



January 22, 2021

Assembly Member Patrick O'Donnell, Chair
Assembly Education Committee
1020 N Street, Room 159
Sacramento, CA 95814

Assembly Member Philip Ting, Chair
Assembly Budget Committee
California State Assembly, State Capitol
Sacramento, CA 95814

Assembly Member Kevin McCarty, Chair
Budget Subcommittee No. 2 Education Finance
California State Assembly, State Capitol
Sacramento, CA 95814

Sent via email.

Re: Budget Recommendations Regarding School Reopening & Extended Learning Plans

Dear Chairs O'Donnell, Ting and McCarty:

We represent a coalition of civil rights, advocacy, community, parent, student and other organizations who have worked diligently on passage and implementation of the Local Control Funding Formula (LCFF) and are committed to its principles of equitable funding, transparency, robust community engagement and accountability for creating a more equitable and just public school system in California.

We write in response to the Governor’s January budget proposals for K-12 education and two Assembly bills, AB 10 (Ting) and AB 104 (Gonzalez); more specifically, we write to address their proposals to spur the reopening of schools and to offer extended learning opportunities to redress the lost instructional time occasioned by the COVID-19 pandemic. We want to stress that the Legislature enacted Senate Bill 98 into law on June 29, 2020, requiring school districts to offer in-person instruction “whenever possible” and “to the greatest extent possible” during the pandemic so that students with special needs are not permanently left behind. To the extent that these proposals further the intent of that statute, which requires local educational agencies to already be providing in person learning opportunities, with incentives and direction to expand from that scope, we offer these comments.

Families across the state are hurting, and, for many, their public school is where they first turn for help. The services provided by California’s K-12 public schools are key to protecting children and families from the harms caused by this health and economic crisis, and to allowing our economy to get back on track.

As the Legislature makes the difficult decisions necessary to address this dire situation, we urge you to keep equity foremost in mind. As you are aware, the pandemic has exposed deep inequities in our society, and the most severe impacts of COVID-19 have been borne by those who traditionally have been the most under-resourced and who already were experiencing the highest educational and social-emotional needs. Students of color, low-income students, LGBTQ youth, foster youth, youth experiencing homelessness, English Learner students, children in the juvenile justice system, and students with disabilities have all been disproportionately impacted by school closures and interruptions to essential services.

As we realize the one-year anniversary of COVID-19 arriving in the U.S., acknowledge the suffering arising from 400,000 deaths and millions sickened and pushed out of work and into trauma by the pandemic, we urge the Legislature to build on the equitable commitments to date reflected in the 2020-21 budget and education trailer bills. As we look ahead to widespread vaccinations, to schools reopening and students returning to school, we urge the Legislature to craft safe, equitable, robust and restorative plans for our children, educators and broader school communities. Accordingly, as you consider the Governor’s school reopening and extended learning grant programs and AB 10 and AB 104, we offer the following comments and recommendations:

Governor Newsom’s School Reopening Proposal & AB 10 (Ting):

- *We support offering school reopening as an option as soon as can be safely done.* For the most part, distance learning has not been a positive experience for the highest-need students; they would benefit academically and social/emotionally with a return to in-person instruction.
- *That said, parents need to be able to continue with a distance learning option where they are not comfortable returning until the pandemic is under control.* This remains a common, though not universal sentiment expressed by many parents and families among our constituents and partners. As such, we do not support at this time a mandatory return to school for students and families (unless exempted by medical fragility, for example). Instead, we support the Governor’s approach to require districts to offer in-person instruction while still requiring distance learning be in place as an option for families.

- Efforts should be made to get all schools open for those families who want to return as soon as can be safely done. To fulfill the State’s non-delegable constitutional duty to ensure basic educational equality for all students, it is inadequate to allow the reopening option to be determined only by local decisionmakers as the Governor proposes. This could lead to an ad hoc and inequitable tapestry of educational opportunities. Also, the very real possibility remains that, despite best efforts, districts and unions will not be able to come to agreements by February or March 1st to take advantage of the Governor’s proposed reopening grants. Instead, *we believe the core aspects of the Governor’s proposal and AB 10 should be combined, whereby local districts and unions can be given an opportunity to reach agreement on reopening plans but, if they are unable to do so, then the State should impose statewide reopening standards and protocols for those not reaching agreement.* Ideally these statewide reopening standards would be negotiated between the State and the leaders of statewide labor groups.
- Such standards and protocols should address both health and safety and instructional time minimum requirements for in-person instructional offerings.
- Extra efforts to ensure equitable reopening options are offered will be needed in the most COVID-impacted communities—which are also those with the most low-income students and students of color. For starters, *to assist the most COVID-impacted communities with reopening, county departments of health must coordinate with school districts to help expedite access for students and families returning to in-person learning.* Educators and districts on track to return in-person should be prioritized for vaccines; also, educators and then students in the most impacted communities should be advanced in the vaccine queue ahead of other less-impacted areas.
- Also, the State needs to deliver substantial logistical support to districts to make possible the massive amount of COVID testing that will need to take place on a rapid rolling basis to ensure schools in the most COVID-impacted communities are safe. Making the State’s Valencia-based lab available is an important step, but it is not clear that that single lab will have sufficient capacity to meet the task. Other supports will likely be needed in terms of coordinating with private insurers, Medi-Cal, community health centers, deeper outreach and public education, etc. to ensure the most impacted communities will be able to safely reopen.
- *The Governor’s proposed cohort of students that must be brought back should be expanded to include English learners.* Like special education, homeless and foster youth students, ELs have special needs that are not being well-served by distance learning.
- *Similarly, incarcerated youth are among the most vulnerable students in the public school system and should be prioritized for vaccinations and offered tailored academic interventions and supports to address their mental and physical wellbeing.* Throughout the state, youth in the juvenile justice system have experienced increased isolation from their families and community providers because of outbreaks of COVID-19 in juvenile detention facilities and consequent quarantine procedures. They have had limited or no access to internet and technology that would enable them to participate in distance learning. All in all, the pandemic has greatly exacerbated the already restricted access incarcerated youth have to comprehensive education. The State and districts must provide these youth with creative, trauma-informed extended learning opportunities, significantly more access to technology, wraparound mental wellbeing supports, and safe and meaningful in-person instruction and academic interventions.
- Data collection and reporting: the Governor’s proposed data collection and reporting of students and staff attending in-person full-time, hybrid, and via distance learning should further be broken down

