

Discussing COVID-19 with your local legislators

MAY 2020



As we grapple with the coronavirus pandemic, CSBA encourages school district and county office of education board members to continue engaging with your Senators, Assemblymembers and Congressional representatives and their district staff in a manner **that safely supports physical distancing** (i.e. webinar, email, letter or phone). It is critical for state and federal leaders to hear from locally elected school district and county board members about how your schools are being affected by COVID-19 — especially as the 2020–21 state budget takes shape and additional federal responses are being developed — and what you are doing to serve your students, families and employees now, over the summer and into the fall. It is important to emphasize the point that **reopening schools will be key to reopening the economy**.

Whenever possible, it is helpful to set **regular or recurring meetings** with your state and federal representatives and their staff. With the June 15 state budget adoption deadline approaching quickly, it is necessary to talk again to your legislators right away.

Key points to discuss

Schools remain an essential service and are critical to reopening the economy. Make sure your representatives know what you have been doing since the start of the crisis (distance learning, staff training, providing devices and broadband, providing meals) and that all existing resources remain devoted to serving all students. It is imperative to also talk about what plans are being made for summer programs and fall reopening.

School funding must be a priority going forward. At a minimum, state funding must not be cut as reopening schools in the fall will be more expensive than operating schools right now. State and federal legislators must recognize that everything needed in the fall to keep students, staff and their families safe will require increased costs in the classroom, to keep schools clean, and to feed and transport students. Maintaining state support without regard to the Proposition 98 guarantee and dedicating additional federal support are both critical if there is any expectation that schools reopen and parents can get back to work. Reopening schools with physical distancing measures requires additional funding to ensure the safety of all students, staff and their families.

Public education in California remains underfunded. Schools were facing severe funding challenges and struggling to balance budgets prior to the COVID-19 outbreak. Those same funding challenges remain, and they are becoming more severe, not less. Recognizing that there will be budget pressures from the economic fallout of COVID-19, it is imperative that funding, including emergency appropriations in the current year from the state or federal government, and those appropriated in 2020–21 must be **as unrestricted and as flexible as possible**.

UPDATES AND RESOURCES ON COVID-19: www.csba.org/coronavirus

State: www.cde.ca.gov/coronavirus | **Federal:** www.ed.gov/coronavirus

FIND AND CONTACT YOUR OFFICIALS: www.csba.org/legislativeadvocacy

www.senate.ca.gov/senators | www.assembly.ca.gov/assemblymembers | www.house.gov/representatives#state-california

Please do not hesitate to reach out to CSBA Governmental Relations staff if you need additional resources to engage with your representatives and their staffs at govrel@csba.org



Talking points for CSBA members:

COVID-19: Thank your representatives for their actions in addressing the pandemic, including the Legislature's swift action in March (before recessing) to pass \$100 million in funding for schools (about \$17.27 per ADA) and protections against lost funding from school closures, as well as Congress' action on the CARES Act, which includes about \$2 billion for California K-12 schools.

- » **Tell your story! Emphasize that schools remain an essential service.** It is critical to talk to your representatives about all that has been happening in your schools since March to implement and support distance learning, to serve nutritious meals to students and families, to clean schools, and to provide child care. It is also critical that state and federal representatives know what it is going to take in your community to reopen schools safely, including operating classrooms and other school facilities with physical distancing measures in place, transporting students while maintaining physical distancing, supplying appropriate personal protective equipment (PPE) to staff and students, providing nutrition services, expanding school cleaning to include ongoing disinfecting throughout the school day, etc. Be ready to talk . It is critical to talk to your representatives about all that has been happening in your schools since March to implement and support distance learning, to serve nutritious meals to students and families, to clean schools, and to provide child care. It is also critical that state and federal representatives know what it is going to take in your community to reopen schools safely, including operating classrooms and other school facilities with physical distancing measures in place, transporting students while maintaining physical distancing, supplying appropriate personal protective equipment (PPE) to staff and students, providing nutrition services, expanding school cleaning to include ongoing disinfecting throughout the school day, etc. Be ready to talk about:
 - › **Spring implementation of distance learning:** All that your schools have done this spring to provide distance learning, including purchasing devices and providing broadband access, professional development for teachers and other staff, nutrition services and the number of meals provided, etc.
 - › **Plans to reopen in the fall (and summer):** All that is being planned to reopen safely, including expected smaller class sizes, hybrid learning models using a combination of classroom time and distance learning, increasing transportation costs due to physical distancing on school buses, increasing costs due to additional cleaning and disinfecting throughout the school day, new and continued demands on school nutrition programs.
 - › **Special education:** How are you adjusting to meet the needs of students requiring special education and working to ensure that as many IEP requirements as possible are met?
 - › **Child care:** Have you been able to offer child care to families in need during the outbreak? Will that continue in the fall, especially if you are offering hybrid programs and need to expand childcare for working families.

