provides information on students’ and families’ rights to education in the time of COVID-19 and encourages collaboration between families and schools to continue to meet the needs of students with disabilities. Other resources include [Washington State’s guidance](#) on determining the need for compensatory services.

#### g. Elements of high-quality and effective tutoring

Accelerating learning builds on what students already know, ensuring that they learn at least at grade level with needed supports. Implementing evidence-based tutoring practices is a key approach to accelerating learning. [Tutoring can yield important results](#) for students when done in effective ways, based on a significant body of research.

The best available evidence suggests that tutoring is most effective when it uses the following approaches:<sup>xvii</sup>

- ❑ **Use trained educators as tutors.** Teachers, paraprofessionals, teaching candidates, recently retired teachers, or highly trained tutors who receive a stipend (e.g., AmeriCorps members) are most likely to be effective, particularly when also given time for planning and collaboration with classroom teachers.
- ❑ **Provide high dosage tutoring each week.** Programs that include frequent sessions (e.g., daily or at least three sessions per week) of at least 30–50 minutes work best. The youngest students (e.g., early childhood through 1st grade) benefit from increased weekly sessions in terms of length and frequency.

- ❑ **Conduct tutoring during the school day whenever possible.** Tutoring programs that take place during the school day appear to have the largest effects. After-school tutoring programs have also been shown to have positive, although smaller, effects. When conducting tutoring during the school day, schools should do so in a way that ensures students still receive instruction on core content and have opportunities for enrichment. For example, tutoring could take place during study hall or flexible periods, during independent practice portions of a class, or as a complement to instruction in partnership with the classroom teacher.
- ❑ **Emphasize attendance and focused worktime during out-of-school tutoring.** Experts have suggested that afterschool tutoring programs may have shown smaller effects than in-school programs because less tutoring occurs. However, out-of-school time programs can be effective. To promote the best results, ensure these programs provide high-dosage tutoring.
- ❑ **Align with an evidence-based core curriculum** or use an evidence-based program and practices. Practices that support student learning in the classroom are also important in tutoring. Take specific actions to support student learning, including using quizzing, asking deep explanatory questions, spacing learning over time, incorporating worked example solutions with problem-solving exercises, connecting and integrating abstract and concrete representations of concepts, and combining graphical representations — like figures and graphs — with verbal descriptions.<sup>xvii</sup>

Schools and districts may review school-level data and practices to identify priority areas and outcomes.<sup>xix</sup> For example, educators can regularly conduct short, formative assessments and develop individualized learning progressions for students. While remaining focused on grade-level content, students could then engage in flexible groupings and in different modalities — independent practice, small group teacher instruction, technology-enabled guiding practice, small group practice — with scaffolding based on their mastery of various skills. Technology-based intelligent tutoring systems can also be used to augment adult support and these programs have been shown to increase student performance even with relatively low-dosage rates.<sup>xx</sup> Formative assessments can also be used to determine the impact of any new instructional models on student learning and to provide timely feedback to educators and to the tutors to inform instruction and target support.<sup>xxi</sup>

This [online tool](#), Learning Recovery: How to Develop and Implement Effective Tutoring Programs by the Department’s [National Comprehensive Center](#), provides a tutoring package for teachers that provides timely, useful, and relevant information on how to use tutoring in learning recovery efforts. This resource offers a collection of best practices that can be applied immediately to classroom practice and to district or state policies. It also provides best practices for planning the expansion of tutoring programs to the district or state level, including national cost estimates and how program design efficiencies may lower the cost of implementation. The [National Student Support Accelerator](#) also provides resources for high-impact tutoring, including a tutoring database, tutoring quality improvement system, and a toolkit for tutoring programs.

#### h. The role of school leaders

School leaders play a critical role in supporting the design and implementation of tutoring programs. For example, effective tutoring programs require the selection of effective tutors. School leaders may look to employ certified teachers, paraprofessional staff, teacher candidates enrolled in preparation



programs, or well-trained tutors who earn a stipend, such as AmeriCorps members.<sup>xxii</sup> Experienced and trained tutors who are compensated build the foundation for an effective tutoring program. For example, the [Tennessee Tutoring Corps](#) recruited and compensated qualified college students to support summer learning opportunities in math and reading for elementary students beginning in 2020.

School leaders are key in coordinating and ensuring support for pre-service and on-going training for tutors and educators. Effective tutoring models include coordination between the classroom educators and the tutors, and school leaders can support educator schedules that include time for this work. School leaders can make tutoring a permanent part of the [school schedule](#) (e.g., using a [double-block model](#)) and structure (e.g., by providing credit for tutoring) to support students. School leaders can leverage existing partnerships or develop new partnerships with community-based organizations to target students most in need of support for learning acceleration.

#### i. Creative approaches to staffing

As schools work to address different learning needs of students due to lost instructional time and historical inequities, one area for transformation is to change the one teacher per classroom model. Utilizing more adults in classrooms allows for prioritizing educator strengths and usage of break-out sessions so that educators can better facilitate the differentiated instruction students need.<sup>xxiii</sup> Changes should be made in consultation or in partnership with teachers, recognizing the impact that the pandemic has had on teachers, both professionally and personally.

Specifically, schools and districts can use ARP ESSER funds to –

- Extend the reach of effective teachers as teacher leaders who –
  - Work directly or in small groups with students most impacted by COVID-19 so that students with the greatest need have access to the most effective teachers.
  - Support partner teachers across a school in their professional development and working collaboratively to meet the needs of students. For example, Public Impact’s [Opportunity Culture](#) is an initiative to extend the reach of highly effective teachers, using school district data to develop staffing models focused on student achievement in math and reading. This model empowers highly effective teachers who serve as models and mentors for colleagues;
  - Support multiple co-teaching models<sup>4</sup> including by providing adequate time to collaborate and plan;

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<sup>4</sup> Examples of co-teaching models include: “(1) one teach, one observe involves one of the co-teachers leading large-group instruction while the other teacher gathers academic, behavioral, or social data on specific students or the class group; (2) station teaching involves dividing students into three groups and rotating the groups from station to station taught by the co-teachers at two stations and working independently at the third; (3) parallel teaching requires each of the co-teachers to instruct half of the students presenting the same lesson in order to provide instructional differentiation and increased student participation; (4) alternative teaching involves one teacher providing instruction to the majority of students while the other teacher works with a small group for remediation, enrichment or assessment; (5) teaming requires the co-teachers lead large-group instruction by both lecturing, representing different viewpoints and multiple methods of solving problems; and (6) one teach, one assist, also identified as supportive teaching, involves one co-teacher leading instruction while the other teacher circulates among the students providing individual assistance. Source: [A Study of Co-Teaching Identifying Effective Implementation Strategies](#).



- Lead remote instruction for a larger group of students, if remote instruction is still needed for some students after schools reopen for in-person learning, with co-teachers providing small group and individualized support; or
  - Lead [professional development](#), [professional learning communities](#), and grade-level or subject-area teams for educators across the school. Professional learning communities [are most effective](#) when they use data to determine student and educator learning needs; identify shared goals for student and educator learning; support educators' in their knowledge of content, content-specific pedagogy, how students learn, and management of classroom environments; select and implement appropriate evidence-based strategies to achieve student and educator learning goals; use evidence to monitor and refine implementation; and evaluate results.
- Engage qualified adults to support educators, students, and staff, such as –
    - Teacher candidates in partnership with local schools of education at institutions of higher education (IHEs);
    - Recently retired educators;
    - Paraprofessionals, AmeriCorps members, college students, and other volunteers with high-quality training to serve as tutors; and
    - Non-instructional staff, including school counselors, school nurses, and mental health professionals who can identify and support students who are highly mobile or chronically absent, such as students who are migratory, students experiencing homelessness, and students in foster care. These staff members can support finding and enrolling students on days and at hours convenient to families, as well as help students develop a sense of belonging in their new schools and identify challenging coursework and peer supports mid-year. In addition, these staff can support students and their families in completing college applications.
- Build and maintain a cadre of high-quality substitute teachers, including through partnerships with teacher preparation programs to hire teacher candidates in training and through outreach to retired educators, and compensating them through pay, benefits, and professional development, who can assist by –
    - Stepping into the classroom to support continuity for students when educators need to take time off;
    - Co-leading small group learning; and
    - Supporting release time for educators to allow for teacher professional development.
- Implement flexible and creative scheduling to support students while providing planning and collaboration time for teachers by, for example –
    - Holding entire days where the majority of time is focused on a single core academic subject;
    - Offering all “special” subjects (e.g., music, art, physical education) on the same day so grade-level teams can plan together; and
    - Holding shorter learning cycles, with more frequent breaks, some of which educators can use for planning (e.g. a trimester or quarter structure at the secondary school level, increasing the number of days for collaborative and job-embedded professional development and providing some of them consecutively).

- Use targeted incentives to encourage educators to work in high-need subject areas and high-need schools, such as loan forgiveness, grants, or service scholarship programs that significantly underwrite the cost of postsecondary education in exchange for a commitment to teach in a high-need field or school for a minimum number (e.g., four) of years (see the [North Carolina Teaching Fellows Program](#)).

While there are no quick fixes to ensuring that students have access to the educators and support staff they need to succeed, there are tools that can serve as a starting point. For example, the Center for Great Teachers and Leaders at the American Institutes for Research provides [evidence-based toolkits](#) for equitably building the educator workforce, including the [Talent Development Framework](#) and considerations specific to [COVID-19](#), as does the [Learning Policy Institute](#). The [New England Consortium on Secondary Schools](#), [Learning Policy Institute](#), and the [National Comprehensive Center](#) among others, have also outlined strategies for increasing both the diversity and qualifications of educators, including for [educators of Native American students](#) specifically. These strategies include cultivating interest in teaching among children of color at earlier ages, providing competitive compensation and retention packages, providing supports to complete preparation programs, and streamlining certification and licensure processes.



### III. Supporting parents and caregivers in their child’s success

Supporting parents and caregivers in their efforts to support their own child’s learning is critical to addressing the impact of lost instructional time and increasing student success. Strong family-school partnerships can promote children’s literacy, better prepare students for learning and improve student academic achievement and health.<sup>xxxv</sup> Positive family-school partnerships also benefit parents as they can increase awareness of community resources available to the family.<sup>xxxv</sup> Under the [interim final requirements](#) for the ARP ESSER program, issued by the Department on April 22, 2021, school districts must engage in meaningful consultation with stakeholders, including students and families, and provide the public the opportunity to provide input on spending plans and plans to safely return to in-person learning and continue services. This consultation, and the opportunity for the public to provide input, can strengthen partnerships with families and within communities. Parents and guardians play a critical role in their child’s [success and there are several steps](#) districts and schools can take to engage and support families.

#### a. Engaging and communicating with parents and caregivers

Students – and educators – benefit when families are engaged in their schools. For families and schools to form this essential partnership, schools should communicate goals and information with families and welcome, and be responsive to, their feedback. To be most effective in support of student success, communication should go in both directions – schools should share information with families, and families should be encouraged to share feedback with schools. School reopening planning should include students and parents with many perspectives, including families of students of color, families of students with disabilities, families with multilingual learners, families who have transportation access and functional needs, advocates for students in foster care, and families experiencing homelessness. When educators and school staff can more fully see their student’s lives, they are better able to build authentic relationships and partnerships with families, leading to improved support for student success.<sup>xxxvi</sup>

Personal outreach is a promising way to engage and reengage students and their families. For example, no matter the reason for their absences, school district officials should work quickly to locate and reengage students who have been chronically absent or disengaged and should do so in a non-punitive manner. In this outreach, school leaders should use one-on-one conversations with students and families – conducted in the family’s home language with translation or interpretation support and in accessible formats for individuals with disabilities – as much as possible to allow families (and students) to openly voice any concerns they may have, including personal information about individual students. If families do raise questions or concerns, or share feedback, school leaders should ensure that they provide a timely, respectful, and collaborative response.

Districts are thinking creatively about how they can design these outreach strategies. One example is Hillsborough County Schools in Florida, which had more than 7,000 students who were not enrolled in a school district school, program, or home school at the start of the 2020 school year. The district sent social workers on a door-knocking campaign to homes, hotels, motels, and shelters (this outreach could also be done by other staff or trusted members of the community); created social media pages in Spanish to reach their majority Latino student population; and shared COVID-19 [dashboards](#) on their website to help parents make informed decisions about sending their children back to school. District leaders also held virtual community meetings, further establishing transparency that promoted trust. By



December 2020, Hillsborough County Schools had located 6,700 of their students in effort to get them enrolled and back in school.

### b. Expanding home visits

Home visits can be helpful tools for schools and families, as they provide opportunities for educators and families to build trust and communicate about students' interest and well-being. These should be done safely, including through masking and distancing. One study showed that schools with high trust levels among parents, teachers, and school leadership are more likely to experience improvement in math and reading achievement than schools where trust levels among these groups are lower.<sup>xxvi</sup> Another study found positive behavioral, academic, and parent involvement outcomes for students who received a home visit.<sup>xxvii</sup>

To facilitate trust, schools may decide to expand existing home visiting programs and focus particularly on the students most impacted by the COVID-19 pandemic. One example is the Dallas Independent School District (DISD), which in early 2021 [expanded](#) its Home2Home Visit Initiative, a home visitation program, to several schools with predominantly Black student populations. During home visits, teachers engaged with families on the interests and goals of students, while focusing on building trusting relationships between schools and families.

### c. Sharing data and resources with families to support student learning

Parents, caregivers, and other family members play important roles in students' academic progress and growth, as they often reinforce and extend learning at home or in their communities.<sup>xxix</sup> Districts and schools can use ARP ESSER funds to invest in parent and caregiver training in educational practices, or provide [tools](#) specifically designed to facilitate or extend at home learning, particularly targeting families of students most impacted by the COVID-19 pandemic. Facilitating feedback loops between families, schools, and districts – for example through parent and caregiver surveys – can ensure that policies and practices are continually responsive to the families and communities they serve.

Schools should share information with parents and caregivers on how students are doing and resources to support their success. Schools should use a variety of approaches to ensure that they reach all families on a consistent basis.<sup>xxx</sup> Communication should be provided in native languages spoken by families and through a variety of formats accessible to individuals with disabilities including individual emails, texts, and calls from teachers and school leadership; school-level posts on school websites; all-school emails and texts; and home visits (as previously described). Schools should also periodically assess whether their communication strategies are effective and make any adjustments based on that analysis and on any feedback from families.

For parents to effectively use the information, schools need to communicate clear recommendations for how they can support their student through academic and enrichment activities. Schools can leverage the lessons learned from the pandemic that support families in effectively using technology in supporting their children. For example, schools can provide digital literacy training for families. Schools should be thoughtful and realistic about what parents are able to do, particularly for families that have encountered hardships during the pandemic. For example, the National PTA developed the [Four 'I's for Family Engagement](#), which offers guidance for schools to develop an inclusive approach through meaningful consultation and building relationships. The PTA recommends taking an individualized

approach to family and community engagement and integrating efforts with the broader educational system.

Data about student performance should be shared in plain language, using visual representations as feasible and in accessible formats for individuals with disabilities. Specific, actionable tips for families should be included along with the data to help them to understand student strengths and needs and how best to support them. Schools and districts can increase access to information, building family capacity to support students, including through a website that provides high-quality, standards-aligned materials for families to use.<sup>xxxii</sup>

Schools can consider making parent consultation available in-person or virtually and providing times that are both within and outside the regular school day and on weekends. For students with individualized learning plans, schools can ensure that their families have contributed to their development and that the plans are used as tools for families to engage with their student's learning.<sup>xxxiii</sup>

## IV. Using high-quality assessments to support student learning

COVID-19 has impacted each student and their access to educational opportunity differently. Some students could not access online content due to lack of access to broadband or technological devices. For others, COVID-19 may have impacted their family's health and economic well-being. Further, the inequities in student access to educational opportunities that existed prior to COVID-19 have likely been exacerbated. As students continue to return to in-person learning and we work through the impact of the COVID-19 pandemic, it is important for educators and parents to know where students are in their learning and what is needed to support their success. These efforts can be aided by high-quality assessments that provide students with the opportunity to demonstrate their thinking; are aligned with state standards, grounded in the content students are expected to learn, and instructionally relevant; and provide educators and parents the information they need to effectively support student success. ARP ESSER funds can be used to administer and use high-quality assessments that are valid and reliable, to accurately assess students' academic progress, and assist educators in meeting students' academic needs, including through differentiating instruction.

We also know that COVID-19 has had a traumatic impact on many students, demonstrated by increased anxiety and mental health needs (as previously described). Communications with students about where they are in their learning should not be made in ways that further contribute to that trauma or anxiety or feelings of failure or self-doubt. As we work to better understand where students are and what is needed to advance their progress, educators should take an asset-based approach that supports student growth across a learning progression. It is important that as educators and parents share information related to student performance with students, it is done in a way that communicates high expectations, recognizes where students are, and describes the kinds of support that will be provided to support their continued growth. Assessments should not be used for punitive purposes, such as remediating or tracking students into low-level, and less challenging and less engaging courses and content. The Department also [encouraged](#) states and school districts to consider other steps within their purview to further reduce the stakes of assessments administered in the 2020–2021 school year, such as excluding their use from students' final grades, grade promotion decisions, educator evaluations, and local school ratings.

### a. The role of diagnostic and formative assessments

Diagnostic and [formative assessments](#) can provide information to educators and parents as to where students are performing relative to their grade level and how students are progressing over time, and can build educator capacity for evaluating where students are in their learning progression. When designed and used effectively, diagnostic assessments can play an important role in guiding teaching and learning and support and enhance [curriculum mapping](#). For example, diagnostic and formative assessments can support teaching and learning when they are designed to--

- Treat students' current understanding as assets to be leveraged in future learning;
- Make students' thinking visible;
- Assess student learning along multi-grade continuums and learning progressions, including grade-level performance;
- Use performance-based approaches and connections to curriculum to directly support teaching and learning along learning progressions in culturally and linguistically responsive ways; and



- Include clear interpretation guidance so teachers will understand how to support students and so students understand and continue their progress.

Research shows that students learn by [building on prior and current knowledge](#) rather than just collecting isolated facts and skills. Diagnostic and formative assessments are important because they can provide timely information and identify specific [aspects of student understanding](#) relative to learning progressions that can help educators better understand where students are on a coherent continuum of learning. This information can help teachers tailor instruction to build student understanding to the next concepts and skills on that progression—meaning, the ideas and skills that have clear conceptual connections to students’ current understanding and lie just beyond where students are currently performing. This approach is often referred to as the “zone of proximal development,”<sup>5</sup> which ensures that students develop gapless conceptual understandings needed to support future learning. This approach can result in increased student achievement relative to grade-level standards and college- and career-ready expectations for all students and can be particularly supportive for multilingual learners.<sup>xxiii</sup>

For example, diagnostic assessments can be designed to provide multiple opportunities for teachers to individually assess students, including through performance tasks and guided interviews that connect student performance to strengths, areas for growth, and personalized learning pathways. Data can be used to inform individualized learning plan documents on what each student needs to learn next and in ways that enable teachers to differentiate instruction. Teachers can then [“scaffold up”](#) to provide students with the support they need to engage with grade-level content. Many districts are using these kinds of diagnostic assessments that incorporate learning progressions to understand students’ current knowledge, skills, and abilities, and support teachers in their instructional planning.

Technology can be an important tool for educators regularly administering formative assessments and adapting instructions based on the results. This is especially true when technology embeds formative assessment and enables authentic and enriching learning experiences. To avoid using technology in a way that emphasizes routine drills focused on repetition with lower levels of adult support, leaders should [set standards](#) for [digital learning](#), and provide educators ample professional development on the effective use of technology. Additional strategies for the effective use of technology, are included in [Volume 2](#).

## b. The role of summative assessments

The Elementary and Secondary Education Act of 1965 (ESEA) requires states to administer statewide annual assessments in mathematics and reading or language arts in grades 3 through 8 and at least once in grades 9 through 12. Science assessments must be administered at least once during grades 3 through 5, grades 6 through 9, and grades 10 through 12. These assessments must be developed and administered following national professional testing standards, including ensuring the accessibility of the assessments and that they are free from bias. Annual assessments may include projects, portfolios, and extended-performance tasks.

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<sup>5</sup> The “zone of proximal development” refers to “the space between what a learner can do without assistance and what a learner can do with adult guidance or in collaboration with more capable peers.” See <https://www.wested.org/resources/zone-of-proximal-development/> for this definition and the role in supporting English learners.



The Department remains committed to supporting all states in assessing the learning of all students. Data on student learning obtained through high-quality summative assessments can help identify where opportunity gaps are persistent and have been exacerbated—particularly during the pandemic—and, along with other data, can help states direct resources and support to close those gaps. In [guidance provided to states](#) in February 2021, the Department emphasized the importance of flexibility in administering assessments in the 2020–2021 school year as a result of the pandemic and supported the use of assessment data as a source of information to help parents and educators target resources and support, rather than for accountability purposes.

Statewide assessment data provides a snapshot of student performance for educators, state and district leaders, and families that can be used to provide additional insight into how funds and other resources can be distributed to support students, educators, and parents/caregivers. For example, states can use data from these assessments to inform how they target funding from the [5 percent ARP ESSER state set-aside](#) to address the academic impact of lost instructional time. Participation and performance data from annual statewide assessments is required under the ESEA to be reported by student subgroup and can provide critical and comparable information to educators, state and district leaders, and families on the share of students who participated in the assessments and who did not participate by student subgroup and the impact of lost instructional time on student achievement across the state.

The Department encourages states, when posting state assessment results for the 2020–2021 school year, to prominently and in plain language provide information about the context of the data, including its limitations as a result of the pandemic. For example, in a situation where participation rates are low, uneven across student groups, or both as a result of the pandemic, the results should include clearly worded context that such data are incomplete and, where applicable, are not representative of the make-up of the state, district, or school population. As always, assessment data should be viewed alongside other important measures of student outcomes and opportunity to learn data to provide a more complete perspective on resources, support, and student success (examples of opportunity to learn indicators are included in [Volume 2](#)). As previously mentioned, the Department also encourages states and school districts to consider other steps within their purview to further reduce the stakes of assessments this year, such as excluding their use from students’ final grades, grade promotion decisions, educator evaluations, and local school ratings.

### c. Performance-based assessments

Diagnostic and summative assessments can include [performance assessments](#) and can be seamlessly integrated into teaching and learning processes. Performance assessments offer one way to develop useful information about how well students understand important concepts and can also be embedded into instructional lessons to support student learning. When well-designed, performance assessments can provide extensive and nuanced evidence of student abilities, including [meaningful insight](#) into student thinking and performance. States and districts could also provide rubrics and supports for teachers around developing learning goals, interpreting student performance, and next steps based on the information provided from these assessments.

Well-designed performance assessments can provide students with [culturally and linguistically responsive ways of demonstrating progress](#), while poorly executed assessments can be damaging to students’ progress. One example of how a district is using a performance assessment in a culturally and linguistically responsive way is the [Chicago Public School’s Curriculum Equity Initiative](#), which includes a



performance-based assessment system as part of the district-wide approach to culturally responsive and equitable teaching and learning. This includes an assessment system, with performance tasks, that is free from bias and reflects diverse communities, cultures, histories, and contributions. The system includes diagnostic and formative assessment supports as part of curriculum resources and a comprehensive data system that allows teachers to use performance-based assessments throughout the district to assess student progress over time. The Department's Regional Educational Laboratory Northeast and Islands (REL NEI) also offers an [online course](#) for educators on using performance-based assessments.

#### d. Using assessments as part of understanding students' social and emotional needs

Assessment practices can also be designed to help educators better understand students' social and emotional needs. For example, formative assessment practices can include student discourse prompts and reading, writing, and oral reflections and activities that include [elements that are centered](#) on students' experiences, perceptions, and identities. A blog series by the [National Center for the Improvement of Educational Assessment](#) describes some key activities states can take to include social and emotional learning as part of balanced systems of assessment. Another resource is RAND's [SEL Assessment Finder](#), a web-based tool that provides information about assessments of interpersonal, intrapersonal, and higher-order cognitive competencies. District practitioners can use the tool to explore design features and intended uses of available assessments. Free resources also include the [Washoe County School District Social and Emotional Competency Assessments](#) that measure the self-reported social and emotional competencies of students in grades 5-12 and are available in Spanish.

Districts can also lead the development of these kinds of assessments themselves. For example, the [CORE districts](#) in California worked with partners to develop the [Rally Platform for Student Success](#) that enables districts and schools to consider comprehensive assessment data from multiple sources over time, together with well-being and learning conditions surveys, student reflections, and teacher notes. The Rally Platform includes predictive modeling of student performance based on a holistic picture of students' experience and is used to support instructional planning and connecting students to appropriate available resources.

#### e. Supporting educator assessment literacy and development

In addition to supporting high-quality assessment instruments designed for student learning and growth, states and districts should provide educators with professional learning opportunities to build their assessment literacy. Assessment literacy refers to the knowledge, skills, and process associated with designing, selecting, implementing, scoring, and/or using high-quality assessments to improve student learning. Several examples of how to support educators include:

- In Oregon, the [Building Educator Assessment Literacy](#) (BEAL) project focuses on building educator capacity for using assessments through scoring Smarter Balanced performance tasks and reflecting on implications for teaching and improving student performance. Following BEAL trainings, 92 percent of educators reported having a better understanding of how to use curriculum-embedded performance assessments in their classroom, and 84 percent of educators reported that the professional development approach supported deeper understanding of the state standards.



- The National Education Association (NEA) has created a micro-credentials site with certification banks on a wide variety of topics to make it easier for educators to access professional learning opportunities. This includes the [Assessment Literacy stack](#), which includes six micro-credentials for educators to develop their knowledge and skills to utilize meaningful assessment practices.
- [The Stanford Center for Assessment, Learning, and Equity \(SCALE\)](#), the [Center for Assessment, 2Revolutions](#), and others offer free courses and modules focused on classroom-based assessment literacy and performance assessment activities.

Districts such as Chicago Public Schools and San Francisco Unified School District are leveraging ongoing and embedded professional learning opportunities to focus on student work analysis from performance assessments and data deep-dives from other assessment sources to connect assessment literacy directly to teachers' classroom activities. In New Hampshire, the [Performance Assessments for Competency Education \(PACE\)](#) initiative centers teacher professional learning for performance assessment development, implementation, and scoring.

Principals also play a critical role in these previously described efforts and should be fully supported by states and districts as they work to implement these kinds of strategies. Principals and other school leaders are responsible for developing and monitoring systems to ensure the quality of instruction and student learning. Principals also play a critical role in the development and implementation of assessment systems by supporting staff in using multiple forms of assessment, providing feedback, and creating opportunities for students to demonstrate learning in an equitable, student-centered environment. Principals can also monitor and adjust targeted interventions based on ongoing screening and assessments, for example for students identified as multilingual learners or in need of additional supports. Principals should also ensure that parents receive the information they need to support their child's success.

#### f. Department resources

Resources provided by the Department to support states and districts in addressing the impact of COVID-19 on students, educators, staff, and families include:

- [Frequently Asked Questions: Elementary and Secondary School Emergency Relief Programs Governor's Emergency Education Relief Programs](#)
- [ED COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students' Needs](#)
- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#)
- [Frequently Asked ARP Homeless Children and Youth Questions and Answers](#)
- [Frequently Asked Questions: Using American Rescue Plan Funding to Support Full-Service Community Schools & Related Strategies](#)
- [Safer Schools and Campuses Best Practices Clearinghouse](#)

## Legal disclaimer

Other than statutory and regulatory requirements referred to in the document, the contents of this document do not have the force or effect of law and are not meant to bind the public. This document is intended only to provide clarity to the public regarding existing requirements under the law or agency policies. Further, this document does not substantively address federal disability law, which includes the requirement that schools provide certain educational and related services to students with disabilities and take an individualized approach to providing specialized instruction and related services, consistent with the student's individualized education program (IEP) developed under the Individuals with Disabilities Education Act (IDEA) or 504 plan developed under Section 504 of the Rehabilitation Act of 1973 (504 plan), as appropriate. In addition, this document does not substantively address other civil rights law such as the Americans with Disabilities Act of 1990, Title VI of the Civil Rights Act of 1964, and Title IX of the Education Amendments of 1972.

This document contains resources that are provided for the user's convenience. The inclusion of these materials is not intended to reflect their importance, nor is it intended to endorse any views expressed, or products or services offered. These materials may contain the views and recommendations of various subject-matter experts as well as hypertext links, contact addresses, and websites to information created and maintained by other public and private organizations. The opinions expressed in any of these materials do not necessarily reflect the positions or policies of the Department. The Department does not control or guarantee the accuracy, relevance, timeliness, or completeness of any outside information included in these materials. For the reader's convenience, this document contains examples of potentially useful products, including applications, as well as methodologies utilized by states and localities. Inclusion of such information does not constitute an endorsement by the Department or the federal government, nor a preference/support for these examples as compared with others that might be available.

## Endnotes

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**From:** Garibay, Montserrat  
**Subject:** Lost Instructional Time Guidance- Embargo until 3 p.m. 8/31/21  
**To:** Bilal-Threats, Daaiyah [NEA]; Senter, Elic [NEA]; APrejean@nea.org  
**Sent:** August 31, 2021 2:20 PM (UTC-04:00)  
**Attached:** Reopening\_Handbook\_LIT\_083121.508\_VF for distribution.pdf

Here is the Lost Instructional Time Guidance document. It will be released today at 3 p.m.

<https://www2.ed.gov/documents/coronavirus/lost-instructional-time.pdf>

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

**From:** Garibay, Montserrat  
**Subject:** Back-to-school Resources  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Cc:** Holmes, Alexis [NEA]  
**Sent:** September 27, 2021 3:30 PM (UTC-04:00)  
**Attached:** Back-to-School-Binder-elementary-secondary-Sept-2021.pdf, Back-to-School-Binder-postsecondary-Sept-2021.pdf

Daaiyah,

The Office of Civil Rights shared the following binders last week. Here is the blog post <https://www2.ed.gov/about/offices/list/ocr/blog/20210914.html> We hope you can distribute them with NEA members. I'll be following up with the meeting with Suzanne for the first week of October.

Thanks,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
 | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)





# Back to School: Supporting Educational Environments Free from Discrimination

A Resource Collection for  
Elementary and Secondary Schools

September 2021



**U.S. Department of Education**  
Office for Civil Rights

## Back to School: Supporting Educational Environments Free from Discrimination A Resource Collection for Elementary and Secondary Schools

### Message from the Acting Assistant Secretary for Civil Rights

As we look forward to the promise of a new school year, amidst our nation’s ongoing efforts to emerge from the COVID-19 pandemic, the Department of Education’s Office for Civil Rights (OCR) offers this collection of resources to assist elementary and secondary schools in planning for a successful and equitable return to the classroom. Ensuring that these resources are easily accessible to schools is a top priority for OCR, particularly now, as teachers, school staff, and school leaders across the country prepare for the 2021-2022 school year.

In this collection, you will find fact sheets, Q&As, letters to educators and school leaders, and other materials about schools’ responsibilities to provide educational environments free from discrimination under the federal civil rights laws enforced by OCR. These laws guarantee all students equal access to educational opportunities, free from discrimination based on race, color, national origin, disability, sex, and age.<sup>1</sup>

OCR recognizes that students and others may experience overlapping forms of discrimination, and we encourage you to consider all of these materials together, even as the materials are organized into the following four sections:

- **Title VI:** Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin;
- **Section 504 and Title II of the ADA:** Section 504 of the Rehabilitation Act of 1973 and Title II of the Americans with Disabilities Act of 1990 prohibit discrimination on the basis of disability;
- **Title IX:** Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex; and
- **Civil Rights Data Collection:** The Civil Rights Data Collection is a national collection of data from nearly all public schools in the United States that tracks access, opportunity, and other important civil rights data.

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<sup>1</sup> The laws and related regulations enforced by OCR that prohibit discrimination in education by all recipients of federal financial assistance are: Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d et seq.; 34 C.F.R. part 100 (the Department of Education’s regulations implementing Title VI); Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. § 794; 34 C.F.R. part 104 (the Department of Education’s regulations implementing Section 504); Title IX of the Education Amendments of 1972, 20 U.S.C. § 1681 et seq.; 34 C.F.R. part 106 (the Department of Education’s regulations implementing Title IX); and the Age Discrimination Act, 42 U.S.C. § 6101 et seq.; 34 C.F.R. part 110 (the Department of Education’s regulations implementing the Age Discrimination Act). Title II of the Americans with Disabilities Act of 1990, 42 U.S.C. §§ 12131-12134, and the Department of Justice’s (DOJ) regulations implementing Title II, 28 C.F.R. part 35, also prohibit discrimination in education by state and local governments, regardless of whether they receive federal funds. OCR is responsible for administrative enforcement of Title II with regard to public educational institutions. For more information about Title II, see DOJ’s [ADA.gov](https://www.ada.gov) website. DOJ also enforces laws prohibiting discrimination in educational opportunities. For more information, see DOJ’s website for the [Educational Opportunities Section](#) of DOJ’s Civil Rights Division.



**Back to School: Supporting Educational Environments Free from Discrimination  
A Resource Collection for Elementary and Secondary Schools**

Here are some highlights of the materials that you will find in the collection:

- 1 – Confronting COVID-19-Related Harassment in Schools: A Resource for Families**
- 2 – Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment**
- 3 – Questions and Answers on the Title IX Regulations on Sexual Harassment (July 2021)**
- 4 – Confronting Anti-LGBTQI+ Harassment in Schools: A Resource for Students and Families**
- 5 – Dear Colleague Letter on Retaliation**

We also encourage all teachers, staff, and school leaders to review OCR’s recent report: [Education in a Pandemic: The Disparate Impacts of COVID-19 on America’s Students](#). The report features data snapshots and 11 observations about how the pandemic has widened existing disparities in educational opportunity, particularly for students of color, students with disabilities, and LGBTQI+ students. For additional resources to support the return to in-person learning, please see the Department of Education’s [Return to School Roadmap](#).

OCR provides technical assistance and support to schools, educators, families, and students. You can learn more by visiting us at [www.ed.gov/ocr](http://www.ed.gov/ocr) or by contacting OCR at 800-421-3481 (TDD: 800-877-8339) or at [ocr@ed.gov](mailto:ocr@ed.gov). You can also stay up to date on OCR’s latest resources by following [OCR’s blog](#).

As we look forward to the upcoming school year, the Department of Education remains ready and available to support schools in meeting students’ needs during this critically important time.

Suzanne B. Goldberg  
Acting Assistant Secretary for Civil Rights  
U.S. Department of Education  
September 2021



**Back to School: Supporting Educational Environments Free from Discrimination  
A Resource Collection for Elementary and Secondary Schools**

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**YOUR GUIDE TO THIS RESOURCE COLLECTION**

This resource collection features a selection of OCR guidance and resources that may be useful to elementary and secondary schools throughout the 2021-2022 school year. For each resource, you will find a brief description and a link to full information online.

Here is some additional information about this collection:

- Each topic area includes a combination of specific and general resources. For your convenience, general resources are included in each area where they are relevant. This means that you will find some resources listed in multiple locations.
- This resource collection is also available on OCR's website. We will update the online version of this document periodically as OCR issues additional resources and guidance.
- Some of the resources in the collection are issued jointly by OCR and other federal offices and agencies.
- Additional questions? Please note that this collection includes many OCR resources but is not comprehensive. You can find all OCR guidance resources on OCR's [website](#). We also recognize that you might have additional questions and invite you to send them to us at [ocr@ed.gov](mailto:ocr@ed.gov).
- Please note that OCR guidance and other resources, including the materials in this collection, are designed to provide clarity on existing requirements under the law. These OCR resources do not have the force or effect of law and do not bind schools or others. However, the statutes and regulatory requirements described in the guidance are binding.
- On request, this publication and other publicly available Department of Education resources are available in alternate formats, such as Braille or large print. For more information, please contact the Department of Education's Alternate Format Center at 202-260-0818 or e-mail [alternateformatcenter@ed.gov](mailto:alternateformatcenter@ed.gov). The Department of Education also offers language assistance services for all publicly available Department of Education information free of charge. For more information about interpretation or translation services, please see this [Notice to Persons with Limited English Proficiency](#).



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**GUIDANCE ON TITLE VI:**

***Key Guidance on Discrimination Based on Race, Color, or National Origin***

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin in programs and activities operated by recipients of federal funds, including all public elementary and secondary schools. It says:

No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.

You can find the full text of Title VI at [42 U.S.C. § 2000d](#).

The materials below provide a general overview of Title VI and address schools' obligations under Title VI on the following topics: Bullying and Harassment; COVID-19 response; Discipline; English Learners; Equal Access to Schools, Facilities, and Resources; Race Discrimination in Special Education; Religion and Shared Ancestry; and Retaliation.

**General Overview of Title VI**

**Starting points for learning about Title VI include:**

- [OCR's overview](#), including the [Title VI statute](#) and its [implementing regulations](#)
- [Frequently Asked Questions on Race and National Origin Discrimination](#)

**Bullying and Harassment**

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains schools' responsibilities under Title VI to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).
- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and the Department of Justice's Civil Rights Division (DOJ) includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of schools to investigate and address discrimination based on race or national origin. For additional information, see OCR's [Dear Educator Letter on Discrimination Against Asian American and Pacific Islander Students](#), which explains the responsibilities of schools to address bullying and harassment of students based on actual or perceived race, color, or national origin and provides links to additional resources.

**COVID-19**

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 2 of this resource answers key questions about discrimination based on race, color, or national origin in the context of the COVID-19 pandemic, including: harassment; discipline; resource equity; students who have moved, are

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experiencing homelessness, or are undocumented; and English learners. This Q&A also includes links to other resources regarding COVID-19 and school reopening.

- [Confronting COVID-19-Related Harassment in Schools](#): This resource from OCR and DOJ includes examples of harassment and other discrimination against students during the COVID-19 pandemic, particularly Asian American and Pacific Islander students, and outlines the responsibilities of schools to investigate and address discrimination based on race, color, or national origin.

### **Discipline**

- [CRDC Data Summary: School Discipline](#): This data summary provides a national perspective on racial and other disparities in the use of discipline by pre-K, elementary, and secondary public schools.
- [Request for Information Regarding the Nondiscriminatory Administration of School Discipline](#): This document describes current efforts underway in the Department of Education to support schools in creating a positive school climate without the discriminatory use of school discipline, in addition to seeking information from stakeholders concerning the use of school discipline and sharing an analysis of OCR's national discipline data.

### **English Learners**

- [Confronting Discrimination Based on National Origin and Immigration Status](#): This resource from OCR and DOJ provides examples and addresses students' rights to be free from discrimination in school enrollment because of their immigration status or the immigration status of their parents or guardians. It also addresses the rights of students who are learning English, including the right to language assistance services. The resource is available in Spanish [here](#).
- [Fact sheet: Ensuring English Learner Students Can Participate Meaningfully and Equally in Educational Programs](#) and [Fact Sheet: Information for Limited English Proficient \(LEP\) Parents and Guardians and for Schools and School Districts that Communicate with Them](#): These fact sheets provide information on how states, districts, and schools can meet their responsibilities under Title VI and the Equal Educational Opportunities Act (EEOA) to ensure that English learners can participate meaningfully and equally in school, and that parents and guardians with limited English proficiency have meaningful access to district and school information. For more detail, see OCR's and DOJ's [Dear Colleague Letter on English Learners and Limited English Proficient Parents](#).
- [English Learner Toolkit for State and Local Education Agencies](#): This toolkit from the Department of Education's Office of English Language Acquisition provides resources that schools and districts can use to meet the needs of English learners, including on these and other topics: identifying all English learner students, providing English learners with a Language Assistance Program, creating an inclusive environment and avoiding unlawful segregation, supporting English learners with disabilities, and ensuring meaningful communication with parents who have limited English proficiency.



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- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 2 of this resource answers key questions about discrimination based on race, color, or national origin in the context of the COVID-19 pandemic, including the responsibilities of schools to continue providing language services to English learners and to communicate information about the school's activities, including health and safety measures, to parents and caregivers in a language that families can understand. This Q&A also includes links to other resources regarding COVID-19 and school reopening.

**Equal Access to Schools, Facilities, and Resources**

- [Confronting Discrimination Based on National Origin and Immigration Status](#): This resource from OCR and DOJ provides examples and addresses students' rights to be free from discrimination in school enrollment because of their immigration status or the immigration status of their parents or guardians. It also addresses the rights of students who are learning English, including the right to language assistance services. The resource is available in Spanish [here](#).
- [Fact Sheet: Ensuring Students Have Equal Access to Educational Resources Without Regard to Race, Color, or National Origin](#): This fact sheet provides information on how states, districts, and schools can ensure that all students have equitable access to educational resources—from physical facilities to academic and co-curricular programs—regardless of race, color, or national origin. For more detail, see OCR's [Dear Colleague Letter on Resource Comparability](#).
- [Fact Sheet: Ensuring Equal Access for All Children to Public Schools](#): This fact sheet from OCR and DOJ provides examples of enrollment policies and describes the rights of all children in the U.S. to enroll in public elementary and secondary schools, without regard to their citizenship or immigration status, or that of their parents or guardians.
- [Information on the Rights of All Children to Enroll in School: Questions and Answers for States, School Districts and Parents](#): This Q&A answers common questions about school enrollment policies, including those about students experiencing homelessness. For more detail, see OCR's and DOJ's [Dear Colleague Letter on Ensuring Equal Access for All Children to Public Schools, Regardless of Immigration Status](#).
- [Dear Colleague Letter on Title VI Access to AP Courses](#): This letter describes the responsibility of schools that offer Advanced Placement (AP) courses to provide equal access to the courses, without discrimination based on race, color, or national origin in their admission processes or in any aspect of AP course administration.

**Race Discrimination in Special Education**

- [Fact Sheet: Preventing Racial Discrimination in Special Education](#): This fact sheet explains the responsibilities of states, districts, and schools not to discriminate based on race, color, or national origin in the administration of special education or related aids and services, including in referrals for evaluation, evaluations, and the provision of



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special education services. For more detail, see OCR's [Dear Colleague Letter on Preventing Racial Discrimination in Special Education](#).

**Religious and Shared Ancestry Discrimination**

- [Know Your Rights: Title VI and Religion](#): This resource explains when discrimination against students who are, or are perceived to be, members of a religious group falls within Title VI's prohibition of discrimination based on race, color, or national origin.
- [Fact Sheet: Combating Discrimination Against Asian American, Native Hawaiian, and Pacific Islander \(AANHPI\) and Muslim, Arab, Sikh, and South Asian Students \(MASSA\)](#): This joint resource from OCR, DOJ, and the White House Initiative on Asian Americans and Pacific Islanders provides examples of discrimination against Asian American, Native Hawaiian, Pacific Islander, Muslim, Arab, Sikh, and South Asian students that could violate Title VI.
- [Fact sheet: Combating Discrimination Against Jewish Students](#): This resource provides examples of discrimination against Jewish students that could violate Title VI.

**Retaliation**

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title VI prohibits retaliating against any person to interfere with their rights under Title VI or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.

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**GUIDANCE ON SECTION 504 OF THE REHABILITATION ACT AND TITLE II OF THE ADA:**

***Key Guidance on Discrimination Based on Disability***

OCR enforces two federal laws that protect the rights of individuals with disabilities.

Section 504 of the Rehabilitation Act of 1973 (Section 504) prohibits discrimination based on disability in any program or activity operated by recipients of federal funds; this includes all public school districts, including all public charter schools and magnet schools. Section 504 says:

No otherwise qualified individual with a disability in the United States . . . shall, solely by reason of her or his disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance . . .

You can find the full text of Section 504 at [29 U.S.C. § 794](#).

Title II of the Americans with Disabilities Act of 1990 (Title II) prohibits discrimination based on disability by public entities, regardless of whether they receive federal financial assistance. Title II says:

No qualified individual with a disability shall, by reason of such disability, be excluded from participation in or be denied the benefits of the services, programs, or activities of a public entity, or be subjected to discrimination by any such entity.

You can find the full text of Title II at [42 U.S.C. § 12132](#). The U.S. Department of Justice enforces Title II in all contexts, while OCR administratively enforces Title II specifically in the context of public schools and libraries.

The Department of Education's Office of Special Education and Rehabilitative Services administers the Individuals with Disabilities Education Act (IDEA), a federal law that funds special education programs. For more information about the IDEA, please visit the Department of Education's [IDEA website](#).

The materials in this section describe Section 504 and Title II, provide a general overview of both laws, and address schools' obligations under these disability laws on the following topics: Accessibility of Programs and Facilities; Bullying and Harassment; Charter Schools; COVID-19 response; Effective Communication; Equal Access; Free Appropriate Public Education (FAPE); Race Discrimination in Special Education; Restraint and Seclusion; Retaliation; Specific Illnesses and Medical Conditions; and Transition to Postsecondary Education.

**General Overview of Section 504 and Title II**

**Starting points for learning about Section 504 and Title II include:**

- [OCR's Overview](#), including the [Section 504 statute](#) and [implementing regulations](#) and the [Title II statute](#) and [implementing regulations](#)
- [Frequently Asked Questions on Disability Discrimination](#)



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- [Frequently Asked Questions About Section 504 and the Education of Children with Disabilities](#): This resource answers common questions about: the interrelationship between Section 504 and the Individuals with Disabilities Education Act (IDEA), who is protected under Section 504, evaluations, placement, procedural safeguards, and terminology.
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides information on the definition of disability under Section 504, among other topics, including: athletics and extracurricular activities; bullying and harassment; free appropriate public education; physical accessibility; procedural safeguards; retaliation; and the interrelationship between Section 504, Title II, and the Individuals with Disabilities Education Act (IDEA).

**Accessibility of Programs and Facilities**

- Electronic Book Readers: [Questions and Answers about the Law, the Technology, and the Population Affected](#): This Q&A provides schools with information about their responsibilities to make any electronic book readers accessible to students with disabilities, including students who are blind or have low vision. For more information, see the [Dear Colleague Letter on Electric Book Readers](#) issued by OCR and the Department of Justice's Civil Rights Division (DOJ) and OCR's [Frequently Asked Questions about the Dear Colleague Letter on Electronic Book Readers](#).
- Accessibility and usability of physical facilities: OCR's [Notice of Interpretation of Section 504 of the Rehabilitation Act of 1973](#) explains OCR's interpretation of Section 504 and its implementing regulations concerning the standards OCR allows recipients to use to ensure the accessibility and usability of physical facilities by people with disabilities. DOJ also provides information about the Americans with Disabilities Act and accessibility, including on the 2010 [ADA Standards for Accessible Design](#).
- Web Accessibility: For assistance or questions about web accessibility, you can reach OCR's Web Accessibility Team at [ocr@ed.gov](mailto:ocr@ed.gov). Although not a Department of Education resource, the [National Center on Accessible Educational Materials for Learning at CAST](#) has information and resources you may also find helpful.

**Bullying and Harassment**

- [Fact Sheet on Harassment and Bullying](#): This fact sheet explains schools' responsibilities under Section 504 and Title II to respond to student-on-student harassment and bullying. For more detail, see OCR's [Dear Colleague Letter on Bullying and Discriminatory Harassment](#).
- [Fact Sheet: What Are Public Schools Required to Do When Students with Disabilities Are Bullied?](#): This fact sheet explains schools' responsibilities to address bullying of students with disabilities and provides additional resources. For more detail, see OCR's [Dear Colleague Letter on Bullying of Students with Disabilities](#), which provides examples and explains: (1) that bullying of a student with a disability, on any basis, may result in a denial of free appropriate public education (FAPE) under Section 504, in addition to



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constituting disability-based harassment; and (2) how OCR analyzes complaints involving bullying of students with disabilities, with hypothetical examples.