by student subgroup so that the public and policymakers can track the educational offerings being experienced by our diverse student population. Also, interim data on the same measures currently being collected pursuant to SB 98 (participation, weekly attendance and engagement) should be reported through a specified part of the school year. Finally, to better understand the impact of pandemic-related challenges on graduation opportunities for high needs students, districts should collect and report data on students who graduated based on state requirements only, versus graduation based on district requirements.

- Reopening grants should also require support of family childcare needs (*e.g.*, drop off/pick-up of children at before- and after-school programs so families can work). *Districts should particularly support transportation plans for foster youth and students experiencing homelessness that wish to return in person but are unable to access other private transportation.*
- Grant recipients should be required to conduct outreach and communicate reopening options in languages families understand and through the most effective one-on-one modality (*e.g.*, home-visits, phone calls).
- *Any school reopening plan should be developed in consultation with local community stakeholders and subject to a public hearing at a school board meeting prior to adoption.*

Governor Newsom’s Extended Learning Proposal & AB 104 (Gonzalez)

- The Legislature should consider requiring and funding all districts to provide extended learning opportunities to redress lost instructional time, lost academic progress, and trauma caused by the pandemic.
- *Any such funds for extended learning should be allocated on the basis of the LEA’s proportion of supplemental and concentration funds statewide.* This formula was used effectively to distribute some \$2.9 billion of CARES Act funding in the 2020-21 budget and, we are pleased to see, is reflected in AB 104’s proposed distribution. Moreover, funds for extended learning should be used for educational services in addition to what LEAs provide with LCFF funds; these dollars should supplement, not supplant LCFF and federal funding. The Governor’s allocation of \$1,000 per homeless youth is an important step but, overall, the Governor’s proposal is not as equitable as we propose as it includes base funds in its allocation formula.
- *Any such extended learning program should ensure a truly restorative return to school for students. This means they should not face traditional drill and kill “summer school” style remediation but instead receive innovative, rich and engaging learning opportunities that creatively blend academic supports with enrichment.* This approach is supported by research on quality summer and expanded learning programs. There is a wealth of research available to support the feasibility and efficacy of such programs.
- *Any extended learning program should also provide tailored social/emotional and mental health supports to redress COVID trauma, both in and outside of classrooms, and utilize a culturally affirming approach to social/emotional support.*
- This investment should be aligned with and leverage our existing expanded learning system and system of support that already serves half a million students every year and offers a great deal of infrastructure, experience and knowledge upon which to build.

- The program should not be limited to “summer school” but should include extended learning opportunities this school year if possible, as well as next school year and targeted tutoring. AB 104 proposes one such approach in requiring that at least 50% of funds be spent before the start of the 2021-22 academic year while also allowing the remainder to be spent during the 2021-22 year.
- *Any extended learning program should require the engagement of local community partners (e.g., community-based non-profits) in planning and operation of these programs and reimburse them for their participation.* These partners are critical for identifying and engaging disconnected students and for providing both enrichment activities and social and emotional supports.
- *Any extended learning plan should be vetted with local community stakeholders and subject to a public hearing at a school board meeting prior to adoption. Stakeholders, particularly students, parents, and educators, should be involved in the ongoing implementation and evaluation of the extended learning plan in alignment with a continuous improvement approach.* AB 104 proposes many provisions in this regard but does not appear to require consultation with local stakeholders.
- Any extended learning plan should specify how services will be targeted toward different grade levels (e.g., TK-3rd graders will require different types of supports than 11th-12th graders). Specific strategies for reaching out to, re-engaging and supporting students who are in jeopardy of not graduating (based on indicators such as chronic absenteeism, grades, and staff/family referrals) must be included in the plan.
- Both school reopening and extended learning program funds should require fiscal reports and audits to ensure the public is aware of how the funds were spent and has assurances monies were spent properly.