The Governor's May Revision estimates a total decline of \$19 billion in K-14 education funding from the proposed January Budget. The reduction in the Proposition 98 minimum guarantee, when combined with statutory technical adjustments and new revenues, creates a shortfall of \$15.1 billion for K-12 schools through the next fiscal year, 2020-21. The 10 percent cut (\$6.5 billion) to the Local Control Funding Formula, as well as to the add-on grants such as home-to-school transportation, along with various cuts to the remaining categorical programs, including adult education and career technical education, will strip school districts and county offices of education of the resources needed **to reopen schools safely, which is critical to the recovery of our state's economy.**

CSBA supports a number of the proposals in the May Revision including a 3-year suspension of the net operating losses and limitation on business incentive tax credits, the redirection of funding to CalSTRS and CalPERS to further reduce employer contribution rates in 2020-21 and 2021-22 by as much as two percentage points, and the maintaining the January budget proposal of \$645 million to increase special education base rates, and increasing oversight of local ERAF calculations in counties to ensure all local revenues (\$350 million annually) accrue to schools as required by law.



However, the proposed cuts to education funding, even with the proposed attempt to backfill those cuts for some schools with federal CARES Act money, will prohibit the ability of schools to provide a healthy and safe environment in which to reopen and to stimulate the state's economic recovery.

- » **Local Control Funding Formula [LCFF] Reduction:** The May Revision proposes a \$6.5 billion [10 percent] reduction to the LCFF. The reduction applies to all components of LCFF including base grants, grade-span adjustments, supplemental and concentration grants, and the LCFF add-ons of Home-to-School Transportation and Targeted Instructional Improvement Grants.
 - › What is the impact to your district/county office?
 - › The per-student cut?
 - › The per-classroom cut?
 - › What is the expected shortfall between these proposed cuts and your expected costs in the fall?
 - › Note that the Governor proposed to utilize federal CARES Act monies to soften the impact of these cuts, but the proposed distribution of the funds will not offset cuts in all districts and counties.
- » **Cuts to categorical programs:** In addition to cuts to the LCFF, the May Revision proposal includes 10 percent cuts to several categorical programs, such as adult education but also 50 percent reductions to the Career Technical Education Incentive Grant and also to the K-12 Strong Workforce Program.
- » **Apportionment deferrals:** Also proposed is a return to the use of apportionment deferrals to help the state balance its books and soften its own cash flow problems while increasing the cash flow challenges of LEAs. The governor is proposing to defer most of the upcoming June apportionment into the following month and then also proposing to defer a portion of the April and most of the May and June apportionments next year (2020-21) into the early months of the 2021-22 fiscal year. While this still allows school districts and county offices of education to budget at the same levels, deferrals cause months of dry funding periods that need to be financed either by using local reserves or pooled borrowing programs such as [CSBA's School Cash Reserve Program](#).
 - › An issue relating to cash flow and deferrals that is not in the May Revision but is being considered by county governments is to pull away from what is known as **Teeter Plans**. Counties that are in Teeter Plans pay property taxes to local entities, including school districts and county offices of education at the amount owed whether the taxes have been paid on time or not. Then the counties are able to keep delinquent penalties and interest. Counties are looking to opt out of their plans, thus allowing them to NOT PAY property taxes owed to local entities, including school districts and county offices of education on time. This will create additional cash flow problems for schools, whether LCFF funded.
- » **Special education:** The budget proposal includes an increase in the AB 602 base rate to \$645 per pupil but it does not include a COLA, nor does it address issues relating to costs covering services to students with moderate to severe disabilities. These costs that are increasing at an exponential rate, especially during the challenges presented by physical distancing and shelter-in-place orders.
- » **Need for a state bond:** CSBA is urging the Governor to call for a \$2 billion bond for the November 2020 ballot to fund local broadband access statewide, particularly in rural areas; to purchase hardware; and to support health and safety needs relating to COVID-19.
- » **Hold harmless:** Remind legislators that education funding must be "held harmless" going forward as schools continue providing services, such as expanded distance learning for all students, expanded meal provisions and other associated costs. Know your numbers and Examples section here.