### **Charter Schools**

- [Frequently Asked Questions about the Rights of Students with Disabilities in Public Charter Schools under Section 504](#): This FAQ explains the rights of students with disabilities who attend or seek to attend public charter schools under Section 504 and answers common questions, including questions about admissions and enrollment, free appropriate public education (FAPE), and nonacademic and extracurricular services and activities. For more detail, see the [Dear Colleague Letter on the Rights of Children with Disabilities in Public Charter Schools](#) issued by OCR and the Department of Education's Office of Special Education and Rehabilitative Services.

### **COVID-19**

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 1 of this resource answers key questions about the rights of students with disabilities in the context of the COVID-19 pandemic, including: remote learning and federal civil rights laws; free appropriate public education (FAPE); mask exemptions; physical distancing; accessibility/placement; and the unlawfulness of requiring students to waive their rights under Section 504 before the school will provide services remotely. This resource also includes links to other resources regarding COVID-19 and school reopening. For information about the rights of students with disabilities to individualized assessment and civil rights concerns about statewide bans on universal masking, please see this description of OCR's [directed investigations](#) in this area.
- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education's Office of Special Education and Rehabilitative Services explains the rights of young children and students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies' responsibilities to address long COVID under Section 504 and Parts B and C of the Individuals with Disabilities Education Act (IDEA).

### **Effective Communication**

- [Frequently Asked Questions on Effective Communication for Students with Hearing, Vision, or Speech Disabilities in Public Elementary and Secondary Schools](#): This FAQ from OCR, the Department of Education's Office of Special Education and Rehabilitative Services (OSERS), and DOJ explains schools' responsibilities to meet the needs of students who have hearing, vision, or speech disabilities, including the duty to provide free appropriate public education (FAPE) under the Individuals with Disabilities Education Act (IDEA) and the duty to provide effective communication under Title II and Section 504. OCR, OSERS, and DOJ have also issued an additional [Q&A on Meeting the](#)



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[Communication Needs of Students with Hearing, Vision, or Speech Disabilities](#) summarizing students' rights under these laws and provided more detail in a [Dear Colleague Letter on Effective Communication](#).

- To learn more about using electronic book readers to ensure effective communication, see OCR's and DOJ's [Dear Colleague Letter on Electric Book Readers](#), OCR's [Frequently Asked Questions about the Dear Colleague Letter on Electronic Book Readers](#), and OCR's [Questions and Answers about the Law, the Technology, and the Population Affected](#).

**Equal Access**

- [Background and Fast Facts on Schools' Obligation to Provide Equal Opportunity to Students with Disabilities to Participate in Extracurricular Athletics](#): This resource explains schools' responsibilities under Section 504 to enable students with disabilities to participate in extracurricular athletics. For more detail, including examples of how OCR analyzes whether a student has received an equal opportunity to participate, see OCR's [Dear Colleague Letter on Students with Disabilities in Extracurricular Athletics](#).
- [Dear Colleague Letter on Access by Students with Disabilities to Accelerated Programs](#): This letter explains that disability-based discrimination is prohibited in access to accelerated programs, such as Advanced Placement and International Baccalaureate programs, and addresses when any denial of access results in a denial of free appropriate public education (FAPE) under Section 504.

**Free Appropriate Public Education (FAPE)**

- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides an overview of FAPE under Section 504. Please visit the Department of Education's [IDEA website](#) for more information about FAPE under the Individuals with Disabilities Education Act (IDEA).
- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 1 of this resource answers key questions about the provision of FAPE to students with disabilities during the COVID-19 pandemic, including the impact of school closures or remote learning on FAPE.
- [Dear Colleague Letter on Bullying of Students with Disabilities](#): This letter explains that bullying of a student with a disability, on any basis, may result in a denial of FAPE.

**Race Discrimination in Special Education**

- [Fact Sheet: Preventing Racial Discrimination in Special Education](#): This fact sheet explains the responsibilities of states, districts, and schools not to discriminate based on race, color, or national origin in the administration of special education or related aids and services, including in referrals for evaluation, evaluations, and the provision of special education services. For more detail, see OCR's [Dear Colleague Letter on Preventing Racial Discrimination in Special Education](#).



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**Restraint and Seclusion**

- [Fact Sheet: Restraint and Seclusion of Students with Disabilities](#): This fact sheet explains how the practice of using restraint and seclusion may result in discrimination against students with disabilities under Section 504 and Title II. For more detail, see OCR's [Dear Colleague Letter on Restraint and Seclusion of Students with Disabilities](#).
- [Students with Disabilities and the Use of Restraint and Seclusion in K-12 Public Schools](#): This resource explains how OCR determines whether the use of restraint and seclusion violates Section 504 and Title II, including when the practice may deny a student a free appropriate public education (FAPE) under Section 504. The resource also provides information from the Department of Education's Office of Special Education and Rehabilitative Services about the Individuals with Disabilities Education Act's (IDEA) requirements.

**Retaliation**

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title II and Section 504 prohibit retaliating against any person to interfere with their rights under these laws or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding.
- [Parent and Educator Resource Guide to Section 504 in Public Elementary and Secondary Schools](#): This resource provides information on prohibited retaliation under Section 504, including an example with analysis.

**Specific Illnesses and Medical Conditions:**

- [Long COVID under Section 504 and IDEA: A Resource to Support Children, Students, Educators, Schools, Service Providers, and Families](#): This resource from OCR and the Department of Education's Office of Special Education and Rehabilitative Services explains the rights of young children and students who are experiencing long-term adverse health effects of COVID-19, commonly referred to as long COVID. The resource provides information about long COVID as a disability and about schools and public agencies' responsibilities to address long COVID under Section 504 and Parts B and C of the Individuals with Disabilities Education Act (IDEA).
- [Know Your Rights: Students with ADHD](#): This resource provides information on how school districts can protect the rights of students with attention-deficit/hyperactivity disorder (ADHD) under Section 504, including with respect to identification, evaluations, placement determinations, and due process protections for students and parents. For more detail and resources, including for students with attention deficit disorder (ADD), see OCR's [Dear Colleague Letter and Resource Guide on Students with ADHD](#).
- [Fact Sheet on Addressing the Risk of Measles in Schools while Protecting the Civil Rights of Students with Disabilities](#): This fact sheet provides information about the rights of students with disabilities with respect to measles, especially those who are medically unable to receive vaccines due to a disability or who may be unable to attend school for extended periods.



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**Transition to Postsecondary Education**

- [Transition of Students with Disabilities to Postsecondary Education: A Guide for High School Educators](#): This guide answers frequently asked questions about requirements for postsecondary institutions under Title II and Section 504 concerning the transition of students with disabilities to postsecondary education, including the admissions process and the provision of academic adjustments and auxiliary aids and services to students.
- [Students with Disabilities Preparing for Postsecondary Education: Know Your Rights and Responsibilities](#): This resource explains the rights of students with disabilities who are preparing to attend postsecondary institutions, as well as the responsibilities of postsecondary institutions to provide academic adjustments for students with disabilities, including auxiliary aids and services.

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**GUIDANCE ON TITLE IX:**

***Key Guidance on Discrimination Based on Sex***

Title IX of the Education Amendments of 1972 prohibits discrimination on the basis of sex in all education programs and activities operated by recipients of federal funds, including public school districts. Title IX says, subject to certain exceptions:

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance...

You can find the full text of Title IX at [20 U.S.C. § 1681](#).

OCR enforces Title IX to ensure that students have equal access to educational opportunity and can go to school free from sex discrimination. This includes protection against discrimination based on sexual orientation or gender identity, which the Department of Education recently explained in a [public notice](#). For more on this, see the resources below.

In 2020, the Department of Education amended Title IX's implementing regulations and added specific requirements for how schools must respond to allegations of sexual harassment, which includes sexual violence. These amended regulations are in effect now. OCR is currently undertaking a comprehensive review of these regulations, which has included holding a weeklong public hearing in June 2021. (The hearing transcript is available [here](#).) Following this review, the Department of Education anticipates making additional changes to the regulations.

The materials here provide a general overview of Title IX and address schools' obligations under Title IX on the following topics: Athletics; COVID-19 response; Pregnant or Parenting Students; Retaliation; Sexual Harassment, including Sexual Violence; Sexual Orientation and Gender Identity; and Single-Sex Education Services, Programs, and Activities.

**General Overview of Title IX**

**Starting points for learning about Title IX include:**

- [OCR's Overview](#), including the [Title IX statute](#) and the [2020 amendments](#) to its implementing regulations and OCR's [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of \*Bostock v. Clayton County\*](#), which clarifies Title IX's coverage of discrimination based on sexual orientation and gender identity.
- [Sex Discrimination Frequently Asked Questions](#)
- [Exemptions from Title IX](#): This resource explains how, when, and why a school may be exempt from one or more of Title IX's requirements. This includes, for example, exemptions for the membership practices of certain youth organizations (such as Girl Scouts and Boy Scouts), private schools controlled by religious organizations to the extent that application of Title IX would be inconsistent with the organization's religious tenets, and the admissions practices of specific types of schools, such as private undergraduate colleges.



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**Athletics**

- [Policy Interpretation on Title IX and Intercollegiate Athletics](#): This Policy Interpretation provides comprehensive guidance on Title IX and intercollegiate athletics, which also applies to interscholastic, club, and intramural athletic programs. OCR has additional guidance resources on Title IX and athletics, including: (1) a [Clarification of Intercollegiate Athletics Policy Guidance: The Three-Part Test](#); (2) a [Dear Colleague Letter on Intercollegiate Athletics Policy: Three-Part Test—Part Three](#); and (3) [Questions and Answers on Accommodating Students' Athletic Interests and Abilities: Standards for Part Three of the "Three-Part Test."](#)
- [Dear Colleague Letter on Athletic Activities Counted for Title IX Compliance](#): This letter explains how OCR determines whether an athletic activity of an educational institution is a sport that can be counted as part of the institution's athletics program for the purpose of determining compliance with Title IX, including whether the institution provides equal opportunity in its athletics programs.

**COVID-19**

- [Questions and Answers on Civil Rights and School Reopening in the COVID-19 Environment](#): Section 3 of this resource answers key questions about investigating and resolving complaints about discrimination based on sex, including sexual and gender-based harassment, in the context of the COVID-19 pandemic. This resource also includes links to other resources regarding COVID-19 and school reopening.

**Pregnant or Parenting Students**

- [Know Your Rights: Pregnant or Parenting? Title IX Protects You From Discrimination At School](#): This resource provides information about the Title IX rights of students who are pregnant or parenting, including the right to continue participating in academic and extracurricular programs and students' rights concerning excused absences and medical leave, harassment, and school policies and procedures. Please note that the 2020 amendments to the Title IX regulations and OCR's [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#) provide more recent information about a school's obligation to respond to discrimination and harassment under Title IX.

**Retaliation**

- [Dear Colleague Letter on Retaliation](#): This letter explains that Title IX prohibits retaliating against any person to interfere with their rights under Title IX or because they made a complaint, testified, or participated in any way in an OCR investigation or proceeding. Please note that the 2020 amendments to the Title IX regulations include additional details on the types of retaliation prohibited by Title IX—such as charging a person with a code of conduct violation that does not involve sex discrimination or sexual harassment in order to interfere with their rights under Title IX—and the responsibilities of schools regarding confidentiality and complaints alleging retaliation.

**Sexual Harassment, including Sexual Violence**

- **2020 Amendments to the Title IX regulations**: These regulations specify how schools must respond to allegations of sexual harassment. The complete set of amendments is



## **Back to School: Supporting Educational Environments Free from Discrimination A Resource Collection for Elementary and Secondary Schools**

available here: [Final Rule on Nondiscrimination on the Basis of Sex in Education Programs or Activities Receiving Federal Financial Assistance](#). The regulations are currently under review, as described in a [Letter to Students, Educators, and other Stakeholders](#) regarding President Biden's [Executive Order on Guaranteeing an Educational Environment Free from Discrimination on the Basis of Sex, Including Sexual Orientation or Gender Identity](#). The regulations remain in effect and apply to all alleged sexual harassment occurring on or after August 14, 2020, the date the existing regulations took effect.

- [Questions and Answers on the Title IX Regulations on Sexual Harassment \(July 2021\)](#): This Q&A answers common questions about how schools must respond to allegations of sexual harassment under the 2020 Amendments to the Title IX regulations and includes an appendix with examples of policy provisions from various schools.

### **Sexual Orientation and Gender Identity**

- [Resources for LGBTQI+ Students](#): OCR's website provides useful resources for LGBTQI+ students that schools may also find helpful, including resources from OCR, the White House, other federal agencies, and recent federal court decisions on LGBTQI+ rights.
- [Confronting Anti-LGBTQI+ Harassment in Schools](#): A resource from OCR and the Department of Justice's Civil Rights Division concerning harassment against students who are lesbian, gay, bisexual, transgender, queer, intersex, nonbinary, or otherwise gender non-conforming, including the responsibilities of schools to investigate and address discrimination on the basis of sexual orientation and gender identity, which is a form of sex discrimination.
- Title IX's protection against discrimination based on sexual orientation or gender identity: OCR explains that the Department of Education interprets Title IX's prohibition on sex discrimination to include discrimination based on sexual orientation and gender identity in this [Notice of Interpretation of Enforcement of Title IX of the Education Amendments of 1972 With Respect to Discrimination Based on Sexual Orientation and Gender Identity in Light of \*Bostock v. Clayton County\*](#).

### **Single-Sex Education Services, Programs, and Activities**

- [Questions and Answers on Title IX and Single-Sex Elementary and Secondary Classes and Extracurricular Activities](#): This resource answers common questions on how single-sex classes or extracurricular activities may comply with Title IX in certain circumstances.
- [Dear Colleague Letter on Voluntary Youth Service Organizations](#): This letter provides information on when Title IX allows a school district to work with outside organizations that provide single-sex programming to the district's students.

**Back to School: Supporting Educational Environments Free from Discrimination  
A Resource Collection for Elementary and Secondary Schools**

**GUIDANCE ON CRDC DATA:**

***Key Guidance on OCR's Civil Rights Data Collection***

The Civil Rights Data Collection (CRDC) is a survey of nearly all public schools and school districts—including juvenile justice facilities, charter schools, alternative schools, and schools that serve only students with disabilities. OCR works closely with schools, local educational agencies, and state educational institutions in the United States on this important data collection, which has taken place since 1968.

Through the CRDC, the Department of Education collects data that are necessary to ensure compliance with the civil rights laws that OCR enforces. Data collected for the survey includes information on student enrollment, educational programs and services, bullying and harassment, administration of school discipline, and numerous other factors that are disaggregated by race/ethnicity, sex, English learner status, and disability. Due to the COVID-19 pandemic, the CRDC for the 2019–2020 school year was shifted to the 2020–2021 school year.

**General Overview of the CRDC**

- [CRDC Frequently Asked Questions](#)
- [About the Civil Rights Data Collection](#)
- [2020-21 CRDC Questions and Answers](#)

**How to Access and Navigate the Database**

- [Take Me to CRDC](#)
  - [School Search](#)
  - [District Search](#)
  - [Detailed Data Tables](#)
  - [Data Analysis Tools](#)
  - [Special Reports](#) for Schools and Districts on English Learners, discipline, and educational equity

**Prior CRDC Reports**

- [State and National Estimations for 2017-2018](#)
- [Civil Rights Data Collection page \(for 2017-2018\)](#)
- [Civil Rights Data Collection page \(for 2015-2016\)](#)
- [Civil Rights Data Collection page \(for 2013-2014\)](#)

If you have any comments or questions concerning the use of CRDC data or suggestions to improve the user-friendliness of this site, please email OCR at [ocrdata@ed.gov](mailto:ocrdata@ed.gov) or write to:

CRDC Survey Coordinator  
Office for Civil Rights  
U.S. Department of Education  
400 Maryland Avenue, S.W.  
Room 4E109  
Washington, D.C. 20202-1172

**From:** Garibay, Montserrat  
**Subject:** Back-to-school Resources  
**To:** bantunez@aft.org  
**Sent:** September 27, 2021 3:31 PM (UTC-04:00)  
**Attached:** Back-to-School-Binder-elementary-secondary-Sept-2021.pdf, Back-to-School-Binder-postsecondary-Sept-2021.pdf

Beth,

The Office of Civil Rights shared the following binders last week. Here is the blog post <https://www2.ed.gov/about/offices/list/ocr/blog/20210914.html> We hope you can distribute them with AFT members.

Thanks,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education

(b)(6) | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



**From:** Pelika, Stacey [NEA]  
**Subject:** RE: Labor Shortage Data  
**To:** Garibay, Montserrat; Bilal-Threats, Daaiyah [NEA]  
**Cc:** Holmes, Alexis [NEA]; Holmes, Dwight [NEA]  
**Sent:** October 13, 2021 5:44 PM (UTC-04:00)  
**Attached:** School Staff Shortages October 2021.docx

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat – I've attached a compilation of national and state data and media clips/examples on the job categories you requested. We are still working on pulling in the state ARP data, so you'll notice that some states are missing or incomplete, but the national data are complete. We'll send a final version with all of the states by the end of the week. Please let us know if there's anything else you need!

-Stacey

---

**From:** Pelika, Stacey [NEA]  
**Sent:** Thursday, October 7, 2021 2:52 PM  
**To:** Garibay, Montserrat <Montserrat.Garibay@ed.gov>; Bilal-Threats, Daaiyah [NEA] <DBilal@nea.org>  
**Cc:** Holmes, Alexis [NEA] <aholmes@nea.org>; Holmes, Dwight [NEA] <DHolmes@nea.org>  
**Subject:** RE: Labor Shortage Data

Great – thanks, Montserrat. We'll send you something by then.

-Stacey

---

**From:** Garibay, Montserrat [<mailto:Montserrat.Garibay@ed.gov>]  
**Sent:** Wednesday, October 6, 2021 8:51 PM  
**To:** Pelika, Stacey [NEA] <[SPelika@nea.org](mailto:SPelika@nea.org)>; Bilal-Threats, Daaiyah [NEA] <[DBilal@nea.org](mailto:DBilal@nea.org)>  
**Cc:** Holmes, Alexis [NEA] <[aholmes@nea.org](mailto:aholmes@nea.org)>; Holmes, Dwight [NEA] <[DHolmes@nea.org](mailto:DHolmes@nea.org)>  
**Subject:** RE: Labor Shortage Data

Thank you Stacey. We are trying to gather information by the middle of next week (Wednesday). And the examples of the field are: teachers, nurses, bus drivers, substitute teachers, teacher assistants and cafeteria workers right.

Kind regards,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
 | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

---

**From:** Pelika, Stacey [NEA] <[SPelika@nea.org](mailto:SPelika@nea.org)>  
**Sent:** Wednesday, October 6, 2021 2:15 PM  
**To:** Bilal-Threats, Daaiyah [NEA] <[DBilal@nea.org](mailto:DBilal@nea.org)>; Garibay, Montserrat <[Montserrat.Garibay@ed.gov](mailto:Montserrat.Garibay@ed.gov)>  
**Cc:** Holmes, Alexis [NEA] <[aholmes@nea.org](mailto:aholmes@nea.org)>; Holmes, Dwight [NEA] <[DHolmes@nea.org](mailto:DHolmes@nea.org)>  
**Subject:** RE: Labor Shortage Data

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat – Looping Dwight Holmes on my team - we're working on pulling this together for you. We've been tracking the federal employment datasets, what states put in their ARP plans regarding staffing issues, and some useful one-off surveys (e.g., NAPT/NASDPTS/NSTA survey on school bus driver shortages, FEA study of staffing shortages in Florida). Beyond a compilation of what we know from those, are you also looking for specific examples from the field?

Also, do you have a specific time by which you need this?

Thanks!  
Stacey

---

**From:** Bilal-Threats, Daaiyah [NEA]  
**Sent:** Wednesday, October 6, 2021 10:42 AM  
**To:** Garibay, Montserrat <[montserrat.garibay@ed.gov](mailto:montserrat.garibay@ed.gov)>  
**Cc:** Holmes, Alexis [NEA] <[aholmes@nea.org](mailto:aholmes@nea.org)>; Pelika, Stacey [NEA] <[SPelika@nea.org](mailto:SPelika@nea.org)>  
**Subject:** RE: Labor Shortage Data

Yes.  
Copying in our research director Stacey Pelika for more

---

**From:** Garibay, Montserrat [<mailto:Montserrat.Garibay@ed.gov>]  
**Sent:** Wednesday, October 6, 2021 10:41 AM  
**To:** Bilal-Threats, Daaiyah [NEA] <[DBilal@nea.org](mailto:DBilal@nea.org)>  
**Cc:** Holmes, Alexis [NEA] <[aholmes@nea.org](mailto:aholmes@nea.org)>  
**Subject:** Labor Shortage Data

Daaiyah,

Does NEA have any labor shortage data from teachers, nurses, bus drivers, substitute teachers, cafeteria workers, etc.? that you can share.

Thanks,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
**(b)(6)** | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

This document focuses primarily on the 2021-22 school year, although earlier data are included when they provide unique insights into current school staff shortages. Given the length of this document, we recommend using the interactive Table of Contents below, particularly when exploring state data. CTRL+Click on a line in the Table of Contents to jump to a specific section and CTRL+Home to return to the Table of Contents. Please send any questions or comments about this document to NEA Director of Research Stacey Pelika ([spelika@nea.org](mailto:spelika@nea.org)).

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## National School Staff Shortage Data

### Federal Data

- The Teacher Shortage Areas reports for 2021-22 have been posted: <https://tsa.ed.gov/#/reports>. These reports provide information on the subject areas, grades, and staff positions for which states have shortages but do not include counts of how many teaching positions are open.
- In winter 2021 we will start to receive data from the Department of Education's School Pulse Panel, which will ask a representative sample of schools about staffing shortages each month: <https://nces.ed.gov/surveys/spp/>.
- The Title II website is currently undergoing maintenance, but data will be available starting November 1, 2021: <https://title2.ed.gov/>. These data provide the number of students enrolled in and completing teacher preparation programs by state and type of program.
- **There are no periodic, universal data available on job shortages in public education.** What we are left with in terms of systematic quantitative data is drawing inferences - where appropriate - about hires, job openings, and job separations (quits, layoffs, retirements, etc.) from the BLS **Job Openings and Labor Turnover Survey (JOLTS)** and job-specific employment numbers from the Census Bureau's **Current Population Survey (CPS)**.<sup>1</sup> The breadth and depth of any inferences that can be drawn are greatly limited by the fact that the JOLTS survey reports data for the public education sector as a whole (pre-K through Higher Ed), with no available breakdown by level, region, or job categories.

### JOLTS Data: Job Openings, Hires, Quits, and Other Separations (PK-12 & Higher Education)

It is clear from federal employment data that the pandemic has exacerbated already present hiring challenges within the education sector. Looking at the BLS JOLTS, one can see that there has been a steady decline in the hires-per-opening ratio for the public education sector (spanning both PK-12 and higher education<sup>2</sup>), and that the pandemic years of 2020 and 2021 have seen new lows in this measure. In the JOLTS survey data for August, released on October 12, the monthly hires-per-openings ratio hit an all-time low mark of 0.45. The previous low was 0.55, set in April 2021. If hires do not even equal half the number of job openings, staff shortages are the inevitable result.

---

<sup>1</sup> CPS data are accessed via IPUMS, Sarah Flood, Miriam King, Renae Rodgers, Steven Ruggles and J. Robert Warren. Integrated Public Use Microdata Series, Current Population Survey: Version 8.0. Minneapolis, MN: IPUMS, 2020, <https://doi.org/10.18128/D030.V8.0>.

<sup>2</sup> It is not possible to separate these data into separate series for PK-12 and higher education.



The economics press was abuzz yesterday with the results of the JOLTS survey given that the new August data indicated a large drop-off from June and July: many fewer hires, many fewer job openings. Yet, there is some evidence that districts moved up hiring that historically would have taken place in August and perhaps September into June and July. If we pool the JOLTS data for the three summer months, we find that 2021 data for both hires and job openings clearly exceed any year back to 2016, which is when the decided downward slope of the hires-to-job openings ratio began. Before 2021, the highest hire and job openings numbers were in 2019. Hires in summer 2021 exceeded those in summer 2019 by 128,000, while job openings exceeded 2019's by 460,000. The greater growth in job openings is driving the hires-to-job openings ratio downward.



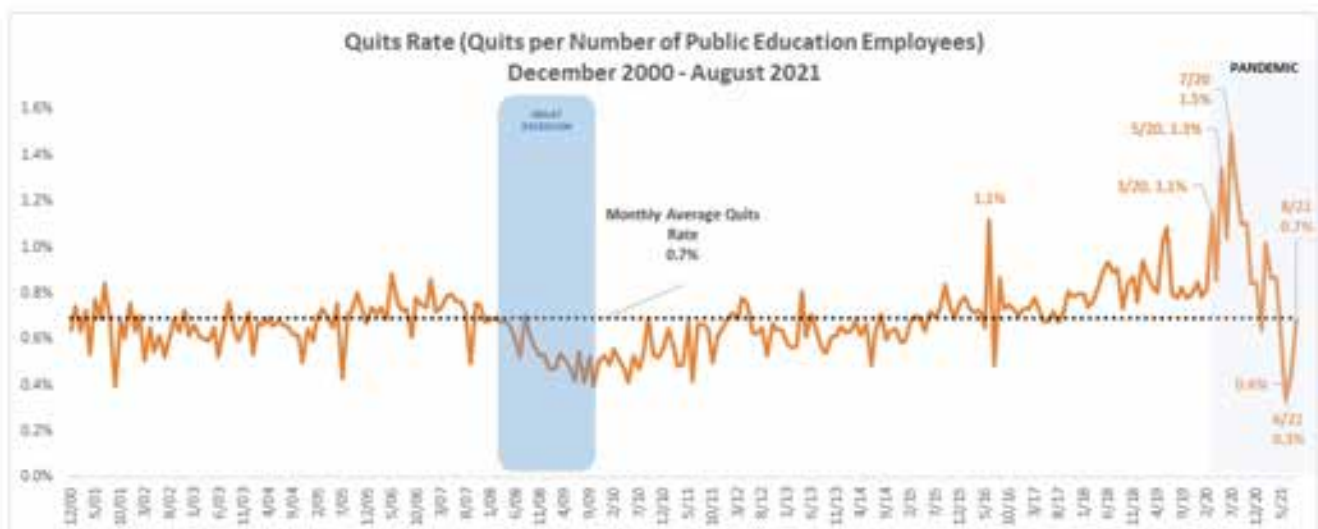
Another way to look at the JOLTS data is to compare job openings with the number of public education employees. This produces a job openings rate, which is the number of openings as a percentage of the total number of employees. In the below chart, we track the job openings rate from the inception of the JOLTS survey in 2000 to the most recent survey, August 2021. The monthly pre-pandemic average was 1.4 percent, although the rate began to rise in 2018, reinforcing again that hiring difficulties predated the pandemic. While the early months of the pandemic did not see great increases, this measure started to increase rapidly in 2021 and reached 4.5 percent in June, falling slightly to 4.0 percent in July, and then again to 2.8 percent in August. While August's 2.8 percent looks like a steep decline from June, it is important to keep in mind that the rate had never

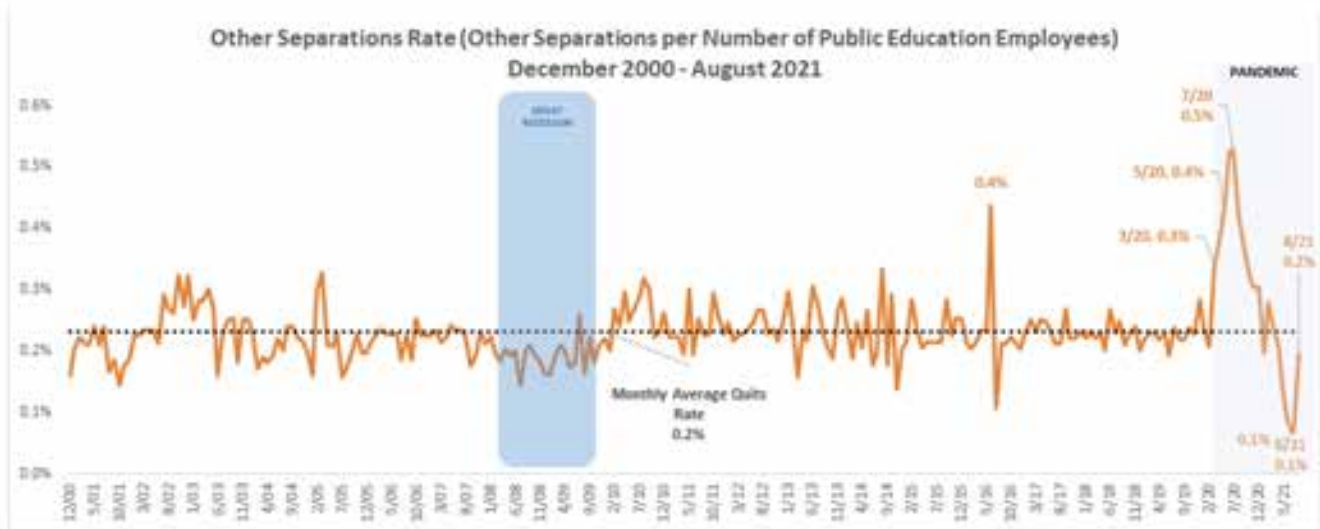


achieved these levels prior to January 2021, when the rate hit 3.0 percent. While the job openings rate began rising steadily in late 2017, indicative of shortages of qualified candidates for the public education sector as a whole, it has spiked in 2021. Clearly, the many-faceted aspects of the COVID-19 pandemic and its effects on the economy have greatly exacerbated staff shortages.



We can also use the JOLTS data to look at the ratio of quits and 'other separations' – which includes retirements, transfers, deaths, and separations due to employee disability – to the number of public education employees. Both quits and other separations show a similar pattern of historic highs peaking in spring and summer 2020 followed by a severe downward turn through June 2021 and a new upswing in August 2021. While some of this volatility could be due to changes in the denominator (i.e. shifts in the total number of public education employees), this pattern is also evident when looking at the number of quits and separations rather than the ratio. Also notable is the fact that quits began to rise above the overall 2000-2021 average in 2018, well before the start of the pandemic, while other separations did not start to rise until the pandemic period. What we are seeing is a combination of longer-term issues in the public education job market in addition to the shocks created by the pandemic.





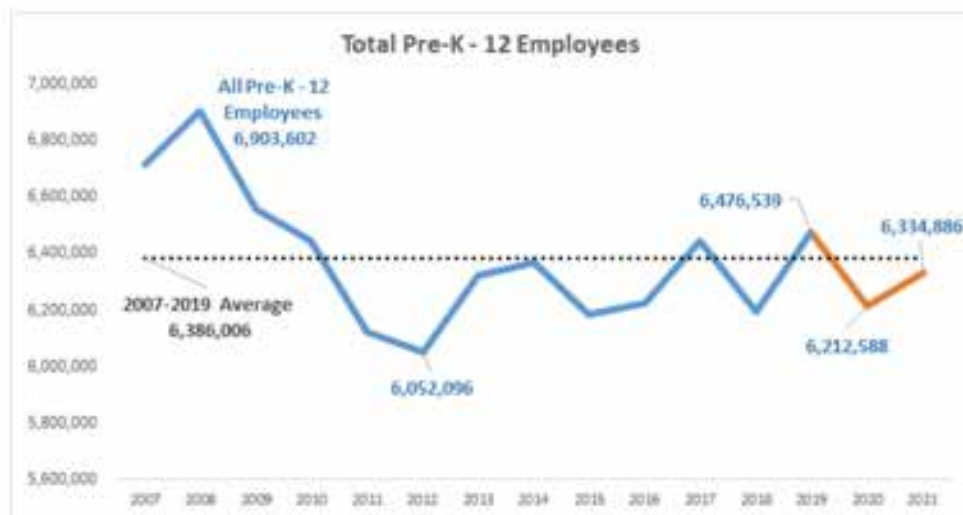
### CPS Data: Number of Employees by Job Category (PK-12)

Job-specific employment data come from the Current Population Survey (CPS), conducted by the Census Bureau for the Bureau of Labor Statistics. The most recently data we have for August as September numbers have yet to be released. For reasons of small sample sizes, as well as to adjust for what some have observed as a hiring-shift in districts from August to June or July, **we have pooled together data for the three summer months, June, July and August for all years 2007-2021**. This allows for apples-to-apples comparisons across years, reflects the most recently data, and smooths over any shifting of hiring between the summer months. The data reported in these charts, then, are the monthly average for summer months. Pandemic-period data are indicated in **orange**. The pre-pandemic (2007-2019) monthly average for the summer months is indicated by the black dotted line.

### Summer Months (June/July/August) PK-12 Employment, 2007-2021

The data point for each year is an average of the employment numbers for June, July, and August.

**All Employees:** The pattern of employment numbers for pre-K – 12 public education finds a peak in 2008, a steep decline from there, through the Great Recession and beyond into 2012, followed by a long, slow struggle to return even to the pre-pandemic historical average. This was achieved first in 2017, then again at a higher level in 2019, only to drop back in 2020 with the effects of the pandemic. 2021 numbers are up by about 120,000 over 2020.

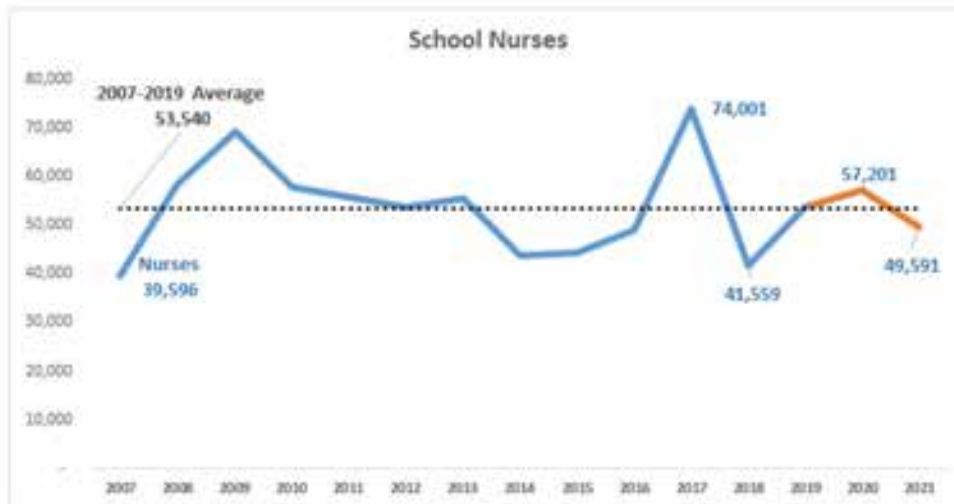


**Teachers:** In the CPS, there is no category for substitute teachers – they are subsumed into the broader definition of teachers. The below chart presents data for all teachers, including substitutes. In the chart we see that the peak for teachers in the public workforce was in 2008. Since then, the highest number of teachers employed was in 2019. That peak has been followed by a precipitous drop-off during the pandemic, with a decline of nearly 250,000 from summer 2019 to summer 2021. The pre-pandemic average is congruent with the years of the slow recovery coming out of the Great Recession.





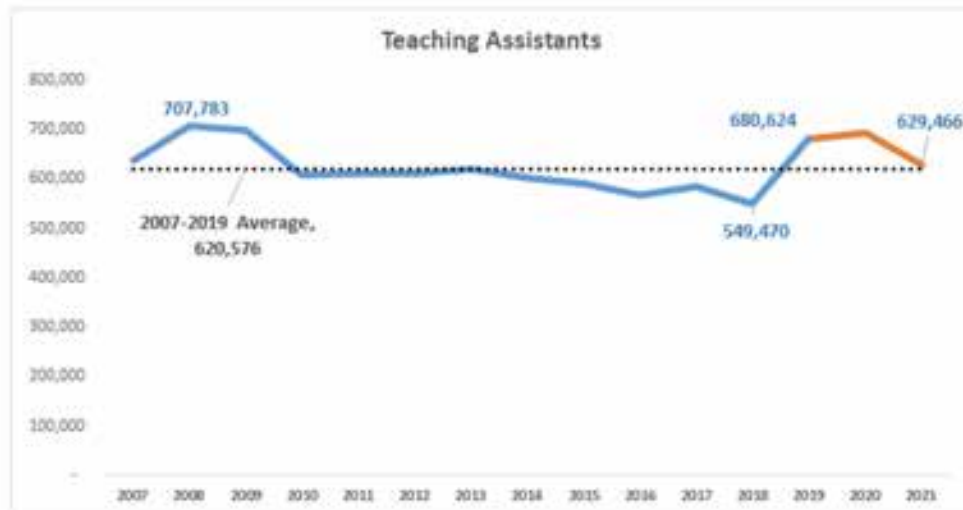
**School Nurses:** The number of school nurses employed was resilient through the Great Recession, and as far as 2013; then fell under the average for 2014 – 2016 before recovering sharply in 2017 when the peak level of 74,000 was reached. That was followed by an equally sharp downside in 2018. In 2019, the number of school nurses approximately equaled the pre-pandemic average. The employment level managed to rise slightly during the pandemic in 2020, only to fall off again this year.



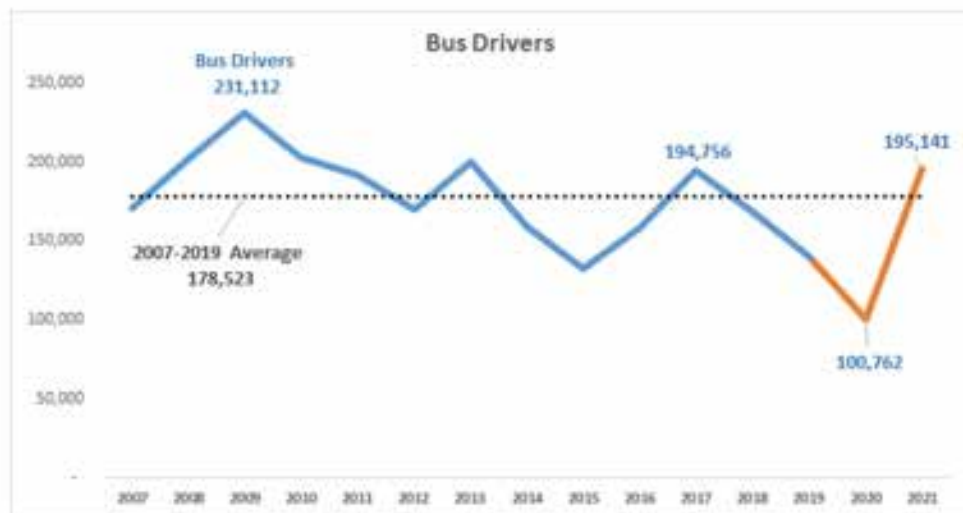
**Other School Instructional Support Personnel (SISP):** For comparison with school nurses, we have included a chart for “other SISP” employees, which includes psychologists, counselors, social workers, other SISP health care workers, as well as librarians and archivists. For this group, the peak employment year is actually 2021. The increasing trend line began in 2019, remained fairly level in 2020, and has bumped up again in 2021, indicative of a strong effort by school districts to add more SISP professionals to their staffs.



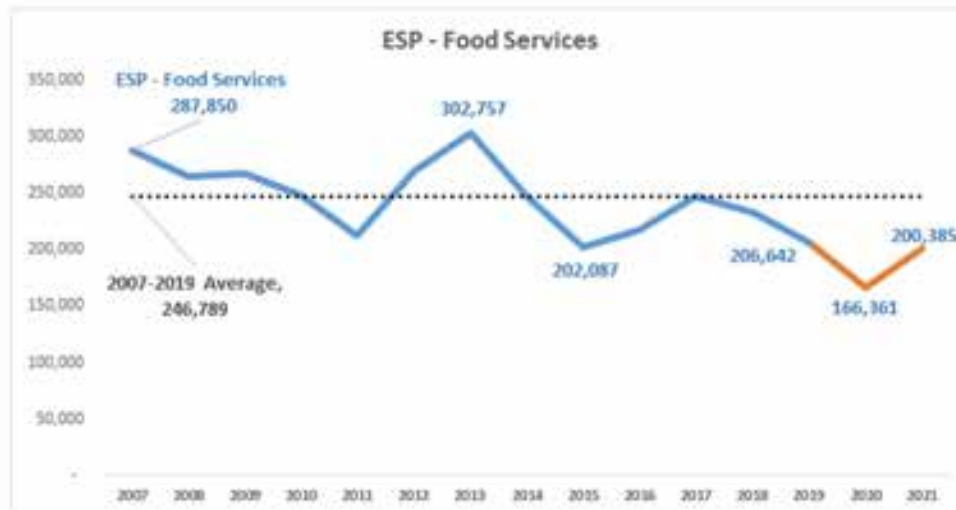
**Paraeducators/Teaching Assistants:** The peak year for teaching assistants was 2008. From there we see there has been a pretty steady decline to 2018, followed by an upswing in 2019. Growth continued into 2020, and dropped off slightly in 2021, still at a level higher than the pre-pandemic historical average. There is evidence, not pictured in this chart, of a recent boost in teacher assistant numbers: 2021 summer month employment is higher than for the January – May period, which is a reversal of the typical pattern.



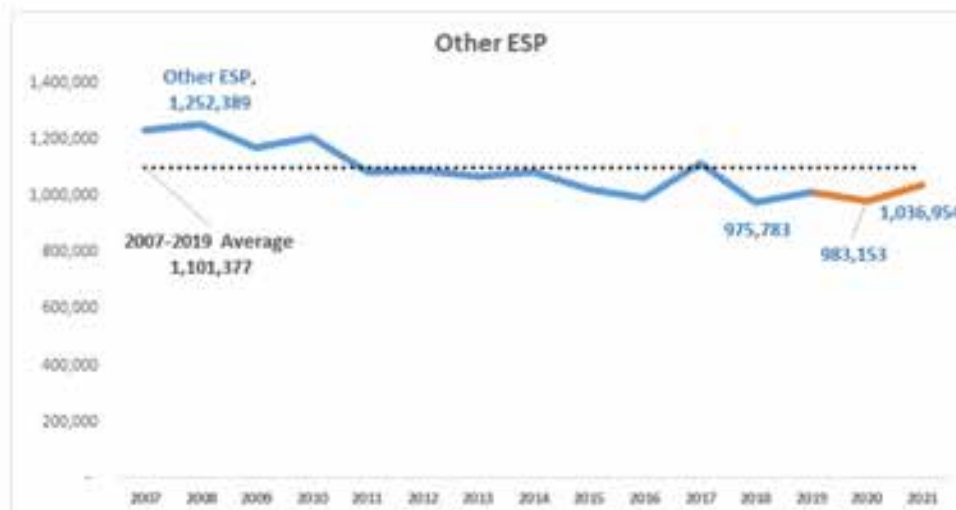
**Bus Drivers:** The number of bus drivers peaked in 2009 – in the middle of the Great Recession – and has been more or less in decline since – until this year. After steadily declining from 2017 through the first pandemic year of 2020 – when many school buildings were closed, with students learning virtually from home, and the number of bus drivers fell to just under 101,000, about 95,000 drivers have been added to the workforce in 2021. Note that that gets us back to where we were in 2017, plus a few hundred. In this light, perhaps it's not surprising that districts are facing difficulties in hiring additional drivers now (at the same time that drivers are in demand across the economy with the widespread increase in the use of delivery services).



**Food Service:** Food service workers had an early peak in 2007, and then surpassed that number in 2013 – only to see a staffing decline since then overall. The number of employees has only returned to the pre-pandemic average once, in 2017. 2019 – a relatively good year for public education workers as a whole, and teachers, teaching assistants, nurses and other SISP employees in particular – was not a good year for food service workers. And the downward trend continued into 2020 during the pandemic. 2021 numbers have, however, returned nearly to 2019 levels.



**Other Education Support Professionals (ESP):** By way of comparison with food services workers and teaching assistants, we have also included a chart for “other ESP.” This includes clerical, custodial, and technical service workers, transportation workers, skilled trades, security, and health and student service workers. Here, too, we see an early peak of employment back in 2008, with an overall decline since then – though with an upturn in 2021 not that far below the pre-pandemic average.



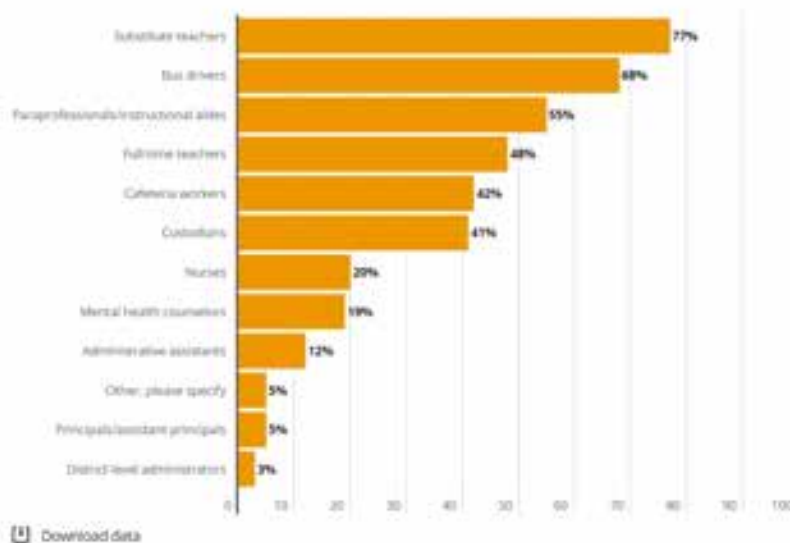


## National Survey and Other Data

### General

- Many districts use SchoolSpring (<https://www.schoolspring.com/search.cfm>) to post positions, allowing for a quick check on live openings across job categories.
- A fall 2021 Ed Week survey of a nationally representative sample of principals and district leaders found that three-quarters of district and school leaders are experiencing at least moderate staffing shortages, with 15% experiencing “very severe” shortages and 25% experiencing “severe” shortages.<sup>3</sup>
  - “Slightly more than three-quarters of respondents said they’re having trouble finding enough substitutes to cover teacher absences; 68 percent said bus drivers are hard to come by; and 55 percent said they’re struggling to fill open positions for paraprofessionals and instructional aides. Full-time teaching positions, too, are causing headaches for administrators. Just shy of half of respondents identified teachers among the roles they’re struggling to fill.”
  - “Districts plagued by staffing shortages are taking a wide variety of approaches to addressing the issues—15 percent are offering recruitment bonuses; 22 percent are turning to contractors; 18 percent are hosting job fairs; 17 percent are asking volunteers to fill the gaps. But by far the most common tactic districts are employing is asking current employees to take on additional responsibilities. Roughly two-thirds of principals and district leaders say they’re taking that route.”

Since the start of the school year, my district and/or school has struggled to hire a sufficient number of: Select all that apply.

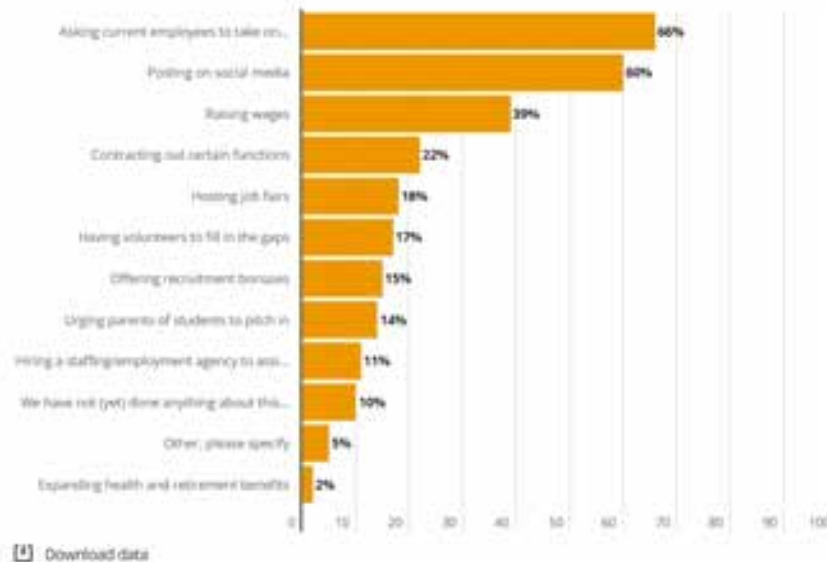


\*Respondents are principals and district leaders.

