



RIVERSIDE COUNTY  
OFFICE OF EDUCATION  
JUDY D. WHITE, Ed.D.  
County Superintendent of Schools



Los Angeles County  
Office of Education  
Serving Students • Supporting Communities  
Leading Educators



Central Valley Education Coalition



CALIFORNIA'S  
COALITION  
for ADEQUATE  
SCHOOL HOUSING<sup>SM</sup>



May 12, 2020

The Honorable Nancy Pelosi  
Speaker of the House  
1236 Longworth House Office Building  
Washington D.C., 20515

The Honorable Kevin McCarthy  
House Minority Leader  
2468 Rayburn House Office Building  
Washington D.C., 20515

**RE: COVID-19 FUNDING RELIEF & FLEXIBILITY FOR SCHOOLS**

Dear Speaker Pelosi and Minority Leader Kevin McCarthy:

The above organizations are writing to express our appreciation for the \$13 billion in aid provided in the Coronavirus Aid, Relief, and Economic Security (CARES) Act and to urge the California delegation to support

Governor Newsom's request for \$1 trillion in additional relief funding, including financial assistance and flexibility for K-12 education. Absent additional federal funds, California schools, which are already underfunded, expect to experience \$18.3 billion in cuts over the next two years.

Teachers and administrators are working hard in California to support students and families during this crisis. In addition to providing distance learning to six million students, we are stepping in to provide food to the more than three million newly unemployed Californians, help with connectivity and devices to assist the approximately two million students with inadequate access to online learning, and offering social emotional support to families that are struggling with feelings of isolation and depression. We are also helping to prop-up COVID-19 mass testing sites, securing childcare and personal protective equipment (PPE) for essential workers, and deep cleaning facilities so that they can be brought back online.

As schools and educators endeavor locally to meet the needs of our students and staff, we urge the California Caucus to fight to protect the fiscal stability of our state's education system. Specifically, we suggest that Congress look to the \$100 billion in education funding provided in the 2009 American Recovery and Reinvestment Act as a model and consider that many economists predict COVID-19 will have a more deleterious and swift impact than the Great Recession. To that end, we provide the following recommendations to our delegation in D.C.:

**Authorize an additional \$175 billion in federal relief funds for distribution to schools in 2020-21 and 2021-22.** Economists estimate that COVID-19 will decrease state and local revenues by 15 to 20 percent over the next two years and create a \$175 billion gap in nationwide education funding. Without additional federal relief funds, schools will be forced to lay off staff, discontinue student supports, and decrease the quality of instructional programs. Alternatively, by approving a federal relief package that includes a significant investment in schools, Congress can support student achievement while also stimulating the economy and ensuring job security for nearly 800,000 California school employees. We urge the delegation to support a \$175 billion stimulus investment in public schools, at least 90% of which would flow directly to school districts based on the number of students enrolled and which could be used to backfill revenue losses.

**Create a \$13 billion Emergency Relief Fund for increased costs associated with serving students with IEPs during the COVID-19 crisis.** Schools expect to see a significant increase in compensatory education requests and Free and Appropriate Public Education (FAPE) litigation in 2020 due to mandatory mid-year school closures. We urge Congress to support districts that may otherwise be bankrupted by these increased costs by creating an Emergency Relief Fund.

**Establish a dedicated \$2 billion fund within the E-Rate program to reimburse schools for purchasing laptops, tablets, hotspots, and other computing and connectivity devices for students and teachers.** Post COVID-19 surveys indicate that approximately 2 million California students cannot fully transition to online distance learning because they do not have adequate access to an appropriate computing device at home. While 95% of households have a computing device, most families do not have enough devices to support simultaneous learning for all students in the home. E-rate rules currently only provide financial assistance for internet connectivity and infrastructure. We urge Congress to establish a new fund within E-rate that provides discounts to schools purchasing computing and connectivity devices.