- › **Know your number.** Wherever possible, cite the percentage by which you estimate your per-student costs increased in the current year and will rise in 2020–21 (especially if that percentage is greater than the current 2.29 percent proposed COLA). Provide local examples of why protecting base funding is critical, especially in the era of COVID-19.

EXAMPLES:

- › Programs you have cut or are considering cutting, either before the outbreak or as a result of it.
- › Layoffs of certificated staff made on or before March 15 and/or layoffs of classified staff; provide specific examples of which positions are affected, if applicable.
- › Remind legislators and staff that your LEA may be forced into laying off the same staff members who have been directly serving students during the COVID-19 crisis.

- » **Increasing costs:** Cite impacts on your current and future budgets from increasing employers pension costs, higher healthcare costs, increasing mandated costs, and additional costs associated with COVID-19 such as distance learning, personal protective equipment, and additional sanitation supplies. Note that the Legislature passed, and the Governor signed, 14 state mandates in 2019 that will cost schools as much as \$1 billion annually in new costs.

Federal proposal: Congress approved the CARES Act in March, which provides \$2 billion in funds to California schools (\$13.5 billion was provided nationally). But those funds do not cover the costs to LEAs in retooling education programs for distance learning, providing nutrition and child care services, and transportation. An additional investment is needed from the federal government of at least \$175 billion to help cover costs to schools between now and the end of the next fiscal year. The House passed the HEROES Act two weeks ago, providing \$75 billion for all levels of education but the measure has not been received well in the Senate. Urge members of Congress to work to get another substantial investment in education through both houses as soon as possible.

- › **Know your number.** Similar to conversations with state legislators, know what increasing costs your district/county programs have already incurred and what costs lie ahead as you plan for summer programs to address learning loss and as you look to the fall to reopen schools.
- › **Federal special education.** In addition to funding issues, there is a need for Congress to waive certain requirement of the Individuals with Disabilities Education Act (IDEA) to allow services to be offered in a way that complies with physical distancing and distance learning. Specifically, allowing for LEAs to meet Free Appropriate Public Education (FAPE) standards using a “good faith” standard for services provided during this time. Capping attorneys’ fees would also go a long way in stretching special education dollars and ensuring services are provided to students.

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Tips for a successful meeting (physical-distancing edition)

- » **Know the platform:** If using Zoom, GoToMeeting or a similar webinar platform, make sure all meeting attendees are familiar with the platform and have the log-in information.
- » **Prepare local information:** Bring info relevant to the agenda to distribute via email or screenshare during the meeting, if your platform allows.
- » **Game plan:** Establishing what each attendee will discuss is helpful to avoid attendees talking at the same time — a common issue in web-based meetings or conference calls.
- » **Ask how much time you have and honor that time.**
- » **Do not dominate the meeting:** Make your point and allow others to participate.
- » **Cover the topics succinctly:** Allow time for your representative/staff to ask questions.
- » **Don't be afraid of what you don't know:** If you do not know the answer to a question, it is much better to say, "I don't know the answer" than to provide information that may be wrong. Also, be sure to tell your legislator you will follow up with them and their staff once you get the answer.
- » **Follow up:** Honor any commitments made during the meeting, such as providing more information.
- » **Plan your next meeting:** Whenever possible, arrange recurring meetings to discuss the impacts of COVID-19 and your local response on an ongoing basis.
- » **Keep CSBA informed:** Please email Governmental Relations (govrel@csba.org) if follow up is needed.