SOURCE: EdWeek Research Center survey, 2021

<sup>3</sup> <https://www.edweek.org/leadership/how-bad-are-school-staffing-shortages-what-we-learned-by-asking-administrators/2021/10>

If your district or school has struggled to hire enough employees this school year, what steps, if any, have you taken to address this problem? Select all that apply.



\*Respondents are principals and district leaders.

SOURCE: EdWeek Research Center survey, 2021

- In an August 2021 NEA member survey,<sup>4</sup> the vast majority of members (80 percent) reporting feeling that the pandemic has resulted in more educators leaving the profession. In addition, a growing number of members (37 percent, up from 28 percent in July 2020) said they personally are more likely to retire or leave the profession earlier than they had planned. In addition:
  - Two-thirds of members say they feel safe (67 percent) working in-person this year, but few feel very safe (27 percent).
  - Improving school ventilation is a top priority for educators, but few report that their buildings' ventilation systems have been upgraded.
- In a June/July 2021 survey of district superintendents,<sup>5</sup> RAND found the following:
  - Nationally, district leaders reported that 6 percent of their teachers and 6 percent of their principals retired or resigned at the end of the 2020–2021 school year—rates they said were on par with their pre-pandemic attrition rates.
  - About one in ten superintendents said that they planned to leave their jobs by spring 2022, and media reports indicate that their turnover is higher than normal.
  - District leaders are seeking to hire more staff across job categories for the 2021–2022 school year, especially substitute teachers and mental health staff.

<sup>4</sup> <https://www.nea.org/about-nea/media-center/press-releases/nea-survey-nations-educators-are-vaccinated-and-school-last>

<sup>5</sup> [https://www.rand.org/pubs/research\\_reports/RRA956-3.html](https://www.rand.org/pubs/research_reports/RRA956-3.html)

- Related: Chalkbeat, 8/16/21, “Schools across U.S. staff up to address pandemic-fueled rise in mental health needs,” <https://www.chalkbeat.org/2021/8/16/22624041/pandemic-mental-health-staff-schools-rand>
- Mission Square Research Institute, formerly the Center for State and Local Government Excellence, surveyed a subsample of K-12 employees in March 2021 as part of a broader survey of state and local government employees.<sup>6</sup> They found the following:
  - More than a third (37%) of K-12 employees somewhat or strongly agreed that “working during the COVID-19 pandemic has made me consider changing jobs,” compared to 27% of other state and local government employees.
  - Over half (59%) of K-12 employees somewhat or strongly agreed that “the risks I’m taking working during the COVID-19 pandemic are not on par with my compensation,” compared to 43% of other state and local government employees.
  - “K-12 employees were significantly more likely to perceive themselves to be at high risk of exposure to COVID at work, with 47% of K-12 employees feeling that in-person work is very or extremely risky, as compared with 32% of other government employees.”
  - “K-12 employees most commonly reported feeling stressed (52%), burnt out/fatigued (52%), and/or anxious (34%) about COVID-19 while at work, and were significantly more likely than other government employees to report feeling stressed, burnt out/fatigued, and/or afraid.”
  - “Half of K-12 survey respondents reported that they and their family have been negatively impacted financially by the COVID-19 pandemic, with 10% reporting that they have been negatively impacted significantly. Far fewer other government employees (35%) reported a negative financial impact.”
  - “Asked to describe what one or two realistic actions their employer could take that would be most impactful in making their workplace a better place to work, K-12 employees most often recommended promoting safety by following CDC guidelines and providing/enforcing the use of PPE (22%), the issuing of bonuses or raises (21%), and allowing work from home/ remote work and flexible hours (13%).”
- Frontline Education surveyed school and district leaders<sup>7</sup> and found the following:
  - “Two-thirds of survey respondents report teacher shortages, a record high since we launched our first teacher shortage survey in 2015.”
  - “Teacher shortages are most common in urban school systems, with 75% of districts in cities of any size reporting shortages. In comparison, 65% of rural districts reported shortages, along with 60% of suburban districts.”
  - “Across all settings, 44% of districts with shortages reported having difficulty filling vacancies across grade levels and subjects, while the remaining 56% reported only having shortages for specific positions. This suggests that the teacher shortage has worsened noticeably overall: in previous years, only about 34% of districts with shortages struggled to find applicants across different subjects and grade levels.”
  - The top shortage areas were special education (71% of districts), substitutes (67%), secondary math (46%), paraeducators (35%), secondary physical sciences (26%), and bilingual education (25%).

## Teachers

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<sup>6</sup> <https://slge.org/resources/k-12-employees-anxiety-about-student-learning-covid-19-risk-personal-finances>

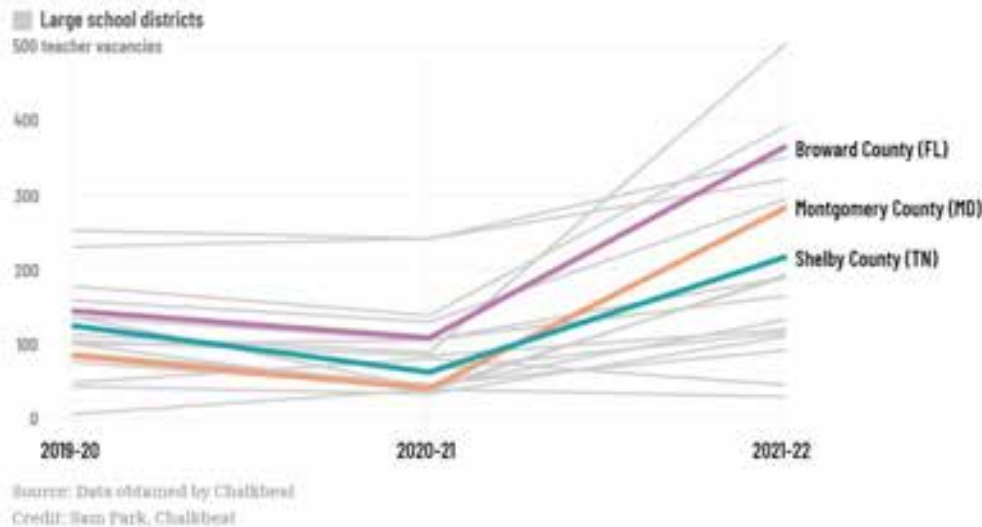
<sup>7</sup> <https://www.frontlineeducation.com/blog/teacher-shortage-2021/>



- Chalkbeat gathered data from “most of the country’s largest 30 districts and a handful of smaller ones,” and found that 18 of the 20 largest districts they spoke with had more teacher vacancies than last year.<sup>8</sup>

### Most large school districts started the year with more teaching positions unfilled

Note: Districts vary in size and total number of teachers.



- A January/February 2021 RAND survey of teachers,<sup>9</sup> funded by NEA and AFT, found that:
  - Nearly one in four teachers said that they were likely to leave their jobs by the end of the 2020–2021 school year, compared with one in six teachers who were likely to leave, on average, prior to the pandemic. Black or African American teachers were particularly likely to plan to leave.
  - A much higher proportion of teachers reported frequent job-related stress and symptoms of depression than the general adult population.
  - More teachers who were likely pandemic leavers (i.e., teachers who were unlikely to leave their jobs before the pandemic but who were likely to leave at the time of the survey) experienced working conditions that were linked to higher levels of stress than teachers who were unlikely to leave and those who were considering leaving prior to the COVID-19 pandemic.
  - The experiences of likely pandemic leavers were similar in many ways to those of teachers who had already resigned during the pandemic.
- RAND surveyed teachers who left the profession both before and after March 2020. “Almost half of the public school teachers who voluntarily stopped teaching in public schools after March 2020 and before their scheduled retirement left because of the COVID-19 pandemic.” However, the report also suggests that some voluntary leavers would be interested in returning to teaching after staff and students were vaccinated.<sup>10</sup>
- Teacher shortages were an issue prior to the pandemic, with declining enrollments in teacher preparation programs and the Learning Policy Institute projecting annual shortfalls of over 100,000 teachers due to

<sup>8</sup> <https://www.chalkbeat.org/2021/9/23/22689774/teacher-vacancies-shortages-covid>

<sup>9</sup> [https://www.rand.org/pubs/research\\_reports/RRA1108-1.html](https://www.rand.org/pubs/research_reports/RRA1108-1.html)

<sup>10</sup> [https://www.rand.org/pubs/research\\_reports/RRA1121-2.html](https://www.rand.org/pubs/research_reports/RRA1121-2.html)

fewer people entering the profession and increased retirements/resignations due to low pay, high stress, and challenging working conditions.<sup>11</sup>

## Bus Drivers

- The National Association for Pupil Transportation, the National Association of State Directors of Pupil Transportation Services, and the National School Transportation conducted a survey, released August 31, 2021, of 1,500 school districts about school bus driver shortages. <https://s3-us-west-2.amazonaws.com/nsta/70966/2021-08-31-PR-3N-Driver-Shortage-Survey-2021-08-27-FINAL.pdf>
  - Fifty-one percent (51%) of respondents described their driver shortage as “severe” or “desperate.” Roughly three-quarters of all respondents (78%) also indicated that the school bus driver shortage is getting “much worse” or “a little worse.”
  - In a question that allowed for multiple answers, 50% of respondents said the rate of pay is a major factor affecting their ability to recruit and retain drivers, 45% cited the “length of time to secure a CDL,” 38% the “availability of benefits,” and 38% the “hours available to work.”

## National Media Accounts

### General

- Associated Press, 9/22/21, “COVID-19 creates dire US shortage of teachers, school staff,” <https://apnews.com/article/business-science-health-education-california-b6c495eab9a2a8f1a3ca068582c9d3c7>
  - Examples from California, Tennessee, New Jersey, South Dakota, Texas; data from multiple California districts
  - “In a new twist, money is not the main problem. School districts have the funds to hire additional staff, thanks to billions in federal and state pandemic relief funding. There just aren’t people applying.”
- Education Week, 9/20/21, “No Bus Drivers, Custodians, or Subs. What’s Really Behind Schools’ Staffing Shortages?” <https://www.edweek.org/leadership/no-bus-drivers-custodians-or-subs-whats-really-behind-schools-staffing-shortages/2021/09>
  - Provides examples from Colorado, New York, Virginia, Illinois, Massachusetts, California, Ohio
- NBC Today, 9/18/21, “Schools nationwide face ‘severe’ worker shortages,” <https://www.today.com/video/schools-nationwide-face-severe-worker-shortages-121239621808>
- New York Times, 9/16/21, “Will the Bus Driver Ever Come? Or the Substitute Teacher or Cafeteria Worker?” <https://www.nytimes.com/2021/09/16/us/school-shortages-bus-drivers-workers.html>

### Teachers

- NBC News, 10/1/21, “Behind the teacher shortage, an unexpected culprit: Covid relief money,” <https://www.nbcnews.com/news/education/behind-teacher-shortage-unexpected-culprit-covid-relief-money-n1280491>
  - Examples from Michigan
- Washington Post, 9/27/21, “School superintendent asks: ‘Who would want to be a teacher right now?’” <https://www.washingtonpost.com/education/2021/09/27/pandemic-teacher-shortage-nationwide/>

<sup>11</sup> <https://learningpolicyinstitute.org/product/teacher-turnover-report>



### Bus Drivers

- Pew Stateline, 10/11/21, "Bus Driver Shortage Stresses Rural School Districts," <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2021/10/11/bus-driver-shortage-stresses-rural-school-districts>
  - Reports on bus driver shortages in rural and urban areas of New York, South Carolina, Idaho, Maryland, Connecticut, Massachusetts, Pennsylvania, Delaware, Virginia, Montana
- Associated Press, 8/22/21, "Bus driver shortages are latest challenge hitting US schools," <https://apnews.com/article/coronavirus-pandemic-schools-bus-drivers-168e1e85a329c74159c9f06a05d1611d>
  - Reports on bus driver shortages in Montana, Delaware, Pennsylvania, Texas, Florida, Michigan, Utah
  - "One Michigan school district was able to find enough drivers by guaranteeing they could work enough hours in the district, including as janitors or in food service, to qualify for health insurance coverage, said Dave Meeuwsen, executive director of the Michigan Association of Pupil Transportation. In suburban Salt Lake City, the Canyons School District was in dire straits about a month ago. It was down about 30 drivers, so its workforce would have been too small to staff all their routes, said spokesman Jeff Haney. Administrators put out the word that office staffers might have to get their commercial driver's licenses just to get all the kids to and from school."

### Food Service

- Washington Post, 9/29/21, "The cold truth about hot lunch: School meal programs are running out of food and workers," <https://www.washingtonpost.com/business/2021/09/29/schools-supply-chain-crisis/>
- Education Week, 9/28/21, "Students Are Going Hungry, Cafeteria Staffing Is a Mess. Here's Why," <https://www.edweek.org/leadership/students-are-going-hungry-cafeteria-staffing-is-a-mess-heres-why/2021/09>
- Marketplace, 9/6/21, "School cafeterias are looking for workers, too," <https://www.marketplace.org/2021/09/06/school-cafeterias-are-looking-for-workers-too/>
  - Documents food service staff shortages in Colorado, Michigan
  - "'The labor shortage has become really quite a crisis point for many of us in school nutrition, particularly in these large urban districts,' said Katie Wilson, executive director of the Urban School Food Alliance, a group that represents food service professionals in the nation's largest school districts. 'Many of our districts are looking for [200] to 300 employees in their school nutrition programs alone.' And the shortages, combined with demand, are driving up prices. Wilson said she's heard of school districts where costs have risen anywhere from 7% to 30% this year. Many school districts also have fewer options for cooking food on site. While food that's prepackaged and cooked off-site may meet nutritional requirements, she said it won't be as fresh as food cooked at a school."

### School Nurses

- CNN, 9/6/21, "America's ongoing school nurses shortage turns dire: 'I don't know what the school year is going to bring,'" <https://www.cnn.com/2021/09/06/health/school-nurses-shortage-covid-19-pandemic-wellness/index.html>
  - "Overall, 'there is a national nursing shortage, so school districts find themselves competing against health care facilities for the same pool of applicants,' said Searcy, a pediatric nurse practitioner. 'The compensation is not quite equitable, so that's always been a concern,' said the National Association of School Nurses' Mendonca. 'I have heard anecdotally too that for nurses who were close to retirement, or thinking about it, that the pandemic has maybe pushed them in that direction sooner



than what they may have been planning on,' she said. 'So that makes the shortage even a little more critical than what we've been dealing with.'"

## State and District School Staff Shortage Data and Media Accounts

- In terms of teacher retirements, at the end of 2020 EdWeek requested retirement data from half of the state educator retirement plans. Not all plans were able to break out data for K-12 teachers, but the results from those that were able to do so were mixed, with some showing higher levels of retirement than in the past and others lower levels.<sup>12 13</sup> However, some states have seen notable jumps in retirements – for example, Chalkbeat reported a 44% increase in midyear retirements in Michigan compared to the 2019-20 school year.<sup>14</sup>

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<sup>12</sup> <https://www.edweek.org/teaching-learning/did-covid-19-really-drive-teachers-to-quit/2020/11>

<sup>13</sup> A similar analysis by USA Today also found that retirements varied state to state:

<https://www.usatoday.com/story/news/education/2020/10/08/fear-mass-teacher-retirements-covid-19-may-have-been-overblown/3433963001/>.

<sup>14</sup> <https://detroit.chalkbeat.org/2021/3/28/22352695/teachers-retirement-michigan-coronavirus-impact>

## Alabama

### Media Accounts

- WBHM, 8/4/21, "Schools Opening Short On Teachers Because Of An Increase In Retirements," <https://wbhm.org/2021/schools-opening-short-on-teachers-because-of-an-increase-in-retirements/>
  - "According to the 2020-2021 numbers provided by Alabama's Teacher Retirement System, 3,515 employees retired during the school year, the highest number since the 2010 school year."
  - Provides data for shortages in some specific districts.

### ARP Plan

Alabama has experienced teacher shortages in the subject areas of mathematics, science, special education, and English over the last several years. Procedures have been implemented to address teacher shortage concerns. Some local districts offer signing bonuses; other school districts rely on state incentives to fill shortage areas. Provisional and emergency certification routes are utilized by some local school systems to fill vacancies.

Interest in the teaching profession nationally has decreased, because the teaching profession has become less attractive to young professionals. It is the goal of the SEA to ensure students are being taught by educators with proper credentials.

Each academic year teacher shortage data are collected and reported to the United States Department of Education, and Alabama data are listed in the national Teacher Shortage Areas (TSA) database. This system is designed to collect data from states and jurisdictions and generate Teacher Shortage Areas Reports intended to be a reference document that shows where state and schools are looking to potentially hire properly credentialed teachers, academic administrators, and other educators as needed. Information is shared with LEAs and educator preparation programs.

Interest in the teaching profession nationally has decreased, because the teaching profession has become less attractive to young professionals. The current teacher shortage report reflects mathematics as the number one hard-to-fill area. As of 2018, 58 of Alabama's 139 city and county school districts listed difficulty in hiring properly certified mathematics teachers.

## Alaska

State data website (2019-20): <https://education.alaska.gov/compass/Report/2019-2020#educator-quality>

NEA-Alaska provided the following summary:

- Before the pandemic, Alaska had dismal statistics related to educator turnover, with 22 percent of teachers and 25 percent of principals leaving their schools and their roles each year. **2020 REL study: Educator Retention and Turnover Under the Midnight Sun** [Infographic](#) | [Full Report](#)
- Alaska students are starting the school year with [over 900 openings for educators across the state](#). Many large school districts have started utilizing CARES Act and ARP funds to pay bonuses for substitute teachers.
- A 2017 analysis by The University of Alaska-Anchorage Institute of Social and Economic Research (ISER) determined that [the cost of teacher turnover in Alaska to be \\$20,000 and \\$20 million annually](#).
- This is driven in part by Alaska's worst-in-the-nation retirement system for teachers. Alaska teachers are not enrolled in Social Security and a 2006 law eliminated pensions for teachers and all Alaska public employees.
- [A 2019 analysis by the State of Alaska's Chief Investment Officer found that after a 30-year career in teaching, 31% of teachers would have sufficient assets to last 30 years into retirement](#). Put another way, without additional retirement savings, up to 75% of 30-year teachers could completely run out of money at 15-20 years of retirement. [\(See slide 9, page 10 titled "30-Year TRS"\)](#)
- [The Governor's Teacher Retention and Recruitment Working Group released a report and the results from teacher surveys to identify the root causes of teacher retention in Alaska](#). Teacher surveys found that "adequate compensation for assigned duties" was the top item of personal importance and that "retirement benefits" was the 4th highest ranked item of personal importance.

### ARP Plan

As a result of the COVID-19 pandemic, the Governor of Alaska suspended several statutory and regulatory requirements for educator certification and allowed for the issuing of emergency certification. Of Alaska's 54 LEAs, 43 used the emergency certificate option to fill vacant positions during the 2020-2021 school year.

The table below itemizes the area that emergency certificates (EC) were issued for the 2020-2021 school year. For reference, Alaska employs approximately 7,000 educators annually.

**Table F1.**

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	63 EC	Special education educators and related service personnel are historically in high demand in Alaska. Through regulations, Alaska has an alternative route to special education that allow general education teachers to enroll in a special education advanced program and concurrently serve as a special education teacher.



Bilingual educators	7 EC	
English as a second language educators	15 EC	
STEM educators	53 EC	Relative to other areas, there is a significant need in the area of STEM that will need to be supported.
CTE educators	10 EC	
Elementary Education	137 EC	In comparison to the number of other types of emergency certificates, the number of elementary education emergency certificates issued is unexpectedly high.
Early childhood educators	13 EC	
School counselors	28 EC	Many of Alaska rural schools and districts do not have the student enrollment to employ a full-time school counselor. Districts that have multiple school sites spread over large areas often employ itinerate school counselors to travel from school site to school site.
Social workers	5 EC	Most of Alaska rural schools and districts do not have the student enrollment to employ a full-time social worker.
<b>Area</b>	<b>Data on shortages and needs</b>	<b>Narrative description</b>
		Districts enter into memorandums of agreement with various social service providers to make this service available to students in our small rural schools. DEED is piloting a School Social worker for our rural and remote districts to help with addressing COVID-19.
Nurses	1 EC	Most of Alaska rural schools do not have the student enrollment to employ a school nurse. Identified during the COVID-19 pandemic as a critical need, an on-call school nurse was made available through the Alaska Department of Health & Social Service. This resource will continue to be available to schools in the 2021-2022 school year.
School psychologists	1 EC	Most of Alaska rural schools and districts do not have the student enrollment to employ a full-time school psychologist. This need has been historically filled by contracting with a regional resource center or through inter-district cooperation.

Data Source: Teacher Certification Database, May 13, 2021

## Arizona

State data website (2020, scroll down to Teacher Qualification): <https://azreportcards.azed.gov/state-reports>

The Arizona School Personnel Administrators Association surveyed its members<sup>15</sup> in September 2021 and found that 26% of teaching positions remained vacant a few weeks into the 2021-22 school year.<sup>16</sup> Just over half of positions (55%) were filled by individuals not meeting standard teacher requirements (e.g., student teachers, teachers with pending or emergency certification, teachers on H1B1 visas).

### ARP Plan

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	Appropriately certified data - Percentage of positions filled with not appropriately certified staff: (Area - FY19/FY21) Mild-Moderate - 15%/13% Early Childhood Special Education - 15%/14% Learning Disability - 15%/15% Severe-Profound - 17%/28% Emotional Disability - 26%/14%	According to the 2020-21 shortage report data that Arizona submitted to the USED for the annual Teacher Shortage report, 4 of the 13 shortage areas are in special education positions. Paraprofessionals are not licensed/certified by the state. Data regarding paraprofessionals are available at the local level. Anecdotally, most LEAs report challenges in finding qualified paraprofessionals to fill all available positions.
Bilingual educators	Percentage of Bilingual positions not filled with appropriately certified staff: FY19 - 24% FY21 - 35%	According to FY19 appropriately certified data of the 71 positions reported 24% were filled by not appropriately certified staff and although positions declined in FY2021, 35% of the 66 positions were filled with not appropriately certified staff. Legislative changes have provided additional flexibilities in the instruction

Area	Data on shortages and needs	Narrative description
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<sup>15</sup> Responses were received from 145 Arizona school districts and charter schools out of 207 districts and 544 charter schools statewide.

<sup>16</sup> Summary provided by Arizona Education Association. Results will be available soon at <https://www.aspaa.org/>.

		of English learners and bilingual education. It is anticipated these changes will increase the number of bilingual positions needed. It is unknown what the true demand for bilingual positions are due to gaps in current data collection.
English as a second language educators	Percentage of Structured English Immersion positions not filled with appropriately certified staff: FY19 - 15% FY21 - 16%	According to appropriately certified data, in FY19 15% of positions were filled with not appropriately certified staff and increased to 16% in FY21.
STEM educators	Percentage of STEM positions not filled with appropriately certified staff: (Area - FY19/FY21) General Science - 17%/33% Chemistry - 12%/15% Earth Science - 35%/40% Physics - 15%/23% Middle Grades Math - 22.5%/23%	According to appropriately certified data, Science areas continue to be a shortage area as well as middle grades mathematics.
CTE educators	In 2021 there were 197 improperly certified teachers out of 2050 teachers teaching CTE programs. The ADE CTE Unit further estimates that there is a vacancy rate of approximately 10% for CTE teaching positions statewide.	The ADE CTE unit has received anecdotal feedback that a school will close a program if a teacher is not found. Data on CTE positions filled by substitute teachers when a certified CTE teacher could not be found are not currently available.
Early childhood educators	Percentage of Early Childhood Special Education positions not filled with appropriately certified staff: FY19 - 10% FY21 - 15%	According to appropriately certified data, Early Childhood Special Education continues to be a shortage area.
School counselors	All but 4 of the 198 awarded school counselor positions under the state funded School Safety Program have been filled for FY21/22 with candidates meeting the position qualifications (98% filled).	Requests for another 81 school counselor positions received by the ADE were unable to be filled because of inadequate state funding of the program. Because of the known increase in need for these positions created by the pandemic, ADE utilized ESSER II funds to award these positions to schools. It is not yet known whether the positions can be filled with qualified individuals.



Area	Data on shortages and needs	Narrative description
Social workers	All but 3 of the 140 awarded school social worker positions under the state funded School Safety Program have been filled for FY21/22 with candidates meeting the position qualifications (98% filled).	Requests for another 100 school social worker positions received by the ADE were unable to be filled because of inadequate state funding of the program. Because of the known increase in need for these positions created by the pandemic, ADE utilized ESSER II funds to award these positions to schools. It is not yet known whether the positions can be filled with qualified individuals.
Nurses	Data on unmet school nurse needs and vacancies is not collected by the ADE.	Anecdotally, it is known that several districts are unable to fill advertised positions due to non-competitive salaries that are offered. Similar to counselors and social workers, the issue of inadequate nurses seems to be more a funding issue and that positions are not created because of inadequate funds.
School psychologists	<p>Number of school psychologist vacancies:  FY19: 53 (4%)  FY20: 47 (4%)</p> <p>Results from the ADD Exceptional Student Services (ESS) Unit Teacher Attrition Survey</p>	<p>Vacancies do not reflect all positions needed as the AZ school psychologist to student ratio (1:1,320) is much higher than the nationally recommended ratio (1:500-700) <u>per data reported by the Arizona Association of School Psychologists.</u></p>

## Arkansas

State data website (2021-22): <https://dese.ade.arkansas.gov/Offices/educator-effectiveness/education-workforce-resources--data/education-workforce-data>

TNTP, 2021, "Missing Out: Arkansas' Teacher Shortage and How to Fix It," <https://wehco.media.clients.ellingtoncms.com/news/documents/2021/04/03/MissingOut.pdf>

### ARP Plan

Response: Arkansas, as is consistent with the rest of the nation, is experiencing a shortage of qualified professionals in many areas, but particularly in the area of Special Education. Thirty five percent (35%) of special education teachers are certified teachers who are teaching outside their certified area and working toward certification in Special Education and twenty six percent (26%) of long-term substitutes are from the area of special education. In addition, approximately 270 special educators are classified as veterans who are preparing for retirement, while 411 are potential new hires. While Arkansas is working to try to encourage more teachers to get certified in Special Education, there is still a serious shortage that is only growing each year due to veterans retiring and others transitioning into the general education classroom.

Also related to special education services, some areas in the state are experiencing shortages of school psychologists, particularly the Delta and southern part of the state. Often timelines are missed in these areas due to the lack of school psychologists and educational examiners available to complete testing and provide reports.

Arkansas has a current 14:1 student/teacher ratio in the state. By comparison, assuming all licensed social workers were employed in schools, the student/social worker ratio is: 126:1. With a growing number of Arkansas students receiving special education for "emotional disturbance" this could pose problems in the future. In addition, in the 2017-18 SY, Arkansas is served under the national average of students under the Special Education designation, which could mean some of the populations are not receiving services from social workers in the state.

School nursing shortages are also a regional issue around the state. According to a regional survey provided by the Regional Community Health Nurse Specialists (CHNS), marginal school nurse staffing shortages exist in the Northwest and Southeast areas of the state. LEAs have reported barriers to retaining school nursing staff, securing full-time nursing staff, securing full-time nursing staff, and ensuring all nursing staff have RN supervision. Lastly, turnover is reportedly almost double for the 2020-21 SY. The average turnover is 75 and there were 175 resignations for the 2020-21 SY.

STEM educators are still in a shortage, as they have been for many years. In Arkansas, 17% of STEM educators are non-licensed, 19% of emergency teaching licenses are from STEM subjects and 6% of the long-terms substitutes being in STEM. In addition to the shortage, there is also a discrepancy between those who are preparing and those who are veterans in the area, which could create a bigger shortage in the future.

Career and Technical Education (CTE) has 10% of teachers on an alternative licensure plan. The 10% of educators who are on alternative licensure plans is primarily due to a lack of CTE educator preparation programs throughout the state.

The areas of counseling, English as a Second Language, and early childhood are the least affected areas. Arkansas has a low number of non-certified teachers in elementary education classrooms currently. Only 60 counselors holding the position in the state are not certified.



## California

State data report (2019-20): [https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-04/2021-04-4a.pdf?sfvrsn=81382bb1\\_6](https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-04/2021-04-4a.pdf?sfvrsn=81382bb1_6)

CalSTRS survey of teachers who retired in 2020: <https://www.calstrs.com/blog-entry/understanding-increase-teacher-retirements>

- “CalSTRS recently noticed a significant increase in teacher retirements. In the second half of 2020, the number of retirements (3,202) increased 26% over the same period in 2019.”
- “As a result of the pandemic, we are poised to experience our second highest year of retirements. If current trends continue, the total for 2020–21 will be just shy of 16,000.”
- “We received more than 500 survey responses and learned that 62% of those surveyed retired earlier than planned. Those respondents then selected as many reasons as they wished on why they decided to retire. Here are the top three responses:
  - 56%: Challenges of teaching during the COVID-19 pandemic.
  - 35%: Did not want to continue working remotely.
  - 35%: Did not want to risk exposure to COVID-19.”

The Learning Policy Institute conducted a study of 17 California districts in which they interviewed district personnel about the impact of the pandemic on shortages.<sup>17</sup> They found that all 17 districts were hiring teachers who were not fully credentialed, and that shortages were a particular problem in traditionally hard-to-staff fields (math, science, special education, and bilingual education) and for substitute teachers. District staff noted that returning to in-person instruction was likely to further exacerbate shortages due to physical distancing requirements – and many had also experienced growing retirements/resignations or expected to do so in the future.

### ARP Plan

Area	Data on shortages and needs	Narrative description
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<sup>17</sup> <https://learningpolicyinstitute.org/product/california-covid-19-teacher-workforce-report>

<p>Special educators and related service personnel and paraprofessionals</p>	<p>Total: 3,031  Special Education Limited Assignment Teaching Permit: 400  Provisional Internship Permit: 1,078  Short Term Staff Permit: 1,344  Variable Term Waivers: 209</p> <p>All data in this report is taken from the California Commission on Teacher Credentialing (CTC) Teacher Supply in California, 2019–20 Report to the Legislature as reviewed in the CTC's April 14, 2021 meeting agenda item 4A  <a href="https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-04/2021-04-4a.pdf?sfvrsn=81382bb1_6">https://www.ctc.ca.gov/docs/default-source/commission/agendas/2021-04/2021-04-4a.pdf?sfvrsn=81382bb1_6</a></p>	<p>California has reported a shortage of special education teachers to the Department for approximately the last 17 years. More information on special education teacher shortages reported to the Department is available at <a href="https://tsa.ed.gov/#/reports">https://tsa.ed.gov/#/reports</a>.</p>
<p><b>Area</b></p>	<p><b>Data on shortages and needs</b></p>	<p><b>Narrative description</b></p>

<p>Bilingual educators</p>	<p>The shortage of bilingual teachers has always been a gap area in California. Data from the CTC indicates that there were 700 new bilingual teacher authorizations in the 2015–16 school year and 945 new bilingual teacher authorizations in the 2018–19 school year. This represents a significant decrease from the pre-Proposition 227 era authorizations in 1994–95, when 1,800 new bilingual teacher authorizations were granted. Proposition 227 was a statewide voter initiative to establish English as the primary language, which led to a decrease in bilingual and multilingual programs.</p> <p>(Source: <a href="https://www.ctc.ca.gov/commission/reports/data/other-teacher-supply-english-learner-authorizations">https://www.ctc.ca.gov/commission/reports/data/other-teacher-supply-english-learner-authorizations</a>)</p> <p>Data shows that the CDE Multilingual Education web page was accessed an average of 741 times per month between January 2020 and March 2021, indicating interest in multilingual programs, resources, and guidance. <a href="https://www.cde.ca.gov/sp/el/er/multilingualedu.asp">https://www.cde.ca.gov/sp/el/er/multilingualedu.asp</a></p>	<p>The demand for bilingual teachers has been steadily growing since Proposition 58, also known as the California Education for a Global Economy (CA Ed.G.E.) Initiative, was approved by voters in 2016. The CA Ed.G.E. Initiative authorizes school districts and county offices of education to establish language acquisition programs for both native and non-native English speakers and requires school districts and county offices of education to solicit parent and community input in developing language acquisition programs. This initiative, coupled with the goals established in the Global California 2030 Initiative to increase bilingual teacher authorizations to 2,000 per year by 2029–30, mean that the need for bilingual teachers is increasing. At the same time, the number of new bilingual teachers has likely been negatively affected by the COVID-19 pandemic. To address the shortage of bilingual teachers, the CTC is in the final stages of upgrading the standards for bilingual teacher preparation programs to make them more relevant to today’s classroom. The legislature has also provided funds to LEAs to develop their workforce to produce more bilingual teachers.</p>
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<p>English as a second language educators</p>	<p>In California, teachers assigned to provide ELD and instruction in subject matter courses for English learners must have the appropriate authorizations (20 United States Code (U.S.C.) Section 6826 [c]; EC sections 44253.1, 44253.2, 44253.3, 44253.4, 44253.5, 44253.10; <i>Castañeda v. Pickard</i> [5th Cir. 1981] 648 F.2d 989, 1012–1013).</p> <p>At the elementary level, most classroom teachers provide ELD to their students. However, at the secondary level, there is often a separate ELD teacher for designated ELD.</p> <p>According to the Learning Policy Institute report, <i>Sharpening the Divide: How California’s Teacher Shortages Expand Inequality</i> (<a href="https://files.eric.ed.gov/fulltext/ED610882.pdf">https://files.eric.ed.gov/fulltext/ED610882.pdf</a>), data are not available that would allow researchers to calculate the turnover rates for ELD teachers in California. However, the report states that national data show that ELD teachers have a higher turnover rate than other teachers. This report states that “the teacher supply continues to be insufficient to meet the demand for those positions for teachers as a whole.” This would indicate that the shortage of ELD teachers may be even more acute. According to DataQuest, during the 2020–21 school year, there were 1,062,290 English learners enrolled in California schools,</p>	<p>Each of the 1,062,651 English learners enrolled in California schools must be provided both designated and integrated ELD by a teacher authorized to teach English learners. Therefore, addressing the teacher shortage is critical to meeting the needs of English learners and meeting the requirements in 20 U.S.C. Section 6825 (c)(1)(A); California EC sections 305, 306, 310; 5 California Code of Regulations (CCR) sections 11300 [a] and [c], 11309; and <i>Castañeda v. Pickard</i> [5th Cir. 1981] 648 F.2d 989, 1006–1011.</p>
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Area	Data on shortages and needs	Narrative description
	kindergarten through grade twelve. <a href="https://dq.cde.ca.gov/dataquest/longtermel/ELAS.aspx?cds=00&amp;agglevel=State&amp;year=2020-21">https://dq.cde.ca.gov/dataquest/longtermel/ELAS.aspx?cds=00&amp;agglevel=State&amp;year=2020-21</a>	
STEM educators	According to the Student Research Foundation and the National Association of State Directors of Career Technical Educational Consortium, the areas where the shortage is especially acute: An 81% shortage of teachers of manufacturing skills. A 73% shortage of teachers in IT, along with STEM-based educators.	More information can be found in the Student and Research Foundation Report available at <a href="https://www.studentresearchfoundation.org/blog/coming-shortage-of-cte-teachers/">https://www.studentresearchfoundation.org/blog/coming-shortage-of-cte-teachers/</a> .
CTE educators	According to the Student Research Foundation and the National Association of State Directors of Career Technical Educational Consortium, the areas where the shortage is especially acute: An 81% shortage of teachers of manufacturing skills. A 73% shortage of teachers in IT.	More information can be found in the Student and Research Foundation Report available at <a href="https://www.studentresearchfoundation.org/blog/coming-shortage-of-cte-teachers/">https://www.studentresearchfoundation.org/blog/coming-shortage-of-cte-teachers/</a> .
Area	Data on shortages and needs	Narrative description

Early childhood educators	<p>California has long had a shortage of early childhood educators, largely driven by industry-wide low compensation for educators. According to the CTC, the number of Child Development Permits issued since 2015–16 has been steadily decreasing. Between 2019–20 and 2018–19, permits issued overall declined by 14.2%, or 944 overall. Since 2015–16, overall permits have declined by 21.9%. More information can be found in the CTC’s annual Teacher Supply in California report for 2019–20 available at <a href="https://www.ctc.ca.gov/docs/default-source/commission/reports/ts-2019-2020-annualrpt.pdf?sfvrsn=9c272bb1_2">https://www.ctc.ca.gov/docs/default-source/commission/reports/ts-2019-2020-annualrpt.pdf?sfvrsn=9c272bb1_2</a>.</p>	<p>The shortage of early childhood educators has been driven in significant part by low wages for this essential workforce. This shortage is especially acute as the need for early childhood educators has been increasing with the State’s recent years of expansion of State Preschool programs as well as a proposed expansion through Universal Transitional Kindergarten (TK).</p> <p>State reschool programs have staffing ratios of 1 teacher to 24 children and 1 adult for every 8 children. Teachers in State Preschool programs must possess a Child Development Associate Teacher Permit issued by the CTC.</p> <p>Teachers in TK must have a Bachelor’s degree and either a: Multiple Subject Teaching Credential, General Kindergarten-Primary Teaching Credential, General Elementary Teaching Credential, Standard Early Childhood Credential, Standard Elementary Credential, or Specialist Instruction Credential in Early Childhood Education (ECE). In addition to having a Bachelor’s degree and credential, TK teachers first assigned to a TK classroom after July 1, 2015, must have one of the following by August 1, 2021:</p>
<b>Area</b>	<b>Data on shortages and needs</b>	<b>Narrative description</b>



		<p>1) At least 24 units in ECE, or childhood development (CD), or both;</p> <p>2) As determined by the LEA employing the teacher, professional experience in a classroom setting with preschool-aged children that is comparable to the 24 units of education; or</p> <p>3) A Child Development Teacher Permit issued by the CTC.</p> <p>Teachers first assigned to a TK classroom on or before July 1, 2015, are required to have a teaching credential.</p>
School counselors	The CDE and the CTC are currently analyzing the first year of data and will provide an update as soon as it is published.	The CDE and the CTC signed a data-sharing memorandum of understanding (MOU), and the CTC developed a system that will accurately provide shortage data and information moving forward.
Social workers	The CDE and the CTC are currently analyzing the first year of data and will provide an update as soon as it is published.	The CDE and the CTC signed a data-sharing MOU, and the CTC developed a system that will accurately provide shortage data and information moving forward.
Nurses	The CDE and the CTC are currently analyzing the first year of data and will provide an update as soon as it is published.	The CDE and the CTC signed a data-sharing MOU, and the CTC developed a system that will accurately provide shortage data and information moving forward.
School psychologists	The CDE and the CTC are currently analyzing the first year of data and will provide an update as soon as it is published.	The CDE and CTC signed a data-sharing MOU, and the CTC developed a system that will accurately provide shortage data and information moving forward.

## Colorado

State data website (2020-21):

<https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard>

### Media Accounts

- KOAA, 10/7/21, "Staffing shortage cancels in-person learning at Pueblo West High Thursday," <https://www.koaa.com/news/covering-colorado/staffing-shortage-cancels-class-thursday-at-pueblo-west-high>

### ARP Plan

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website: <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a>	<p>In the 2020-21 year, of the 1,061 total Special Service Personnel (SSP) positions to hire, 75 (7%) remained unfilled for the school year and 49 (5%) were filled through a shortage mechanism, such as alternative licensure. The percentage of SSP positions going unfilled remained relatively stable in comparison to the prior year.</p> <p>Just under 3% of Colorado's special education generalist positions were filled through a shortage mechanism, and less than .82% were left unfilled during the 2020-21 school year.</p> <p>Of the 1,228 total paraprofessional positions to hire, 92 (7%) remained unfilled for the entire school year and 15 (1%) were filled through a shortage mechanism. Though the percentage of paraprofessional positions filled through a shortage mechanism was stable in comparison to the prior year, there was an increase in the percentage of paraprofessional positions that remained unfilled.</p>
English as a second language educators	All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website: <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a>	Colorado employs culturally and linguistically diverse-endorsed educators. The 2020-21 data indicated that 22.5 FTE were still needed in this arena at the beginning of the year. All other CLD positions had been filled by qualified candidates. However, 11.5 positions remained unfilled over the course of the year due to supply.

STEM educators	<p>All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website:  <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a></p>	<p>Colorado does not have a specific STEM educator endorsement. However, for <b>math</b>, the 2020-21 educator shortage data collection indicated that 80 positions still needed to be filled at the beginning of the school year, with 51.7 positions being filled by direct hires after the start of the year or a shortage mechanism and 28.33 positions remaining unfilled the entire year.</p> <p>For <b>science</b>, the 2020-21 educator shortage data collection indicated that 43.3 positions still needed to be filled at the beginning of the school year, with 29 positions being filled by direct hires after the start of the year or a shortage mechanism and 14.8 positions remaining unfilled the entire year</p>
CTE educators	<p>CDE issues educator licensure certificates for CTE on behalf of the Colorado Community College System (CCCS). However, CTE data specific to educator shortages is not collected by CDE as that reporting runs through the CCCS.</p>	<p>CDE issues educator licensure certificates for CTE on behalf of the Colorado Community College System (CCCS). However, CTE data specific to educator shortages is not collected by CDE as that reporting runs through the CCCS.</p>
Early childhood educators	<p>All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website:  <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a></p>	<p>The 2020-21 educator shortage data collection indicated that 27 positions still needed to be filled at the beginning of the school year, with 21 of those positions being filled by direct hires or shortage mechanisms and 2 positions remaining unfilled the entire year.</p>
School counselors	<p>All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website:  <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a></p>	<p>The 2020-21 educator shortage data collection indicated that 32 positions still needed to be filled at the beginning of the school year, with 20.5 positions being filled by direct hires after the start of the year or a shortage mechanism and 11.5 positions remaining unfilled the entire year.</p>



Social workers	All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website: <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a>	The 2020-21 educator shortage data collection indicated that 47.2 positions still needed to be filled at the beginning of the school year, with 36.7 positions being filled by direct hires or a shortage mechanism and 10.5 positions remaining unfilled the entire year.
Nurses	All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website: <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a>	The 2020-21 educator shortage data collection indicated that 51.7 positions still needed to be filled at the beginning of the school year, with 39.7 positions being filled by direct hires or a shortage mechanism and 12 positions remaining unfilled the entire year, predominantly in the nonrural areas of the state.
School psychologists	All data pulled from the CDE Educator Talent Research and Impact, Teacher Shortage website: <a href="https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard">https://www.cde.state.co.us/educatortalent/coloeducatorshortagesurveyresultsdashboard</a>	The 2020-21 educator shortage data collection indicated that 44.4 positions still needed to be filled at the beginning of the school year, with 26.4 positions being filled by shortage mechanisms and 18 positions remaining unfilled the entire year.

## Connecticut

State data website (2021-22): [https://portal.ct.gov/SDE/Talent\\_Office/Talent-Office-home-page/Shortage-Areas](https://portal.ct.gov/SDE/Talent_Office/Talent-Office-home-page/Shortage-Areas)

### Media Accounts

- Hartford Courant, 9/27/21, "Several school bus routes delayed as Connecticut drivers protest COVID-19 vaccine mandate, but most districts report no major issues," <https://www.courant.com/coronavirus/hc-news-coronavirus-connecticut-bus-drivers-covid-vaccines-20210927-cyvchtkgrijgvbbnfu5bdv4uajm-story.html>
  - Reports bus driver shortages in some districts but that others are not having issues
- Journal Inquirer, 9/4/21, "COVID threat causing more teachers to retire, and it's harder to replace them," [https://www.journalinquirer.com/connecticut\\_and\\_region/covid-threat-causing-more-teachers-to-retire-and-its-harder-to-replace-them/article\\_08a932da-0d0f-11ec-a1af-2ffc15076cb8.html](https://www.journalinquirer.com/connecticut_and_region/covid-threat-causing-more-teachers-to-retire-and-its-harder-to-replace-them/article_08a932da-0d0f-11ec-a1af-2ffc15076cb8.html)
  - "Education staffing levels in Connecticut have fluctuated in the past several years, but are now at their lowest point since the first quarter of 2018, according to the U.S. Census Bureau. Since January 2020, more than 1,500 teachers have retired from Connecticut schools, and more than 800 filed for retirement for July 2021, according to the Connecticut Teachers Retirement Board."

### ARP Plan

Table E1: State of Educator Workforce in CT

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	Comprehensive Special Ed. <ul style="list-style-type: none"> <li>• # Newly Certified 2020-21: 478</li> <li>• Total# Employed 2020-21: 6,323</li> </ul>	<p>The CSDE has worked in partnership with educator preparation programs (EPPs) and TEACH CT to expand exposure of the need for educators to pursue certification in special education. The CSDE, in partnership with the RESC Alliance and CCSSO Teacher Table initiative, focused on the persistent <u>shortage</u> areas in special education and identified several strategies to improve resources and support for the retention of special education teachers. These strategies included the development of <u>resources</u> for the Teacher Education and Mentoring Program (TEAM), an induction program on best practices for supporting and mentoring early career special education teachers and utilizing the Talent Office CEEDAR grant to improve partnerships between EPPs and LEAs specific to supporting special education candidates.</p> <p>Additionally, the SBE approved pathways for experienced <u>para-educators</u> to obtain temporary authorizations as they pursue initial educator certification in comprehensive special education.</p>
	Integrated Early Childhood (112/113) <ul style="list-style-type: none"> <li>• # Newly Certified 2020-21: 155</li> <li>• Total# Employed 2020-21: 1,601</li> </ul>	



Area	Data on shortages and needs	Narrative description
Bilingual educators	# Newly Certified 2020-21: 22 Total# Employed 2020-21: 250	The shortage of bilingual educators <u>has long been recognized</u> as a persistent challenge in Connecticut. As a result, the CSDE, in partnership with the CCSO Teacher Table initiative, focused specifically on addressing issues around bilingual certification. As a result, the SBE approved the CSDE legislative proposal to change bilingual certification regulations through statute, expanding access to the endorsement and removing barriers of entry. The raised legislation is currently pending legislative approval.
English as a second language educators	# Newly Certified 2020-21: 143 Total# Employed 2020-21: 712	The CSDE continues to engage in conversations with EPPs about expanding pathways towards TESOL certification including expanding access to <u>Alternate Route to Certification Programs and cross-endorsements programs</u> .
STEM educators	# Newly Certified 2020-21: 353 Total# Employed 2020-21: 6,990	<p>The CSDE has worked in partnership with EPPs and TEACH CT to amplify the need for STEM educators. The CSDE, through legislation, has created <u>pathways for certified educators</u> to add cross endorsements in STEM (4-12) and career and technical education (CTE) through testing alone.</p> <p>Additionally, the CSDE has worked with the RESC Alliance to provide test preparation options specific to CTE and mathematics.</p>
CTE educators	# Newly Certified 2020-21: 30 Total# Employed 2020-21: 408	<p>Much like the need for STEM educators, CSDE, EPPs and TEACH CT have worked together to highlight the need for CTE educators. As mentioned above, the CSDE, through legislation, has created <u>pathways for certified educators</u> to add cross endorsements in STEM (4-12) and career and technical education (CTE) through testing alone.</p> <p>Additionally, the CSDE has worked with the RESC Alliance to provide test preparation options specific to CTE and mathematics.</p>

Area	Data on shortages and needs	Narrative description
Early childhood educators	Integrated Early Childhood (112/113)	The CSDE continues to engage in <u>conversations</u> with EPPs about <u>expanding</u> pathways toward Early Childhood Endorsements (112/113) including expanding access to Alternate Route to Certification Programs.  The CSDE continues to <u>partner</u> and collaborate <b>with</b> the Office of Early Childhood (OEC) including joint statements, support of the Consortium for the Advancement of Early Childhood Educators grant application, and pending legislative proposal.
	<ul style="list-style-type: none"> <li>• # <i>Newly Certified 2020-21</i>: 155</li> <li>• <i>Total# Employed 2020-21</i>: 1,601</li> </ul>	
	Elementary #305 (1-6)	
	<ul style="list-style-type: none"> <li>• # <i>Newly Certified 2020-21</i>: 911</li> <li>• <i>Total# Employed 2020-21</i>: 1,805</li> </ul>	
	Elementary #013 (K-6)	
	<ul style="list-style-type: none"> <li>• # <i>Newly Certified 2020-21</i>: <b>NIA</b></li> <li>• <i>Total# Employed 2020-21</i>: <b>NIA</b></li> </ul>	
School <u>counselors</u>	<p># <i>Newly Certified 2020-21</i>: 130</p> <p><i>Total# Employed 2020-21</i>: 1,537</p>	The CSDE acknowledges the increased need for behavioral and mental health supports for students due to the trauma and isolation experienced during the COVID-19 pandemic. This combined with the need for accelerated learning and academic and career <u>planning</u> , the CSDE recognizes the necessity of increasing in student counselors and aims to support LEAs in meeting those needs.
Social workers	<p># <i>Newly Certified 2020-21</i>: 223</p> <p><i>Total# Employed 2020-21</i>: 1,303</p>	Social workers are valuable members of the school community and <u>are needed</u> to reengage and reconnect students and families to the school community and to community-based supports. Increasing the presence of social workers will enhance the engagement between schools, communities, families, and <u>students</u> .

