



April 22, 2020

The Honorable Greg Abbott
Governor of Texas
P.O. Box 124284
Austin, Texas 78711

The Honorable Mike Morath
Commissioner of Education
Texas Education Agency
William B. Travis Building
1701 N. Congress Avenue
Austin, Texas 78701

The Honorable Harrison Keller
Commissioner of Higher Education
Texas Higher Education Coordinating Board
P.O. Box 12788
Austin, Texas 78711

Re: The CARES Act and Emergency COVID-19 Resource Recommendations

Dear Governor Abbott, Commissioner Morath, and Commissioner Keller,

The undersigned organizations form the Texas Legislative Education Equity Coalition (TLEEC), formerly known as the Texas Latino Education Coalition (TLEC). For decades, TLEEC's member organizations have advocated for the rights of all students to have access to excellent and equitable public education opportunities.

In the coming weeks, states will receive federal relief funds through the Coronavirus Aid, Relief, and Economic Security (CARES) Act to support their response to the COVID-19 crisis. We write to provide recommendations for the equitable use of those and other emergency funds. Specifically, the members of TLEEC stand ready to help TEA and our state government ensure students receive the help they need. With the necessary school closures and the adoption of a range of at-home learning strategies during the pandemic, it is vital we protect our most vulnerable students and the people who educate them. We must ensure that funds are targeted to meet the needs of communities and students who are most likely to be negatively impacted by the crisis, many of whom already face significant educational inequities and barriers.

As you are aware, the CARES Act creates an Education Stabilization Fund, which allocates emergency funding to states through a Governor's Emergency Education Relief Fund, an Elementary and Secondary Schools Emergency Relief Fund, and a Higher Education Emergency Relief Fund. These funds amount to more than \$30 billion, which must be distributed to local education agencies (LEAs), Institutions of Higher Education (IHEs), and other educational entities to provide desperately needed resources and services. To help ensure communities heavily impacted by school closures receive direct assistance TLEEC requests TEA create working groups to address their specific needs.

In addition, TLEEC recommends that the CARES Act funds, along with other federal and state monies, be distributed, used, and monitored in the following ways:

Target Funds Equitably

Funds should be targeted to support programs, services, and resources that meet the needs of the students most impacted by the crisis, specifically English learners, students with disabilities, students from families with low incomes, students experiencing homelessness, immigrant and first-generation students, and students of color. We recommend that funding not only be allocated equitably but that the state fund existing public-school districts rather than funding entities that are not established or part of our communities. This will cut down on any inefficiencies that would stem from establishing both new infrastructures and relationships with families who are already under great stress. These programs, services, and resources should include:

- Compensatory education services and summer learning opportunities to ensure students do not fall further behind academically while schools are closed;
- Access to free internet service, hotspots, software, software licenses, devices, as well as instructions for each of these items, that allow students and families to participate in online learning;
- Testing for diagnostic purposes only to ensure that at-home learning needs are supported; and
- Access to online learning opportunities, including instruction, software, devices, and internet services for students being held in juvenile justice facilities and those who are released from a facility during the COVID-19 crisis.

When there are not viable online options for school districts, funds should be invested in other forms of educational support. These can include hard copies of instruction materials and transportation services to deliver them directly to students' homes.

Ensure Education for English Learners

TEA should work with families, advocates, teachers, and other bilingual education experts to create clear guidance on how school districts can use funds to provide equitable educational services to English learners (ELs) during the COVID-19 crisis. This guidance should address:

- Protecting the civil rights of ELs while providing at-home learning opportunities;
- Ensuring technology support to families of English learners, including access to internet services, online platforms, devices and instructions for each of these items;
- Monitoring the academic progress and language development of ELs, including through formative assessment methods;
- Ensuring that families of ELs are active participants in education and assessment plans and receive resources and trainings to support learning at home; and

- Providing curricula, instructional materials and teaching methods that are responsive to the unique needs of ELs and are not simply translations of the materials distributed to other students.

Provide Critical Nutritional, Social, Emotional, and Mental Health Supports

The CARES Act created the Pandemic Electronic Benefit Transfer Program to provide nutritional support for students who are losing access to free or reduced-price school lunches due to school closures. To access these funds, a state's SNAP and child nutrition agencies must submit a joint plan to the US Department of Agriculture. We urge TEA to work with the aforementioned agencies to ensure that students and families are able to access this vital assistance in addition to other nutrition assistance programs, regardless of whether they were previously enrolled in the SNAP benefit program.

Funds should also be used to ensure counselors, social workers, and other mental and behavioral health professionals have the resources to support students and families who may be experiencing social, emotional or mental health challenges. These professionals were critical in-person resources for many students prior to the COVID-19 crisis. Now, with additional and ongoing trauma, stressors and unstable life circumstances, it is more important than ever to increase the number of counselors, social workers, and other mental and behavioral health professionals and ensure they have the resources and technology to safely identify student needs and provide appropriate services or referrals. These professionals should also be available to support teachers and other school staff who continue to work during the pandemic.

Ensure Accountability and Transparency

Any district, institution, or agency receiving funds should comply with appropriate accountability and transparency measures. Though it is important to ensure that local school districts are able to respond quickly to the unique needs of students, teachers, and families, it is also important to ensure that limited funds are distributed equitably and used efficiently. Accountability and transparency measures should include:

- A statewide emergency funding distribution and use plan, made publicly available prior to the receipt of funds, that details allocation and use of funds requirements and emphasizes spending transparency;
- Regular meetings between agencies and stakeholders (advocates, parents, students, teachers, administrators, and other experts) to discuss the needs of students, families, and schools; and
- Accounting supports to ensure LEAs and IHEs are prepared to track and report the use of budgets and emergency funds.