**Instruct the FCC to expand the E-Rate eligible services list to include offsite mobile broadband and increase Category 1 by \$2 billion.** Many California schools have provided students and teachers with mobile broadband devices and are paying monthly connectivity fees. While this cost is not sustainable in the long term, it is a stop-gap employed by some schools to ensure that students have access to online distance learning resources during school closures. However, current FCC regulations generally prevent schools from accessing the E-Rate discount when paying connectivity fees for mobile broadband services provided off-site. We urge Congress to direct the FCC to amend E-rate rules so that districts can more easily subsidize broadband connectivity for students and teachers engaged in distance learning during the pandemic. We also ask Congress

to increase the Category 1 cap by \$2 billion to support the increased demand that would result from such a rule change.

**Include public employers in the Payroll Tax Credit authorized by the Family First Coronavirus Response Act.** School districts are the largest employer in the United States and are on the front lines responding to the current pandemic. School staff are meeting urgent gaps in our communities by continuing to provide meals, childcare for essential workers, and propping up neighborhood testing sites, all while continuing to provide distance learning. As schools contemplate reopening physical locations in the fall, we face difficult questions about how to withstand the fiscal pressure of policies that will prevent the spread of COVID-19 while also experiencing severe budget losses. We urge Congress to extend the Payroll Tax Credit to local education agencies so that we, like private businesses and nonprofits, can offset increased personnel costs associated with emergency sick leave.

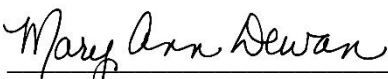
**Ensure that Child Nutrition Program sponsors are reimbursed for all meals distributed via COVID-19-related school closures.** While we greatly appreciate USDA's swift response to the pandemic, many of California's 1000+ districts have struggled to stay abreast of the Departments' prolific waivers and guidance documents. We urge the USDA to reimburse schools for all meals served during the pandemic so long as the district acted in good faith to provide meals to families in need.

**Direct the Secretary of Education to temporarily waive IDEA administrative requirements that have no appreciable impact on student services or FAPE.** Secretary DeVos has requested the Congressional authority to waive IDEA Part C to Part B transition evaluation timelines, extend Part C eligibility to avoid a gap services, and defer Part D work and repayment requirements. We urge you to grant the Secretary's requests. In addition, we ask Congress to direct the Secretary to provide the following flexibilities that would have no appreciable impact on FAPE but would ensure that schools can focus on serving students:

- Clarify that prior written notice or IEP amendments are not necessary when implementing schoolwide distance learning plans.
- Grant states and districts the flexibility to use 2019-20 as the Maintenance of Effort (MOE) comparison for the next two fiscal years.
- Waive the Part B set-aside for significant disproportionality through 2020-21.

We appreciate your consideration and encourage Members of the California delegation to reach out to their local schools to learn more about how teachers and staff are supporting the students in their communities during this crisis. If you have questions or would like to discuss the content of this letter, please contact Amanda Dickey, Director of Government Relations, at [adickey@sccoe.org](mailto:adickey@sccoe.org) or 530-301-3510.

Sincerely,



Mary Ann Dewan, Ph.D.  
County Superintendent  
Santa Clara County Office of Education



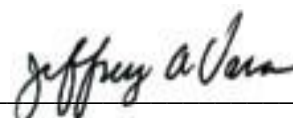
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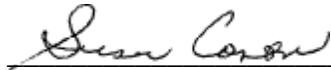
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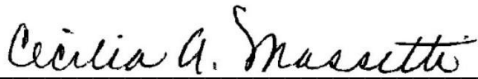
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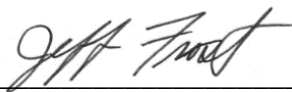
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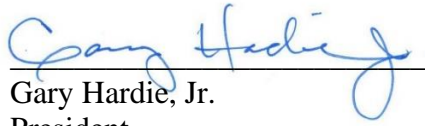


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Cc: Members of the California Congressional Delegation  
The Honorable Tony Thurmond  
Julian Cuevas, Department of Education  
Joseph Saenz, Department of Education  
Ben Chida, Office of Governor Newsom  
Jennifer Johnson, Office of Governor Newsom  
Megan Baier, Office of Senate President Pro Tempore  
Misty Feusahrens, Office of the Speaker of the Assembly  
Jessica Holmes, Department of Finance  
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Tanya Lieberman, Assembly Education Committee  
Lynn Lorber, Senate Education Committee