Area	Data on shortages and needs	Narrative description
Nurses	# <i>Newly Certified 2020-21: N/A</i> <i>Total# Employed 2020-21: 1,272</i>	<p>The CSDE recognizes that <u>nurses</u> are vital members of the school community now more than ever. In addition to providing day-to-day care for students, nurses have the <u>ability to provide</u> ongoing social, emotional, and physical health supports as well as conduct care coordination for students.</p> <p>As the COVID-19 pandemic persists, nurses are also required to coordinate the emerging needs including assistance with contact tracing, vaccinations for school-aged children as well as school staff, and COVID-19 testing.</p>
School psychologists	# <i>Newly Certified 2020-21: 90</i> <i>Total# Employed 2020-21: 1090</i>	<p><u>The COVID-19 pandemic has increased the number of students experiencing high levels of anxiety and depression and, therefore, requires the needs for additional school psychologists to conduct further individualized assessments.</u></p>

*Fl.ii. Assisting LEAs in identifying the most urgent needs*

LEAs across the state of Connecticut have successfully identified their most significant workforce needs throughout the years, and the process has not changed during the COVID-19 pandemic. The CSDE has focused our efforts and resources toward supporting LEAs as they fill the gaps that they independently identified.

Despite presenting unprecedented challenges to school districts, the CSDE is not aware of significant layoffs or layoffs mitigated by federal COVID-19 funding. Instead, talent officers located throughout the districts continue to note a need to fill vacancies. This need is not a result of the pandemic, but rather a supply and demand issue that the state of Connecticut has been faced with for years. While hiring needs are unique to each district, the CSDE has identified two significant needs that persist across the state: the need for a more diverse educator workforce and the need for special educators. The CSDE works closely with districts to ensure these needs are top-of-mind and that there are sufficient resources to aid the efforts.



## Delaware

State data report (2018-19):

[https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/546/2019\\_Delaware%20Excellent%20Educators\\_Final%20Report.pdf](https://www.doe.k12.de.us/cms/lib/DE01922744/Centricity/Domain/546/2019_Delaware%20Excellent%20Educators_Final%20Report.pdf)

## ARP Plan

## APPENDIX F: Overview of Delaware educator shortages

Table F1

Area	Data on shortages and needs								Narrative description
	Hard to Staff Subject Area <sup>1</sup>	Hard to Staff Subject Area <sup>2</sup>	Temporary Certificate Data <sup>3</sup>	Employment data <sup>4</sup>	Retirement Eligibility Data <sup>5</sup>	Turnover Data <sup>6</sup> (2019 vs 2021)	Turnover Data <sup>7</sup> (2019 vs 2021) in HNS	Recruitment Data <sup>8</sup>	
<b>Special educators and related service personnel and paraprofessionals</b>	Secondary Special education - 47% and Elementary special education - 32%	Secondary Special education - 51% and Elementary special education - 22%	131.4% (from 159 in 2019 to 365 in 2021)	11.8% (from 4,200 to 4,687)	22%	6%/5%	9%/7%	SPED Teachers - 1,000 Related Personnel - 20 Paraprofessionals - 2,719	
<b>Bilingual educators</b>	Bilingual/ESOL - 42%	Bilingual/ESOL - 44%	100% (from 1 to 2)	-43.8% (from 32 to 18)	27%	12%/13%	14%/18%	21	
<b>English as a second language educators</b>			12.3% (from 57 to 64)	27.9% (from 140 to 179)	20%	9%/5%	7%/2%	108	
<b>STEM educators</b>	High school math - 79% High school science - 79% Middle school math - 68% Middle school science - 68%	High school math - 73% High school science - 65% Middle school math - 46% Middle school science - 40%	66.4% (from 119 to 198)	1.5% (from 1,188 to 1,206)	24%	6%/7%	8%/7%	Math - 301 Science - 232	
<b>CTE educators</b>	CTE - 47%	CTE - 28%	0% (from 86 to 86)	3.9% (from 439 to 456)	35%	6%/6%	8%/11%		

Area	Data on shortages and needs								Narrative description
	Hard to Staff Subject Area <sup>1</sup>	Hard to Staff Subject Area <sup>2</sup>	Temporary Certificate Data <sup>3</sup>	Employment data <sup>4</sup>	Retirement Eligibility Data <sup>5</sup>	Turnover Data <sup>6</sup> (2019 vs 2021)	Turnover Data <sup>7</sup> (2019 vs 2021) in HNS	Recruitment Data <sup>8</sup>	
Early childhood educators	-	-	254.5% (from 11 to 39)	19.4% (from 144 to 172)	17%	4%/2%	4%/0%	396	
School counselors	Guidance counselors - 16%	Guidance counselors - 9%	n/a	6% (from 349 to 370)	34%	5%/6%	4%/9%		
Social workers	Special Education Case Managers - 16%	Special Education Case Managers - 15%	-100% (from 1 to 0)	56% (from 25 to 39)	26%	17%/8%	0%/0%	9	
Nurses	26%	23%	n/a	4.6% (from 284 to 297)	40%	7%/4%	12%/7%	8	
School psychologists	79%	65%	n/a	15.3% (from 196 to 226)	13%	6%/7%	4%/4%	20	

**Notes:**

<sup>1</sup>Reported here are percent of HR directors who stated that this is a hard to staff subject area in a Talent Practices Survey conducted by the department. Data shown is for the most recent school year (2020-2021 SY).

<sup>2</sup>Reported here are percent of HR directors who stated that this is a hard to staff subject area in a Talent Practices Survey conducted by the department. Data shown is for five year period (SY 2016-17 to SY 2020-21).

<sup>3</sup>Reported here is the percent and numerical change of educators holding emergency certificate or certificate of eligibility in the referenced content areas prior to pandemic (2018-19 SY) and currently (2020-21 SY).

<sup>4</sup>Reported here is the percent and numerical change of educators employed in the referenced content areas prior to pandemic (2018-19 SY) and currently (2020-21 SY).

<sup>5</sup>Reported here is the percent of educators employed in the referenced areas eligible to retire within the next five years. Retirement data as of 7/22/2020.

<sup>6</sup>Reported here is the percent of educators who were not retained in the following school year. First number shows turnover for 2019 SY and the second number is turnover for 2021 SY.

<sup>7</sup>Reported here is the percent of educators in a high-need school who were not retained in the following school year. First number shows turnover for 2019 SY and the second number is turnover for 2021 SY.

<sup>8</sup>Reported here is the number of applicants by each content area (employed and/or not employed). Data retrieved from Join Delaware Schools (JDS) on 5/5/2021. Not all districts and charters post their openings on the JDS portal.

All employment and certificate data are snapshot data. Snapshot is typically taken at the beginning of November of each school year.

## District of Columbia

State data report (2018-19): <https://osse.dc.gov/publication/dc-teacher-workforce-report>

ARP Plan

Data provided below is based on [OSSE's 2020-2021 Faculty and Staff Data collection](#).

**Table F1.**

<b>Area</b>	<b>Data on shortages and needs (SY20-21)</b>	<b>Narrative description</b>
Special educators and related service personnel and paraprofessionals	67	At the start of SY20-21, public schools inDC [charter and traditional] had 67 vacant special education teacher positions.
Bilingual educators	1	At the start of SY20-21, public schools inDC [charter and traditional] had 1 vacant bilingual teacher positions.
English as a second language educators	35	At the start of SY20-21, public schools inDC [charter and traditional] had 35 vacant English as a second language teacher positions.
Math and science	6	At the start of SY20-21, public schools in DC [charter and traditional] had 6



Area	Data on shortages and needs (SY20-21)	Narrative description
		vacant math and science teacher positions.
CTE educators	2	At the start of SY20-21, public schools in DC [charter and traditional] had 2 vacant CTE educationteacher positions.
Early childhood educators	8	At the start of SY20-21, public schools in DC [charter and traditional] had 8 vacant early childhood education teacher positions
School counselors	N/A	OSSE does not collectthese data
Social workers	N/A	OSSE does not collectthese data
Nurses	N/A	OSSE does not collectthese data
School psychologists	N/A	OSSE does not collectthese data

## Florida

The Florida Education Association (FEA) reviewed district websites in August and October 2021 to gauge staffing shortages. In the October survey, they found that the state had 5,100 open teaching positions and more than 4,000 openings for other staff. Three-quarters of all districts had openings for bus drivers.<sup>18</sup>

FEA October 2021 results:

[https://www.tiktok.com/@andrewspar/video/7017554031904099589?sender\\_device=pc&sender\\_web\\_id=6933249873555621381&is\\_from\\_webapp=v1&is\\_copy\\_url=0](https://www.tiktok.com/@andrewspar/video/7017554031904099589?sender_device=pc&sender_web_id=6933249873555621381&is_from_webapp=v1&is_copy_url=0)

FEA August 2021 results: <https://feaweb.org/release/on-top-of-covid-add-a-huge-shortage-of-teachers-and-staff/>

### Media Accounts

- WINK, 10/10/21, "School bus drivers confront Lee County School Board about work conditions," [https://www.winknews.com/2021/10/08/school-bus-drivers-confront-lee-county-school-board-about-work-conditions/?fbclid=IwAR0E38gmMsQVwbF4o9\\_W8kGJQCpWv-AZ6Sx1dFs43vv25fhmFLyqEohaBU](https://www.winknews.com/2021/10/08/school-bus-drivers-confront-lee-county-school-board-about-work-conditions/?fbclid=IwAR0E38gmMsQVwbF4o9_W8kGJQCpWv-AZ6Sx1dFs43vv25fhmFLyqEohaBU)
- <https://www.miamiherald.com/news/local/education/article254467188.html>

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<sup>18</sup> <https://www.msn.com/en-us/news/us/florida-is-short-more-than-5000-teachers-education-group-says/ar-AAPoNbT>

Georgia

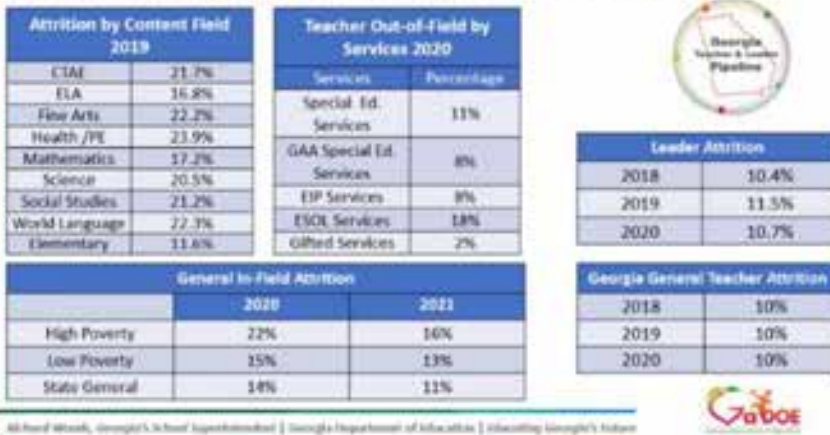
State data website (2021-22): <https://www.georgiainsights.com/teacher-pipeline.html>

State data reports (2019-20): <https://gosa.georgia.gov/georgia-k-12-teacher-and-leader-workforce-report>

ARP Plan

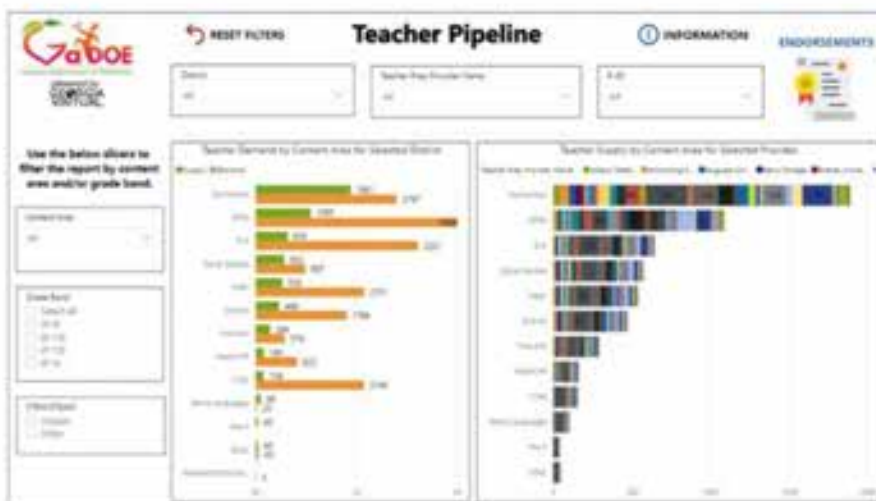
Identifying and Addressing Educator Shortages

Supporting the Educator Workforce



georgiaINSIGHTS

HOME | DEMOGRAPHICS | ABOUT | WHOLE CHILD | COVID-19





## Hawaii

State data report (2019-20):

<https://www.hawaiipublicschools.org/Reports/EMPLOYMENT%20REPORT%20SY%2019-20.pdf>

### ARP Plan

HIDOE has always realized that having a qualified and effective teacher workforce positively affects student learning outcomes. The percentage of teacher positions filled by a teacher who completed a state-approved teacher education program have remained steady at or near 93 percent over the past five years. The percentage of teacher positions in special education filled by a teacher who completed a state-approved teacher education program increased from 86 percent to 90 percent. This may be attributed to the salary differential qualified special education teachers received for teaching special education classes during the 2020-2021 school year.

HIDOE is experiencing extreme shortages of bilingual and English as a second language educators, which have been exacerbated by the pandemic. Of the fifteen complex areas, seven do not currently have bilingual support personnel. There are only two full-time bilingual support staff within our complex areas with the remaining complex areas staffed with part-time bilingual support. Many English as a second language educators at the school level are casual employees and not full-time staff.

HIDOE has also experienced challenges in hiring and retaining nurses on two islands. To ensure schools have access to healthcare-related consultation, coverage is provided by nurses absorbing the additional responsibilities.

## Idaho

State data website (2019-20): <https://www.sde.idaho.gov/cert-psc/psc/alt-auth.html>

State data report (2017-18): <https://boardofed.idaho.gov/resources/2018-teacher-pipeline-report/>

### Media Accounts

- KTVB, 10/5/21, "Gooding School District to close for the week due to bus driver shortage," <https://www.ktvb.com/article/news/education/gooding-district-closure-bus-driver-shortage/277-ed854427-3e4a-4ef7-b911-5961ba55eab6>
  - "The closure began on Tuesday, Oct. 5 and was later extended for Wednesday and Thursday. The Gooding School District does not hold classes on Fridays."
- <https://www.idahoednews.org/news/school-districts-grapple-with-substitute-teacher-and-bus-driver-shortages/>
- <https://idahocapitalsun.com/2021/06/24/idaho-must-find-ways-to-pay-school-support-staff-competitive-wages-before-its-too-late/>

### ARP Plan

Area	2018-2019 Idaho State Student to Area Ratio*	2019-2020 Idaho State Student to Area Ratio*	2020-2021 Idaho State Student to Area Ratio*
Special educators	24 special education students per special educator	23 special education students per special educator	21 special education students per special educator
Paraprofessionals – special education	11 special education students per special education paraprofessional	10 special education students per special education paraprofessional	11 special education students per special education paraprofessional
English as a second language educators	180 English language students per English as a second language educator	145 English language students per English as a second language educator	129 English language students per English as a second language educator
Paraprofessionals – English as a second language	103 English language students per English as a second language paraprofessional	113 English language students per English as a second language paraprofessional	104 English language students per English as a second language paraprofessional
School counselors	421 students per school counselor  31 out of 176 LEAs had no school counselors	413 students per school counselor  31 out of 180 LEAs had no school counselors	403 students per school counselor  39 out of 185 LEAs had no school counselors
Social workers	5796 students per school social worker  144 out of 176 LEAs had no school social workers	5673 students per school social worker  149 out of 180 LEAs had no school social workers	5822 students per school social worker  152 out of 185 LEAs had no school social workers

Nurses	1969 students per school nurse 130 out of 176 LEAs had no school nurses	1902 students per school nurse 131 out of 180 LEAs had no school nurses	1825 students per school nurse 135 out of 185 LEAs had no school nurses
School psychologists	1755 students per school psychologist 107 out of 176 LEAs had no school psychologists	1686 students per school psychologist 109 out of 180 LEAs had no school psychologists	1704 students per school psychologist 117 out of 185 LEAs had no school psychologists

\*The number for each area is determined by an individual serving in at least one applicable assignment and counts that person as one individual (full or parttime), and does not include those who were contracted by outside vendors.



## Illinois

State unfilled positions dashboard (2021-22): <https://www.isbe.net/unfilledpositions>

State data website (2019-20): <https://www.isbe.net/edsupplydemand>

State data report (2019-20): <https://www.isbe.net/Documents/ed-supply-demand-2020.pdf>

State data report (2019-20): <https://www.isbe.net/Documents/2020-Annual-Report.pdf#page=47>

### Media Accounts

- Chicago Sun Times, 8/30/21, "CPS talking to Lyft, Uber after bus drivers quit over vaccine mandate," <https://chicago.suntimes.com/education/2021/8/30/22648862/cps-school-bus-driver-vaccine-mandate-uber-lyft-lightfoot-public-schools>
  - "Though the district received late notice about the 73 drivers resigning, CPS already knew there was an overall shortage of more than 400 drivers. CPS had adjusted to set up routes for the approximately 14,500 students who use school buses, but the existing shortage meant the district was headed into the school year operating on thin ice if a situation arose like the resignations last week. The district now has 770 drivers — about 500 fewer than what's needed, officials said. CPS is offering families \$1,000 upfront and \$500 monthly for a travel reimbursement until the problems are fixed."

### ARP Plan

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	125 unfilled positions	<b>The following position codes were included in the data:</b> Bilingual Education and Special Education - Bilingual
Bilingual educators	30 unfilled positions	<b>The following position codes were included in the data:</b> English as a Second Language
English as a second language educators	224 unfilled positions	<b>The following position codes</b>

Area	Data on shortages and needs	Narrative description
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		<p><b>were included in the data:</b> Science - Physics, Science - Other, Science - General, Science - Chemistry, Science - Biology, Math - Algebra, Math - Basic, Math - Geometry, Math - Other, Mathematics, Resource Teacher, Title I Remedial Math, Computer Literacy and Tech, Technology Specialist, Vocational Tech - Business, Marketing, and Management, Vocational Tech - Family and Consumer Science, Vocational Tech - Industrial Occupations, Vocational Tech - Miscellaneous</p>
STEM educators	224 unfilled positions	<p><b>The following position codes were included in the data:</b> Science - Physics, Science - Other, Science - General, Science - Chemistry, Science - Biology, Math - Algebra, Math - Basic, Math - Geometry, Math - Other, Mathematics,</p>

Area	Data on shortages and needs	Narrative description
		Resource Teacher, Title I Remedial Math, Computer Literacy and Tech, Technology Specialist, Vocational Tech - Business, Marketing, and Management, Vocational Tech - Family and Consumer Science, Vocational Tech-Industrial Occupat ions, Vocational Tech - Miscellaneous
CTE educators	21 unfilled positions	<b>The following position codes were included in the data:</b> Career and Technical Educator
Early childhood educators	17	<b>The following position codes were included in the data:</b> Pre-K at Risk (only data available)
School counselors	24	<b>The following position codes were included in the data:</b> Guidance Counselor
Social workers	144	<b>The following position codes were included in the data:</b> Interim Social Worker, Social Worker
Nurses	101	<b>The following position codes</b>



Area	Data on shortages and needs	Narrative description
		<b>were included in the data:</b> Nurse
School psychologists	122	<b>The following position codes were included in the data:</b> Intern Psychologist, Psychologist

## Indiana

State data report (2019-20): <https://www.doe.in.gov/sites/default/files/licensing/2019-20-annual-educator-licensing-report.pdf>

ARP Plan

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	According to the <u>IDOE Licensing</u> report, in SY 2019-2020, IDOE issued 568 emergency permits for mild intervention and 73 emergency permits for Intense Intervention.	Having staff adequately trained in the unique needs of students with disabilities will be vital to providing supports to both address learning loss and accelerate learning to recover from the impacts of COVID-19. Additionally, the IDOE Job Database has over 200 special education positions listed as unfilled.
Bilingual educators	Total number of bilingual certified teachers during SY 2019-2020: 48	Currently there are 31 Dual Language programs in Indiana, with more being added each year via our DLI grant. The key to a successful DLI program is its consistency from grade level to grade level – this requires annual growth of the program, often by a grade level each year. Ideally this leads to a K-12 DLI model where there is no drop-off in the instructional model (i.e., if DLI only goes from K-3, it has minimal impact); research has shown that this continuity of a strand is critical to have the desired impact. Due to the increasing volume of programs, and their need to continue to expand, the need
		for Bilingual Certified teachers remains high.  With 48 certified bilingual educators spread across 31 programs, bilingual educators will continue to be an area of focus for existing efforts by IDOE to increase licensure numbers through financial support for educators and programs.

English as a second language educators	<p>As of May 12, 2021, there are 178 LEAs are still in transition to meeting this requirement.</p> <p>Overall, Indiana has 73,148 English learners and 1,203 active EL licenses. This results in a student to teacher ratio of 60:1. IDOE has a goal of maintaining a ratio of no more than 30:1.</p>	<p>IDOE is currently transitioning to new requirements to be fully enacted by 2023 which will require every English learner to have a teacher of record (TOR) to ensure equitable access to teachers who are adequately trained in English language acquisition. Currently, 178 LEAs are still in transition to meeting this requirement. Overall, Indiana has 73,148 English learners and 1,203 active EL licenses. This results in a student to teacher ratio of 60:1.</p>
STEM educators	<p>In 2019-2020, IDOE issued 236 emergency permits for mathematics and 128 for general Science. Another 82 emergency permits were issued for Life Sciences specifically.</p>	<p>STEM fields represent three of the top 10 content areas for which Indiana issued an emergency permit.</p>
CTE educators	<p>In 2019-2020, IDOE issued 78 emergency permits for CTE educators (Agriculture, Business Technology, Health Occupations, Marketing, Occupational Family and Consumer Sciences, Trade and Industrial Education, and Business Information Technology).</p>	<p>With many students having faced disrupted in-person learning during COVID, many CTE programs were adversely impacted. To accelerate learning and address learning loss, employability skills will be needed to ensure students have the tools and experience to participate fully in a modern workforce.</p> <p>The high number of emergency permits shows the difficulty in securing staff who are adequately trained, meaning underserved student populations will continue to lack equitable access to CTE.</p>
Early childhood educators	<p>Indiana has a rate of issuance of emergency placements</p>	<p>With nearly one in four early childhood educators receiving emergency</p>



	<p>(EPs) for early learning educators approaching 25%.          2019-2020 EPs: 49          2019-2020 Professional Educator Licenses: 197</p>	<p>placement, equitable access to high-quality early childhood educators is a priority to accelerate learning and address learning loss that impacted early childhood education, creating a disadvantage to accelerating their learning as they enter K-12 education.</p> <p>One implication of program closures due to COVID-19 is a decrease in the early care and education workforce. In past reports, the Early Learning Advisory Committee (ELAC) has highlighted the shortage of early care and education teachers. While Indiana does not have data available on the number of jobs lost, there is national data that can provide insight. Based on national data available, “between February and April 2020, the industry lost 370,600 jobs, over a third of its workforce, with women accounting for 95% of those losses. Between April and July, only about 4 in 10 (42%) of the lost jobs returned.</p> <p>Through funding from Family and Social Services Administration (FSSA), the Indiana Association for the Education of Young Children (INAEYC) offered the Temporary Assistance Grant for Early Education and Care Employee Recruitment and Retention to support maintaining current staff and recruiting new staff. Indiana early care and education programs were eligible to apply for funding if they were licensed or registered, in good standing with FSSA, and open with children in attendance on or before June 14, 2020. INAEYC received applications from 1,010 programs and awarded grants to 773 programs located in 76 out of the 92 Indiana counties. The grants provided \$300 toward the costs associated with recruiting to fill a new position, \$300 paid as a bonus to each full-time employee retained, and \$150 paid as</p>
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		a bonus to each part-time employee
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		retained. INAEYC provided just over one million dollars for retention of current early care and education employees, and nearly \$350,000 went to recruitment of new staff. An additional \$104,000 was awarded to 112 programs for blended funding efforts to support both recruitment and retention.
School counselors	In Fall 2020-2021 there were 2,069 school counselors in Indiana public schools which serves over 1 million K-12 students.	The American School Counselor Association (ASCA) recommends a ratio of 250 students per counselor. According to the most recent data from ASCA, Indiana's ratio is 486 students for each counselor. School counselors are individuals who are certified/ licensed with a master's degree in counseling. School counselors promote student engagement and learning, provide social and emotional support, promote positive school culture, and help students navigate college and career readiness and success. Source: <a href="https://www.iyi.org/wp-content/uploads/2021/03/2021_IYI_Data_book_FINAL.pdf">https://www.iyi.org/wp-content/uploads/2021/03/2021_IYI_Data_book_FINAL.pdf</a>



Social workers	Fall 2020-2021= 291 school social workers in Indiana public schools which serves 1.1 million K-12 students.	<p>In Indiana, there are 620 people for every one mental health provider. Mental health providers include psychiatrists, psychologists, licensed clinical social workers, counselors, family therapists, mental health providers that treat substance abuse, and nurses specializing in mental health care</p> <ul style="list-style-type: none"><li>• Indiana is ranked 28th for the prevalence of mental illness among youth.</li><li>• 53% of Hoosier youth who had major depression did not receive any mental health treatment, 6.6 percentage points below the national percentage of 59.6%.</li><li>• 7.1% of Hoosier children with private insurance did not cover mental or emotional problems, slightly below the national percentage of 7.8%.</li><li>• 50.8% of Indiana children received treatment or counseling from a mental health professional in the past year, 2.4</li></ul>
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		percentage points below the national percentage of 53.2%.
Nurses	Indiana Academic Code recommends one registered nurse for every 750 students. Currently, Indiana's ration is closer to one RN to 917	<p>Indiana Academic Code (IAC) recommends one RN for every 750 students. A recent survey showed that Indiana has one RN for every 917 students, but this number is likely higher.</p> <p>With COVID-19 schools have needed to supplement their nursing services as many more responsibilities were added onto the nurses' workload- assessing, referring, tracking ill staff/students; identifying close contacts; isolating and quarantining identified persons; reporting positive cases and close contacts into the Indiana Department of Health (IDOH) school portal - these will all continue into the next school year with additional responsibilities of assisting and/or administering vaccine to students as well as testing and tracking the vaccine status for staff/students. This is on top of the normal duties of a school nurse - caring for injured, managing care of students with chronic health conditions, conducting screenings, etc. Additionally, IDOE anticipates that this coming year nurses will spend more time ensuring students obtain their required school immunizations as many students are not up to date as well as increased numbers of students will be visiting the nurse due to social, emotional and mental health issues.</p>
School psychologists	Fall 2020-2021= 469 school psychologists in Indiana public schools serving 1.1 million K-12 students.	The post-pandemic recovery for students will need to include evidence-based interventions to help support the social-emotional and mental health of students to ensure each is prepared for learning both academic and social-emotional learning (SEL) needs. School psychologists and other professionals who provide wraparound services and supports.

Iowa

State data website (2021-22): <https://educateiowa.gov/pk-12/educator-quality/practitioner-preparation/teacher-shortage-areas>

State data report (2019-20):

<https://educateiowa.gov/sites/files/ed/documents/2020ConditionOfEducation11.24.20.pdf>

ARP Plan

**Table F1.**

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	<0.01% 728 postings - 715 produced = 13 shortage	This data is for licensed special education teachers. Data is not available for paraeducators.
Bilingual educators	<.01% 96 postings - 67 produced = 29 shortage	95% of World Language teachers are teachers of Spanish
English as a second language educators	no shortage 69 postings - 201 produced = 132 overage	
Area	Data on shortages and needs	Narrative description
STEM educators	n is too small	The STEM endorsement is not required to teach STEM courses, so data is not valid
CTE educators	0.38% 223 postings - 78 produced = 145 shortage	
Early childhood educators (ECE)	>0.01% 75 postings - 63 produced = 12 shortage	This data is for ECE generalists only. ECE special educators (55 postings, 96 produced) are included in the special educators area.
School counselors	<0.01% 138 postings - 127 produced = 11 shortage	
Social workers	no shortage 28 postings - 40 produced = 12 overage	



Nurses	<0.01% 72 postings - 38produced = 34 shortage	
School psychologists	no shortage 18 postings - 36produced = 18 overage	

## Kansas

State data website (2021-22?): [https://ksreportcard.ksde.org/teacher\\_quality.aspx?org\\_no=State&rptType=3](https://ksreportcard.ksde.org/teacher_quality.aspx?org_no=State&rptType=3)

State data report (2019-20):

[https://www.ksde.org/Portals/0/TLA/LPR/Board%20Report%20LPR%20Oct%202019\\_Final\\_Version.pdf?ver=2019-11-07-074533-590](https://www.ksde.org/Portals/0/TLA/LPR/Board%20Report%20LPR%20Oct%202019_Final_Version.pdf?ver=2019-11-07-074533-590)

## ARP Plan

Area	Data on shortages and needs	Narrative description
Special Educators	1075	
STEM educators	240	
CTE educators	115	
Elementary and Early childhood educators	361	
Other Secondary Teaching Vacancies	364	
School counselors	793	<i>Numbers calculated to meet recommended student to specialist ratios.</i>
Social workers	1391	
School psychologists	477	<i>Numbers calculated to meet recommended student to specialist ratios.</i>
<i>Alternative Routes to Licensure</i>		
Limited Apprentice License	257	<i>Numbers included in shortage totals</i>
Limited Teacher Apprentice Program (TAP)	189	<i>Numbers included in shortage totals</i>
Restricted Licenses	414	<i>Numbers included in shortage totals</i>

## Kentucky

State data website (2021-22): <https://applications.education.ky.gov/keps/default.aspx>

State data report (2019-20):

[https://www.kyschoolreportcard.com/organization/20/school\\_overview/faculty\\_staff\\_community/faculty\\_profile?year=2020](https://www.kyschoolreportcard.com/organization/20/school_overview/faculty_staff_community/faculty_profile?year=2020)

### Media Accounts

- <https://www.courier-journal.com/story/news/local/bullitt/2021/10/12/bullitt-county-public-schools-bus-routes-impacted-driver-shortage/6100846001/>
- <https://www.whas11.com/article/news/local/bullitt-county-bus-routes-changes-canceled-tuesday/417-538d54be-8c19-43b9-a2fa-58c09cfaef2f>
- <https://www.kentucky.com/news/local/education/article254521242.html>
- <https://www.kentucky.com/news/local/education/article254056688.html>

### ARP Plan

*KDE staff reviewed both internal and external data to better understand where any potential educator shortages may occur. External data review included data from the Bureau of Labor Statistic (BLS), US Census Bureau and the Health Resources and Services Administration (HRSA). Internal data includes reports from KDE’s SIS, professional and classified data reports, the Kentucky Educator Placement Service (KEPS) program report, Kentucky’s fall Local Educator Assignment Data (LEAD) report, and a report which identifies the number of educators who have been placed out-of- field.*

*The KEPS report identifies the number of various district postings within a set time frame. This report identifies the date a position was posted, the school and district of the posting, if a position remains posted, has been filled, expired or withdrawn, and a general reason for the posting, such as a retirement. The data from this report is from July 1, 2020, until May 5, 2021. During the observed time period, there were 6,387 position postings. Of the 6,387 postings:*

- *6,022 were full time;*
- *365 were part time;*
- *3,022 have been filled;*
- *2,620 remain posted;*
- *698 have been withdrawn; and*
- *47 expired.*

*The fall LEAD report identifies the various grade waivers issued by the Kentucky Education Professional Standards Board (EPSB), as well as the number of course vacancies within a school for the 2020–2021 school year. The fall LEAD report was used because it provides more robust reporting. This report was issued on Nov. 15, 2020. The report shows that EPSB granted*



160 grade range waivers and reported 1,282 vacancies.

*The out-of-field report would identify districts that have placed educators within assigned positions who currently are uncertified in that area. This would allow staff to identify potential staffing shortages within a specific content area throughout the state. The data from this report is from July 1, 2020, until June 30, 2021.*

*During this time period, there were 2,773 out-of-field educators. These include adjunct instructors (91 educators), who are granted an annual certification option 4 alternative pathway to certification to fill in any gaps within a district; emergency certification (408 educators), which is a one-year certification that is not an alternative route to certification, but allows districts to fill a position need if no qualified applicants can be identified; temporary provisional certification (1,705 educators), which are educators currently enrolled in an educator preparation program (EPP) and are in the option 6 route to certification (enrolled in a qualified EPP) or the option 8 route to certification (Teach for America); waiver for teaching exception children (213), in which educators are not certified to teach this group of students but are needed to fill a gap; and probationary (182 educators) and proficiency provisional (151 educators), which both are certifications in which educators are enrolled in an EPP and also enrolled in a school district in their content area to fill any employment gaps.*

**Table F1.**

<b>Area</b>	<b>Data on shortages and needs</b>	<b>Narrative description</b>
Special educators and related service personnel and paraprofessionals	<p><i>907 postings in the exceptional child instructor position category postings had 433 filled (47.7%)</i></p> <p><i>368 special education in the position title postings with 191 filled (51.9%)</i></p>	<p><i>The KEPS report identified 907 postings for the position category of Exceptional Child Instructor and 368 postings with special education specifically within the title of the posting. These include instructors and administrative roles. Of the 907</i></p>
<b>Area</b>	<b>Data on shortages and needs</b>	<b>Narrative description</b>

	<p><i>10 temporary provisional certificates</i></p> <p><i>213 exceptional child waivers</i></p>	<p><i>postings for the position category of Exceptional Child Instructor. 433 were filled. Of the 368 postings titled with special education, 191 have been filled. The Exceptional Child Instructor includes all postings within the broader definition of exceptional child, such as visual and hearing impaired, and moderate to severe disabilities (MSD). The regional needs for educators within special education and related services is for both district-wide and school-specific placements. The out-of-field report identified 10 temporary provisional certifications for special education (all grades) and 213 waivers to teach exception children.</i></p>
Bilingual educators	<p><i>114 serving in LIEP receiving Title III funds with 92 certified, licensed or endorsed (80.7%)</i></p>	<p><i>The 2018–2019 EdFacts 067 submitted data reports that Kentucky had 114 educators serving</i></p>

Area	Data on shortages and needs	Narrative description
	<p><i>500 ESL/ELL educators needed in 5 years</i></p>	<p><i>in LIEPs (including core content) in LEAs receiving Title III funding, 92 certified, licensed or endorsed educators serving in LIEP in LEAs receiving Title III funds, and 500 ESL/bilingual-endorsed educators will be needed in the next 5 years.</i></p>
<p>English as a second language educators</p>	<p><i>109 total postings (38 ELL) (71 ESL) with ELL or ESL in position titles had 16 (42.1%) ELL and 33 (46.5%) ESL filled.</i></p>	<p><i>The KEPS report identified 38 postings with ELL (English Language Learner) in the position title and 71 positions with ESL (English Second Language) in the position title for a total of 109 postings. These postings included both instructor and administrative positions. Of the 38 ELL position postings, 16 have been filled. Of the 71 ESL positions postings, 33 have been filled. It is important to note that the state has identified a need for 500 ESL/bilingual-endorsed educators in the next 5 years.</i></p>



Area	Data on shortages and needs	Narrative description
STEM educators	<p><i>14 postings with STEM in position title had 6 filled (42.9%)</i></p> <p><i>285 postings with science in title, 2 postings with technology (non-CTE) in title</i></p> <p><i>10 postings with engineering in title, 526 postings with math in title</i></p> <p><i>535 STEM-specific course vacancies (includes science, technology, engineering, math courses)</i></p> <p><i>80 grade-range waivers</i></p> <p><i>444 educators out-of-field</i></p>	<p><i>The KEPS report identified 14 postings with STEM in the position title. Of the 16 STEM positions posted, 6 have been filled. In terms of the various subjects that make up STEM (science, technology, engineering and math), the KEPS report identified 285 science (includes position with both science/math-specific position titles, 28 postings with technology, 10 engineering and 526 math (includes positions with both math/science). The postings with technology in the job title do not include CTE-specific positions. Data from the fall 2020 LEAD report shows that within the STEM courses (science, technology, engineering, math), there were 535 course vacancies and the Kentucky EPSB issued 80 grade-range waivers. The EPSB grade-range</i></p>

Area	Data on shortages and needs	Narrative description
		<p><i>waivers permitted educators to teach outside their grade certification, but within the same content to fill demand. The out-of-field report identified 444 educators (11 adjunct instructors, 127 emergency certificates, 19 probational or proficiency provisional certificate and 287 temporary provisional certificates) that teach some form of science, technology, engineering or math course in a Kentucky school district.</i></p>
CTE educators	<p><i>24 postings with CTE in position title had 15 filled (62.5%)</i></p> <p><i>52 computer-specific course vacancies</i></p> <p><i>8 grade-range waivers</i></p> <p><i>2 out-of-field</i></p>	<p><i>The KEPS report identified 24 postings with CTE in the position title. Twenty-three of these postings were at the high school level, with 1 at the middle school level. Of the 24 postings, 15 have been filled. Data from the fall 2020 LEAD show that within computer specific courses (computer lab, programming</i></p>

Area	Data on shortages and needs	Narrative description
		<p><i>and computer and technology applications), there were 52 course vacancies and the Kentucky EPSB issued 8 grade-range waivers. The out-of-field report identified two educators (1 emergency certificate for computer science and 1 proficiency provisional endorsement for primary through 12 instructional computer technology) to teach a computer-based course.</i></p>
<p>Early childhood educators</p>	<p><i>40 postings with early childhood in the position title had 31 filled (77.5%)</i></p> <p><i>68 educators out-of-field</i></p>	<p><i>The KEPS report identified 40 postings with Early Childhood in the position title. Of the 40 postings, 31 have been filled. These positions include early childhood teachers, ECE implementation coaches, early childhood resource teachers, early childhood counselors and associate principals. The out-of-field report</i></p>



Area	Data on shortages and needs	Narrative description
		<i>identified 68 educators (24 emergency certification and 44 probationary certification) to teach interdisciplinary early childhood education.</i>
School counselors	<p><i>224 postings in the school counselor position category had 111 filled (49.6%)</i></p> <p><i>8 educators out-of-field</i></p>	<p><i>The KEPS report identified 224 postings within the School Counselor position category. Of those 224 postings, 111 have been filled. The filled positions include school counselors at all school levels within the state. The out-of-field report identified 8 educators (4 proficiency provisional certificates and 4 temporary provisional certificates) for school counselors that would be certified for all grades.</i></p>
Social workers	<p><i>11 postings in the social worker position category had 4 filled (36.3%)</i></p>	<p><i>The KEPS report identified 11 postings with the School Social Worker position category. Of those</i></p>

Area	Data on shortages and needs	Narrative description
		<i>11 postings, 4 have been filled.</i>
Nurses	<i>6 postings in the nurse position category had 1 filled (16.7%)</i>	<i>The KEPS report identified 6 job postings within the School Nurse position category. Of those 6, 1 had been filled. It is important to note that many districts' school nurses are contracted out by school districts from public health agencies or doctors' offices through a third party. As a result, these positions would not be posted within KEPS. This makes it difficult to track if shortages within the school nurse position are present. To assist in any school nurse shortages within districts, the state has allowed for the expiration of a regulation that created the requirement for an additional certification. School nurses will no longer need to be certified by Kentucky EPSB to be employed within a school. However,</i>

Area	Data on shortages and needs	Narrative description
		<i>they must be certified by the Kentucky Nurses Association (KNA).</i>
School psychologists	<i>55 postings in the school psychologist position category had 15 filled (33.3%)</i>	<i>The KEPS report identified 55 job postings within the School Psychologist position category. Of those 55 job postings, 15 have been filled. Forty-five of the 55 job postings are for district-wide school psychologists.</i>



## Louisiana

State data website (2019-20): <https://www.louisianabelieves.com/resources/library/workforce-attributes>

State data report (2019-20): [https://www.louisianabelieves.com/docs/default-source/teaching/2019-2020-state-educator-workforce-report.pdf?sfvrsn=15246718\\_2](https://www.louisianabelieves.com/docs/default-source/teaching/2019-2020-state-educator-workforce-report.pdf?sfvrsn=15246718_2)

## ARP Plan

Area	Data on shortages and needs
Special educators and related service personnel and paraprofessionals	<p>Percent of special education classes in the 2020-2021 academic year taught by out-of-field and uncertified teachers: 17%</p> <p>Percent of special education classes in the 2020-2021 academic year taught by out-of-field teachers: 11%</p> <p>Average rate of change (from 2018-2019 through 2020-2021 academic years) of special educators and related service personnel and paraprofessionals: +10.9%</p>
Bilingual educators	<p>Percent of world language classes in the 2020-2021 academic year taught by out-of-field and uncertified teachers: 40%</p> <p>Percent of world language classes in the 2020-2021 academic year taught by out-of-field teachers: 12%</p>
English as a second language educators	<p>Average rate of change (from 2018-2019 through 2020-2021 academic years) of bilingual educators: -0.7%</p> <p>Percent of English as a second language classes in the 2020-2021 academic year taught by out-of-field and uncertified teachers: 43%</p> <p>Percent of English as a second language classes in the 2020-2021 academic year taught by out-of-field teachers: 9%</p> <p>Average rate of change (from 2018-2019 through 2020-2021 academic years) of English as a second language educators: -5.5%</p>
STEM educators	<p>Percent of STEM classes in the 2020-2021 academic year taught by out-of-field and uncertified teachers: 23%</p> <p>Percent of STEM classes in the 2020-2021 academic year taught by out-of-field teachers: 11%</p> <p>Average rate of change (from 2018-2019 through 2020-2021 academic years) of STEM educators: +5.4%</p>

<b>CTE educators</b>	<p>Percent of CTE classes in the 2020-2021 academic year taught by out-of-field and uncertified teachers: 35%</p> <p>Percent of CTE classes in the 2020-2021 academic year taught by out-of-field teachers: 13%</p> <p>Average rate of change (from 2018-2019 through 2020-2021 academic years) of CTE educators: 41.5%</p>																				
<b>Early childhood educators</b>	<table border="1"> <thead> <tr> <th>School Year</th> <th># of Teachers with "Yes" Certification</th> <th># of Teachers with "No" Certification</th> <th># of Teachers with re-certification</th> <th>Total # Teachers</th> </tr> </thead> <tbody> <tr> <td>2020</td> <td>3431</td> <td>2163</td> <td>123</td> <td>5594</td> </tr> <tr> <td>2019</td> <td>4111</td> <td>2550</td> <td>163</td> <td>6661</td> </tr> <tr> <td>2018</td> <td>3946</td> <td>2463</td> <td>170</td> <td>6409</td> </tr> </tbody> </table>	School Year	# of Teachers with "Yes" Certification	# of Teachers with "No" Certification	# of Teachers with re-certification	Total # Teachers	2020	3431	2163	123	5594	2019	4111	2550	163	6661	2018	3946	2463	170	6409
School Year	# of Teachers with "Yes" Certification	# of Teachers with "No" Certification	# of Teachers with re-certification	Total # Teachers																	
2020	3431	2163	123	5594																	
2019	4111	2550	163	6661																	
2018	3946	2463	170	6409																	
<b>School counselors</b>	Average rate of change (from 2018-2019 through 2020-2021 academic years) of school counselors: -5.3%																				
<b>Social workers</b>	Average rate of change (from 2018-2019 through 2020-2021 academic years) of social workers:-2.4%																				
<b>Nurses</b>	Average rate of change (from 2018-2019 through 2020-2021 academic years) of nurses: -20%																				
<b>School psychologists</b>	Average rate of change (from 2018-2019 through 2020-2021 academic years) of school psychologists: -6.5%																				

## Maine

State data report (2020-21): [https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/2020\\_2021TeacherShortageReport.pdf](https://www.maine.gov/doe/sites/maine.gov.doe/files/inline-files/2020_2021TeacherShortageReport.pdf)

### Media Accounts

- <https://bangordailynews.com/2021/09/29/news/bangor/maine-bus-drivers-struggling-to-maintain-routes-amid-national-shortage/>
- <https://fox23maine.com/news/local/sanford-boy-with-autism-unable-to-get-to-classes-due-to-bus-driver-shortage>
- <https://www.ellsworthamerican.com/maine-news/bus-driver-shortage-plagues-local-schools/>
- <https://www.sunjournal.com/2021/09/29/bus-driver-shortage-challenge-accepted/>
- <https://bangordailynews.com/2021/10/11/sports/high-school-sports/maines-bus-driver-shortage-is-upending-high-school-sports/>
- <https://www.wagmtv.com/2021/09/16/some-athletic-directors-are-dealing-with-bus-driver-shortage/>

### ARP Plan

Each year, states are required to submit proposals for teacher shortage areas to the United States Department of Education. The Maine Department of Education uses one of the approved methodologies from the United States Department of Education to determine designated shortage areas. The Maine Department of Education compares the number and percentage of positions in each discipline filled by teachers who are not fully certified in the field they are teaching to the total number of full time equivalent (FTE) working in those that discipline/content area. This number is not to exceed 5% of the total FTE's for the state of Maine. From there, the proposed shortage areas are shared for public comment.

Stakeholders from across the state are asked to provide input on the proposed shortage areas and submit additional shortage areas for consideration. Over the past two years, feedback from the public comment period has primarily been focused on the shortage in Special Education. While the teacher shortage report is one source of data, it does not specifically address the gaps in specific content areas or geographic regions. In addition, this report does not include particular administrative position classifications (e.g., counselor, media specialist, principal, and other roles).” Maine’s Teacher Shortage report is Attachment F.