We believe that you share our commitment to equity and will do everything possible to help California’s highest-need students recover from and flourish following the COVID-19 pandemic. Accordingly, we urge you to incorporate these recommendations into the state’s reopening and extended learning programs to redress the educational and social emotional harms wrought by the pandemic and to best serve California’s high-need students.

Sincerely,

John Affeldt
 Managing Attorney, Education Equity
Erin Apte
 Legislative Counsel
 Public Advocates

Khydeeja Alam Javid
 Director of Government Relations
 Advancement Project California

Maria Brenes
 Executive Director
 InnerCity Struggle

Pastor Samuel J. Casey
 Executive Director
 Congregations Organized for Prophetic
 Engagement

Amalia Chamorro
 Associate Director
 UnidosUS

Patricia Chavez
 Director of Policy
 Parent Institute for Quality Education

Jan Gustafson-Corea
Chief Executive Officer
California Association for Bilingual
Education

Maria Echaveste
President and CEO
Opportunity Institute

Martha Hernandez
Executive Director
Californians Together

Taryn Ishida
Executive Director
Californians for Justice

Sarah Lillis
Executive Director
Teach Plus

Jessica Maxwell
Deputy Director, Compassionate Systems CA
Atasi Uppal
Senior Policy Attorney
National Center for Youth Law

Sandy Mendoza
Director of Advocacy
Families in Schools

Jennifer Peck
President & CEO
Partnership for Children & Youth

Kristin Power
Government Relations Director
Alliance for Children's Rights

Angelica Salazar
Director of Education Equity
Children's Defense Fund-CA

Kathy Sher
Legislative Attorney
ACLU of California

Araceli Simeón
Project Director
Parent Organization Network

Megan Stanton-Trehan
Director & Adjunct Professor
Youth Justice Education Clinic
Center for Juvenile Law & Policy
Loyola Law School

Samantha Tran
Senior Managing Director, Education
Children Now

Natalie Wheatfall-Lum
Director of P-16 Policy
The Education Trust-West

cc: Assembly Member Kevin Kiley
Assembly Member Steve Bennett
Assembly Member Megan Dahle
Assembly Member Alex Lee
Assembly Member Vince Fong
Assembly Member Dr. Joaquin Arambula
Assembly Member Richard Bloom
Assembly Member Wendy Carrillo
Assembly Member David Chiu
Assembly Member Jim Cooper
Assembly Member Jim Frazier
Assembly Member James Gallagher

Assembly Member Cristina Garcia
Assembly Member Jones-Sawyer
Assembly Member Tom Lackey
Assembly Member Devon J. Mathis
Assembly Member Jose Medina
Assembly Member Kevin Mullin
Assembly Member Adrin Nazarian
Assembly Member Jim Patterson
Assembly Member James C. Ramos
Assembly Member Eloise Gomez Reyes
Assembly Member Luz M. Rivas
Assembly Member Blanca E. Rubio
Assembly Member Thurston Smith
Assembly Member Mark Stone
Assembly Member Suzette Martinez Valladares
Assembly Member Jim Wood
Assembly Member Rebecca Bauer-Kahan
Assembly Member Tasha Boerner Horvath
Assembly Member Lorena Gonzalez
Assembly Member Al Muratsuchi
Assembly Member Cottie Petrie-Norris
Misty Feusahrens, Education Advisor, Office of the Assembly Speaker
Tanya Lieberman, Chief Consultant, Assembly Education Committee
Marguerite Ries, Senior Consultant, Assembly Education Committee
Christian Griffith, Chief Consultant, Assembly Budget Committee
Nicole Vazquez, Deputy Chief Consultant, Assembly Budget Committee
Erin Gabel, K-12 Consultant, Assembly Budget Subcommittee 2 on Education
Natasha Collins, Principal Consultant, Assembly Appropriations Committee
Carolyn Nealon, Consultant, Assembly Republican Caucus
Robert Becker, Consultant, Assembly Republican Caucus
Ana Matosantos, Cabinet Secretary, Office of Governor Newsom
Ben Chida, Chief Deputy Cabinet Secretary, Office of Governor Newsom
Angie Wei, Legislative Affairs Secretary, Office of Governor Newsom
Joey Freeman, Chief Deputy Legislative Affairs Secretary
Erika Li, Chief Deputy, Budgets, Department of Finance
Jeff Bell, Education Program Budget Manager, Department of Finance
Jessica Holmes, Assistant Education Program Budget Manager, Department of Finance
Tony Thurmond, State Superintendent of Public Instruction, Department of Education
Elly Garner, Director, Government Affairs Division, Department of Education
Brooks Allen, Executive Director, State Board of Education
Debra Brown, Senior Policy Advisor, State Board of Education
Judy Cias, Chief Counsel, State Board of Education
Sara Pietrowski, Policy Director, State Board of Education