Based on the methodology used, the identified shortage areas in Maine for 2020-2021 are:

- Science: General Science 5-8; Science Physical Science 7-12; Life Sciences 7-12
- Mathematics 7-12
- Career and Technical Education: Food Production Manager; Carpentry; Welding, Brazing and Soldering; Agricultural Business



and Production Technology; Business administration and Management; Computer technology; Machine Tool/Machine shop; Child Care and Guidance; Plumbing; Public Safety/Protective Services; Forestry Products and Processing; Emergency Medical Services and Technology; Transportation Careers; Auto Body Repair/Collision Repair Technician; Diesel Mechanic; Marine Maintenance/Occupations; Health and Medical Occupations; Building Maintenance; Electrical Occupations

- Health and Physical Sciences Pre-K-12
- Academically Advanced Gifted Education Pre-K-12
- Early Childhood - Pre-K Age below
- English as a Second Language Pre-K-12
- Art and Music Education Theatre Pre-K-12; Art Pre-K-12; and
- World Languages: French Pre-K; Spanish Pre-K-12; Italian Pre-K-12; Latin Pre-K-12.

## Maryland

State data website (2017-18):

[https://mldscenter.maryland.gov/webcenter/portal/P12LDS/page1?\\_afLoop=557302904036002&\\_adf.ctrl-state=40t6l5200\\_4](https://mldscenter.maryland.gov/webcenter/portal/P12LDS/page1?_afLoop=557302904036002&_adf.ctrl-state=40t6l5200_4)

State data reports (2020-21): <https://marylandpublicschools.org/about/Pages/DCAA/SSP/Staff/20202021.aspx>

### Media Accounts

- WBAL, 10/6/21, "School bus drivers' strike leaves students caught in the middle," <https://www.wbaltv.com/article/school-bus-drivers-strike-annapolis/37871487#>
  - Documents strike in Anne Arundel County over pay and benefits that has since ended
- <https://wtop.com/prince-georges-county/2021/09/prince-georges-county-among-several-school-systems-facing-bus-driver-shortage/>

### ARP Plan

Area	Data on shortages and needs	Narrative description
Special educators and related service personnel and paraprofessionals	<p>In 2019, there were 10,257 full-time equivalent (FTE) special education teacher positions in Maryland. One critical area of need is teachers of the visually impaired (TVI). There are currently 10 total TVI vacancies, with an additional 33 expected vacancies over the next five years.</p> <p>Maryland educator preparation programs produced 367 special education program completers in 2019 and 340 in 2020. In 2020, Maryland alternative educator preparation programs produced 146 special education program completers.</p> <p>The Department has approved special education, grades pre-kindergarten through 12, as a critical shortage area in Maryland for the 2021-2022 school year.</p>	<p>The production-levels for special education are reduced from prior years but still result in special education remaining the second-highest producing certification area Statewide behind elementary education. 110 of the 146 alternative educator preparation completers are dually-certification in special education and a content area. It should be noted that Maryland imports approximately 50 percent of its teacher workforce from other States. Requirements for paraprofessionals are determined at the local level.</p>
Bilingual educators	N/A	Maryland does not have a bilingual certification.

English as a second language (ESL) educators	Maryland approved programs produced 52 ESL program completers in 2019 and 45 program completers in 2020. Maryland approved alternative preparation programs produced eight ESL program completers in 2020.	In the past 10 years, Maryland has experienced a 95 percent increase in its EL population, growing from 47,896 to 93,250 students. The largest influx is at the elementary school level, which requires an increase in staffing needs.
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Area	Data on shortages and needs	Narrative description
	The Department has approved ESL, grades pre-kindergarten through 12, as a critical shortage area in Maryland for the 2021-2022 school year.	
STEM educators	<p>Maryland approved programs produced 155 STEM program completers in 2019 and 143 program completers in 2020 (74 and 69 in math; 75 and 68 in science; four and zero in computer science; and two and two in technology education for each year respectively).</p> <p>Maryland approved alternative preparation programs produced 94 resident teachers (48 in math, 46 in science, and 2 in technology education) in 2020.</p> <p>The Department has approved mathematics, advanced mathematics, computer science, and technology preparation as critical shortage areas in Maryland for the 2021-2022 school year.</p>	There have been an additional three computer science programs approved in the past two years, with two more proposals expected in the coming year to increase the teacher pipeline.



CTE educators	The Department has approved CTE, grades 7 through 12, as a critical shortage area in Maryland for the 2021-2022 school year.	Due to the specialization of these teaching areas, the State Board promulgated the adjunct certificate to enable skilled professionals to be employed as a teacher on a part-time basis. Additionally, the State Board reduced testing requirements for those seeking the professional and technical education (PTE) certification.
Early childhood educators	Maryland approved programs produced 288 early childhood education program completers in 2019 and 277 program completers in 2020. Maryland approved alternative	Maryland House Bill 1300, passed in the 2020 legislative session, and more commonly known as the Blueprint for Maryland's Future, dramatically expands pre-

Area	Data on shortages and needs	Narrative description
	<p>preparation programs produced 54 resident teachers in 2020.</p> <p>The Department has approved early childhood education, grades pre-kindergarten through 3, as a critical shortage area in Maryland for the 2021-2022 school.</p>	<p>kindergarten in the State. The phase-in plan for universal pre-kindergarten will require more certified early childhood educators in each LEA.</p>
School counselors	<p>Maryland approved programs produced 270 school counseling program completers in 2018-2019 and 2019-2020.</p>	<p>As of October 2020, Maryland LEAs employed 2,655 school counselors across the State.</p>
Social workers	<p>In Maryland, social workers are licensed by the Maryland Department of Health.</p>	<p>As the SEA does not track this data, the MSDE is not the relevant agency to comment on this area.</p>
Nurses	<p>In Maryland, nurses are licensed by the Maryland Board of Nursing.</p>	<p>As the SEA does not track this data, the MSDE is not the relevant agency to comment on this area.</p>
School psychologists	<p>Maryland approved programs produced 75 school psychology program completers in 2018-2019 and 2019-2020.</p>	<p>There is no further narrative to report at this time.</p>

## Massachusetts

State data website (2020-21):

<https://profiles.doe.mass.edu/profiles/teacher.aspx?orgcode=00000000&orgtypecode=0&>

### Media Accounts

- NPR, 9/15/21, "Massachusetts Calls On The National Guard To Mitigate A School Bus Driver Shortage," <https://www.npr.org/2021/09/15/1037307027/massachusetts-calls-national-guard-school-bus-driver-shortage-baker>
  - See also: <https://www.mass.gov/news/governor-baker-activates-national-guard-for-school-transportation-mission>, <https://www.edweek.org/education/massachusetts-national-guard-to-help-with-busing-students-to-school/2021/09>
  - Up to 250 Guard members were made available to districts
- Insider, 9/22/21, "The bus-driver shortage led a group of 11th graders to ride a party bus with a stripper pole," <https://www.businessinsider.com/bus-driver-shortage-massachusetts-students-party-bus-stripper-pole-2021-9>
- MetroWest Daily News, 7/27/21, "Are more teachers retiring after an 'absolutely brutal' year? Here's what the data shows," <https://www.metrowestdailynews.com/story/news/education/2021/07/27/teachers-retirement-after-covid-work-force-shift-great-resignation-milford-marlborough-framingham/7995748002/>
  - "Throughout MetroWest and Greater Milford, most districts did not experience a wave of pandemic-fueled retirements."

### ARP Plan

Designated Teacher Shortages for 2021-22 School Year

In accordance with 34 CFR 682.210(q)(6)(iii)

Submitted to the USDOE Office of Postsecondary Education November 24, 2020

Based on FTE of 75,152 and organized by academic discipline in order of priority

Academic Discipline	FTE Short	% Short
Digital Literacy and Computer Science	477	.63
Special Education	275	.37
Moderate Disabilities	253	
Severe Disabilities	22	
English Language Arts/Reading	266	.35
English Language Arts	250	
Reading	16	
Mathematics	245	.33



English as a Second Language	212	.28
Sciences	186	.25
Biology	23	
Physics	22	
Chemistry	19	
Earth Science	8	
General Science	106	
Technology/Engineering	8	
History/Social Sciences	165	.22
Modern Foreign Languages	129	.17
Spanish	85	
French	16	
Chinese	17	
Arabic	3	
Portuguese	6	
Latin and/or Classical Humanities	12	
<b>TOTAL</b>	<b>1,955</b>	<b>2.6</b>

## Michigan

State data website (under development): <https://www.mischooldata.org/> (search for Annual Education Report)

### Media Accounts

- Hometown Life, 10/8/21, "Districts drive the struggle bus with labor shortages, in and out of classrooms," <https://www.hometownlife.com/story/news/2021/10/08/school-labor-shortages-extend-beyond-bussing-subs-custodians-more/5936125001/>
- Chalkbeat, 9/16/21, "Security guard shortage drives Detroit schools to raise pay and prompts safety concerns," <https://detroit.chalkbeat.org/2021/9/16/22678430/security-guard-shortage-detroit-schools-raise-pay-safety-concerns>
- Bridge Michigan, 3/26/21, "Teacher retirements soar in Michigan schools amid COVID pandemic," <https://www.bridgemi.com/talent-education/teacher-retirements-soar-michigan-schools-amid-covid-pandemic>
  - "Michigan teachers are leaving the profession at alarmingly high rates this school year. Retirements are up 40 percent, and that figure doesn't include young teachers who leave the profession in less than 10 years, when they typically would qualify for retirement benefits. (The state tracks retirement data, but not overall departures from the education field.)"
  - "So far this school year — from August through February — 35 percent more teachers retired than the average of those who retired over those same months since 2016. For example, last August, as schools were opening classrooms or starting online, 30 percent more teachers retired than the average number of retirements over the past four years (94 retirements in 2020, compared to an average of 72 in previous years). In September, retirements were up 74 percent; October, 71 percent; November, 41 percent."

### ARP Plan

Michigan, like other states across the nation, is experiencing shortages of educators, education administration personnel, and support staff personnel. MDE believes all students deserve access to well prepared, fully certified educators to support their growth and learning. Therefore, one of Michigan's Top 10 Strategic Education Plan goals is to increase the numbers of certified teachers in areas of shortage.

MDE has been developing strategies to address this critical need. Additionally, there are specific metrics, such as numbers of endorsements in critical shortage areas, being reviewed annually to monitor progress within this goal area.

Between 2015-16 and 2019-20, there was an increase in the number of positions reported within Michigan's Registry of Educational Personnel (REP), rising steadily from 87,917 to 94,251. Additionally, the leave rate of educators has held relatively stable at 8 percent (approximately 6,800 individuals each year). This leave rate includes both educators retiring and educators who exit before retirement. Despite this relative consistency and despite recent increases noted in REP, Michigan is experiencing strain on its educator workforce at several critical points, as explained below.

### Thinking about the future workforce

The number of individuals completing Michigan's approved educator preparation programs for initial



certification in teaching has been steadily declining, with 3,120 completers reported in 2015-16 and 2,404 reported in 2018-19. As demonstrated by initial certification rates of individuals from both in-state and out-of-state educator preparation providers, Michigan certifies an average of 4,100 new individuals a year. Thus, it is clear that Michigan's annual production of potential new teachers is not keeping up with the rate of teachers leaving the workforce each year. This gap is exacerbated by the fact that over 30 percent of those initially certified do not obtain employment as teachers in Michigan public schools during the validity of their certificates.

#### Thinking about the current workforce

To meet current needs, Michigan public schools have reported an increase over the past five academic years (from 5 percent to 8 percent) in educators reported as either temporarily assigned to teaching positions or not appropriately credentialed for their assigned positions. Below is a table demonstrating the areas where the use of a full year temporary credential (permit) has increased.

Teaching Field	
Area	Data on shortages and needs
Art & Music Education	More than fivefold increase in permits issued for art and music education. Increased from 36 permits issued in 2015-16 to 226 in 2019-20.
Language Arts	Increased from 14 permits issued in 2015-16 to 214 in 2019-20. Additionally, there was a decrease of almost 2,000 language arts endorsements issued on certificates in 2019-20 compared to 2015-16.
Elementary Education	Increased from zero permits issued in 2015-16 to 782 in 2019-20. Additionally, there has been a decrease of over 2,000 elementary education endorsements issued on certificates in 2019-20 compared to 2015-16.
Special Education	Tripled from 282 permits issued in 2015-16 to 794 in 2019-20.
Health and Physical Fitness	Increased from 33 permits issued in 2015-16 to 263 in 2019-20. Additionally, there was a decrease of over 300 endorsements categorized as health and physical fitness issued on certificates between 2015-15 and 2019-20.
World Languages	Doubled from 122 permits issued in 2015-16 to 238 in 2019-20.
Social Studies	Increased from 3 permits in 2015-16 to 116 in 2019-20. Additionally, there was a decrease of over 2,000 elementary education endorsements issued on certificates in 2019-20 compared to 2015-16.
English as a second language	Fivefold increase in permits from 33 in 2015-16 to 150 in 2019-20.
STEM	Science and mathematics permits have increased by more than fivefold from 56 issued in 2015-16 to 369 in 2019-20. Additionally, there was a decrease of approximately 1,800 science and mathematics (1,335 science; 468 math) endorsements issued on certificates in 2019-20 compared to 2015-16.
Career and Technical Education (CTE)	Permits have almost doubled from 553 issued in 2015-16 to 927 in 2019-20. Additionally, there were 164 fewer CTE endorsements on valid certificates in 2019-20 than in 2015-16.
Instructional Library Media	Increased from 1 permit issued in 2015-16 to 43 in 2019-20.

Teaching Field	
Area	Data on shortages and needs



Guidance and Counseling	Increased from zero permits issued in 2015-16 to 56 in 2019-20.
<b>Other Educational Personnel</b>	
Early childhood educators	In 2019-2020: GSRP lead teachers on compliance plans: 163 (7 percent); associate teachers on compliance plans: 387 (18 percent) GSRP classrooms with substitutes as long-term lead teachers: 50 (2 percent) GSRP classrooms with substitutes as long-term associate teachers: 116 (percent)
Special education related service personnel and paraprofessionals	In 2019-20 for students with IEPs, the ratio of paraprofessionals and support staff was 11 to 1. IEP teams determine support based upon individual student needs. In addition there are MARSE requirements which require paraprofessionals. The ratio of staff to students will vary from year to year depending upon student needs.
School counselors (non-instructional)	In 2019-20, the ratio of school counselors to students was 1 counselor for every 1,659 students. The American School Counselor Association's recommended student to school counselor ratio is 250:1. Michigan's high schools are closer to this ratio, with 1 school counselor for every 268 students enrolled in grades 9 through 12.
Social workers	In 2019-20, the ratio of school social workers to students was one school social worker for every 613 students. This gap narrows, but remains too large, in Michigan's high schools, where there is 1 school social worker for every 302 students enrolled in grades 9 through 12. The American School Social Worker Association's recommended student to school social worker ratio is 250:1. When a school social worker is providing services to students with intensive needs, a lower ratio, such as 50:1, is suggested.
Nurses	There have only been between 226 and 282 school nurses reported in Registry of Educational Personnel (REP) statewide between 2015-16 and 2019-20. In 2019-20, the ratio of school nurses to students was 1 nurse for every 5,347 students. At the high school level, the ratio is 1 school nurse for every 4,319 students enrolled in grades 9 through 12.  The Michigan School Nurse Task Force found in 2014 that just 46.1percent of school districts employed at least one full- or part-time school nurse. That state task force recommended a ratio of one school nurse for every 750 students, but a study from the National Association of School Nurses shows Michigan's student-to-nurse ratio is nearly six times higher at 4,204-to-1, ranking third worst in the United States. Only Hawaii and Utah were worse.
School Psychologists	In 2019-20, the ratio of school psychologists to students was one school psychologist for every 1,441 students. The National Association of School Psychologists recommends a ratio of one school psychologist per 500 students in order to provide comprehensive school psychological services. As with other educational staff groups, the ratio of school psychologists to students at the high school level in Michigan is better than the overall ratio, but the 1:585 high school ratio remains over what is recommended.

## Minnesota

State data website (year unclear): [https://rc.education.mn.gov/#staffing/orgId--999999000000\\_groupType--state\\_p--11](https://rc.education.mn.gov/#staffing/orgId--999999000000_groupType--state_p--11)

State data reports (2020-21): <https://mn.gov/pelsb/board/reports/>

### ARP Plan

As of the 2019-20 academic year, statewide, the vast majority of licensure areas are considered a shortage area (3% or more individuals teaching in the assignment not holding a license for the assignment). We do not yet know the impact of school building closures and reopenings on the supply of licensed teachers based on a year lag of data. We do know that the shortages from 2019-2020 are reported evenly across economic development regions across the state. Rural areas in greater Minnesota do indicate more difficulty in filling positions based on a survey of districts. See the table below for specific data on shortages based on 2019-20 data.

Our school-based early learning settings [including Voluntary Prekindergarten (VPK), School Readiness and School Readiness Plus (SRP), Early Childhood Special Education (ECSE) and Early Childhood Family Education (ECFE)] also face workforce challenges. All early childhood programs experienced underenrollment ranging from a 15% drop in early childhood special education to 9% reduction in public kindergarten enrollment during the COVID-19 pandemic. School Readiness and ECFE are tuition-based programs and have been especially challenged during COVID-19. Some tuition based programs were unable to run classes with low enrollment, reducing the number of classes offered or no longer offering programming at all. Some of these staff were reassigned to other programs and it is unknown if they will return to their original early childhood positions. Governor Walz's executive order that prohibited layoffs of school employees already budgeted for was extremely helpful in maintaining the early childhood workforce.

**Table F1.**

Area	Data on shortages and needs	Narrative description
<b>Special educators</b>	7.6%	This includes all special education licensure categories. It remains the highest number of teachers not fully licensed for the assignment - more than any other area.
<b>English as a second language educators</b>	5.18%	
<b>STEM educators</b>	3.7%	This number includes a significant number of licenses of individuals who hold a Tier 4 license, but without an assignment.
<b>CTE educators</b>	15.9%	While this number remains our highest percentage of individuals teaching without being fully licensed for the position, the majority of the permissions to teach in this area are given to individuals who hold a CTE license in one area and are given a permission to teach multiple other CTE areas.



<b>Early childhood educators</b>	1.9%	Most programs in Minnesota do not require an early childhood educator to hold a teaching license from PELSB. The majority of programs only require licensure through the Department of Health and Human Services.
<b>Area</b>	<b>Data on shortages and needs</b>	<b>Narrative description</b>
<b>School counselors</b>	1.2%	There are many restrictions around who can receive a permission to work as a school counselor. The data provided here includes mainly individuals working to become School Counselors and receive a Tier 2 license to complete their practicum experiences toward full licensure. In 2019, the ratio of school counselors to students in Minnesota was 1:792, compared to the average number of counselors per student for all U.S. states at 1:470.
<b>Social workers</b>	0%	State statute does not allow someone to practice social work without a full license from the Board of Social Work. The shortage could be calculated by number of licensed school social workers (2,503) compared to total number of students (872,083) for a 1:348 ratio.
<b>Nurses</b>	0%	State statute does not allow someone to practice school nursing without a full license from PELSB. Four school districts in the 2020-21 school year applied for and received MDE approval for an alternative health services arrangement. The shortage could be calculated by number of licensed school nurses (1,437) compared to total number of students (872,083) for a 1:607 ratio.
<b>School psychologists</b>	5.2%	There are many restrictions around who can receive a permission to work as a school psychologist. The data provided here includes mainly individuals working to become School Psychologists and receive a Tier 2 license to complete their practicum experiences toward full licensure.

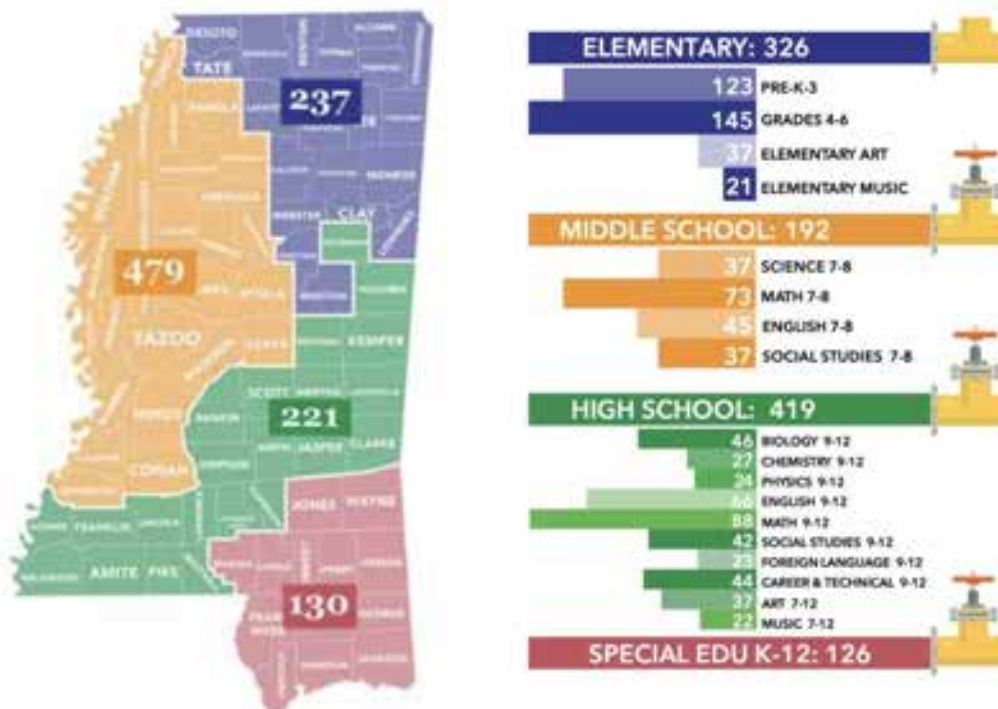


## Mississippi

State data website (2019-20): <https://msrc.mdek12.org/teaching?EntityID=0000-000&Component=PROVTCH&SchoolYear=2019>

### ARP Plan

In 2018, the Office of Teaching and Leading (OTL) conducted a shortage survey to assess Mississippi's educator landscape. The survey highlighted geographic shortages in Congressional District 2, which largely encompasses the Mississippi Delta, and subject area-specific shortages in elementary grades PreK-6 along with secondary mathematics. The OTL will administer the shortage survey again this summer and anticipates that these trends have not only continued but were exacerbated by the COVID-19 pandemic.



Additionally, the MDE has partnered with the CEEDAR Center at the University of Florida to assess and address special educator shortages. Districts are currently reporting 221 special education vacancies statewide, which is an increase from 126 in 2018. Based on feedback from parents, teachers, principals, special education directors, university faculty, MDE program offices, and other stakeholders, the MDE is launching a mentoring and induction pilot with 8 districts through the support of the CEEDAR Center. This pilot is intended to target early career special educator support and retention.

## Missouri

ARP Plan

Response For the 2020-21 school year, the following data provides the degree of shortage of educators by general area. MODESE does not collect data on shortages of other professional or support staff.

<b>Area</b>	<b>Data on Shortages and Needs</b>
Sciences (MS Science, Biology, Earth Science, Chemistry, and Physics)	329.2 total FTE vacancies, 45.7 left vacant or filled with less-than-fully certified teachers (13.9%)
Secondary STEM (Biology, Chemistry, Earth Science, Physics, Industrial Technology, Technology Education, and Math)	480.3 total FTE vacancies, 64.2 left vacant or filled with less-than-fully certified teachers (13.4%)
<b>Area</b>	<b>Data on Shortages and Needs</b>
STEM (Middle School (MS) Science, MS Math, Biology, Earth Science, Chemistry, Physics, High School (HS) Math, Industrial Technology, and Technology Education)	833.0 total FTE vacancies, 107.4 left vacant or filled with less-than-fully certified teachers (12.9%)
Music (Vocal and Instrumental)	236.1 total FTE vacancies, 29 left vacant or filled with less-than-fully certified teachers (12.3%)
World Languages (French, Spanish, German, Latin, and Other)	90.1 total FTE vacancies, 11 left vacant or filled with less-than-fully certified teachers (12.2%)
Mathematics (MS and HS)	448.9 total FTE vacancies, 46.8 left vacant or filled with less-than-fully certified teachers (10.4%)
Special Education (Early Childhood Special Education, Mild/Moderate Cross Categorical, Severe Developmental Disabilities, Blind and Low Vision, and Deaf and Hard of Hearing)	972.2 total FTE vacancies, 74.7 left vacant or filled with less-than-fully certified teachers (7.7%)
Personnel Pupil Services (Elementary and Secondary Counselor, School Psychological Examiner, and School Psychologist)	305.7 total FTE vacancies, 20.9 left vacant or filled with less-than-fully certified teachers (6.8%)
English Language Learners	88.9 total FTE vacancies, 5.5 left vacant or filled with less-than-fully certified teachers (6.2%)

Middle School STEM (Math and Science)	352.7 total FTE vacancies, 15 left vacant or filled with less-than-fully certified teachers (4.3%)
Administration (Assistant Superintendent, Career Education Director, Elementary Assistant Principal, Elementary Principal, MS Assistant Principal, MS Principal, Secondary Assistant Principal, Secondary Principal, Special Education Administrator, and Superintendent)	465.5 total FTE vacancies, 16 left vacant or filled with less-than-fully certified teachers (3.4%)



## Montana

### Media Accounts

- <https://bitterrootstar.com/2021/09/stevensville-school-bus-drivers-quit-over-extra-curricular-trip-pay/>
- [https://www.bozemandailychronicle.com/news/education/no-perfect-solution-gallatin-county-school-districts-struggle-to-fill-support-staff-positions/article\\_58f3a9b5-1f45-5701-a030-ebfcc708ce60.html](https://www.bozemandailychronicle.com/news/education/no-perfect-solution-gallatin-county-school-districts-struggle-to-fill-support-staff-positions/article_58f3a9b5-1f45-5701-a030-ebfcc708ce60.html)
- [https://www.bozemandailychronicle.com/news/education/bozeman-school-districts-paraprofessionals-are-a-critical-need-among-staff-shortages/article\\_4c341a26-4ac2-5ce4-84d8-85e05c002aea.html](https://www.bozemandailychronicle.com/news/education/bozeman-school-districts-paraprofessionals-are-a-critical-need-among-staff-shortages/article_4c341a26-4ac2-5ce4-84d8-85e05c002aea.html)

## Nebraska

### Media Accounts

- Omaha World-Herald, 10/2/21, "From cafeteria staff, to teachers, to bus drivers, Omaha schools struggle to fill vacancies," [https://omaha.com/news/local/education/from-cafeteria-staff-to-teachers-to-bus-drivers-omaha-schools-struggle-to-fill-vacancies/article\\_dffa2c9c-14dc-11ec-839a-d36b9489a763.html](https://omaha.com/news/local/education/from-cafeteria-staff-to-teachers-to-bus-drivers-omaha-schools-struggle-to-fill-vacancies/article_dffa2c9c-14dc-11ec-839a-d36b9489a763.html)
- The Grand Island Independent, 9/30/21, "Severe teacher substitute shortage in Grand Island Public Schools," [https://theindependent.com/news/local/severe-teacher-substitute-shortage-in-grand-island-public-schools/article\\_bb8d5efc-21a1-11ec-b555-97b19ea8762e.html](https://theindependent.com/news/local/severe-teacher-substitute-shortage-in-grand-island-public-schools/article_bb8d5efc-21a1-11ec-b555-97b19ea8762e.html)
- KOLN/KGIN, 9/17/21, "LPS sees lack of substitute teachers due to COVID," <https://www.1011now.com/2021/09/18/lps-sees-lack-substitute-teachers-due-covid/>
- 3 News Now Omaha, 7/30/21, "Metro area school districts face teacher shortage; it's the same for schools nationwide," <https://www.3newsnow.com/news/back-to-school/metro-area-school-districts-face-teacher-shortage-its-the-same-for-schools-nationwide>
- KETV, 5/11/21, "OPS works to retain seasoned educators while battling teacher shortage," <https://www.ketv.com/article/ops-works-to-retain-seasoned-educators-while-battling-teacher-shortage/36399141>
- <https://nebraska.tv/news/local/teacher-shortages-an-attraction-and-retention-problem-in-nebraska>
- <https://www.huskeralum.org/s/1620/magazine/interior.aspx?sid=1620&gid=1&pgid=1864>
- <https://apnews.com/article/96f6b59d9df448c6919808315654980c>
- [https://nptelegraph.com/news/local/education/north-platte-public-schools-seeking-substitute-teachers/article\\_22d4ee90-34f9-11eb-b489-b7a8d4123177.html](https://nptelegraph.com/news/local/education/north-platte-public-schools-seeking-substitute-teachers/article_22d4ee90-34f9-11eb-b489-b7a8d4123177.html)
- [https://journalstar.com/news/local/education/lps-hiring-25-teacher-associates-with-cares-money-to-ease-sub-shortage/article\\_b9ca87cb-badc-58ed-8883-f23eea5009eb.html](https://journalstar.com/news/local/education/lps-hiring-25-teacher-associates-with-cares-money-to-ease-sub-shortage/article_b9ca87cb-badc-58ed-8883-f23eea5009eb.html)
- <https://www.3newsnow.com/news/back-to-school/metro-area-school-districts-face-teacher-shortage-its-the-same-for-schools-nationwide>
- <https://unomahanews.com/2021/02/11/need-for-teachers-a-look-at-the-nationwide-educators-shortage/>
- <https://www.1011now.com/2021/09/18/lps-sees-lack-substitute-teachers-due-covid/>
- <https://nebraskapublicmedia.org/en/news/news-articles/as-coronavirus-cases-surge-nebraskas-substitute-teacher-shortage-puts-pressure-on-schools/>
- [https://journalstar.com/news/local/education/bus-driver-shortage-creates-unprecedented-delays-for-some-lps-students/article\\_37fa9494-5ca8-5c8c-85e4-b9fd3c72a036.html](https://journalstar.com/news/local/education/bus-driver-shortage-creates-unprecedented-delays-for-some-lps-students/article_37fa9494-5ca8-5c8c-85e4-b9fd3c72a036.html)
- [https://omaha.com/news/local/education/school-bus-delays-possible-as-ops-warns-it-doesnt-have-enough-drivers/article\\_4bba3440-fbba-11eb-9303-4bc5b51fb187.html](https://omaha.com/news/local/education/school-bus-delays-possible-as-ops-warns-it-doesnt-have-enough-drivers/article_4bba3440-fbba-11eb-9303-4bc5b51fb187.html)
- [https://norfolkdailynews.com/select/feature/ongoing-bus-driver-shortage-at-nps-made-worse-by-cdl-requirements-pandemic/article\\_ef048efe-22be-11ec-b7e3-3fee78c822f0.html](https://norfolkdailynews.com/select/feature/ongoing-bus-driver-shortage-at-nps-made-worse-by-cdl-requirements-pandemic/article_ef048efe-22be-11ec-b7e3-3fee78c822f0.html)
- [https://omaha.com/news/local/education/from-cafeteria-staff-to-teachers-to-bus-drivers-omaha-schools-struggle-to-fill-vacancies/article\\_dffa2c9c-14dc-11ec-839a-d36b9489a763.html](https://omaha.com/news/local/education/from-cafeteria-staff-to-teachers-to-bus-drivers-omaha-schools-struggle-to-fill-vacancies/article_dffa2c9c-14dc-11ec-839a-d36b9489a763.html)
- [https://journalstar.com/news/local/education/grand-island-public-schools-cancels-classes-friday-for-reset-day-amid-workforce-shortage/article\\_54c1a0df-a813-5b74-adf2-37e9e60128b8.html](https://journalstar.com/news/local/education/grand-island-public-schools-cancels-classes-friday-for-reset-day-amid-workforce-shortage/article_54c1a0df-a813-5b74-adf2-37e9e60128b8.html)
- <https://www.ksnlocal4.com/2021/08/19/kearney-public-schools-having-on-going-staffing-shortage/>
- <https://npbulldogger.com/10498/news/substitute-shortage/>
- <https://www.ksnlocal4.com/2021/09/24/gips-taking-day-off-decompress-amid-staff-shortages/>
- <https://www.newschannelnebraska.com/story/42825910/norfolk-high-school-faces-teacher-shortage>

## New Jersey

### Media Accounts

- <https://www.njspotlight.com/2021/09/teacher-shortage-hits-newark-nj-but-its-not-alone-schools-nationwide-struggling-to-hire/>
- <https://www.audacy.com/wcbs880/news/local/jersey-city-delays-in-person-learning-over-teacher-shortage>
- <https://www.courierpostonline.com/story/news/2021/09/24/south-jersey-schools-beg-bus-drivers-amid-major-national-shortage/8351937002/>



## New Mexico

### Media Accounts

- Albuquerque Journal, 9/24/21, "State sees 40% jump in education retirements," <https://www.abqjournal.com/2432486/state-sees-40-jump-in-education-retirements.html>
  - "The Educational Retirement Board – which oversees the pension system for New Mexico's public schools, colleges and some state agencies – reports that it handled 1,269 applications for July 1 retirement this year, up from just 906 the year before. It was the largest number in seven years."
  - "The state had more than 1,000 teacher vacancies this fall, up from 570 the year before, according to a preliminary analysis by the Southwest Outreach Academic Research Evaluation and Policy Center at New Mexico State University. A formal report finalizing the numbers is expected within weeks."

## New York

### Media Accounts

- NCPD, 9/21/21, "Teacher and staff shortages leave schools across the North Country 'in a deficit,'" <https://www.northcountrypublicradio.org/news/story/44487/20210921/there-s-a-teacher-shortage-in-the-north-country-here-s-what-s-being-done-to-change-that>
- North Country Now, 9/20/21, "Bus driver shortage causes shift to remote learning at Parishville-Hopkinton Central," <https://www.northcountrynow.com/news/bus-driver-shortage-causes-shift-remote-learning-parishville-hopkinton-central-0306420>
- New York Daily News, 9/9/21, "NYC Education Dept. school social worker hiring spree sparks staffing crisis at mental health clinics," <https://www.nydailynews.com/new-york/education/ny-school-social-worker-shortage-hiring-spre-20210909-elqui53gc5gijpz2amicnrtkxe-story.html>
  - A surge in social worker hiring by New York City public schools has led to shortages at non-profit clinics that also serve the schools.
- New York Daily News, 8/30/21, "NYC teacher retirements increase from last year, but data shows no pandemic exodus," <https://www.nydailynews.com/new-york/education/ny-teacher-retirements-pandemic-20210830-7uhkzisp5akxf6mraygixlclm-story.html>
  - "The number of city teachers filing for retirement this summer is up by more than a third compared with last year — but experts say a feared mass exodus amid the COVID-19 pandemic isn't happening. Retirements dropped to unusual lows in 2020 as teachers delayed hanging up the towel during the uncertainty of virtual learning, according to city data and union officials. Roughly 900 active teachers filed for retirement last summer, according to the city Department of Education — down from about 1,100 in summer 2019. This summer, the DOE is estimating 1,200 to 1,300 teachers will have retired, a small increase, but in line with previous years. The agency will have a full picture of the number of retirements after school starts in the fall."
- NNY360, 8/19/21, "North country schools dealing with bus driver shortage as school year approaches," [https://www.nny360.com/communitynews/education/north-country-schools-dealing-with-bus-driver-shortage-as-school-year-approaches/article\\_c3f3381c-b230-515e-8868-a2562089b114.html](https://www.nny360.com/communitynews/education/north-country-schools-dealing-with-bus-driver-shortage-as-school-year-approaches/article_c3f3381c-b230-515e-8868-a2562089b114.html)
- The Journal News, 6/23/21, "Teacher salaries and pensions database in NY: Retirements rise, staff declines," <https://www.lohud.com/story/news/education/2021/06/23/database-new-york-teacher-pay-pension/5311810001>
  - "Since the 2010-11 school year, the ranks of teachers and school administrators have dropped by 7%, from 261,000 to 242,000, a review of records from the New York Teacher's Retirement System showed... Last month, for example, 2,500 educators in New York filed paperwork to retire, the pension system said. That's up 4.4% compared to May 2020."

### NEA Affiliate Accounts

- In Mahopac, NY (Westchester County), the public school district – Mahopac Central - is still searching for a Spanish teacher and a Technology teacher. As far as I know both areas are shortage areas normally. However, the current situation is worse. I've not even heard that the District is getting applications!
- In the Washingtonville and Chester, NY (Orange County), public school districts, bus drivers and substitute teachers are desperately in need.
- In Warwick Valley, NY (Orange County), the public school district – Warwick Valley Central - is in desperate need of bus drivers. There have been banners posted throughout the town seeking applicants. There is also a shortage of substitute teachers which has been having a very real impact on students. When a teacher is absent the District has had to resort to assigning another teacher (music, AIS, etc.) to cover the absence. This results in music, AIS, etc. classes being canceled and the students miss out. Warwick Valley and other

area districts' staffing hardships are addressed in this article from the Times Herald Record:

<https://www.recordonline.com/story/news/2021/09/21/schools-understaffed-instructional-and-non-academic-positions/8376171002/>

- In the Katonah-Lewisboro Central School District (Westchester County), there are serious shortages of bus drivers, teacher aides, and monitors. Many drivers are working multiple runs and overtime (nice at first, but there is a limit!)
- East Ramapo, NY (Rockland County) is encountering severe nurse and bus driver shortages. The Nursing shortage impacts public and private schools in the District as many of the private schools request nursing services from the public school (pursuant to NYS law public school districts are required to provide such services when requested). The bus driver shortage has been written up in the Lower Hudson Journal News several times:
  - <https://www.lohud.com/story/news/local/rockland/2021/10/06/bus-driver-shortage-east-ramapo-school-district-weighs-parent-payments/6015455001/>
  - <https://www.lohud.com/videos/news/education/2021/10/06/east-ramapo-board-meeting-busing/6018471001/>
  - <https://www.lohud.com/story/news/local/rockland/2021/09/17/east-ramapo-bus-transportation-consultants/8378671002/>
  - <https://www.lohud.com/story/news/education/2021/09/14/east-ramapo-meeting-crowd-school-bus-shortage/8329917002/>



## North Dakota

### Media Accounts

- <https://www.kfyrtv.com/2021/08/14/filling-teacher-shortage-school-approaches/>
- <https://www.devilslakejournal.com/story/news/2021/10/05/nd-teachers-advocates-renew-concerns-over-recruitment-barriers/5931219001/>
- <https://www.kfyrtv.com/2021/06/07/dickinson-north-dakota-state-university-partner-combat-ag-teacher-shortage-state/>
- <https://www.kxnet.com/news/local-news/nationwide-school-bus-driver-shortage-hits-north-dakota/>

## Oregon

### Media Accounts

- KATU, 10/11/21, "Oregon changes guidelines for substitute teachers to combat shortage," <https://katu.com/news/local/oregon-changes-guidelines-for-substitute-teachers-to-combat-shortage>

## Pennsylvania

### Media Accounts

- Philadelphia Inquirer, 9/11/21, "Philly's bus driver shortage is a 'crisis,' leaving kids missing school or stranded," <https://www.inquirer.com/news/school-bus-driver-shortage-philadelphia-crisis-20210911.html>
  - The School District of Philadelphia is offering parents \$1,500 annually to drive their children to school in lieu of taking the bus.
  - "Danielle Floyd, general manager of transportation, said the district, which is responsible for transporting children from 550 schools all around the five-county region, needs 1,300 drivers to run all routes well. Between vendors and its own drivers, it was promised 900 drivers this summer, but fewer have showed up."
- Pittsburgh Post-Gazette, 9/30/21, "Pa. plan to keep kids in school: Hiring bus drivers, more COVID-19 testing," <https://www.post-gazette.com/news/education/2021/09/30/pennsylvania-school-education-covid-vaccine-bus-drivers-testing/stories/202109280168>
  - "Pennsylvania currently has "a little over 42,000 school bus drivers," Mr. Meyers said, the lowest number in the past five years. "That is over 4% decrease since 2014 when we had over 44,000 drivers."
- <https://www.inquirer.com/education/philadelphia-mitchell-elementary-school-no-food-20210924.html>



Tennessee

Media Accounts

- <https://www.newschannel5.com/news/substitute-teachers-scarce-especially-in-rural-tennessee>

## Vermont

### Media Accounts

- Burlington Free Press, 10/6/21, "Teachers insulted by VT education secretary's urging to 'chip in' on school COVID testing," <https://www.burlingtonfreepress.com/story/news/2021/10/06/vermont-education-secretary-dan-french-covid-19-test-stay-schools-remarks-teachers-tweet/6017845001/>

## Virginia

### Media Accounts

- WTVR, 9/25/21, "Bus drivers send message to Henrico School Board: 'Something needs to be done,'" [https://www.wtvr.com/news/local-news/bus-drivers-send-message-to-henrico-school-board-something-needs-to-be-done?\\_amp=true](https://www.wtvr.com/news/local-news/bus-drivers-send-message-to-henrico-school-board-something-needs-to-be-done?_amp=true)
- WSLR, 9/15/21, "Substitute teacher shortage force Southwest Virginia schools to go virtual," <https://www.wsls.com/news/local/2021/09/15/substitute-teacher-shortage-force-southwest-virginia-schools-to-go-virtual/>
  - Documents shortages of substitute teachers and bus drivers in Southwest Virginia
- WTVR, 8/31/21, "Where did all the bus drivers go?: 'It basically boils down to pay,'" [https://www.wtvr.com/news/local-news/where-did-all-the-bus-drivers-go?\\_amp=true](https://www.wtvr.com/news/local-news/where-did-all-the-bus-drivers-go?_amp=true)
- <https://www.nbc12.com/2021/09/29/central-virginia-school-districts-grapple-with-bus-driver-shortage/>
- <https://www.cbsnews.com/news/school-bus-driver-shortage-virginia-michael-mason-fbi/>
- <https://wjla.com/news/local/dmv-school-districts-search-for-alternatives-amid-bus-driver-shortage>
- <https://www.wtvr.com/news/local-news/the-three-things-causing-school-bus-driver-shortages>

### NEA Affiliate Accounts

- "I wanted to reach out to share information on the educator shortages hiring Albemarle County Public Schools in Virginia. Drivers are being asked to take on additional duties including being asked to cover additional shifts. Teachers are covering classes as a result of the shortage of substitute teachers. The level of frustration is getting to a boiling point."



## Washington

### Media Accounts

- <https://www.wtva.com/content/national/575250932.html>
- <https://www.seattletimes.com/seattle-news/education/transportation-problems-complicate-another-start-of-the-school-year-for-seattle-public-schools/>
- <https://mynorthwest.com/3183930/drivers-risk-school-bus-service-as-vaccine-mandate-approaches/>
- <https://www.seattletimes.com/education-lab/national-crises-local-consequences-the-exhausting-start-to-the-school-year-in-washington-state/>
- <https://www.king5.com/article/news/education/edmonds-bus-service-cancellations-for-some-students-covid-19-vaccine-mandate/281-a0de97c3-3987-4600-b3d0-2d0dc1585b74>
- <https://www.masstransitmag.com/bus/news/21240022/wa-getting-there-bus-driver-shortages-are-keeping-spokane-students-from-school-can-sta-help>
- <https://www.columbian.com/news/2021/oct/04/local-view-schools-are-in-desperate-need-of-bus-drivers/>
- <https://www.chronline.com/stories/thurston-county-school-districts-face-a-key-shortage-as-the-new-year-approaches,270769>
- [https://www.yakimaherald.com/news/local/yakima-county-schools-struggle-with-food-supplies-as-pandemic-effects-endure/article\\_241d618d-1cf0-53f1-a683-fe6e7baa1c18.html](https://www.yakimaherald.com/news/local/yakima-county-schools-struggle-with-food-supplies-as-pandemic-effects-endure/article_241d618d-1cf0-53f1-a683-fe6e7baa1c18.html)

### NEA Affiliate Accounts

- "Right now, we are hearing the most about bus driver, food service, nurse / health workers and paraeducator shortages. There have not been as many articles on the nurse shortages, but I am hearing from locals about concerns that nurse and para shortages are having safety impacts for special education students and management of medications more generally. Most of the press coverage has been on the bus driver shortage, which is dire. There are multiple districts with daily cancelled bus routes – which may get worse next week when the deadline for our vaccination mandate comes. The landscape may change a little next week when the state's vaccine mandate for state and school employees is implemented. There may be some schools (especially in more rural and eastern WA areas) where there are teacher who lose employment after not receiving the vaccine. Anecdotally, we are hearing that there will be more terminations among classified staff (bus drivers, food service, para's, custodians) than among certificated staff, but that could differ a bit by region of the state."

## West Virginia

### Media Accounts

- Charleston, Gazette-Mail, 10/11/21, "Jefferson schools, citing staff shortages, sending students home early on Fridays through Nov. 19," [https://www.wvgazettemail.com/news/education/jefferson-schools-citing-staff-shortages-sending-students-home-early-on-fridays-through-nov-19/article\\_1a465fb0-3686-5ad1-8781-15dfd9f37a90.html](https://www.wvgazettemail.com/news/education/jefferson-schools-citing-staff-shortages-sending-students-home-early-on-fridays-through-nov-19/article_1a465fb0-3686-5ad1-8781-15dfd9f37a90.html)
  - "Our teachers are losing planning every day to covering other classes for colleagues," the district said. "Our custodians are struggling with overwhelming shortages in trying to keep our buildings clean."

## Wisconsin

### Media Accounts

- <https://spectrumnews1.com/wi/milwaukee/news/2021/10/10/food-shortages-affect-schools-across-wisconsin>
- PBS Wisconsin, 10/8/21, "Impacts of Wisconsin's School Bus Driver Shortage," <https://pbswisconsin.org/news-item/impacts-of-wisconsins-school-bus-driver-shortage/>
- Wisconsin Public Radio, 5/17/21, "Teacher Retirements Were Up In 2020, And More Are Expected In 2021," <https://www.wpr.org/teacher-retirements-were-2020-and-more-are-expected-2021>



## Wyoming

### Media Accounts

- [https://www.wyomingnews.com/rocketminer/school-bus-drivers-shortage-hits-sweetwater-county-school-district-no-1/article\\_b3376d07-406d-52ee-9647-0b7a3dae55fd.html](https://www.wyomingnews.com/rocketminer/school-bus-drivers-shortage-hits-sweetwater-county-school-district-no-1/article_b3376d07-406d-52ee-9647-0b7a3dae55fd.html)

### NEA Affiliate Accounts

- "I know that in Wyoming, Park County school district 1 & 6, Big horn school district 2, Teton county school district all have confirmed sub shortages. To the point that they are denying leave for some teachers/reasons because they can't find subs."

**From:** Garibay, Montserrat  
**Subject:** EEOC contact  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Cc:** O'Brien, Alice [NEA]; Alam, Lubna [NEA-GC]  
**Sent:** October 21, 2021 5:22 PM (UTC-04:00)  
**Attached:** Back-to-School-Binder-elementary-secondary-Sept-2021.pdf

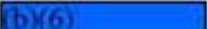
Dear NEA,

Just wanted to follow up with your request from the meeting with the Office of Civil Rights. Carol Miaskoff is the EEOC Legal Counsel. Her e-mail is [carol.miaskoff@eeoc.gov](mailto:carol.miaskoff@eeoc.gov) Please feel free to contact her.

Separately, I think we've shared this already but just in case. Here's our K12 resource binder and our blog post about the binder: <https://www2.ed.gov/about/offices/list/ocr/blog/20210914.html>

Please feel free to contact me if you have any questions.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
 | [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)

**From:** Montserrat.Garibay@ed.gov  
**Subject:** Re: Discussion request  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Sent:** October 22, 2021 11:44 AM (UTC-04:00)  
**Attached:** NEA Memo to the WHTF on Worker Organizing 9.24.21.docx

Daaiyah,

The deadline to submit proposals

Sent from my iPhone

On Oct 22, 2021, at 9:01 AM, Bilal-Threats, Daaiyah [NEA] <DBilal@nea.org> wrote:

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat

I have been meaning to send this to you. We'd like to have an opportunity to discuss the highlighted recommendations with you and the pertinent ED colleagues.

Let me know what's possible

Have a good weekend



## **MEMO**

**TO:** The White House Task Force on Worker Organizing  
c/o: Seth Harris, Deputy Assistant to the President, Labor and the Economy  
Dan Pedrotty, Labor Policy Advisor, Office of the Vice-President

**FROM:** Rebecca S. Pringle  
President, National Education Association

**DATE:** October 18, 2021

**RE:** Recommendations

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On April 26, 2021 President Biden, by Executive Order, created a Task Force on Worker Organizing and Empowerment, and directed it to carry out the following duties:

*“Identify executive branch policies, practices and programs that could be used, consistent with applicable law, to promote my Administration’s policy of support for worker power, worker organizing, and collective bargaining. This identification shall include policies, practices and programs that could be used to promote worker power in areas of the country with hostile labor laws, for marginalized workers (including women and people of color) and hard-to-organize industries, and in changing industries. The Task Force and its members also shall identify statutory, regulatory, or other changes that may be necessary to make policies, practices, and programs more effective means of supporting worker organizing and collective bargaining”.*

Further, President Biden charged the Task Force with submitting recommendations, by October 26, 2021, for actions *“to promote worker organizing and collective bargaining in the public and private sectors, and to increase union density”.*

The National Education Association welcomes the opportunity to submit recommendations to the Task Force for consideration.

## Unions Are a Cornerstone of a Healthy Democracy

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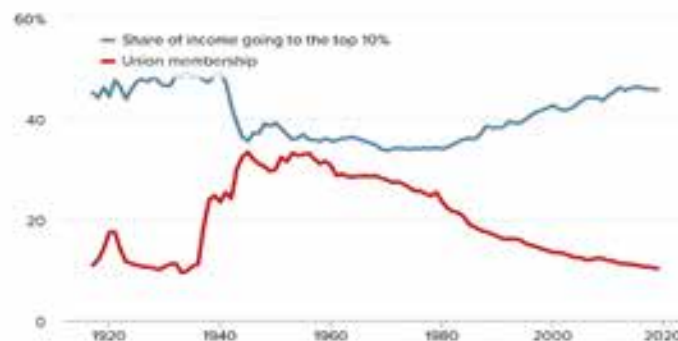
**A strong labor movement is an essential part of solving the existential economic crisis of income inequality in America.** Research from the Center for American Progress documents this relationship. They examined the role that the decline of labor unions has played in the hollowing out of America's middle class. They found that the decline in union density accounts for 35 percent of the falling share of middle-class workers and that the combination of the shrinking share of union workers and the reduction in the union equality effect explains almost half of the decline in middle-class workers. (See "What Do Unions Do for the Middle Class" by Richard Freeman et.al., <https://www.americanprogress.org/issues/economy/reports/2016/01/13/128366/what-do-unions-do-for-the-middle-class/>).

As the Economic Policy Institute's research has documented, unions improve wages and benefits for all workers, not just union members (<https://www.epi.org/publication/unions-help-reduce-disparities-and-strengthen-our-democracy/>). They help reduce income inequality by making sure all Americans, and not just the wealthy elite, share in the benefits of their labor. Unions also reduce racial disparities in wages and raise women's wages, helping to counteract disparate labor market outcomes by race and gender that result from occupational segregation, discrimination, and other labor market inequities related to structural racism and sexism.

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### As union membership declines, income inequality increases

Union membership and share of income going to the top 10%, 1917–2019



Source: Reproduced from Figure A in Heidi Shierholz, *Working People Have Been Thwarted in Their Efforts to Bargain for Better Wages by Attacks on Unions*, Economic Policy Institute, August 2019.

Economic Policy Institute

**A strong labor movement is an essential element for restoring public faith in representative democracy as our form of self-governance.** Unionized workforces model and practice democracy in the workplace. Through collective bargaining, workers through their unions participate in offering ideas and their lived experiences to the spaces that impact their livelihoods and the well-being of their families. They are more likely to have confidence in the decisions reached at the bargaining table (or other spaces) and thus have faith in the processes that



produced those decisions. It is our strong belief that practicing democracy in the workplace reinvigorates and fortifies support for representative democracy. If workers, together with management, are actively and continuously engaged in conversation about working conditions, wages, productivity, and other issues relevant to mutual success; then the parties are more likely to understand the contours and challenges that are presented by the larger representative democracy. At a time when faith in democracy is declining not only in the US, but around the world (<https://www.theatlantic.com/ideas/archive/2020/01/confidence-democracy-lowest-point-record/605686/>), we need to ensure that the institutions that undergird support for democratic processes – like unions - are strong.

**Acknowledging the importance of unions to democracy is not partisan.** Ironically, less than a year after firing the nation’s air traffic controllers (August 1981), President Ronald Reagan in his Westminster Address in London (June 1982) about the rise of totalitarianism, included such an acknowledgement of unions as foundational to preserving and advancing democracy (see <https://www.ned.org/promoting-democracy-and-peace/>). He said:

*“The objective I propose is quite simple to state: to foster the infrastructure of democracy – the system of a free press, unions, political parties, universities – which allows a people to choose their own way, to develop their own culture, to reconcile their own differences through peaceful means.*

*Who would voluntarily choose not to have the right to vote, decide to purchase government propaganda handouts instead of independent newspapers, prefer government to worker-controlled unions...”*

What American workers deserve is not only a set of policies that guarantee the right to organize and collectively bargain, but the kind of certainty and declarative support your Administration continues to voice about the importance of unions to workers, the economy, the democracy, and to strong communities.

## **Collective Bargaining is Good for Our Communities, Schools and Students**

**Better conditions, services, and results for students:** Collective bargaining rights for educators have evolved from the days when educators were being fired for being pregnant to today where collective bargaining is used as a solutions-development process for not only improving the economic security of a still-underpaid, predominantly female education workforce, but for creating a system for the creativity and problem-solving abilities of educators to work with and/or fight for improvements in learning conditions, sound instructional practices, equitable and just education services that meet the unique needs of every student. Collective bargaining rights help educators stand up for their students and communities.

**Safety:** In our experience, when public employees have a voice in their workplace via their unions, they are more likely to successfully advocate for safety and other working conditions that benefit not just the employees, but also the public at large. For example, our members through their unions have successfully utilized collective bargaining as well as collective action to fight



for the principle that good student learning conditions ARE synonymous with good educator working conditions. And as we know, school facilities are very often utilized by the community, parents, civic groups, and others after the school day ends for students.

**Economic health of communities:** When workers have higher wages, they have more money to pump into local economies. In many places all across the US, the local school district is the largest employer, upon which many other industries and supply chains rest. Research has demonstrated that for state supported K–12 education funding, the employment and economic effects of incremental increases in spending outweigh the losses associated with increased taxation. The positive net employment and economic effects grow over time, as the enhanced educational spending effort improves the perceived quality of life as education-related productivity of the workforce enables workers to command higher earnings and makes businesses more profitable (<https://files.eric.ed.gov/fulltext/ED490872.pdf>).

According to the Economic Policy Institute, providing expanded access to high quality education will not only expand economic opportunity for residents, but also likely do more to strengthen the overall state economy than anything else a state government can do. (<https://www.epi.org/publication/states-education-productivity-growth-foundations/>).

The Brookings Institution found that a national program for high-quality universal preschool would cost the federal government approximately \$59 billion by 2080, but would generate \$2 trillion to annual U.S. GDP - more than enough to cover the costs of the program several times over. (<https://www.brookings.edu/research/the-effects-of-investing-in-early-education-on-economic-growth/>).

**Progress for all Americans:** The more workers that have a voice in the workplace, the more labor is able to raise the wages for ALL employees by creating the market conditions that require employers to offer competitive salaries. Labor coalitions at the state and national level are critical to advancing policies that truly represent the interests of working Americans. Sadly, there is a fundamental premise of the American Dream that is now more elusive than ever before: if you work full time at any job, you should not be poor. Americans who play by the rules should be able to put food on the table, a roof overhead, and be able to retire with dignity. A stronger labor movement is a critical component of rescuing this aspect of the American Dream for all workers, whether they belong to a union or not.

Therefore, the National Education Association believes that securing robust collective bargaining rights, and enforcement mechanisms to ensure that educators can exercise those rights free from unlawful interference, is essential to the success of our students and educators alike. Today, educators in a number of states lack these basic rights and protections, while educators in the federal sector continue to feel the impact of damaging practices and policies of the former Administration. We encourage the Task Force and President Biden to seek equitable treatment in the public sector at the local, state, and federal level and to continue working to repair the damage wrought in the past.

We believe the Administration should take all steps within its authority to incentivize local and state government entities to establish collective bargaining rights where there are none and improve worker rights where possible, including through such steps as the following:

- *Condition federal education funding of any school improvement or professional development initiatives on education employees being provided authentic and effective systems to ensure educator voice and input.*
- *Support federal legislation extending to public-sector employees the same rights to organize and bargain collectively that private-sector employees have long enjoyed and as we hope will be expanded under the PRO Act.*

Collective bargaining and labor rights in the United States were created in a piecemeal and sector-based fashion, first in the 1926 Railway Labor Act and more broadly in the 1935 National Labor Relations Act. Public-sector workers, however, including teachers, were excluded from those protections. Federal-sector employees only secured bargaining rights in 1962 through an executive order issued by President Kennedy. The NEA and other public-sector unions pursued collective bargaining rights for teachers and other educators, state by state, beginning in the late 1950s. The result was a patchwork of widely varying laws depending on the political climate that still exists today. Some offer minimal rights while others go so far as to prohibit public-sector collective bargaining altogether. Attacks against public-sector workers continue yearly in state legislatures around the country. NEA and our union allies prevail in advancing the rights of workers in some states, and defeating attacks in others, even as we lose ground elsewhere.

NEA believes in the need to bring public and private sector workers and their communities together to fight for the rights of all workers and demand negotiations over “common good” issues that affect their members and their communities. Strengthening collective bargaining for public sector workers not only benefits them, but enhances the ability of public sector unions like NEA to advance the Bargaining for the Common Good movement that benefits our students and our communities as a whole. (see <https://www.nea.org/advocating-for-change/new-from-nea/when-we-fight-we-win-utla-strike-ends-historic-agreement>).

Although the Administration has limited authority to expand collective-bargaining rights for local and state public-sector employees, we urge the Administration to vigorously pursue all avenues that can be used to strengthen the rights of workers in all sectors of the United States economy, including in those states that actively restrict public sector employee rights.

## **Understanding the Problem**

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For NEA and its members, the greatest obstacle to worker organizing and empowerment within our jurisdictions is political geography.

Only 35 states (*plus the District of Columbia*) guarantee K-12 teachers some right to organize and collectively bargain. In six (6) states (*North Carolina, South Carolina, Georgia, Mississippi, Texas, and most recently – Arkansas*), collective bargaining by public employees is expressly prohibited by law. In nine (9) remaining states (*Arizona, Utah, Colorado, Wyoming, Louisiana,*



*Alabama, Kentucky, West Virginia, and Virginia*), there is no statewide bargaining framework but local jurisdictions can choose to grant recognition and bargaining rights if they (the employer) are willing. Even in some of the collective bargaining states, hostile legislatures have been moving to limit and restrict collective bargaining rights (*Wisconsin, Iowa, Indiana*).

The situation for education support professionals (ESPs) is similar. 31 states provide for the right to organize and bargain. Seven (7) states prohibit it. And thirteen (13) states have no bargaining framework for ESPs but local jurisdictions can choose to grant recognition and bargaining rights.

Educators at public higher education institutions are in an even more precarious position. Only 25 states guarantee bargaining rights for faculty at community colleges and four-year institutions. Nine (9) states prohibit it. Three (3) states grant the right to bargain to some, but not all, higher ed faculty. And fourteen (14) states have no statewide bargaining framework nor any ban; as a result individual institutions can choose to grant recognition and bargaining rights – albeit few do.

See the Appendix for maps of the status of K-12 and Higher Education Employee Bargaining Rights.

The political geography is apparent. With a few exceptions, Southern and Rocky Mountain states either do not guarantee the rights of public education employees to organize and bargain or at best allow for collective bargaining only if the employer voluntarily agrees to do so. As a result, hundreds of thousands of public K-12 and higher education employees are denied the rights to organize and bargain that a majority of working Americans enjoy in the private sector. These regions of the country continue to perpetuate a hostile environment to the rights of public sector workers.

It is worth noting that support for labor unions generally, and for public-sector labor unions in particular, remains high. According to a recent poll of likely voters by the organization Data For Progress, 68% said they approved of allowing public sector workers to be in and form unions: including 82% of Democrats, 64% of Independents, and 54% of Republicans.

<https://www.filesforprogress.org/datasets/2021/6/dfp-vox-attitudes-towards-unions-toplines.pdf>

Recognizing the limitations on the federal government to take action to impact the labor management relations of state and local governments, below are a series of recommendations that we believe are within the authority of the Administration.

We look forward to further discussions of these recommendations. For more information, please follow up with Tom Israel, Program Director, NEA Center for Organizing ([tisrael@nea.org](mailto:tisrael@nea.org)), who led our team in development of these recommendations.



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EDUCATION SECTOR RECOMMENDATIONS		
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2	DEPARTMENT OF EDUCATION: Issue regulations to require increased transparency and accountability in the charter school sector by subjecting recipients of federal charter school funding, provided in Title IV of ESSA, to state FOIA and Open Meeting laws	
3	DEPARTMENT OF EDUCATION: Issue regulations under the federal charter school funding program to require that the teaching staff of all charter schools – including online charter schools – be licensed and credentialed under state law, in order to ensure and advance high quality programs.	
4	DEPARTMENT OF EDUCATION: Issue regulations requiring partnership with employee organizations in federally funded programs to increase the pipeline into teaching for education support personnel (i.e. apprenticeship programs).	
5	DEPARTMENT OF EDUCATION: Issue regulations requiring a \$15 minimum wage for all positions funded (in whole or in part) with federal education dollars [akin to what has already been done for federal contractors].	
6	DEPARTMENT OF AGRICULTURE: Prohibit employers from using federal funds to contract out for school meals programs that otherwise would be staffed by public employees.	
7	DEPARTMENT OF EDUCATION: Resume the collection of comprehensive data on higher education faculty	
8	DEPARTMENT OF TRANSPORTATION: Limit the use of the new infrastructure funding for green school buses to school districts only, and not for use by private contractors.	

9	DEPARTMENT OF EDUCATION: Remove pay for performance from Title II grant requirements.	
<b>FEDERAL SECTOR RECOMMENDATIONS</b>		
10	WHITE HOUSE: Issue an Executive Order instructing all Federal Agencies who have implemented a Collective Bargaining Agreements (CBA) containing contract provisions ordered by the FSIP since June 2017 to immediately offer the union the right to cancel the agreement and engage in permissive bargaining over the terms of a new agreement.	
11	DEPARTMENT OF DEFENSE: Issue an Executive Order instructing all Federal Agencies who have implemented a CBA without the signature or assent of the union to immediately reinstate and comply with the CBA that was in place prior to the date the unilaterally imposed contract was implemented.	
12	WHITE HOUSE: Issue an Executive Order directing all Federal Agencies to submit to the Department of Labor's (DOL) Office of Labor Management Statistics (OLMS) within 60 days of the order a report proving an itemized accounting of all appropriated funds spent since January 20, 2017 on services, legal work and recommendations from any anti-labor or Right to Work supporting organizations.	
13	DEPARTMENT OF DEFENSE: NEA's Federal Education Association (FEA) state affiliate is requesting an open channel of communication with the Under Secretary of Personnel and Readiness (P&R)	
14	DEPARTMENT OF DEFENSE: FEA would also request the same opportunity to provide feedback and input, and an open channel of communication into the selection of the Assistant Secretary of Defense for Manpower & Reserve Affairs, which has direct supervision over the DoDEA Director.	
15	DEPARTMENT OF DEFENSE: Appoint a new DoDEA Director immediately, with the involvement and support of FEA.	
16	DEPARTMENT OF DEFENSE: Reverse recent policies at DoDEA eliminating teaching positions and requiring teachers to work more unpaid hours	

17	DEPARTMENT OF DEFENSE: Issue an Order for DoDEA to bargain all compensation issues outside of basic pay for overseas educators in the FEA bargaining unit	
18	DEPARTMENT OF DEFENSE: Require the issuance of Common Access Cards (CAC) and official travel orders to all Association attorneys by Department of Defense (DoD) so that they may provide representation to members at DoD installations where FEA is the exclusive representative	
<b>LEGISLATIVE RECOMMENDATIONS</b>		
19	Fund universal pre-school and expanded access to community colleges in ways that ensure the workforce's rights to organize and collectively bargain.	
20	Changes to ESSA to prohibit the contracting out of para-educator jobs	



## Education Sector Recommendations

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### 1. Issue regulations to clarify the “meaningful consultation” language in ESSA Title II, 20 U.S.C. § 6611(d)(3)(A).

The federal Every Student Succeeds Act (ESSA) requires that in applying for federal Title II funding (for professional development activities), that the state “*meaningfully consult with teachers, principals, other school leaders, paraprofessionals (including organizations representing such individuals), specialized instructional support personnel, charter school leaders (in a State that has charter schools), parents, community partners, and other organizations or partners with relevant and demonstrated expertise in programs and activities designed to meet the purpose of this title*”.

NEA believes that educators and their representatives are best positioned to identify their own professional development needs and design the programs to meet those needs. Effective educator voice and influence is essential to accomplish the purpose of Title II.

In states that provide public-sector educators with collective-bargaining rights, those unions can serve as their members’ voice in negotiating over the design of professional development programs, although for the most part they are not involved in the Title II grant application process.

In states and districts that do not allow for educator collective bargaining, there is no clear route for educator input and voice. As a result, in many districts and states across the country, the “meaningful collaboration” called for in the statute remains unfulfilled.

Therefore, the Department should issue regulations to clarify the intent of “meaningful consultation” as follows:

- 1) Where there are recognized employee organizations, require their sign off on state Title II-funded professional development grant applications, and District Title II-funded professional development plans.
- 2) Where there is no recognized employee representative, require that the State shall conduct a secret-ballot election for employees to select representatives to meet with the State to reach agreement on the State’s Title II-funded professional development grant applications
- 3) Where there is no recognized employee representative organization, require that the district shall conduct a secret-ballot election or other acceptable procedure for employees to select representatives to meet with the district to reach agreement on the professional development plan.

In states and districts with educator collective bargaining, such regulatory changes could strengthen the ability of unions to represent the interests of their members. In states and districts without educator collective bargaining, requiring a process to allow employees to select a representative would provide educators with a heretofore prohibited avenue for

electing their own representatives to represent their interests on the job – albeit only on the limited issues of professional development. This would provide educator unions with an opportunity to engage and organize previously unorganized educators, and also provide these unorganized educators with the experience of what elected worksite representation can do to enhance their jobs and their lives.

Given the clear language of the statute calling for “meaningful consultation”, the Department would be well within its authority to develop regulations to clarify the meaning and application of 20 U.S.C. § 6611(d)(3)(A).

**2. Issue regulations to require increased transparency and accountability in the charter school sector by subjecting recipients of federal charter school funding, provided in Title IV of ESSA, to state FOIA and Open Meeting laws.**

Part C of Title IV of ESSA (20 U.S.C. § 7721 et. seq.) establishes a federal funding program for charter schools. It states that the purpose of the program includes: “... 7) *support efforts to strengthen the charter authorizing process to improve performance management including transparency, oversight and monitoring (including financial audits), and evaluation of such schools*” and further “8) *support quality, accountability, and transparency in the operational performance of all authorized public chartering agencies including State educational agencies, local educational agencies, and other authorizing agencies.*” 20 U.S.C. § 7721(7). Therefore the Secretary has authority to issue regulations to effectively implement these provision of the statute. To the extent the Federal Government continues to fund this program, we encourage efforts to ensure adequate transparency in the operation of charter schools.

Across the country, many charter schools operate in the shadows and claim they are not covered by Freedom of Information or Open Meetings laws. This lack of transparency not only runs counter to the principles of public education and the purpose of the federal charter funding program, but it creates barriers to organizing and representing charter school employees. Both unionized and nonunionized charter school employees are disadvantaged when rules that apply to traditional public schools do not apply to charter schools. Therefore the Department should issue regulations that require all federally funded charter schools – and charter school authorizers – to comply with state FOIA and Open Meetings laws.

**3. Issue regulations under the federal charter school funding program to require that the teaching staff of all charter schools – including online charter schools – be licensed and credentialed under state law, in order to ensure and advance high quality programs.**

Part C of Title IV of ESSA also states that the purpose of the program includes: “... 3) *increase[ing] the number of high-quality charter schools available to students across the country.*” 20 U.S.C. § 7721(3). Pursuant to that authority, the Secretary has authority to issue regulations to effectively implement this provision of the statute.

Extensive research has documented that highly qualified educators improve student achievement. Yet in charter schools across the country, the use of teachers lacking state teaching licenses or credentials is extensive. In addition to adversely impacting student achievement, this reliance on unqualified teachers undermines the profession, and the union's ability to organize. Ensuring adequate standards for entry into the profession will increase the bargaining power of teachers unions and limit the ability of charter school employers to undermine organizing efforts through the use of unqualified substitute employees. Doing so also would advance the statute's goal of increasing the number of high quality charter schools.

**4. Issue regulations requiring partnership with employee organizations in federally funded programs to increase the pipeline into teaching for education support personnel (i.e. apprenticeship programs).**

The federal government can help deal with national teacher shortages and at the same time empower workers and increase social mobility by strengthening the pipeline into the teaching profession for education support personnel. Paraprofessionals in particular are in a unique role to advance into the teaching profession with appropriate support. Legislation such as “grow your own” and “teacher residency” programs, which help address our country's persistent teacher shortage, should target paraprofessionals to become certified teachers. Such programs can serve to expand the recruitment and retention of educators of color. (NEA can provide specific language).

Additionally, “partnership organizations” referenced in teacher preparation programs should specifically name unions as eligible entities to give workers voice.

Although the Workplace Innovation and Opportunity Act has not been traditionally used to promote careers in education, it could be so with some innovation. Any WIOA regulations should specifically reference unions, employee organizations, and professional associations as required partners.

Establishing a greater role for the union in education apprenticeship programs enhances the value of the union to its members and potential members; strengthening our ability to organize and represent those workers.

**5. Issue regulations requiring a \$15 minimum wage for all positions funded, in whole or in part, with federal education dollars (akin to what has already been done for federal contractors).**

In 2012, the struggles of the working poor were given voice in the “Fight for \$15” campaign. For most of the public and many policy makers, there was recognition that the minimum wage was woefully inadequate, and that \$15 per hour was a more realistic wage to meet the basic needs of workers. In 2012, \$15 per hour was a reasonable demand. It should be noted that factoring in inflation, that same reasonable demand would be over \$17 per hour today.



Workers continue to lose ground, even against their own reasonable demands. The federal government should be a model employer and can lead the way in lifting working people out of poverty.

School support staff, such as paraprofessionals, secretaries, custodians, food service workers, and bus drivers, struggle for adequate compensation. The low wages in these jobs make organizing workers more difficult. Even the low dues rates for school support staff are a challenge for these ultra-low wage workers. Raising the minimum wage to \$15 per hour would make it easier for them to join the union. At the same time, ultra-low wages give privatizers a low mark to hit. We believe organizing, thwarting privatization, and worker empowerment will be promoted if federal education dollars used for contracting of services has a requirement that the employees of the contractor are paid at least \$15 per hour.

The purpose of federal education spending is to improve the quality of education. The high turnover and low skill of an ultra-low wage workforce undermines the quality of education for our students. Therefore, we believe the Department has the ability to issue regulations requiring a \$15 minimum wage for all school support staff, in order to better fulfill the purpose of federal education funding.

**6. Prohibit employers from using federal funds to contract out for school meals programs that otherwise would be staffed by public employees.**

The Department of Agriculture has issued regulations in carrying out the National School Lunch Program that permit local and state “school food authorities” that administer school meal programs to use federal funds to contract with food service management companies to manage food service operations, subject to various conditions. 7 CFR § 210.16. But when school food service workers are employees of a contractor they are much less likely to be unionized, be fairly compensated, or have health and pension benefits than food service workers employed directly by a Local Education Agency.

The Department of Agriculture should revise this regulation and ensure that school food authorities receiving federal funds provide that food service workers, who perform the critical function of nourishing our students, are accorded the respect that comes with being a school employee rather than an undercompensated employee of a private contractor. Alternatively, a condition should be added to minimize the incidence of contracting out this work. For example, the regulation could provide that to contract out work, the school food authority must establish that providing similar services through its employees would pose an undue burden. Additionally, contracting with a Food Management Company should not be a tool for union busting, and regulations can be amended to protect against this as well. NEA can provide specific language to accomplish both of these goals.

**7. Resume the collection of comprehensive data on higher education faculty.**

The U.S. Department of Education collected comprehensive data about higher education faculty between 1987 and 2004. This effort, known as the National Study of Postsecondary Faculty (NSOPF), was described by the National Center of Education Statistics (NCES) as “*the most comprehensive study of faculty in postsecondary educational institutions ever taken.*”

For example, the 2003–04 National Study of Postsecondary Faculty (NSOPF:04) gathered information regarding the backgrounds, responsibilities, workloads, salaries, benefits, attitudes, and future plans of both full- and part-time faculty. In addition, information was gathered from institutional and department-level respondents (department-level data collected in 1988 only) on such issues as faculty composition, turnover, recruitment, retention, and tenure policies (see <http://nces.ed.gov/surveys/nsopf/design.asp>).

Recent changes in the cost of higher education and shifts in the composition of faculty by gender, race, ethnicity and tenure status (e.g. the increased use of contingent faculty) have significant implications for union organizing and bargaining; yet the data required for in-depth analysis are not readily available. Having the ability to identify trends and shifts in higher education faculty allows for more agile and capable organizing and bargaining efforts, as unions are then able to better understand the needs of their faculty. This information, coupled with robust data around institutional spending and funding allocations, allow organizers and bargainers alike to assess trends that can enhance their knowledge at the local and/or state level.

While the Department of Education still collects institutional data that includes faculty demographics and salary data, it stopped the NSOPF faculty survey during the George W. Bush administration, at a time when NEA’s own members were reporting a ramping up of the numbers of contingent faculty, loss of tenured/permanent positions, and erosion of benefits. With the elimination of the NSOPF, we do not have a national, statistically valid picture of the U.S. higher education faculty workforce. As stated earlier, this has implications for effective bargaining and organizing, addressing racial and social justice issues, and identifying national economic trends.

#### **8. Limit the use of the new infrastructure funding for green school buses to school districts only, and not for use by private contractors.**

Transportation services are the most privatized sector within education support services. More than a third of all public school fleets are operated by privatize companies. The privatization of education employees, including school bus drivers, thwarts organizing, destabilizes existing unions, and in general disempowers workers.

President Biden has recognized the value of union bus jobs as evidenced by the Biden Plan to Build a Modern, Sustainable Infrastructure and an Equitable Clean Energy Future: “*As part of his historic commitment to increasing procurement investments, [President] Biden will make a major federal commitment to purchase clean vehicles for federal, state, tribal, postal,*

*and local fleets, making sure that we retain the critical union jobs involved in running and maintaining these fleets.”*

The pending infrastructure bill allocates billions of dollars to fund the purchase of clean and zero-emission school and transit buses. The Administration should take this historic infusion of federal funds to create good, union jobs rather than increase the profits of private contractors. To that end, these funds should be awarded to local education agencies to expand and upgrade bus fleets, and not to for-profit bus companies. In jurisdictions where local education agencies hold existing contracts with private companies to provide services, it should nevertheless be the agency that owns the buses, which can be leased or otherwise used by the private company.

#### **9. Remove pay for performance from Title II grant requirements.**

Basing educator pay on student test scores does not improve or accurately measure student learning or teacher practice. Rather, it creates a more negative working environment for teachers and other educators, which contributes to high turnover and makes it more difficult to organize potential members. The Department of Education should remove all regulatory requirements or references to "performance pay" or "performance-based pay systems" in Title II and related grant programs.

Building in pay for performance requirements into Title II grant funding inhibits and interferes with the collective bargaining process. Local unions should not be forced into pay for performance schemes by Title II requirements that they would never agree to in contract negotiations.

### **Federal Sector Recommendations**

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#### **10. Issue an Executive Order instructing all Federal agencies that have implemented a collective bargaining agreements (CBA) containing contract provisions ordered by the FSIP since June 2017 to immediately offer the union the right to cancel the agreement and engage in permissive bargaining over the terms of a new agreement.**

Further, the Order will direct Agencies to agree to reinstate and comply with the CBA that was in place prior to the date the CBA containing such FSIP imposed provisions took effect. Agreeing to: 1.) void any CBA containing FSIP imposed provisions, 2.) reinstate the predecessor CBA, and 3.) permissively bargain a new CBA, would all require the assent of both the union and the agency. The Department of Veterans Affairs (VA) has reached such an agreement with the union at the VA. The Trump executive orders have allowed the FSIP to rewrite CBAs for federal agencies gutting bargaining rights and workplace protections.

Those CBAs will remain in effect (by design) through at least President Biden's first term. Offering unions the option to return to the status quo and bargain new agreements is the only



way to undo the damage ensure that federal workers truly receive the benefit of the Biden Administration's commitment to labor rights.

The President has the authority as the Chief Executive of Federal Agencies to order Agencies to participate in permissive bargaining (bargaining that is permitted but not mandated by the Federal Service Labor Management Relations Statute (FSLMRS) and to voluntarily agree to comply with the terms of the last signed agreement.

**11. Issue an Executive Order instructing all Federal Agencies that have implemented a CBA without the signature or assent of the union to immediately reinstate and comply with the CBA that was in place prior to the date the unilaterally imposed contract was implemented.**

Congress has chastised a number of federal agencies for flouting the requirements under the FSLMRS and implementing the terms of unsigned CBAs prior to completing bargaining. See: <https://www.help.senate.gov/imo/media/doc/180920%20ED%20Collective%20Bargaining%20Agreement.pdf> . Such actions have undermined the collective bargaining process in the federal sector. Rolling back these unilateral actions will strengthen the unions' ability to bargain on behalf of their members.

The President has the authority as the Chief Executive of Federal Agencies to order Agencies to comply.

**12. Issue an Executive Order directing all Federal agencies to submit to the Department of Labor's (DOL) Office of Labor Management Statistics (OLMS) within 60 days of the order a report proving an itemized accounting of all appropriated funds spent since January 20, 2017 on services, legal work, salaries or hiring people as employees or contractors, and recommendations from any anti-labor or Right to Work supporting organizations.**

This Executive Order should also prohibit agencies from expending any appropriated funds or accepting paid, pro bono or other volunteer work from any of these groups. These groups could be identified by the Office of Personnel Management (OPM) or any other Agency so designated by the President. Use of federal dollars for explicit anti-union activities runs counter to the President's stated agenda and undermine the ability of federal unions to represent their members.

The President has the authority as the Head of the Executive Branch to direct Heads of Agencies to take actions in accordance with the President's agenda.

**13. NEA's Federal Education Association (FEA) state affiliate is requesting an open channel of communication with the Under Secretary of Personnel and Readiness (P&R)**

The Federal Education Association, which is an affiliate of NEA, represents education employees of the Department of Defense Education Activity (DoDEA). To effectively represent our members, it is essential that there is an open channel of communication between FEA and with certain Defense officials, including the Under Secretary of Personnel and Readiness, whose portfolio includes overseeing DoDEA, which employs all of the educators that FEA represents.

**14. FEA would also request the same open channel of communication into the selection of the Assistant Secretary of Defense for Manpower & Reserve Affairs, which has direct supervision over the DoDEA Director.**

**15. A new DoDEA Director must be appointed as soon as possible with the involvement and support of FEA.**

The relationship between FEA and DoDEA has deteriorated badly in recent years. The growth of the DoDEA Headquarters bureaucracy and above-school level positions has taken place at a time that the number of educators has declined.

Furthermore, FEA believes that this bureaucracy has hindered the effective operation of DoDEA. With so many layers between the Director and the field, FEA maintains that the bureaucracy serves to sustain itself rather than focus on the educational product. It is critical that the new Director have the full authority to reorganize the above-school bureaucracy and reallocate as many of these positions as possible back to the school level.

**16. Reverse recent policies at DoDEA eliminating teaching positions and requiring teachers to work more unpaid hours.**

A bicameral and bi-partisan group of lawmakers wrote to former DoD Secretary Esper in January 2020 calling on him to reverse these harmful policies. It is unclear if the Secretary ever responded. See:

[http://feaonline.org/media/issues/Bipartisan\\_Letter\\_to\\_Sec\\_Esper\\_Jan\\_2020.pdf](http://feaonline.org/media/issues/Bipartisan_Letter_to_Sec_Esper_Jan_2020.pdf). Reversing this unilateral action on employee working conditions will strengthen the union's role as the legitimate, recognized employee representative with whom the employer is obligated to negotiate.

The President has the authority as both the Commander-in-Chief of the military as well as the Head of the Executive Branch to direct Heads of Agencies to take actions in accordance with the President's agenda.

**17. Issue an Order for Department of Defense Education Agency (DoDEA) to bargain all compensation issues outside of basic pay for overseas educators in the Federal Education Association's (FEA) bargaining unit.**

By broadening the mandatory subjects of bargaining, the administration would strengthen FEA's ability to negotiate on behalf of its members.

The President has the authority as both the Commander-in-Chief of the military as well as the Head of the Executive Branch to direct Heads of Agencies to take actions in accordance with the President's agenda.

**18. Require the issuance of Common Access Cards (CAC) and official travel orders to all Association attorneys by Department of Defense (DoD) so that they may provide representation to members at DoD installations where FEA is the exclusive representative.**

CAC cards will allow employee representatives to enter DoD installations Stateside and Overseas where FEA is the exclusive representative of educators and/or ESPs at schools on installations in the FEA bargaining unit. The lack of CAC cards severely limits the ability of the union to provide adequate representation to its members.

Furthermore, FEA also requests that DoD be instructed to provide FEA representatives with official travel orders at no cost to the government, which would authorize the holders of these travel orders with the right to enter DoD facilities Stateside and Overseas at installations with schools in the FEA bargaining unit to perform representational functions for FEA members.

The President has the authority as both the Commander-in-Chief of the military as well as the Head of the Executive Branch to direct Heads of Agencies to take actions in accordance with the President's agenda. In addition, this order would be consistent and in accordance with the Department of Defense's (DoD) requirements to meet their labor-management statutory obligations with FEA as the exclusive representative in installations Stateside and Overseas at school locations in the FEA bargaining unit in accordance with 5 U.S.C. Chapter 71.

## **Recommendations that May Require Legislative Action**

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**19. Fund universal pre-school and expanded access to community colleges in ways that ensure the workforce's rights to organize and collectively bargain.**

In addition to the societal benefits of universal pre-school and community college, such as childhood development, closing the inequitable gaps that exist based on income and race among other demographics, and boosting the economy through childcare relief; the expansion of the public education workforce could also expand labor union organizing and collective bargaining.

Early learning centers that are part of or connected to existing public elementary schools, especially as part of a sound community schools model, can result in better service to students. Education unions already provide professional development for our current preK-5



members, and could seamlessly incorporate an expanded number of pre-K educators so that we help ensure higher quality and seamless educational experience for kids.

These educators are part of our overall educational village, and we as a union are prepared to advocate for them, help support them professionally, and engage them to advocate for high quality, best practice programs for our youngest students. Early childhood employees deserve democracy in the workplace, just as k-12 educators and higher education professionals do.

Community and technical colleges provide accessible and affordable opportunity for millions of students to follow their dreams, develop their talents, and lead fulfilling lives. These students are a diverse population, including those who are the first in their families to go college, students of color, working parents and other nontraditional students, low-income students, and immigrants. And while many of these students struggle with economic hardships, like food insecurity, job loss or salary cuts due to the pandemic, and homelessness - so too do many of the faculty and staff who work in those same colleges.

The public disinvestment in higher education over the years has turned the faculty workforce in two-year institutions into a majority (an estimated 70 percent) contingent workforce — “road scholars”—with no job security, few or no benefits, lack of campus resources, and wages only a fraction of what their full-time, continuous contract faculty colleagues receive. The majority of these educators are women, and a growing percentage are faculty of color. So too, many staff positions have been privatized; public sector employees are replaced with contract workers with lower wages, fewer benefits, and no job security. Many of those Education Support Professionals are employees of color. This educational gig economy punishes educators and their students. Part-time educators with multiple jobs do not have adequate time, resources, and availability for their students outside of class; a constant turnover of faculty means fewer educators have a deep knowledge of their college and the range of services available to students for retention and success; and those who do return have little hope of advancement.

While higher education unions like the NEA have successfully organized contingent faculty unions around the country and won some gains for these educators, federal funding to expand access to community colleges would provide institutions with resources to convert existing contingent faculty jobs to full-time, continuous contract positions, as well as increasing job security and pay equity for those educators who remain part-time. A more stable community college workforce enhances student retention and success as well as the ability for these educators to organize, win elections, and bargain successfully.

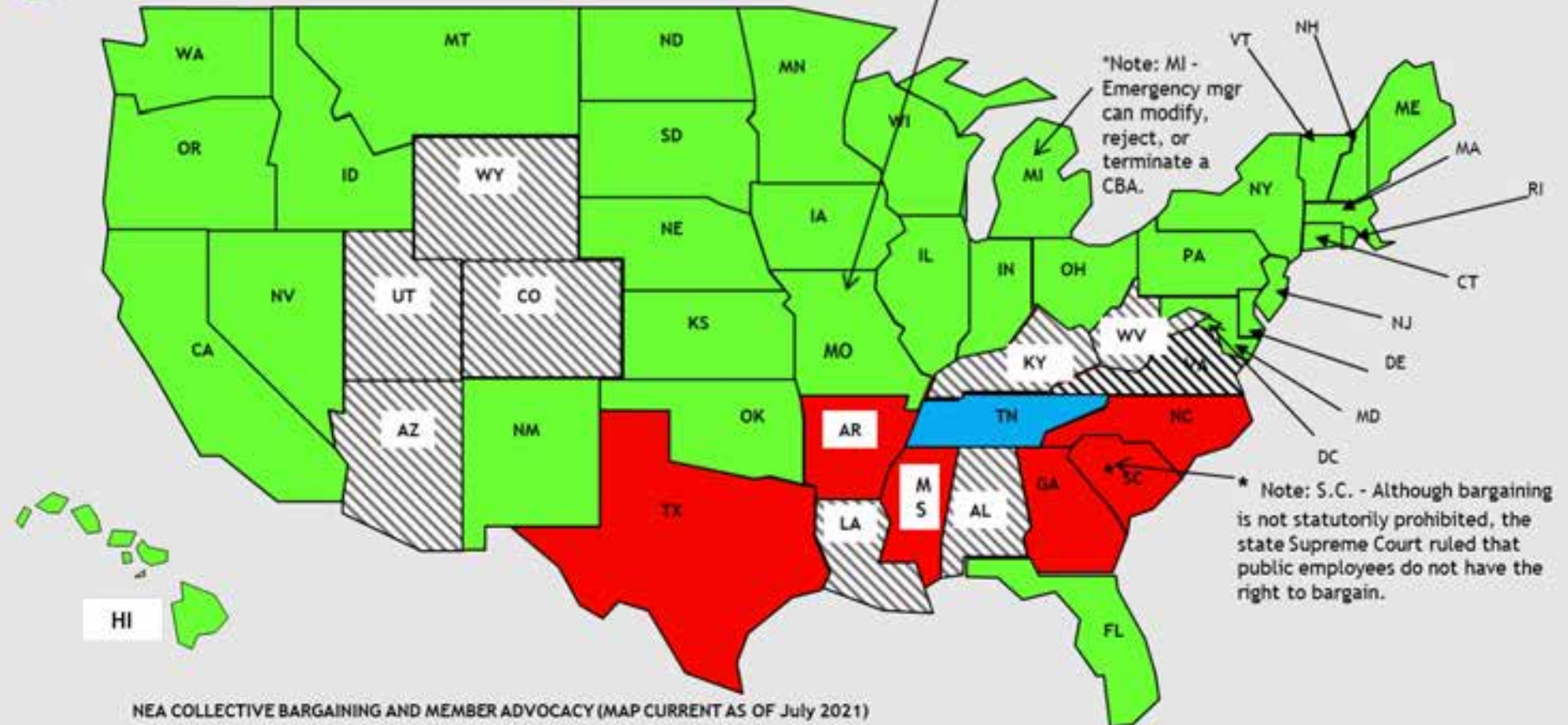
It is our belief that the federal authority to enact universal preK public education through policy language and increased funding is via the reauthorization of the Elementary and Secondary Education Act (ESEA) or potentially the reallocation of existing funds based on the establishment of policy and/or the enforcement of existing policies, laws, and regulations.

## **20. Changes to ESSA to prohibit the contracting out of para-educator jobs**

Paraprofessionals have a unique role for American students. The days of the “teacher’s aide” who runs copies are finished. Today’s paraprofessional is a support professional often assisting our most challenged students. Many paraprofessionals are “one on one” with an individual student. The bond is so close, that some paraprofessionals choose to move grades with their assigned student. Paraprofessionals should not be privatized. Our most vulnerable students should not be subject to the whims of the market and a constant rotation of staff in and out of their lives. Moreover, the federal government should not facilitate this outsourcing with the use of federal funds. When the Every Student Succeeds Act is reauthorized, it will present opportunities to discourage this practice. Additionally, most federal dollars used for the privatization is through IDEA funds. A language change to IDEA would stop this activity. NEA can provide specific proposed changes to the statute to accomplish this goal.

# Status of K-12 Public School Teacher Bargaining

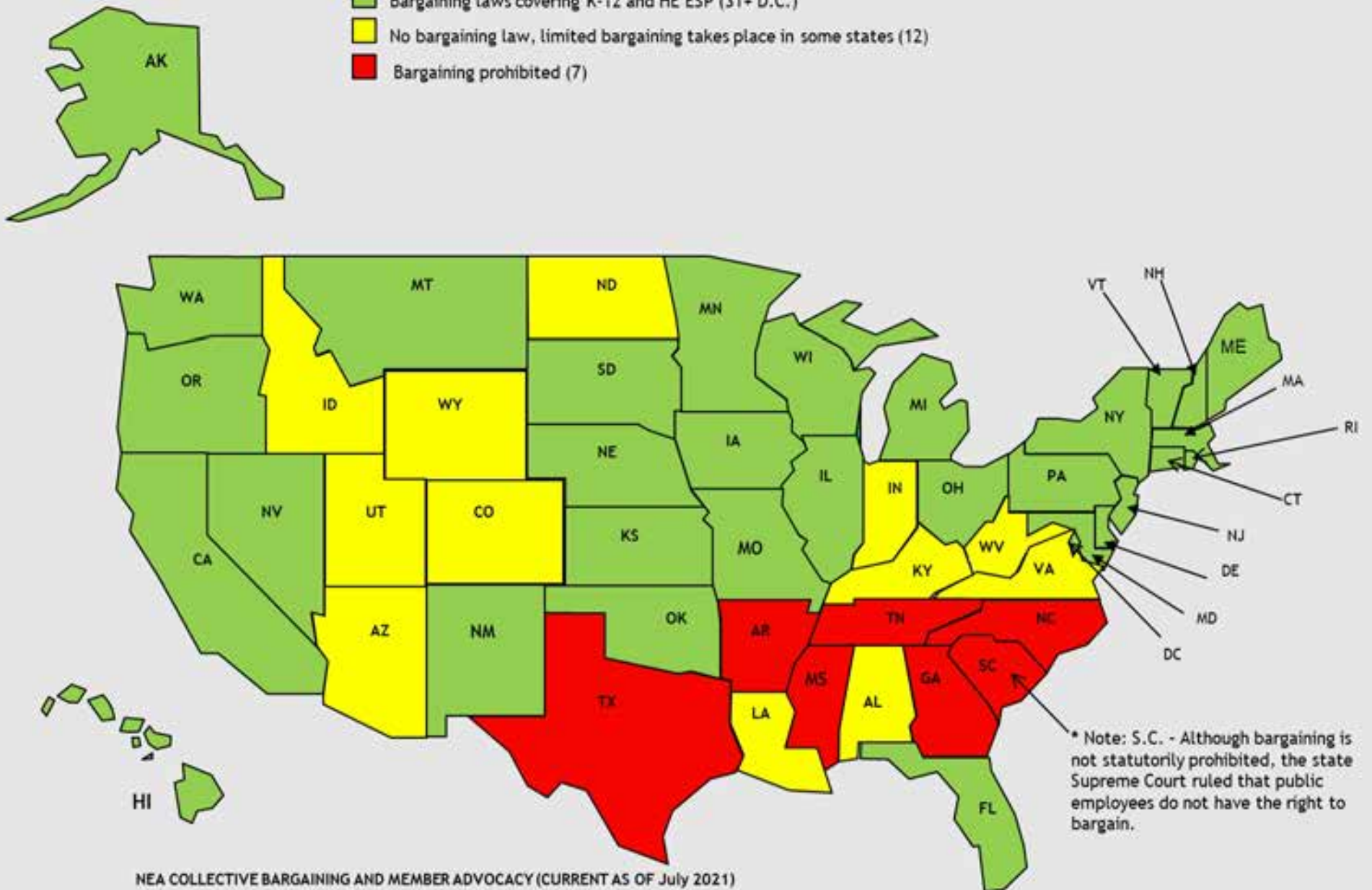
- Bargaining laws covering K-12 teachers (34 + DC)
- No bargaining law but limited bargaining takes place in some states (9)
- Bargaining is prohibited (6)
- Collaborative conferencing permitted (1)





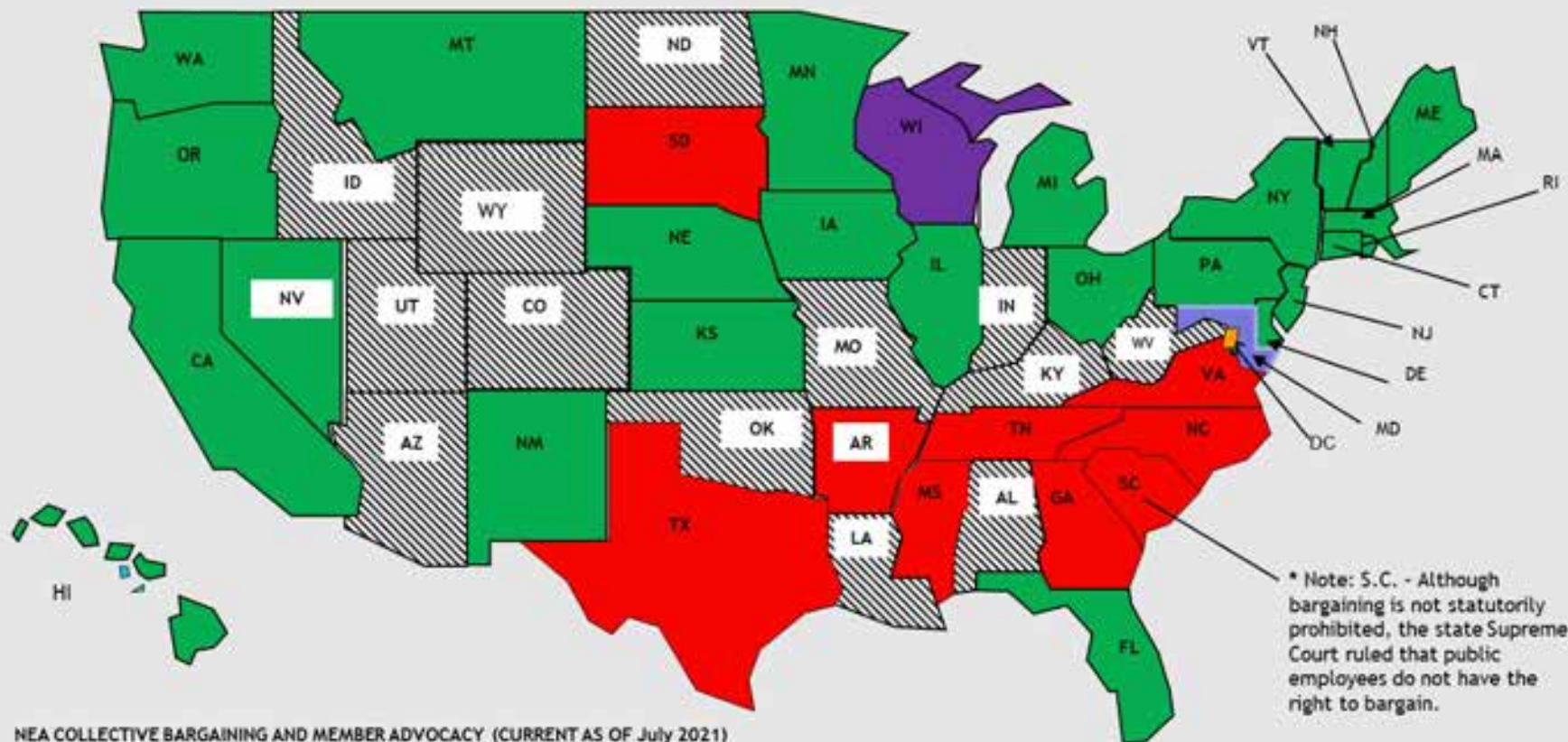
# Status of ESP Bargaining Laws for K-12 and Higher Education ESP

- Bargaining laws covering K-12 and HE ESP (31+ D.C.)
- No bargaining law, limited bargaining takes place in some states (12)
- Bargaining prohibited (7)



## Status of Collective Bargaining for Public Higher Education Faculty at Community Colleges and Four-Year Institutions

- Bargaining law covering faculty at 4-year public higher education institutions and community colleges (25)
- Bargaining law covering community college faculty but not faculty at 4-year institutions (1)
- Bargaining law covering faculty at 4-year institutions but not community colleges (1 + D.C.)
- No Bargaining law; bargaining takes place by mutual consent in some states (13)
- Bargaining prohibited (9)
- Bargaining law covering certain higher education institutions within the state (1)





**From:** Beth Antunez, Legislation  
**Subject:** Re: Examples- ARP ESSER Funding  
**To:** Garibay, Montserrat  
**Sent:** November 10, 2021 1:36 PM (UTC-05:00)

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Thank you!

Beth Antunez  
American Federation of Teachers

(b)(6)

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**From:** Garibay, Montserrat <Montserrat.Garibay@ed.gov>  
**Sent:** Wednesday, November 10, 2021 12:28 PM  
**To:** Beth Antunez, Legislation  
**Subject:** Examples- ARP ESSER Funding

Beth,

Here is what I received from our department about how ESSER funding is been used to pay for educator salaries. It has been hard to get specific examples, the department is working on getting more examples from LEA's and SEA's until February.

Here is something we found online: [\\$3,000-\\$3,500 bonuses head to some Asheville City Schools employees | WLOS](#)

- The **Colorado Department of Education** will use ARP ESSER funding to create opportunities that encourage preservice educators to enter the workforce, recruit high-quality educators to Colorado schools, and establish mentoring retention programs that provide support to new-to-service educators while also providing professional growth opportunities for experienced educators. Other retention strategies currently being piloted in the state may also be supported, such as expanding the AmeriCorps program as a both a tutor and future teacher pipeline.
- The **Missouri Department of Elementary and Secondary Education** will offer both teacher recruitment retention grants to all LEAs. The application process will include a review of local data on teacher turnover as well as strategies the LEA will implement to address their shortage areas. The grant allocation process provides additional funds to those LEAs with harder to fill positions, such as LEAs serving higher numbers of students of color and students from low-income backgrounds. ARP ESSER funds will be used to support research based strategies, including, but not limited to: strengthening the mentor program for early career teachers, utilizing culture and climate surveys to determine and address working condition issues, and providing services that address the social-emotional needs of teachers.
- The **Maine Department of Education** partnered with the Maine Community College System to launch the Learning Facilitators Program, a fast-track training program for paraprofessional level educators to expand, strengthen and support the educator workforce and enables program participants to earn educational certifications at no cost. Over 100 educators completed coursework and secured placements. MDOE will continue this program in the 2021-22 school year and is exploring an expansion of this program with ARP funds.
- The **Arizona Department of Education** has partnered with the state's three universities and has created a dedicated Educator Recruitment and Retention team to support schools with recruitment, retention, and professional development strategies in partnership with local communities. This team has also developed and implemented Principal and Supervisor of Principal professional learning academies to build leadership capacity in school districts and charter schools to provide support for students and educators.
  - The **New Hampshire Department of Education** will utilize its critical shortage survey results that will be



collected in October 2021 to evaluate if higher than normal levels of retirement and attrition are resulting from the pandemic. This will inform strategies to support the teacher workforce and future teacher recruitment. NHDOE also rolled out an extensive training program to all educators to help equip them and provide them tools for online instruction, including a statewide learning management system and high-quality instructional materials for all students and educators.

Montserrat

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This email has been scanned for spam & viruses. If you believe this email should have been stopped by our filters, [click here](#) to report it.

**From:** Garibay, Montserrat  
**Subject:** Labor shortages webinar recordings  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Cc:** Holmes, Alexis [NEA]  
**Sent:** November 19, 2021 3:32 PM (UTC-05:00)  
**Attached:** Part 1\_Teacher shortages Webinar.pdf, Part 2\_Staff shortages Webinar Power Point PDF.pdf

Daaiyah,

We are grateful for Brady Shutt and Margaret Powell for participating at the Labor Shortage webinars.

Here is the recording of the webinars and the power points.

### **Webinar Recordings**

Part 1: Using American Rescue Plan Funds and Other Federal Supports to Address State and Local Teacher Labor Shortages: <https://youtu.be/bF3ZXjfdumc>

Part 2: Using American Rescue Plan Funds and Other Federal Supports to Address State and Local School Staff Labor Shortages: <https://youtu.be/HBr6h1rJ4cv>

### **Webinar Resources**

- Volume 2 of the COVID Handbook: <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>
- The Collaboration for Effective Educator Development, Accountability, and Reform (CEEDAR) Center at the University of Florida offers resources to consider root causes and solutions for shortages in special education staffing, including a data analysis tool. <https://cedar.education.ufl.edu/shortage-toolkit/>
- Prioritizing People: Purposeful investments to better support student and teacher mental health <https://f.hubspotusercontent30.net/hubfs/7523030/Partner%20Events/FuelEd%20%7C%20Teach%20Plus%20%7C%20Prioritizing%20People%20Report.pdf>
- State and Local Fiscal Recovery Fund website: <https://home.treasury.gov/policy-issues/coronavirus/assistance-for-state-local-and-tribal-governments/state-and-local-fiscal-recovery-funds>
- Interim Final Rule: <https://www.govinfo.gov/content/pkg/FR-2021-05-17/pdf/2021-10283.pdf>
- State and Local Fiscal Recovery Fund Frequently Asked Questions: <https://home.treasury.gov/system/files/136/SLFRPFAQ.pdf>
- Coronavirus-related relief for retirement plans and IRAs FAQs <https://www.irs.gov/newsroom/coronavirus-related-relief-for-retirement-plans-and-iras-questions-and-answers>

Thank you and please feel free to share.

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education

(b)(6) [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



# Using American Rescue Plan Funds and Other Federal Supports to Address State and Local Teacher and School Staff Labor Shortages

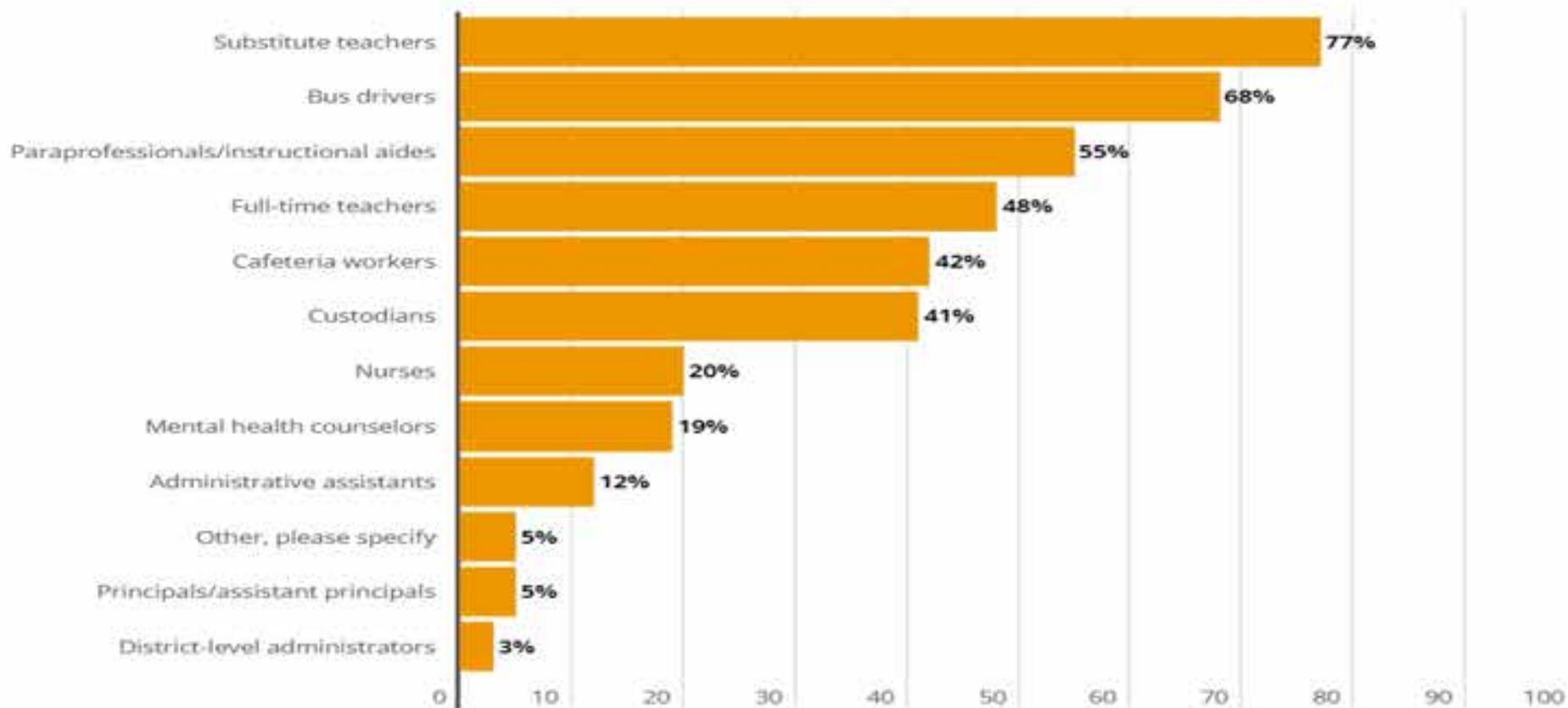
## Part 2: Staff Shortages

DEPARTMENT OF EDUCATION  
DEPARTMENT OF TREASURY  
October 28, 2021





Since the start of the school year, my district and/or school has struggled to hire a sufficient number of: Select all that apply.



[Download data](#)

*\*Respondents are principals and district leaders.*

SOURCE: EdWeek Research Center survey, 2021





## Why this Matters

- Protracted bus routes and crowded vehicles
- School closures and unnecessary shifts to virtual instruction
- Lack of physical and mental health services for students
- Lack of transportation for students and additional burden on families for transportation
- Lack of food services for students





## Contributing Causes

- Compensation and minimal benefits
- Poor working conditions, including scheduling
- Concerns about the health risks of working in and around unvaccinated children
- Pipeline







## Effective Approaches

- Increasing compensation (pay and benefits)
- Providing flexibility for retirees and staff licensed in other states
- Providing targeted incentives
- Supporting school staff well-being





## State and Local Examples: Student Support Personnel

- The Oklahoma State Department of Education hired new school counselors, mental health professionals, and recreational therapists
- Nevada is reserving \$7.5 million of ARP funds to hire 100 school-based mental health professionals
- Minnesota will use ARP ESSER funds to support districts and charters in hiring licensed school counselors, school nurses, school social workers, and school psychologists to help provide early responses to support students' social-emotional and mental health





## State and Local Examples: Transportation

### Bus Drivers

- A Montana district is offering \$4,000 bonuses and allowing people to test drive the buses.
- Jordan School District (UT) has raised the bus driver starting pay to more than \$21 per hour and will pay for the required training and CDL license.
- New York State developed a multi-agency plan to address the state's driver shortage, including recruitment efforts for unemployed and non-school CDL holders, additional CDL test sessions, and other expedited CDL process amendments.
- Massachusetts and Ohio have activated their National Guard to help mitigate bus driver shortages.







## State and Local Examples: Transportation

### Public Transportation

- Prince George's County Public Schools has created a program for middle and high school students with TheBus, a county bus service that offers 28 different routes for residents throughout the county.
- In a pilot program, Los Angeles students will be allowed to take unlimited Metro bus and train rides at no cost.
- Clark County School District announced the "Ride On" program. High schoolers will take public transit to and from campus. The transportation commission has agreed to have security officers patrol bus stops and transit enters to ensure safety.





## State and Local Examples: Transportation

### Direct Family Support

- Portland Public Schools has begun offering \$300 stipends to families impacted by school bus route cancellations and have contracted local taxi and ride-service companies to fill driver shortage gaps.
- In Greenville, South Carolina, the district set up a hot-line to help coordinate parent carpools to relieve pressure from overburden drivers and over-capacity routes.
- In New York, a local community group named "The Bus Stop," launched a new campaign and a GoFundMe to organize parents and other eligible drivers to help the Rochester City School District cover bus driver shortages.
- The School District of Philadelphia has launched the Parent Flat Rate Program will now give parents \$300 per month (\$3,000 for the school year) to transporting their children to and from school. They also offer the option for families to receive \$150 per month (\$1,500 for the school year) for transporting their children to school in the morning only, but still utilizing bus, van or cab service in the afternoon.
- Camden City School District offers families \$1000 to transport their children to and from school for the 2021-2022 school year.





## State and Local Examples: Lunch workers and Custodians

- Waco ISD in Texas will give custodians and cafeteria workers up to \$1,000 in bonuses. Custodians and cafeteria workers will also receive retention bonuses based on years served with Waco ISD.
- North Carolina is using ESSER II funds to help local school nutrition operations across North Carolina recruit and retain needed staff.







# Department of Education Resources





## Federal Resources to Address Educator Shortages

- The American Rescue Plan Act.
  - Ensuring that States address their strategies for supporting the educator workforce in the creation of their State plans.
  - Encouraging the use of pandemic recovery funds to address staffing shortages in order to meet students' needs during this critical period.
- Additional investments in the educator pipeline.



U.S. DEPARTMENT OF THE TREASURY

**Using the American Rescue Plan Funds  
and Other Federal Supports to Address  
State and Local Teacher and School  
Staff Labor Shortages**

October 2021





## Ways to Address School Shortages with SLFRF

# State and Local Fiscal Recovery Funds Overview

The American Rescue Plan Act of 2021 created the Coronavirus State and Local Fiscal Recovery Funds (SLFRF) program to deliver \$350 billion to states, territories, municipalities, counties, and Tribal governments.

Recipients may use SLFRF in several independent categories:

- To respond to **public health and negative economic impacts** caused by the pandemic
- To provide **premium pay** to eligible workers performing essential work during the COVID-19 public health emergency
- For the provision of **government services** to the extent of revenue loss experienced by the recipient
- To make necessary investments in **water, sewer, or broadband infrastructure**.

# Permissible Uses

There are four primary ways that recipient governments might use SLFRF to help schools address shortages:

- Rehiring public sector workers up to pre-pandemic levels;
- Providing assistance to disproportionately impacted schools
- Awarding premium pay to school employees
- Providing government services, including educational services



# Rehiring Public Sector Workers

Under the public health and negative economic impacts provision:

- Recipients may use SLFRF for:
  - Payroll
  - Covered benefits
  - Other costs associated with rehiring public sector staff up to the pre-pandemic staffing level of the government
- Public sector staff can include teachers and other school staff

# Assistance to Disproportionately Impacted Schools

Recipients may use SLFRF to provide services to populations that were disproportionately impacted by the COVID–19 pandemic by addressing educational disparities. Services may include:

- New, expanded, or enhanced **early learning services**
- Providing **assistance to high-poverty school districts** to advance equitable funding across districts and geographies
- **Evidenced-based educational services and practices to address the academic needs of students**
- **Evidenced-based practices to address the social, emotional, and mental health needs of students**

# Premium Pay

Recipients may use Fiscal Recovery Funds to award premium pay to teachers and other school support staff (e.g., bus drivers, administrative support).

To receive premium pay, an employee must:

- Work in certain sector/occupation including education
- Perform work in person
- Be deemed to be “responding to” the pandemic

Premium pay may be up to **\$13 per hour** but **cannot exceed \$25,000** over the covered period (March 3, 2021-December 31, 2024).



# Government Services

Recipients that experienced a decline in revenue may use some of their allocation to support “government services.”

Government services includes (but is not limited to):

- School or educational services
- Public safety services

# SLFRF Resources



## **For More Information:**

Please visit Treasury's State & Local website at [www.treasury.gov/SLFRP](http://www.treasury.gov/SLFRP)

## **For Media Inquiries:**

Please contact the U.S. Treasury Press Office at (202) 622-2960

## **For General Inquiries:**

Please email [SLFRP@treasury.gov](mailto:SLFRP@treasury.gov)

## Qualified Pension Plan Benefit Distributions



# IRS FAQs Address Pension Benefit Distributions: Retirees and In-Service

To help employers address COVID-related labor shortages, the IRS recently issued FAQs providing technical guidance to public and private employers that sponsor pension plans

- Employers with unforeseen hiring needs generally can rehire a former employee, even if the employee has retired and begun receiving pension benefit distributions
- Employer-sponsored pension plans may include provisions that make retirement distributions available to existing employees who have reached age 59 ½ or the plan's normal retirement age



# Moderated Discussion





**U.S. Department  
of Education**



**Q&A**



**From:** Bilal-Threats, Daaiyah [NEA]  
**Subject:** Re: Labor Shortages DCL  
**To:** Garibay, Montserrat  
**Cc:** Holmes, Alexis [NEA]; Pelika, Stacey [NEA]  
**Sent:** December 16, 2021 1:32 PM (UTC-05:00)  
**Attached:** 21-0414.DCL\_Labor Shortages signed\_v2.pdf

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thanks so much

Please Forgive typos. Sent from my iPhone

On Dec 16, 2021, at 1:21 PM, Garibay, Montserrat <montserrat.garibay@ed.gov> wrote:

Here is the Dear Colleague Letter on Labor Shortages.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
(b)(6) [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



THE SECRETARY OF EDUCATION  
WASHINGTON, DC 20202

December 16, 2021

Dear Colleagues:

As schools work hard to provide safe, in-person learning and address the social, emotional, mental health, and academic impact of COVID-19, we have heard directly from chief State school officers, superintendents, educators, and families about the harmful impacts of shortages of educators and other school staff. These impacts include difficulty providing student transportation, interrupted access to meals and critical services such as mental health services, larger class sizes, a greater number of students being taught by substitute teachers and teachers who are not certified in the area assigned to teach, and, in the most extreme cases, disruptive school closures.<sup>1</sup> Preexisting teacher shortages in critical areas such as special education; bilingual education; science, technology, engineering, and math; and career and technical education have been further exacerbated by COVID-19—directly impeding student access to educational opportunity. According to a recent Ed Week Research Center survey,<sup>2</sup> one in four district leaders and principals are reporting severe staffing shortages; and according to a recent survey conducted by the National Association of Secondary School Principals, 68 percent of principals surveyed are concerned about teacher shortages and report it has been more difficult to hire qualified teachers since COVID-19.<sup>3</sup> History has shown that shortages disproportionately impact students of color, students from low-income backgrounds, students with disabilities, and often rural communities.<sup>4</sup>

The U.S. Department of Education (ED) is committed to supporting districts and schools across this country in addressing teacher and staff shortages, minimizing disruption to in-person learning, and meeting student needs. That is why we are urging you to use resources from the \$122 billion made available through the American Rescue Plan Act of 2021 (ARP) (Pub. L. 117-2) Elementary and Secondary School Emergency Relief (ARP ESSER) Fund and a portion of the \$350 billion made available through the ARP's Coronavirus State and Local Fiscal Recovery Funds (SLFRF) to ensure that students have access to the teachers and other critical staff they

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<sup>1</sup> St. George, D., and Strauss, V. "The Principal is Cleaning the Bathroom: Schools Reel with Staff Shortages." *The Washington Post*, 5 Dec. 2021. [https://www.washingtonpost.com/education/school-staff-shortages-bus/2021/12/03/05b88a0e-4cab-11ec-a1b9-9f12bd39487a\\_story.html](https://www.washingtonpost.com/education/school-staff-shortages-bus/2021/12/03/05b88a0e-4cab-11ec-a1b9-9f12bd39487a_story.html).

<sup>2</sup> Lieberman, M. "How Bad Are School Staffing Shortages? What We Learned by Asking Administrators." *Education Week*, 22 Oct. 2021. <https://www.edweek.org/leadership/how-bad-are-school-staffing-shortages-what-we-learned-by-asking-administrators/2021/10>.

<sup>3</sup> "NASSP Survey Signals a Looming Mass Exodus of Principals from Schools." *National Association of Secondary School Principals*, 8 December 2021. <https://www.nassp.org/news/nassp-survey-signals-a-looming-mass-exodus-of-principals-from-schools/>.

<sup>4</sup> Goldhaber, D. & Gratz, T. (2021). *School District Staffing Challenges in a Rapidly Recovering Economy*. CEDR Flash Brief No. 11082021-1. University of Washington, Seattle, WA.; Sutchter, L., Darling-Hammond, L., & Carver-Thomas, D. (2016). *A coming crisis in teaching? Teacher supply, demand, and shortages in the U.S.* Palo Alto, CA: Learning Policy Institute; and Cardichon, J., Darling-Hammond, L., Yang, M., Scott, C., Shields, P. M., & Burns, D. (2020). *Inequitable opportunity to learn: Student access to certified and experienced teachers*. Palo Alto, CA: Learning Policy Institute.



need to support their success during this critical period. This includes moving quickly to implement short-term strategies while also considering longer-term investments.

Let us be clear: ARP provides vital resources to hire additional educators and school staff and to improve compensation to recruit and retain educators and school staff. School districts should act with urgency to keep schools open for in-person learning and ensure they do not waste this opportunity to make critical investments.

To this end, this letter describes (1) evidence-based and promising short- and long-term strategies for addressing teacher and staff shortages that can be funded through ARP ESSER and (2) examples of how ARP and previous relief funds are already being used to attract and retain teachers and staff. These strategies can help to fill currently open positions and add and fill new roles, such as providing one-time initial hiring incentives, or short-term investments in additional staff to support students and educators and increased needs. The current needs of our students, families, and educators call on us to act and use the Federal resources made available to respond to this crisis. We must do everything we can right now to support our students during this critical year by addressing the impact of the last few years on their social, emotional, mental health, and academic needs.

## **Strategies for Hiring and Retaining Qualified and Effective Educators**

### ***1. Increase Educator and Staff Compensation<sup>5</sup>***

The most common reason educators have cited for leaving school employment in the last year is stress, followed by insufficient pay.<sup>6</sup> Many school leaders are increasing wages by offering hiring and retention bonuses, working towards permanent salary increases, or providing premium pay that help educators receive the compensation they deserve and keep them in the profession, and we encourage others to continue to work towards increasing compensation. Hiring and retention bonuses may provide additional relief from some of the stresses caused by COVID-19. While some districts have expressed concern about investing in increasing compensation with short-term recovery funds, our nation's children need support now, and many states and districts are already choosing to use ARP ESSER funds to address immediate shortage needs. For example, West Contra Costa County Unified School District is providing \$6,000 signing bonuses for teachers.<sup>7</sup> Districts in Oklahoma, North Carolina, New Jersey, and elsewhere are offering a range of cash incentives for new teachers, particularly in struggling and underserved schools.<sup>8</sup>

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<sup>5</sup> Ulrich Boser and Chelsea Straus, "Mid- and Late-Career Teachers Struggle with Paltry Incomes" (Washington: Center for American Progress, 2014), available at <https://www.americanprogress.org/issues/education-k12/reports/2014/07/23/94168/mid-and-late-career-teachers-struggle-with-paltry-incomes/>; and Linda Darling-Hammond, Roberta Furger, Patrick M. Shields, and Leib Satcher, *Addressing California's Emerging Teacher Shortage: An Analysis of Sources and Solutions* (Palo Alto: Learning Policy Institute, 2016).

<sup>6</sup> Diliberti, Melissa Kay, et al. "Stress Topped The Reasons Why Teachers Quit, Even Before COVID-19." RAND Corporation, 22 Feb. 2021, [https://www.rand.org/pubs/research\\_reports/RRA1121-2.html](https://www.rand.org/pubs/research_reports/RRA1121-2.html).

<sup>7</sup> Klapper, Rebecca. "To Fill Teaching Vacancies, Some Districts Offer Thousands in Signing Bonuses." *Newsweek*, Newsweek, 22 Sept. 2021, <https://www.newsweek.com/fill-teaching-vacancies-some-districts-offer-thousands-signing-bonuses-1631724>.

<sup>8</sup> Gecker, Jocelyn. "Covid-19 Creates Dire US Shortage of Teachers, School Staff." *AP NEWS*, Associated Press, 23 Sept. 2021, <https://apnews.com/article/business-science-health-education-california-b6c495eab9a2a8f1a3ca068582c9d3c7>.



Indiana plans to launch a program to provide more than \$2.5 million in ARP ESSER funds and Individuals with Disabilities Education Act, Part B funds to support licensure in high-need areas, and the Indianapolis Public Schools plans to provide a three percent pay raise.<sup>9</sup>

Flexibilities can also be used by states and districts to bring retired educators back into the school for the next year or two. The Internal Revenue Service (IRS) has issued FAQs clarifying that, in some instances, retirees can return to work and still receive their pensions.<sup>10</sup> As an added incentive to retain current staff eligible for retirement, employees can in some cases begin receiving pension payments while still working. And where it is not currently allowed, pension plans can be amended to permit these benefits. For example, Kentucky passed legislation to temporarily allow retired teachers to be rehired and keep their pensions to help with teacher shortages, and increased ten-fold the percentage of retired teachers who can be rehired by a district.<sup>11</sup> In addition to retired educators, mobilizing retired social workers and psychologists can help meet our schools' needs to provide additional social, emotional, and mental health support to students as they recover from the impact of the pandemic on their well-being.

States and districts are also providing additional compensation to address staff shortages in critical areas in addition to teacher shortages. For example, the Jordan School District in Utah has raised the bus driver starting pay to more than \$21 per hour and will pay for the required training and commercial driver's license fees.<sup>12</sup> Waco Independent School District in Texas will give custodians and cafeteria workers up to \$1,000 in bonuses.<sup>13</sup> Custodians and cafeteria workers will also receive retention bonuses based on years served with the district. North Carolina is using federal COVID-19 recovery funds to help local school nutrition operations across the state recruit and retain needed staff.<sup>14</sup> Additional examples of state and local efforts to address teacher and staff shortages are included in the joint two-part ED and Treasury Webinar: "Using American Rescue Plan Funds and Other Federal Supports to Address State and Local Teacher Labor Shortages"<sup>15</sup> and "Using American Rescue Plan Funds and Other Federal Supports to Address State and Local Staff Labor Shortages."<sup>16</sup>

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<sup>9</sup> Indiana ARP ESSER State Plan Highlights. <https://oese.ed.gov/files/2021/08/Indiana-ARP-ESSER-State-Plan-Highlights-v2-081121.pdf>.

<sup>10</sup> "Coronavirus-Related Relief for Retirement Plans and IRAs Questions and Answers." Internal Revenue Service. Accessed December 2, 2021. <https://www.irs.gov/newsroom/coronavirus-related-relief-for-retirement-plans-and-iras-questions-and-answers>.

<sup>11</sup> WDRB.com "Kentucky's retired teachers can be rehired and keep their pensions to help with teacher shortage", 15 Sept. 2021, [https://www.wdrb.com/news/kentuckys-retired-teachers-can-be-rehired-and-keep-their-pensions-to-help-with-teacher-shortage/article\\_71957ad0-1681-11ec-8bc3-6b6924def3b5.html](https://www.wdrb.com/news/kentuckys-retired-teachers-can-be-rehired-and-keep-their-pensions-to-help-with-teacher-shortage/article_71957ad0-1681-11ec-8bc3-6b6924def3b5.html).

<sup>12</sup> Vaughn, Kelly. "Staffing Shortages Impacts Schools across Utah, Big Need for Bus Drivers in Most Districts." KUTV, KUTV, 20 Aug. 2021, <https://kutv.com/news/local/staffing-shortages-impacts-schools-across-utah-big-need-for-bus-drivers-in-most-districts>.

<sup>13</sup> Hoover, Carl. "Waco ISD Teachers to Get Bonuses up to \$10k; Custodians, Cafeteria Workers to Get up to \$1K." WacoTrib.com, 17 July 2021, [https://wacotrib.com/news/local/education/waco-isd-teachers-to-get-bonuses-up-to-10k-custodians-cafeteria-workers-to-get-up/article\\_ce11760e-e65e-11eb-8c2a-030f026747c9.html](https://wacotrib.com/news/local/education/waco-isd-teachers-to-get-bonuses-up-to-10k-custodians-cafeteria-workers-to-get-up/article_ce11760e-e65e-11eb-8c2a-030f026747c9.html).

<sup>14</sup> "\$10 Million in Additional Support Approved for NC School Nutrition Programs." North Carolina Department of Public Instruction, 2 Sept. 2021, <https://www.dpi.nc.gov/news/press-releases/2021/09/02/10-million-additional-support-approved-nc-school-nutrition-programs>.

<sup>15</sup> Part 1: Using ARP Funds and Other Federal Supports to Address State and Local Teacher Shortages. YouTube. U.S. Department of Education, 2021. <https://www.youtube.com/watch?v=bF3ZXjfdume>.

<sup>16</sup> Part 2: Using ARP Funds and Other Federal Supports to Address State and Local Teacher Shortages. YouTube. U.S. Department of Education, 2021. <https://www.youtube.com/watch?v=HBr6hJrJ4cw>.



## **2. Build and Maintain a Cadre of High-Quality Substitute Teachers**

States and districts can use ARP funds to recruit and train high-quality substitute teachers.<sup>17</sup> To create some stability and certainty, substitute teachers could be assigned to a school for an entire school year. This strategy would help substitute teachers be more prepared to step into the classroom and support continuity for students when educators need to take time off. These substitute teachers can also co-lead small group learning and provide support during release time for educators to allow for teacher professional development. For example, a school district in San Diego, California,<sup>18</sup> signed an agreement with the union to create a “Resident Visiting Teacher” position at every school providing standby substitute teachers. Another example is the Colorado Substitute Stipend<sup>19</sup> program, which was instituted to encourage qualified individuals to apply for a substitute teaching certificate, offering a \$300 bonus for obtaining a license, undergoing training, and working a minimum of one day. The California Department of Education also increased its hourly rates for the school year and introduced a new level of licensed substitute teachers.

## **3. Support Educator and Staff Well-Being, Including Improved Working Conditions**

Now, more than ever, supporting educator well-being is critical for retaining our current educators and staff. As previously mentioned, stress is the most common reason educators have cited for leaving school employment in the last year, followed by insufficient pay.<sup>20</sup> As educators continue working during a global health crisis, educator well-being and support continue to be essential to school and district success.

Surveys show educator well-being is tied to feeling supported, valued, and heard by school and district leaders, as well as peers.<sup>21</sup> Many educators may also be struggling as they watch the students they serve and care deeply about going through challenging experiences. ED’s COVID-19 Handbook, Volume 2: Roadmap to Reopening Safely and Meeting All Students’ Needs<sup>22</sup> includes detailed strategies and practices for stabilizing and supporting the educator workforce and their well-being. Key strategies include:

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<sup>17</sup> See Liu, Jing. “American Faces a Substitute Teacher Shortage- and Disadvantaged Schools are Hit the Hardest.” Brookings. <https://www.brookings.edu/blog/brown-center-chalkboard/2020/10/21/america-faces-a-substitute-teacher-shortage-and-disadvantaged-schools-are-hit-hardest/>; NEA, “Substitute Teachers.”

<https://www.nea.org/substitute-teachers>. Heubeck, E. “This District Built a Better, More Reliable Supply of Substitute Teachers. Here’s How.” <https://www.edweek.org/leadership/this-district-built-a-better-more-reliable-supply-of-substitute-teachers-heres-how/2021/09>.

<sup>18</sup> Nakano, Rina. “San Diego County School Districts Face Serious Substitute Teacher Shortage.” KGTV. KGTV, October 5, 2021. <https://www.10news.com/news/local-news/san-diego-news/san-diego-county-school-districts-face-serious-substitute-teacher-shortage>.

<sup>19</sup> Mullen Special, David, and O’Dell Isaac. “Colorado School Districts Battling Diminished Substitute Teacher Numbers.” Colorado Springs Gazette, October 11, 2021. [https://gazette.com/cheyennedition/colorado-school-districts-battling-diminished-substitute-teacher-numbers/article\\_fb2a3468-261a-11ec-ae95-6797d5664caf.html](https://gazette.com/cheyennedition/colorado-school-districts-battling-diminished-substitute-teacher-numbers/article_fb2a3468-261a-11ec-ae95-6797d5664caf.html).

<sup>20</sup> Diliberti, Melissa Kay, et al. “Stress Topped The Reasons Why Teachers Quit, Even Before COVID-19.” RAND Corporation, 22 Feb. 2021, [https://www.rand.org/pubs/research\\_reports/RR1121-2.html](https://www.rand.org/pubs/research_reports/RR1121-2.html).

<sup>21</sup> “The Causes of Teacher Burnout and Attrition.” Digital Commons@CSP, 12 July 2019. [https://digitalcommons.csp.edu/cgi/viewcontent.cgi?article=1007&context=teacher-education\\_masters](https://digitalcommons.csp.edu/cgi/viewcontent.cgi?article=1007&context=teacher-education_masters).

<sup>22</sup> U.S. Department of Education. “ED COVID-19 Handbook, Volume 2,” U.S. Department of Education, August 2021. <https://www2.ed.gov/documents/coronavirus/reopening-2.pdf>.



- **Building intentional systems that support educator and staff well-being.** Efforts to prioritize communication and collaboration between staff and leadership nurture, and model, a sense of connectedness that is crucial to supporting educators and keeping them in the profession.<sup>23</sup> Efforts can include:
  - Developing school leader-to-educator support systems. For example, leaders can build in time for recurring debrief sessions with all staff members and, when necessary, hold debrief sessions after stressful days.
  - Establishing peer-to-peer support systems. For example, school leaders can prioritize educator mentoring programs to prevent burnout.
  - Reducing educator workloads. For example, school leaders can schedule staff planning time into work hours.
  - Communicating established district and school mental health supports (e.g., who to contact and what supports are available).
  - Supporting educators in recharging, including providing designated space, while ensuring students have continuous access to in-person learning. School leaders may consider providing peer-to-peer support networks and other strategies for supporting adult well-being.
  - Providing paid-time for educators and staff to get vaccinated if states or school districts are not providing on-site vaccination opportunities, and sick leave to recover from any side effects that keep them from working.
  
- **Increasing the availability of qualified adults and personnel to support educators, students, and staff.** For example, districts can partner with institutions of higher education, community-based organizations, nonprofit organizations, and businesses to provide additional supports to educators and students through the use of teaching candidates and well-trained volunteers. Districts could hire AmeriCorps members to serve as tutors or mentor students, assist with additional administrative responsibilities brought on by the pandemic, and provide creative enrichment support for students. ED funds can be used to meet AmeriCorps matching requirements to support these efforts.<sup>24</sup> Districts should also hire the staff needed to support increased student mental health needs—providing educators and students with the additional staff they need to succeed. A number of states are already using ARP funds for these purposes. For example, the Oklahoma State Department of Education hired new school counselors, mental health professionals, and recreational therapists.<sup>25</sup> Nevada is reserving \$7.5 million of ARP ESSER funds to hire 100 school-based mental health professionals.<sup>26</sup> Minnesota will use ARP ESSER funds to support districts and charter schools in hiring licensed school counselors, school nurses, school social workers, and school psychologists to help provide early responses to support students’ social, emotional, and mental health.<sup>27</sup>

<sup>23</sup> “The Causes of Teacher Burnout and Attrition.” Digital Commons@CSP, 12 July 2019,

[https://digitalcommons.csp.edu/cgi/viewcontent.cgi?article=1007&context=teacher-education\\_masters](https://digitalcommons.csp.edu/cgi/viewcontent.cgi?article=1007&context=teacher-education_masters).

<sup>24</sup> For additional information, please see <https://americorps.gov/sites/default/files/document/Leveraging-National-Service-in-Your-Schools.pdf>.

<sup>25</sup> Oklahoma ARP ESSER State Plan Highlights. <https://www2.ed.gov/documents/press-releases/arp-esser-ok-plan.pdf>.

<sup>26</sup> Nevada ARP ESSER State Plan Highlights. <https://www2.ed.gov/documents/press-releases/arp-esser-nv-plan.pdf>.

<sup>27</sup> Minnesota ARP ESSER State Plan Highlights. <https://www2.ed.gov/documents/press-releases/arp-esser-mn-plan.pdf>.



- **Implementing flexible and creative scheduling to support students for full-week in-person learning while providing planning and collaboration time for teachers.** For example, districts could hold entire days focused on a single core academic subject; offer all “special” subjects (e.g., music, art, physical education) on the same day so grade-level teams can plan together; and hold shorter learning cycles, with more frequent breaks, some of which educators can use for planning. Districts should ensure that continuous in-person learning and enrichment opportunities are available for all students, and that days of in-person programming are not reduced.

#### ***4. Make Investments in the Educator Pipeline***

As states and districts work to stabilize their educator pipeline, a variety of strategies have been identified that can both support the preparation and development of new educators and encourage them to work in high-need schools. Evidence-based approaches to addressing pre-existing and ongoing teacher shortages include:

- Providing loan forgiveness, grants, or service scholarship programs that significantly underwrite the cost of postsecondary education in exchange for a commitment to teach in a high-need field or school for a minimum number (e.g., four) of years (e.g., the North Carolina Teaching Fellows Program<sup>28</sup>);<sup>29</sup>
- Developing and implementing high-quality comprehensive teacher residency programs that provide extensive clinical experience, which have been shown to increase teacher retention and effectiveness;<sup>30</sup> and
- Developing and implementing professional development programs and mentoring models, particularly for newer teachers, that emphasize building effective instructional strategies and provide time for ongoing collaboration.<sup>31</sup>

Schools across the country continue to implement these evidence-based and promising strategies in an effort to address these challenges. ED strongly encourages you to use funding under ARP to respond to the urgent needs resulting from the pandemic while beginning to plan for the investments needed to ensure that every student has access to the qualified educators and staff they need.

<sup>28</sup> “North Carolina Teaching Fellows.” *NC Teaching Fellows*, <https://myapps.northcarolina.edu/ncteachingfellows/>.

<sup>29</sup> Podolsky, A. & Kini, T. (2016). *How Effective Are Loan Forgiveness and Service Scholarships for Recruiting Teachers?* (policy brief). Palo Alto, CA: Learning Policy Institute.

<sup>30</sup> Institute of Education Sciences, “New Findings on the Retention of Novice Teachers From Teaching Residency Programs.” August 2015, <https://ies.ed.gov/ncee/pubs/20154015/pdf/20154015.pdf>; and Papay, J. P., West, M. R., Fullerton, J. B., and Kane, T. J. (2012). Does an urban teacher residency increase student achievement? Early evidence from Boston. *Educational Evaluation and Policy Analysis*, 34(4), 413–434.

<sup>31</sup> Ingersoll, R. M., & Smith, T. M. (2004). Do teacher induction and mentoring matter? *NAASP Bulletin*, 88(638), 28–40.

Thank you for your continued support and partnership to address teacher and staff shortages and ensuring high-quality, safe, in-person educational experiences for students across this country.

Sincerely,

A handwritten signature in blue ink, reading "Miguel A. Cardona". The signature is fluid and cursive, with a long horizontal stroke at the end.

Miguel A. Cardona, Ed.D.

**From:** Bilal-Threats, Daaiyah [NEA]  
**Subject:** FW: WH Task Force Recommendations & Dept of Ed  
**To:** Garibay, Montserrat  
**Cc:** Holmes, Alexis [NEA]; Wick-Bander, Olivia [NEA]  
**Sent:** February 15, 2022 2:32 PM (UTC-05:00)  
**Attached:** NEA Memo to the WHTF on Worker Organizing 9.24.21.pdf

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat

A few months ago we'd talked about the WH Task Force on Worker Organizing and Empowerment and how many of our recommendations related to it would go through Dept of Ed.

The Task Force will continue to work and has been asked by the White House to produce another report in 6 months.

We would like your help in arranging a conversation with you and colleagues at ED to talk through some of our recommendations.

Let us know what you think or if you'd be able to help arrange a larger conversation!

Is it possible to get something on the schedule in the next few weeks?



**From:** Montserrat.Garibay@ed.gov  
**Subject:** Re: Invite for Dep Sec Marten: NHCSL Summit  
**To:** Beth Antunez, Legislation  
**Cc:** Santiago-Moreno, Jorge  
**Sent:** February 28, 2022 1:23 PM (UTC-05:00)  
**Attached:** DRAFT Education Sessions March 25th 2.22 2[1].pdf

Received.

Sent from my iPhone

On Feb 28, 2022, at 10:51 AM, Beth Antunez, Legislation <bantunez@aft.org> wrote:

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hi Montserrat and Jorge,

AFT Executive VP Evelyn DeJesus would like to invite Deputy Secretary Marten to join her from 10:30-11:45am on March 25th for a panel at the National Hispanic Caucus of State Legislators Summit on Latino Education. Draft information is attached, and a formal invitation may also be coming from NHCSL.

Also, wanted to let you know that it is our understanding that Dr. Cardona and Randi Weingarten may be speaking at a breakfast session that morning.

Thank you and please reach out to Adriana or me with questions.

Beth Antunez  
American Federation of Teachers

b)(6)

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A Union of Professionals



NHCSL

NATIONAL HISPANIC CAUCUS  
OF STATE LEGISLATORS

## State of Latino Education

*Learn, Recover, Reimagine & Thrive*

**Friday, March 25<sup>th</sup>**

**9:00AM-10:00AM**

### **1<sup>st</sup> Plenary Session: Early Childhood Education**

Issues: Access and Equity, School Readiness- Pre-School & Kindergarten, Pre-literacy Skills, Parental Empowerment, Head Start, Migrant & Seasonal Head Start, Universal pre-K; Food & Nutrition; Social & Emotional Health.

Moderator:

- Lilian Ortiz-Self, Majority Caucus Chair, Washington State Representative (WA-21)
- *Mia Bonta, California Assemblywoman (CA-18) (Alternate)*

Speakers:

- Karla Hernandez-Mats, President, United Teachers of Dade; AFT VP
- Dr. Bernadine Futrell, Director, Office of Head Start; Dept. Health & Human Services
- Cleo Rodriguez, Executive Director, National Migrant Seasonal Head Start Association
- Juliana Urtebey, 2021 Teacher of the Year (*Alternate, Dr. Rebecca Palacios, first Latina inducted to the teacher hall of fame. Over 20yrs in the field.*)

**10:30AM-11:45AM**

### **2<sup>nd</sup> Plenary Session: K-12 Education**

Issues: Latino Teacher Pipeline Programs, Literacy, Cultural Relevant Pedagogy, Special Education Programs, Federal Funding, Charter Schools, Career Technical Education, STEAM, LGBTQ, Staffing, College Readiness

- **Multilingual Learners/ELLs**  
Dual Language Programs Newcomers, ELLs, SIFE, Native Language Assessments
- **Community Schools**

Parent Empowerment, Social Emotional Learning Environment, Mental Health & Wellness, Safe & Welcoming School Environments

Moderator:

- Nevada Assemblywoman Selena Torres (NV-3)

Speakers:

- Evelyn DeJesus, Executive Vice President, American Federation of Teachers (AFT)
- Sindy Benavidez, Chief Executive Officer, League of United Latin American Citizens
- Cindy Marten, U.S. Deputy Secretary of Education
- Teresa Alonso Leon, Chair of the House Committee on Education, Oregon State Representative (OR-22)

**1:30PM-2:45PM**

**3<sup>rd</sup> Plenary Session: Higher Education**

Issues: College Completion Rates, Pathway Programs, Student Debt, Teacher Preparation Programs, Mentorship Programs, College Affordability, Faculty Diversity & Academic Staffing, Role of HSIs, College Access for Undocumented Students, Mental Health & Wellness

Moderator:

- Jose Medina, Chair of the Higher Education Committee, California State Representative (CA-61)

Speakers:

- Philippe Abraham, Secretary Treasurer, New York State United Teachers; AFT VP
- Dr. Antonio Flores, President, Hispanic Association of Colleges and Universities (HACU)
- Dr. Margarita Bianco, Associate Professor School of Education, University of Colorado Denver
- James Kvaal, United States Under Secretary of Education
- *Sarita Brown, Co-founder & President, Excelencia in Education (alternate)*





**NHCSL**  
National Hispanic Caucus  
of State Legislators

# 19<sup>TH</sup> NATIONAL SUMMIT

THE STATE OF LATINO EDUCATION  
In Partnership With



*A Union of Professionals*



Hotel Washington  
Washington, D.C.

March 24 – 27, 2022

Register at [nhcsl.org](https://nhcsl.org)

\*COVID-19 vaccination proof required

DRAFT

**From:** Valerie Klayman, Office of the Executive Vice President  
**Subject:** Request for Deputy Secretary Marten for March 25 AFT and NHCSL event  
**To:** Deputy Secretary; Santiago-Moreno, Jorge; Garibay, Montserrat  
**Cc:** Beth Antunez, Legislation; Cesar Moreno Perez, Human Rights & Community Relations; Adriana O'Hagan, Office of the Executive Vice President  
**Sent:** March 1, 2022 11:34 AM (UTC-05:00)  
**Attached:** ODS Event Request Form ED SUMMIT MARCH 25.2022.docx

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Thank you!

**OFFICE OF THE DEPUTY SECRETARY – U.S. DEPARTMENT OF EDUCATION  
EVENT REQUEST FORM**

*Thank you for inviting the Deputy Secretary to your event. We can only confirm events within four weeks of the requested event date and we may not be able to consider requests given in under a week. Please fill out each section of this form with as much information as you can provide. Note that a Department of Education staff member will discuss and plan with you the format of the Deputy Secretary's participation.*

*Once filled, please email this form with any attachments to [DeputySecretary@ed.gov](mailto:DeputySecretary@ed.gov).*

<b>BASIC INFORMATION</b>			
<b>Today's Date</b>	<b>RSVP Date</b>	<b>Organization Name and Description</b>	<b>Event Title</b>
3/1/2022	ASAP	American Federation of Teachers (AFT), AFL-CIO is the second largest teacher's labor union in America	In Partnership with the American Federation of Teachers NHCSL 19 <sup>th</sup> National Summit State of Latino Education
<b>Event Description</b> (e.g. annual conference, dinner, roundtable, etc.). Include website if applicable, purpose, theme, topic (if it's a meeting). Please include justification why the Deputy Secretary should attend this event.			
NHCSL (National Hispanic Caucus of State Legislators) is partnering with AFT to hold a national summit (during NHCSL annual conference) on the state of Latino Education. AFT will be sponsoring this event and planning three main plenary sessions covering early childhood, K-12 education and higher education. Evelyn DeJesus would like the Deputy Secretary to join her at the plenary session for K-12 education. <a href="https://web.cvent.com/event/c7f13b0d-56ac-4b73-9919-6bb552f303d0/summary">https://web.cvent.com/event/c7f13b0d-56ac-4b73-9919-6bb552f303d0/summary</a>			
<b>Event Start Date/Time</b>	<b>Event End Date/Time</b>	<b>Additional Event Notes:</b>	
March 25, 2022 at 10:30am	March 25, 2022 at 11:45am		
<b>Is there a registration fee?</b> Please note the cost of a registration fee if applicable.	<b>Event Location with Address</b> (or web address if virtual)		
No	Hotel Washington 515 15th Street Northwest Washington, DC 20004		
<b>Description and Estimated Size of Audience</b> (please be as specific as possible. I.e. teachers, students, elected officials and/or other)			
Estimated 120+ state legislators, 20 AFT Leaders			
<b>DEPUTY SECRETARY'S ROLE</b>		Please outline below what you are requesting of the Deputy Secretary	
<b>Requested Type of Participation</b> (e.g., speech, informal remarks, keynote, Q&A, attendance (no speaking role), panelist, town hall, other (please elaborate))	Featured Speaker, Panelists		
<b>Total running time the Deputy Secretary's participation</b>	75 minutes		
<b>Start time for the Deputy Secretary's participation</b>	10:30am		
<b>End time for the Deputy Secretary's participation</b>	11:45am		



<b>Who will introduce the Deputy Secretary?</b> (name, title, organization)	Moderator: <ul style="list-style-type: none"> <li>Nevada Assemblywoman Selena Torres (NV-3)</li> </ul>
<b>Is an award being given?</b> If yes, please list the Name and Description of Award.	no
<b>List of notable attendees/participants</b> (this should include anyone who will interact with the Deputy Secretary, please include any other Education Department senior officials, other members of the Biden-Harris Administration, or state/local officials will attend or participate).	<b>10:30AM-11:45AM</b>  <b>2<sup>nd</sup> Plenary Session: K-12 Education</b> Moderator: <ul style="list-style-type: none"> <li>Nevada Assemblywoman Selena Torres (NV-3)</li> </ul> Speakers: <ul style="list-style-type: none"> <li>Evelyn DeJesus, Executive Vice President, American Federation of Teachers (AFT)</li> <li>Sindy Benavidez, Chief Executive Officer, League of United Latin American Citizens</li> <li>Cindy Marten, U.S. Deputy Secretary of Education</li> <li>Teresa Alonso Leon, Chair of the House Committee on Education, Oregon State Representative (OR-22)</li> </ul>
<b>Preferred Department of Education Surrogate</b> (In the event the Deputy Secretary is unavailable)	
<b>ADDITIONAL INFORMATION</b>	
<b>Requested themes or topics to address</b> (Please include any key acknowledgements or suggested talking points)	
Issues: Latino Teacher Pipeline Programs, Literacy, Cultural Relevant Pedagogy, Special Education Programs, Federal Funding, Charter Schools, Career Technical Education, STEAM, LGBTQ, Staffing, College Readiness <ul style="list-style-type: none"> <li><b>Multilingual Learners/ELLs</b> Dual Language Programs Newcomers, ELLs, SIFE, Native Language Assessments</li> <li><b>Community Schools</b> Parent Empowerment, Social Emotional Learning Environment, Mental Health &amp; Wellness, Safe &amp; Welcoming School Environments</li> </ul>	
<b>Will there be press? If yes, please include press contact for event.</b>	<b>What promotional materials do you have in mind?</b> (e.g. media advisory/release, social media, newsletter)

<b>Will the event be livestreamed?</b> If yes, please list the platform (i.e. Facebook, Youtube, etc. Please include links if possible)	<b>Social Media Hashtags or Handles</b> (event or organization)
no	Forthcoming
<b>If request is in-person, please include the COVID protocols here.</b>	<b>Who else is confirmed to headline this event?</b>
<b>As the coronavirus (COVID-19) situation has continued to evolve around the world we are requiring attendees to be fully vaccinated. To complete your registration, you will have to comply with the IDme component of the registration.</b>	See list of speakers above
<b>Other Information:</b> Please list the monetary value of any meals or gifts associated with participation, please include a list of any confirmed lobbyists and event sponsors to this form.	<b>Any additional questions, comments, notes:</b>
none	

#### CONTACT INFORMATION

Primary Contact Name	Title	Phone (best & alternate)	Email
Adriana O'Hagan	Asst. to the Executive Vice President.	(b)(6)	aohagan@aft.org
On-Site Event Contact Name	Title	Phone (best & alternate)	Email
Cesar Moreno	Assoc. Director of Human Rights and Community Relations	(b)(6)	cmoreno@aft.org

Once filled, please email this form with any attachments to [DeputySecretary@ed.gov](mailto:DeputySecretary@ed.gov).

**From:** Garibay, Montserrat  
**Subject:** Briefing about CSP NPP  
**To:** Bilal-Threats, Daaiyah [NEA]  
**Cc:** Libby Wick-Bander; Holmes, Alexis [NEA]  
**Sent:** March 10, 2022 3:50 PM (UTC-05:00)

Daaiyah,

Our team is giving a briefing about the Charter School Programs- Notice of Proposed Priorities tomorrow **Friday, March 11 from 1 to 1:30 p.m. (ET)**. I will send the invite shortly.

Please let me know who will join from NEA.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education

(b)(6) [Montserrat.garibay@ed.gov](mailto:Montserrat.garibay@ed.gov)



**From:** Garibay, Montserrat  
**Subject:** Briefing about CSP NPP  
**To:** bantunez@aft.org  
**Sent:** March 10, 2022 3:54 PM (UTC-05:00)

Beth,

Our team is giving a briefing about the Charter School Programs- Notice of Proposed Priorities tomorrow **Friday, March 11 from 1 to 1:30 p.m. (ET)**. I will send the invite shortly.

Thank you,

Montserrat Garibay  
Senior Advisor for Labor Relations  
Office of the Secretary  
U.S. Department of Education  
**(b)(6)** | [Montserratgaribay@ed.gov](mailto:Montserratgaribay@ed.gov)

**From:** Bilal-Threats, Daaiyah [NEA]  
**Subject:** Cardona Meaningful Consultation Letter - Kansas  
**To:** Cardona, Miguel  
**Cc:** Garibay, Montserrat; Lane, James  
**Sent:** March 11, 2022 5:06 PM (UTC-05:00)  
**Attached:** image005.emz, Cardona Meaningful Consultation Letter - Kansas.docx

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**



1201 16th St. N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Rebecca S. Pringle  
*President*

Princess R. Moss  
*Vice President*

Noel Candelaria  
*Secretary-Treasurer*

Kim A. Anderson  
*Executive Director*

March 11, 2022  
Secretary Miguel Cardona  
U.S. Department of Education  
400 Maryland Avenue SW  
Washington, DC 20202

Dear Secretary Cardona:

Thank you for your leadership in ensuring the uses of funds available under the American Rescue Plan (ARP) are determined collaboratively through meaningful consultation with stakeholders. The National Education Association (NEA) advocated for and applauded the U.S. Department of Education (Department) for insisting that, as part of each State's ARP ESSER plan, each State educational agency (SEA) describe how the SEA would ensure that its local educational agencies (LEAs) engage in meaningful consultation with stakeholders, including teachers, principals, school leaders, other educators, school staff, and their unions. Not all SEAs have fulfilled their commitment.

Educators in Kansas have contacted the NEA to express their concerns that ARP ESSER applications from LEAs are being approved that are inconsistent with the meaningful consultation requirement. For example, in Kansas, and in other states, LEAs consider posting a survey on their website and inviting input from the general public to be sufficient in meeting this requirement. A plain understanding of meaningful consultation would render this approach as neither a best practice nor consistent with the requirement that LEAs engage with each stakeholder individually. In its ARP ESSER State plan approved by the Department, the Kansas State Department of Education (KSDE) described its responsibility in ensuring LEAs comply with the consultation requirement as follows: "...KSDE will continue to provide technical assistance to LEAs to ensure they understand the requirement, and the KSDE will monitor for compliance of this and other requirements as part of the Kansas Integrated Accountability System (KIAS). The KIAS monitoring includes elements of documentation and verification to ensure compliance." More specifically, KSDE "will require in the LEA plans and through follow up monitoring that districts have engaged the following stakeholders as they develop, adjust, and implement their return to school plans and LEA plans for use of funds to address students who may have been impacted by the pandemic. These will need to include the following stakeholders at a minimum...the unions that represent educators in the district. As part of each districts ESSER III plan for use of funds, each district must include a description of how they meaningfully engaged with stakeholders in the use of funds."

On behalf of the members of the Kansas-NEA affiliate, and its locals, NEA is requesting that the Department remind KSDE of its responsibility to ensure meaningful consultation is taking place among LEAs as described in its ARP ESSER State plan, and for KSDE to provide to the Department evidence that school districts are engaging with stakeholders, as required, and in the manner described in the State plan.

Because the lack of meaningful consultation is not confined to Kansas alone, the NEA is requesting the Department issue guidance to SEAs and LEAs on best practices associated with meaningful consultation. Beyond exposing the obstinate, or indifferent, the guidance would also assist well-intentioned district leaders seeking ways to build a collaborative culture in their schools.

Mr. Secretary, we share your desire that ARP funds not only address the acute needs of those students most impacted by the pandemic, but that they catalyze efforts to transcend the status quo—a status quo reinforced through a closed circle of closed conversations. Please help us widen that circle and open the conversations to include the voice of educators. Great learning will follow.

Sincerely,

(b)(6)

A large rectangular area of the document is redacted with a solid black box. The text "(b)(6)" is written in the top-left corner of this redacted area.

Daaiyah Bilal-Threats  
Senior Director, Education Policy & Implementation Center  
National Education Association  
cc: Rebecca Pringle, NEA President  
Kim A. Anderson, NEA Executive Director  
Sherri Schwanz, President, Kansas NEA





Great Public Schools  
for Every Student

1201 16th St, N.W. | Washington, DC 20036 | Phone: (202) 833-4000

Rebecca S. Pringle  
*President*

Princess R. Moss  
*Vice President*

Noel Candelaria  
*Secretary-Treasurer*

Kim A. Anderson  
*Executive Director*

March 11, 2022

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

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March 11, 2021

Page 2

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Sincerely,

(b)(6)

A large rectangular area of the document is redacted with a solid black box. The text "(b)(6)" is written in the top-left corner of this redacted area.

Daaiyah Bilal-Threats  
Senior Director, Education Policy & Implementation Center  
National Education Association

cc: Rebecca Pringle, NEA President  
Kim A. Anderson, NEA Executive Director  
Sherri Schwanz, President, Kansas NEA

**From:** Garibay, Montserrat  
**Subject:** Re: ROS State of Latino Education  
**To:** Cesar Moreno Perez, Human Rights & Community Relations  
**Cc:** Santiago-Moreno, Jorge  
**Sent:** March 21, 2022 8:40 PM (UTC-04:00)  
**Attached:** K-12 Education ROS FINAL.pdf

Thank you Cesar.

Montserrat

On Mar 21, 2022, at 8:35 PM, Cesar Moreno Perez, Human Rights & Community Relations <cmoreno@aft.org> wrote:

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hola Montserrat/Jorge, attached is the ROS for the K-12 Education Forum that NHCSL provided us. Let me know if you have any issue opening the attachment and or questions with the program flow. It's my understanding that each speaker will have 10 min for prepared remarks before the moderated Q&A.

Cesar Moreno Perez  
Senior Associate Director  
AFTs Human Rights & Community Relations Department

(b)(6) cell

Sent from my iPhone





## NHCSL 19<sup>th</sup> Annual Summit

### General Information:

Title: **K-12 Education**  
Date: Friday, March 25, 2022  
Time: 10:30 am – 11:45 am ET  
Location: Hotel Washington  
Room: Freedom Room

**NOTE:** All panelists are automatically registered for the National Summit. Please check-in at the registration prior to your session. We ask that panelists arrive at least fifteen minutes prior to the beginning of the session. Once at the summit room identify yourself to Rhina Villatoro, our Meetings Director, or Guillermo Mena. **Please make sure to complete the form for the COVID-19 vaccination proof.**

### [ID.me](#)

Description: There are currently 14 million Hispanic students in our nation's public elementary and secondary school system, encompassing a mosaic of racial and cultural identities. Today's kindergarteners offer a glimpse of tomorrow's demographics. The way we respond to the demographic shift and the challenges facing Latino students in our K-12 education system is key. In this session, we'll cover some of those issues including workforce diversity- Latino Teacher Pipeline Programs, culturally relevant pedagogy, literacy, multilingual learners, special education and college readiness or post-graduation counseling or career technical education. This session will discuss those along with other impacting issues like Federal Funding, Charter Schools, STEAM, LGBTQ-inclusion, and family engagement in the context of schools as a Safe & Welcoming Learning and Social Environment that prioritizes Mental Health & Wellness.

### Panel Discussion

Moderator: Assemblywoman Selena Torres (NV)  
Panelists: Evelyn DeJesus, Executive Vice President, AFT  
Sindy Benavides, CEO, LULAC  
Cindy Marten, U.S. Deputy Secretary of Education  
Representative Teresa Alonso León (OR)

The program will begin with introductions by Assemblywoman Torres, followed by 7-8 minute presentations from each panel member. At the conclusion of the presentations, the moderator will ask full panel questions; if time allows, questions from the audience will be taken.

### Run of Show (Eastern Daylight Time):

10:30 am **Asw. Selena Torres** welcomes audience, set's the foundation for the conversation and introduces panel (3 mins)  
10:35 am **Asw. Torres** moderates' conversation with **all panelists** (25 mins)-



- 10:40 am **Evelyn DeJesus** presents on literacy- reading opens the world, teacher recruitment, EIs and multilingual learner, community schools, and parent engagement (10 mins)
- 10:50 am **Sindy Benavides** presents on equal access and opportunity, civil rights litigation- legacy of Mendez v Westminster & Little School of the 400, STEAM and the work LULACs technology centers (10 mins)
- 10:50am **Deputy Secretary Cindy Marten** presents on the Federal funding opportunities and resources available to accelerate Latino student success- ESSER & ARP, highlight some models/bright spots in the US and Puerto Rico. Importance of family engagement. . (10 mins)
- 11:00 am **Rep. Alonso León** presents on what has been done in the Oregon state legislature on K-12 education (10 mins)
- 11:10 am **Asw. Torres** moderates Q&A and takes questions from the audience (34 mins)
- 11:44am **Asw. Torres** provides closing remarks (1 min)

#### **Moderator Questions:**

- Q. **For Sindy Benavides and Rep. Alonso León:** In school board meetings across the country and in some of our state houses, CRT has been a point of contention. We all know the importance of culturally relevant pedagogy- some states and localities have even made ethnic studies a graduation requirement, but this conversation around CRT threatens the gains we've made. What are your views around this and most importantly what can be done?
- Q. **For Evelyn and Cindy Marten:** How do we address the teacher and other support personal shortage?
- Q. **For Evelyn and Cindy Marten:** How does social and emotional support programs help the academic success of Latino students?
- Q. **For Everyone:** Closing thoughts from the panelists?

#### **Speakers Bios:**

##### **Assemblywoman Selena Torres Nevada State Assembly**



Representative Ortiz Self has represented the 21st Legislative District since 2013, and is a member of the leadership team, serving as Majority Caucus chair. Her work across child-serving systems gives her a deep appreciation and understanding for all human services. Her professional background includes serving as the clinical director of the Tri-City Mental Health Center in Missouri, regional coordinator for the Illinois State Board of Education, education advisor for the Department of Children and Family Services, and director and founder of the Comunidad Unida Project, a center for Latino families and youth.

She also serves on the Children, Youth & Families Committee, as well as on the Education; Labor and Workplace Standards; and Rules Committees. She is the co-chair of the state's Educational Opportunity Gap Oversight and Accountability Committee and was recently appointed to the Joint Task Force on Community and Technical College Counselors.

Nationally, Lillian serves on the National Council of State Legislators' Education Committee, as well as the Opportunity Gap Committee. She is also on the Executive Committee of the National Hispanic Caucus of State





Legislators. She holds a Masters in Public Administration and a Masters in Counseling from Drake University in Des Moines, Iowa, currently works in the Everett Public School District as a mental health and school counselor.

### **Evelyn DeJesus**

#### **Executive Vice President, AFT**



Since 2019, Evelyn DeJesus has been the executive vice president of the 1.7 million-member American Federation of Teachers, AFL-CIO, the first Latino/a officer in the union's 105-year history.

A skilled teacher and administrator, DeJesus is a forceful advocate for justice—undaunted and unafraid to speak truth to power.

Elected as an AFT vice president in 2014, she chairs the AFT's Latino Issues Task Force and serves as the presiding officer of the AFT Asian American and Pacific Islander and the newly created AFT LGBTQIA + Task Forces.

In 2021, she joined the executive boards of the AFL-CIO and the Solidarity Center, and became secretary-treasurer of the Labor Council for Latin American Advancement. At the AFL-CIO, she serves on the Racial Justice Task Force (and the Subcommittee on Reimagining Federated Bodies) and the Immigration Committee. She also serves on the advisory board of the Congressional Hispanic Caucus Institute.

A native Puertorriqueña who grew up in New York City's Lower East Side, DeJesus traveled an unexpected road from engaged parent to educator and trade unionist. When one of her daughters became ill during a school construction project, DeJesus publicly exposed the toxic environment, caused by asbestos.

Her courageous whistleblowing actions led to the Great Asbestos Scandal of 1993, and a citywide shutdown of the schools until asbestos could be safely removed from school buildings.

She began her education career as a state-certified parent educator and then as an assistant director for the Even Start Program for pregnant teens, all while pursuing a bachelor's degree. As an early childhood teacher and reading specialist, she taught for two decades in New York's Chinatown, and has made literacy and support for multilingual learners her signature curricular issues.

DeJesus' spirituality extends into every aspect of her life, and she credits her faith for her achievements. DeJesus is also a chaplain under the New York State Chaplain Task Force. She is the proud wife of Louie and the mother of two beautiful daughters, Tiffany and Kristina. She has been blessed with five grandchildren.

### **Sindy Benavides**

#### **CEO, LULAC**



Sindy Marisol Benavides is a Honduran-American immigrant who has experienced the American dream, and now devotes her career to public service, ensuring that countless young people, women, and immigrants have the same opportunity. She is currently Chief Executive Officer for the League of United Latin American Citizens (LULAC), the oldest Hispanic civil rights organization in the country. She previously served as the Chief Operating Officer and National Director for Civic Engagement and Community Mobilization for LULAC, Vice President of Field & Political Operations for Voto Latino and as Northern Virginia Political Director for the 2012 Kaine for Virginia senatorial campaign. She has also been National Director of Community Outreach for the Democratic National Committee, and Latino Liaison and Director of gubernatorial appointments for Governor Timothy M. Kaine.

She received her Bachelor of Arts from Virginia State University in Petersburg, Virginia, where she graduated Valedictorian of her class and studied Political Science with a minor in Spanish. She has also attended American University for her Master's degree in International Affairs and is working on submitting her substantial research





paper. Cindy is the founder, co-founder, or founding board member of LULAC Council 4611, VA Latino Higher Education Network (VALHEN), VA Coalition of Immigrant Rights (VACIR), and the Hispanic Organization for Leadership and Action (HOLA). Cindy serves on numerous civic boards and can be found on Twitter @SindyBenavides. She lives in northern Virginia with her beloved family.

Ms. Benavides is an alumna of the Sorenson Political Leadership Program through the University of Virginia and the Virginia Executive Institute and Minority Political Leadership Institute through Virginia Commonwealth University. She is an alumna of the 2009 class of the National Hispana Leadership Institute. Cindy obtained her Certificate on Executive Management and Leadership from Harvard Kennedy School in April 2009 and attended the Center for Creative Leadership in July 2009. She was also named top 20 People to Watch in 2009 (Richmond magazine) and named top 20 Latina Women of Excellence in 2010 (Hispanic Business magazine). In 2010, Cindy was selected by the American Jewish Committee to travel to Israel with a delegation of 13 national Latina leaders. In 2013, Cindy was selected as part of the class of 2013-2014 for New York University's IGNITE Fellowship for Women of Color in the Social Sector. In 2014, Ms. Benavides was selected for Emerge Virginia, the premier training program for Democratic women to run for public office. Lastly, in 2016, Cindy was selected for Hispanics in Philanthropy (HIP) Next Generation Latino Philanthropy Fellowship program.

### **Cindy Marten**

#### **U.S. Deputy Secretary, Department of Education**



Cynthia "Cindy" Marten was confirmed by the U.S. Senate as the Deputy Secretary on May 11, 2021. Before joining ED, Marten served as the superintendent of the San Diego Unified School District since 2013. She has spent 32 years as an educator, holding various roles of increasing responsibility as a teacher, literacy specialist, vice principal, and principal. She is the author of "Word Crafting: Teaching Spelling, Grades K-6," which places an emphasis on literacy as a key to students' success.

As superintendent, she directed implementation of the district's Vision 2020 commitment to a meaningful graduation for all students, with the district achieving the highest graduation rate among big-city districts in California and the fastest reading growth of large urban districts nationwide, in 2019.

In addition to her emphasis on academics, Marten has been a champion for health and wellness, putting in place an award-winning wellness policy for staff and students. Under her leadership, San Diego Unified received Gold Recognition in the American Heart Association's Workplace Health Achievement Index for efforts to support employee wellness, and multiple San Diego Unified schools received "America's Healthiest Schools" award from the Alliance for a Healthier Generation.

Prior to being appointed superintendent, for ten years Marten worked in one of San Diego's most ethnically diverse and economically challenged school communities, at Central Elementary School in City Heights. As a teacher, instructional leader, and later as principal, she established a commitment to educating the whole child through an emphasis on social and emotional learning and the arts, combined with academic rigor.

### **Representative Teresa Alonso León(OR)**

#### **Oregon House of Representatives**



A daughter of farmworkers and an immigrant, Rep. Teresa Alonso León became a natural leader and strong advocate for her family as they navigated a new chapter in Oregon. She was the first person in her family to go to college and earn two college degrees. In 2016, she made history and became the first Indigenous Latina immigrant to serve as State Representative for Oregon House District 22, which includes the cities of Woodburn, Gervais, Brooks, and NE Salem.

Rep. Alonso León currently serves as Chair of Oregon's House Education Committee, and is a member of the Healthcare Committee and the Ways and Means Subcommittee on Education. In addition to working in the State Legislature, Representative Alonso León serves as Secretary of the Executive Committee of the National Hispanic



Caucus of State Legislators (NHCSL) and is a member of the Legislative Advisory Committee for the Western Interstate Commission for Higher Education (WICHE).

As a legislator, she has helped pass historic legislation addressing healthcare, education, and social and racial justice issues. She helped pass Cover All Kids in 2017, so that all children in Oregon, no matter their immigration status, could have access to healthcare. She helped pass the Student Success Act, which increased the state's education budget to ensure students are getting the support services they need. Her legacy in Oregon also includes passing the Driver's License For All Law, Family Paid Leave and strengthening Oregon's Sanctuary Law. Most recently, she is proud of helping pass the Farmworker Overtime Law and Universal Representation to help our immigrant and farmworker communities. These are just some examples of what Representative Alonso has been able to achieve as a public servant.

**Day of Staff Contact:**

Rhina Villatoro

Phone: (b)(6)

Email: [rhina@nhcsl.org](mailto:rhina@nhcsl.org)

**Day of Q/A Monitor for Moderator:**

Guillermo Mena

Phone: (b)(6)

Email: [gmena@nhcsl.org](mailto:gmena@nhcsl.org)



**From:** Garibay, Montserrat  
**Subject:** RE: NEA State Threats  
**To:** White, Karen [NEA]; Anthony R. Bernal; Dinkel-Smith, Erika S. EOP/WHO; Ruiz, Emmy EOP/WHO; Richmond, Cedric L. EOP/WHO  
**Cc:** Williams, Ro'chelle [NEA]; O'Daniel, Susana [NEA]; Bilal-Threats, Daaiyah [NEA]  
**Sent:** March 22, 2022 12:38 PM (UTC-04:00)

Thank you for sharing Karen.

Montserrat

---

**From:** White, Karen [NEA] <KWhite@nea.org>  
**Sent:** Tuesday, March 22, 2022 11:47 AM  
**To:** Anthony R. Bernal <(b)(6)>; Dinkel-Smith, Erika S. EOP/WHO <(b)(6)>  
<(b)(6)>; Ruiz, Emmy EOP/WHO <(b)(6)>; Richmond, Cedric L. EOP/WHO  
<(b)(6)>; Garibay, Montserrat <Montserrat.Garibay@ed.gov>  
**Cc:** Williams, Ro'chelle [NEA] <rwilliams@nea.org>; O'Daniel, Susana [NEA] <SODaniel@nea.org>; Bilal-Threats, Daaiyah [NEA] <DBilal@nea.org>  
**Subject:** NEA State Threats

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

Hello all & Happy Tuesday (meant to send Friday),

This week, some severe threats were averted – including voucher bills in Georgia and a dangerous PRD attack in Florida. In Mississippi, educators won a historic, if imperfect, pay raise. Elsewhere, LGBTQ+ rights and inclusion threatened in multiple ways. There also is an emerging trend of bills to mandate armed school resource officers in every school.

Arizona, Florida, and West Virginia are labor table states. We are supporting Florida, Georgia, Michigan, Oklahoma, and West Virginia with BMLC grants this year.

#### **Kentucky**

- **Discrimination against transgender children.** Both chambers have passed legislation to ban transgender children from playing girls' middle school or high school sports in Kentucky. They can override the governor's expected veto of the bill with a simple majority.
- **Police in schools.** The legislature has advanced a bill that would require a school resource officer be in every school. The senate has added a provision to allow school districts to create their own police departments.

#### **Mississippi**

- **Pay raise for educators makes progress.** A legislative conference committee has reached an agreement on a historic pay increase for educators. The total package is \$250 million. It starts in the '22-23 school year and will increase base pay by an average of \$5140 and includes a \$1200-1350 increase every five years and a \$2500 increase at year 25. The package isn't perfect, and does nothing for early-career educators. But it is nonetheless a major achievement in the state.

#### **Michigan**

- **Voucher threat.** The good guys are going public. The committee For MI Kids For Our Schools had a virtual launch on Wednesday to oppose Betsy DeVos's unconstitutional voucher expansion ballot measure.
- **Election administration threats.** The legislature passed a bill that would require the Secretary of State to remove voters from the rolls who don't respond to a letter notifying them that they need to update their birthday. Governor



Whitmer is expected to veto the measure.

#### Florida

- **Dues deduction threat dies.** After seeming poised to race ahead, the dues deduction bill stalled in the senate where it died when the session ended.

#### Georgia

- **Voucher threat defeated.** A voucher expansion bill, SB 601, died on the senate floor on Tuesday. This is the latest defeat for voucher expansion efforts that have caused political divides with the GOP caucuses in GA.

#### West Virginia

- **"Divisive Topics" bill dies in reconciliation.** The senate passed a massive assault on the freedom to learn and teach. The House passed it on the second to last day of the session, with minor amendments. The session failed to concur and the bill died when the session wrapped.

#### Oklahoma

- **Charter school oversight.** The House passed three bills to strengthen oversight and increase transparency of charter schools in Oklahoma. There have been several instances of corruption, waste, and fraud among OK charter operators. The bill awaits senate action.

#### Wisconsin

- **Guns in schools.** The House passed legislation that would have required school districts to use federal Covid relief funds to place an armed school resource officer in every public school. The bill died when the Senate failed to concur.

#### Arizona

- **Revenue.** A possible special session is in the works to revise the tax cut that passed last year in a way that averts a vote in November.
- **Threat to education.** The senate passed a bill along party lines that would require schools to post learning materials online.

#### Louisiana

- **Don't say gay.** House member Dodie Horton introduced a bill that would ban the discussion of sexual orientation or gender identity in classrooms from kindergarten through 8<sup>th</sup> grade.

**From:** White, Karen [NEA]  
**Subject:** NEA State Threats  
**To:** Dinkel-Smith, Erika S. EOP/WHO; Anthony R. Bernal; Ruiz, Emmy EOP/WHO; Richmond, Cedric L. EOP/WHO; Garibay, Montserrat  
**Cc:** Williams, Ro'chelle [NEA]; O'Daniel, Susana [NEA]; Bilal-Threats, Daaiyah [NEA]  
**Sent:** March 28, 2022 1:50 PM (UTC-04:00)  
**Attached:** NEA Weekly State Threat Update\_March 25 2022[1].docx

**CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.**

The Arizona legislature is mounting a multi-front, all-out attack on public education. Arizona, Florida and New Hampshire are labor table states. The national labor table is working with our state affiliates to support efforts during the special session in Virginia. Arizona is a Labor Table State (maybe BMLC) NH is a labor table and BMLC state. Florida, Michigan, New Hampshire, Oklahoma, and Utah are being supported with BMLC grants.

Worth noting that Republican Governors in Indiana and Utah both vetoed bills banning transgender athletes from participating in sports. The veto letter by Spencer Cox, a past UEA-recommended candidate, [is worth reading](#). Here is an excerpt from near the end:

*"Four kids and only one of them playing girls sports. That's what all of this is about. Four kids who aren't dominating or winning trophies or taking scholarships. Four kids who are just trying to find some friends and feel like they are a part of something. Four kids trying to get through each day. Rarely has so much fear and anger been directed at so few. I don't understand what they are going through or why they feel the way they do. But I want them to live. And all the research shows that even a little acceptance and connection can reduce suicidality significantly."*

#### Florida

- **Freedom to Learn.** Ron DeSantis signed a "transparency bill" that gives parents – and also anyone – the right to challenge material in classrooms and libraries. Districts will now be required to employ a "certified media specialist" to select materials. Objections will be heard in an "open hearing before an unbiased and qualified hearing officer" who is not affiliated with the school. The bill also created a 12-year term limit for school board members.
- **Possible Special Session.** The legislature may get called back soon, which would renew the possibility of an attack on payroll dues deduction.

#### Arizona

- **LGBTQ Rights.** Legislation banning transgender children from playing on girls' team has passed both legislative chambers.
- **LGBTQ Rights.** HB 2161 has passed the House. It would require school staff to out LGBTQ students to their parents.
- **Freedom to Learn.** HB 2112 passed the House. It bans teachers, administrators or other employees from teaching a list of banned concepts. Teachers found in violation would be subject to disciplinary action and face a \$5000 fine.
- **Voting Rights.** Both chambers have passed HB 2492, which could prompt "the most extreme voter purge in the country," per reports. It would require voters to retroactively provide proof of citizenship to stay on the rolls.
- **Voting Rights.** HB 2238, which has passed the House, prohibits unstaffed drop boxes.
- **Vouchers.** SB 1657 has passed the Senate and now out of committee in the House. It would make approximately

85% of AZ students eligible for vouchers. About 690,000 students would become eligible for "Empowerment Scholarship Accounts." Currently, 255,000 are eligible, but only about 11,000 use them.

- **Charters.** The House Appropriations Committee is expected to hear a bill next Wednesday that would divert money from public schools to charter schools. Charters would get a boost in per-pupil funding while public schools would have funding tied to standardized test scores. The plan would also cause districts to give up desegregation funds, limit their ability to issue bonds, and other budget matters. In other words, this would drastically limit local fiscal control, in a way that would drive down school funding.

NEA TEF team is reviewing the impact.

#### Iowa

- **Freedom to Learn.** SF 2364, which was introduced by the Senate President, would have punished teachers with jail time for having "obscene" materials in their classrooms. It has died without coming to the floor.
- **Freedom to Learn.** An amended version of Governor Reynolds transparency proposal would require teachers to post all lesson plans and course materials online for parental review. It is focused on social studies in particular.

#### Kentucky

- **Charter Schools.** The House narrowly passed a bill to provide permanent funding to charter schools. Governor Beshear has previously stated his opposition.
- **Dues Deduction Threat Still Possible.** As of Thursday, a PRD attack had not been heard in committee. The situation remains fluid, however, and the bill could be rushed through at the last minute.

#### Nebraska

- **Funding.** NSEA won a hard fight to kill a bill that would have diverted federal funds meant for disability benefits and nursing homes into a school voucher scheme.

#### Kansas

- **Freedom to Learn.** The Senate passed a "parents' bill of rights" bill that would allow parents to review all curriculum materials and censor or ban library books.

#### Michigan

- **Revenue.** Governor Whitmer vetoed a GOP tax cut focused on income and fuel taxes. Whitmer has called for more progressive, targeted tax relief as well as pause on sales tax on gas, which is distinct from the fuel tax – which itself goes to fund road and bridge repairs.

#### New Hampshire

- **School Funding.** Democratic attempts to revise the "education freedom account" program failed, unfortunately. The accounts have not existed for a year and can be used to divert public school funding to home school costs, private school tuition, and other expenses.
- **School Funding Cap.** The House passed HB 1393 which would limit yearly school district budget increases due to enrollment or inflation. School Board budgets that exceed the cap would need to go before voters on and pass with a 3/5 majority. Killing the bill is a major priority for NEA-NH and the state labor table.

#### Oklahoma

- **Voucher Expansion Defeated.** The senate voted down a massive voucher expansion plan on Wednesday. OEA worked really hard to earn this win.

#### Virginia

- **Special Session.** Legislators will reconvene in Richmond on April 4. Finishing the state budget will be on the agenda, along with a proposed gas tax holiday.



**From:** Garibay, Montserrat  
**Subject:** Re: Or comments on CSP program  
**To:** Beth Antunez, Legislation  
**Sent:** April 12, 2022 10:10 AM (UTC-04:00)  
**Attached:** AFT Comments CSP Regulation 041222.pdf

Thank you Beth.

Sent from my iPhone

On Apr 12, 2022, at 9:46 AM, Beth Antunez, Legislation <bantunez@aft.org> wrote:

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Hi--sharing these, submitted yesterday.

Beth Antunez  
American Federation of Teachers

(b)(6)



April 11, 2022

Ms. Porscheoy Brice  
U.S. Department of Education  
400 Maryland Avenue SW  
Room 3E209  
Washington, DC 20202-5970

re: **Docket ID Number: ED-2022-OESE-0006**

Dear Ms. Brice,

The American Federation of Teachers welcomes the opportunity to comment on the U.S. Department of Education's proposed regulations to the Charter Schools Program grant programs. These proposed regulations represent a positive development for America's children, and if fully implemented, these improvements to the Charter Schools Program grant applications will not only advance equity, but also move to restore charter schools to their original purpose by integrating them into the broader education community.

We applaud the department's proposed regulations, which seek to improve community integration of charter schools. We also applaud the department for taking steps to prevent for-profit charter schools—which studies have shown underperform, compared with both public schools and their nonprofit counterparts—from receiving charter school grants. These steps will undoubtedly improve educational outcomes for children in both charter and traditional public schools. As a union of 1.7 million educators, healthcare workers and public service workers, including educators at more than 250 charter schools, we appreciate that the department is seeking to increase collaboration between charters schools and traditional public schools

***The AFT strongly supports the department's collaboration priority:***

We appreciate that the department is recognizing the need for collaboration between charter schools and district schools. Charter schools were originally intended to be vehicles for experimentation and collaboration, not walled gardens within our education system, and these proposed regulations reflect that the charter industry has strayed from that original intent. As a union of education professionals, we have concerns over the pervasiveness of noncompete and nondisclosure agreement practices in charter schools and the chilling effect that such agreements are already having on charter-district collaboration. We recommend that the Charter Schools



Program grant applications be modified to have applicants certify that they will void all such noncompete/nondisclosure provisions, if they exist, during the life of the grant. Noncompete clauses, which prevent charter teachers from taking jobs in traditional public schools for a set period of time (or within a geographic region proximate to the charter school), are obvious barriers to the department's proposed priority of fostering district-charter collaboration. For example, according to Donald Cohen and Allen Mikaelian's recently released book *The Privatization of Everything*, Summit Academy Schools of Ohio sued 50 teachers in three years for violating noncompete clauses.<sup>1</sup>

There have been repeated suggestions that, beyond chilling collaboration, nondisclosure agreements prevented charter school teachers from blowing the whistle on fraud and malfeasance occurring at their schools.<sup>2</sup>

We would ask that, in support of this priority, the CSP grant application be modified to include a certification by applicants that they either 1) do not utilize nondisclosure agreements and/or noncompete agreements at their schools, or 2) will void all such agreements for the life of the grant.

***Collaboration between district schools and charter schools would be enhanced by putting district schools and charters on the same footing with respect to enrollment requirements:***

Practices at certain charter schools have the effect of filtering out some subpopulations of students, leading to the concentration of higher-needs students in district schools. This behavior includes the counseling out of special education students; the use of entrance barriers that disincentivize enrollments of English language learners, low-income students and students with disabilities; and a reluctance to backfill when students leave the charter school. Charter schools that create enrollment barriers for ELLs, students with disabilities and low-income students are often already doing so in violation of federal law, but other disparate policies are not currently unlawful. The interests of district-charter collaboration would be furthered by asking applicants to disclose whether they engage in discriminatory enrollment practices.

Practices that exclude certain students from charter schools create divisions between district and charter teachers and administrators. In our experience, the prevalence of these practices varies significantly across the country and is unfortunately common in some states. The ACLU examined charter school enrollment barriers statewide in both Arizona and California, finding that more than 20 percent of California charter schools and 50 percent of surveyed Arizona

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<sup>1</sup> Peter Green, "School Choice Has a Transparency Problem," *Forbes*, Jan. 5, 2022, <https://www.forbes.com/sites/petergreene/2022/01/05/school-choice-has-a-transparency-problem/?sh=31c6be5e83cf>.

<sup>2</sup> Andy Chow, "ECOT Critics Say Non-Disclosure Agreements Is a Cover Up of Student Data Manipulation," WKSU, May 1, 2018, <https://www.wksu.org/education/2018-05-01/ecot-critics-say-non-disclosure-agreements-is-a-cover-up-of-student-data-manipulation>.



charter schools utilized exclusionary enrollment practices.<sup>3</sup> These practices included denying applicants on the basis of prior academic performance, requiring application fees, capping special education enrollments, discouraging immigrant applicants and requiring parent volunteer hours.

While many exclusionary charter application practices amount to violations of the letter or spirit of the law (or both), charter schools are permitted under federal law to decline to backfill student vacancies created as a result of a student withdrawal or expulsion. When charter schools refuse to backfill vacancies, it both compounds existing student population disparities between district and charter schools and creates new ones. Student mobility is associated with lower student performance, so limiting midyear entrants gives charter schools an advantage that comes at the expense of the district schools that are required to accept all enrollments.<sup>4</sup>

To preserve the department's proposed priority of fostering district-charter collaboration, we suggest amending the proposed regulations to request that charter school applicants disclose information about their application, selection, turnover and backfilling practices. Specifically, applicants should certify that application materials are available in all languages spoken in the community; that they do not cap the number of students with a disability (or the type of students with a disability they accept); and that they do not charge a fee for applicants. If applicants currently operate charter schools, they should disclose annual student turnover figures for the past five years. The regulations should also be modified so that charter school applicants disclose whether they use admissions tests, consider past academic or behavioral issues during admissions, and backfill vacancies either midyear or between school years, and they should require applicants to disclose how they have recruited students from diverse populations across their catchment areas.

***Unions can help facilitate a collaborative school atmosphere, and regulations should be modified to reward applicants who pledge to support their workers' right to organize:***

Collaboration between district school and charter school teachers would be easier if both groups were on the same professional footing. Unfortunately charter school teachers are often underpaid, and turnover in the industry is alarmingly high. Some charter schools operate with

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<sup>3</sup> Griselda Zetino, "Schools Choosing Students," ACLU of Arizona, Dec. 2017,

[https://www.acluaz.org/sites/default/files/field\\_documents/schools\\_choosing\\_students\\_web.pdf](https://www.acluaz.org/sites/default/files/field_documents/schools_choosing_students_web.pdf); Victor Leung, Roxanne H. Alejandro, and Angelica Jongco, "Unequal Access: How Some California Charter Schools Illegally Restrict Enrollment," ACLU Foundation of Southern California and Public Advocates, Aug. 1, 2016, [https://www.aclusocal.org/sites/default/files/field\\_documents/report-unequal-access-080116.pdf](https://www.aclusocal.org/sites/default/files/field_documents/report-unequal-access-080116.pdf).

<sup>4</sup> Russell W. Rumberger, "Student Mobility: Causes, Consequences, and Solutions," National Education Policy Center, June 2015, [https://nepc.colorado.edu/sites/default/files/pb\\_rumberger-student-mobility.pdf](https://nepc.colorado.edu/sites/default/files/pb_rumberger-student-mobility.pdf); <https://www.stcloudstate.edu/tpi/initiative/documents/preparation/The%20Impact%20of%20Mobility%20.pdf>; Eric A. Hanushek, John F. Kain, and Steven G. Rivkin, "Disruption versus Tiebout Improvement: The Costs and Benefits of Switching Schools," *Journal of Public Economics* 88, no. 9 (Aug. 2004): 1722-1746, <http://hanushek.stanford.edu/sites/default/files/publications/Hanushek%2BKain%2BRivkin%202004%20JPubE%2088%289%29.pdf>.

teaching staffs that are largely uncredentialed. Many operators in the charter school industry seem to have abandoned any attempt at employee retention, choosing instead to focus on building recruitment “pipelines” to solve the rapid turnover of their teaching force. The department’s laudable goal of fostering collaboration between district and charter schools will be difficult in high-turnover conditions and where significant disparities exist between district school and charter school staff.

We have seen, however, how beneficial it can be when charter and district teachers belong to the same union. In Chicago, several charter schools in the city are organized with the Chicago Teachers Union, with charter and district teachers belonging to the same union. The Chicago Teachers Union QUEST Center brings together both charter and district teachers for professional development courses. Unions can be the space where collaboration across district schools and charter schools can occur—but when charter teachers want to organize a union, their school management often stands in the way. In furtherance of the department’s stated goal of district-charter collaboration, as envisioned within these proposed regulations, we submit that the proposed regulations should be modified to reward schools that pledge not to interfere with teachers who wish to exercise their rights to organize and bargain collectively.

The AFT respectfully requests that language be inserted into the grant application to allow applicants to make a good-faith certification that they will remain neutral in any union organizing effort for the term of the grant award.

***We applaud the department on the introduction of a community impact analysis and recommend a few minor improvements:***

The AFT supports provisions that would have applicants analyze the impact of charter expansion on the schools that the applicant is, or would be, drawing students from. The focus on preventing charter school expansion from undermining district desegregation efforts is a welcome metric, and we are pleased to see it included in the impact analysis. We would suggest that the regulations be expanded to include an analysis on the fiscal impact of proposed charter growth.

Charter school growth is universally understood to negatively affect the financial condition of the sending districts. Credit ratings agencies and academia have reached a consensus on this point. The ratings agency Moody’s has opined that charter school growth can drag down the finances of their host districts, writing that “charter schools can pull students and revenues away from districts faster than the districts can reduce their costs.”<sup>5</sup> Districts, being unable to reduce costs as quickly as they lose funding for charter schools, are left with diminished resources for students in their public schools. That finding has been bolstered by academic research, which has endeavored to estimate the net fiscal impact of charter school growth on district finances.

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<sup>5</sup> Moody’s Investors Service, “Charter Schools Pose Greatest Credit Challenge to School Districts in Economically Weak Urban Areas,” Oct. 15, 2013, [https://www.moody.com/research/moodys-charter-schools-pose-greatest-credit-challenge-to-school-districts--pr\\_284505](https://www.moody.com/research/moodys-charter-schools-pose-greatest-credit-challenge-to-school-districts--pr_284505).



While charter school proponents have suggested that charter competition will improve district resources, academic and credit rating agency opinion has coalesced around the opposite conclusion.

Moody's has said that "A city that begins to lose students to a charter school can be forced to weaken educational programs because funding is tighter, which then begins to encourage more students to leave which then results in additional losses." University of Michigan researcher David Arsen has conducted research in Michigan that supports this conclusion, noting that "contrary to expectations, Michigan school districts respond to charter competition by devoting a smaller share of their spending to instructional services."<sup>6</sup> Faced with decreased revenues, which "decline more rapidly than costs in districts losing students to charter schools," school districts are simply unable to free up the resources needed to improve education for the students remaining in traditional public schools.

For far too long, the Charter Schools Programs grant programs have ignored the economic reality of charter school growth and its impact on the resources available to traditional public school students. When charter schools expand, traditional public school students are left with fewer resources. We urge the department to amend its community impact analysis guidelines to ask applicants whether a credit rating agency has identified charter school growth as a credit negative for the sending district(s) from which the proposed (or current) school intends to draw its students.

We appreciate the proposed regulations' increased attention to the problems of the for-profit charter school industry: The proposed regulations' focus on tightening disclosure regulations around education management organization contracts is well-warranted and consistent with ensuring that CSP funds are allocated to high-performing charter schools. The for-profit charter school industry is disgraceful, and charter operators should not be able to evade the eligibility requirements of the Charter Schools Program by utilizing complex organizational structures and service contracts.

Research shows that for-profit virtual charter schools—which comprise a significant portion of all for-profit schools—are poorly serving America's students.<sup>7</sup> Additionally, a recent National Education Policy Center study found that for-profit virtual charter schools underperform

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<sup>6</sup> David Arsen and Yongmei Ni, "The Effects of Charter School Competition on School District Resource Allocation," *Educational Administration Quarterly* 48, no. 1 (Feb 1., 2012): 3-38, <https://journals.sagepub.com/doi/10.1177/0013161X11419654>.

<sup>7</sup> Meg Benner and Neil Campbell, "Profit Before Kids," Center for American Progress, Oct. 10, 2018, <https://www.americanprogress.org/issues/education-k-12/reports/2018/10/10/459041/profit-before-kids/>.

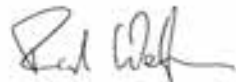


compared with their nonprofit and publicly run counterparts, suggesting that profit-seeking itself undermines educational success.<sup>8</sup>

*We appreciate the department's proposed regulations:*

We thank the Department of Education for these proposed regulations, which will significantly improve outcomes for students in both charter and traditional public schools. While this comment contains some minor suggestions we feel would make these proposed regulations more robust, the substance and spirit of the proposed regulations are a welcome indication that the department is serious about unifying a fractured education system and improving educational outcomes for all children, regardless of the type of public school they attend.

Sincerely,



Randi Weingarten  
President, American Federation of Teachers

RW : emc opeiu #2 afl-cio

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<sup>8</sup> Alex Molnar et al., "Virtual Schools in the U.S. 2021," National Education Policy Center, May 2021, <https://nepc.colorado.edu/publication/virtual-schools-annual-2021>.