Statewide "spending equity guidance" distributed to school districts that provides guidance on how to spend emergency funds equitably, comply with state and federal laws and regulations, and use research-based best practices to support the unique needs of students; and Guidance and data management protocols to ensure FERPA is upheld to protect the privacy of all students, faculty, and administrators as they use new online learning resources.

Provide Access to Local Services and Supports

Federal funds can be used to support entities that meet emergency educational needs of students and families. IHEs must use at least 50 percent of certain CARES Act funds to provide emergency financial aid grants to students to cover school-related and necessary-expenses, including food, housing, and childcare. TEA, LEAs and IHEs should use a portion of the remaining funds to create service repositories

and utilize schoolwide communication platforms to ensure students and families have access to local services and supports, including healthcare facilities, food pantries and delivery services, transportation, childcare and other non-profit community-based organizations that can address needs.

Communicate Consistently with Students and Families

All agencies, LEAs, and IHEs should communicate with students and families to identify needs, challenges, and the best uses of emergency funds. Many students and families are getting limited and constantly changing information about the public health crisis and their schools. These students and families are in the best position to identify the most urgent needs in their homes and communities and the most practical solutions. Because families are experiencing upheavals unlike any the country has experienced in recent memory, it is essential that the state is completely transparent about students' rights around ELL and disability issues. Families will have more understanding of the process, of modifications, delays or attempts at educational continuity if they have the facts at their disposal in a comprehensible manner. Any opacity around educational issues is likely to result in an atmosphere of mistrust and confusion that is counterproductive.

Funds should be used to support student and family surveys, parent liaisons, family engagement specialists, and IHE student support services so that students and families can participate meaningfully in developing policies and practices that impact them. Additionally, funds should be used to locate families who have not had contact with their schools since closures began. One school district reported that it has not had contact with 25% of elementary school families since spring break several weeks ago and has been unable to connect with over 9,000 families in the district¹. This lack of basic interaction means that school-supported learning is not occurring but, more importantly, it means that schools may not be aware of safety concerns or other basic needs of students and families.

Allocate Emergency Funding to Community Colleges

Funds should be used to provide emergency financial assistance to community colleges, primarily for distribution to students who attend school part time. The CARES Act allocates funds to IHEs but bases the funding each receives on the number of full-time students enrolled and the proportion of students who receive Pell grants. This means that schools, particularly community colleges that serve large numbers of part-time students or that serve large numbers of students who are eligible for Pell grants, but do not apply for the funds, may get less funding than other institutions. These schools serve the students who are most likely the most impacted by the COVID-19 crisis because they are working and/or caring for children while attending school. Funding should be targeted to meet the needs of community colleges.

Supplement, not Supplant, State Education Dollars

We urge the state to maintain, and not cut, state education dollars, and use the federal dollars to supplement, not supplant, state education funding. Education disparities faced by our students have only been exasperated by the pandemic, so it is critical that the state maintain funding commitments, using additional emergency monies to help address new COVID-19-related challenges. K-12 makes up nearly 70% of Article III funding and to simply keep pace with inflation or enrollment it is critical that

¹"San Antonio ISD Has Lost Contact With 25% Of Its Elementary Students Since Spring Break", April 9, 2020. Available at <https://www.tpr.org/post/san-antonio-isd-has-lost-contact-25-its-elementary-students-spring-break>.

state dollars are kept whole and not subject to devastating cuts. Ultimately, students and their school districts should not suffer for circumstances out of their control.

Consideration of Re-entry Strategies for Students

The state needs to begin discussions about reentry, virtual or onsite. We must think about the equity issues that will arise once schools open again. Regardless of our efforts, there is likely to be educational gaps exacerbated by an uncertain economic environment and existing equity challenges. When schools open again, educators will absolutely need to gauge educational gaps so that we can address them immediately. To that end, the state should use a portion of emergency funds to begin planning for a non-punitive, diagnostic assessment system to identify the effects of this crisis so that we may look to funding at the levels necessary to help schools with this issue looking beyond the immediate concerns to the future.

Avoid Punitive Measure on Our Students

The COVID-19 crisis has proven that interruptions to our public schools has ripple effects across all our lives. Houses with multiple children do not have the resources to access devices or broadband, and food and shelter insecurities cause greater pressure on these families than ever before. The unprecedented rise in unemployment, the uncertainty about the duration of this pandemic and the intensity of its effects have created a shared experience of loss and anxiety that cuts across all social and economic divisions. Our students are not at fault for any these issues. Additionally, accountability ratings should be suspended for the upcoming 2020-2021 year, with standardized testing only used for diagnostic purposes. Evaluating schools and learning based on pre-crisis measures is neither valuable nor reasonable. This is particularly true for schools in which a high percentage of students have limited to no connectivity and limited academic family or tutoring support. The current crisis renders accountability ratings for both the 2019-2020 and 2020-2021 academic years impossible to accurately and fairly assess, and students should not be punished for this.

We acknowledge and appreciate the many administrators, educators, staff, families, and students working hard to adjust to the rapidly changing world during this time. As you work to develop policies and guidance for emergency funds, we urge you to consider the impacts of your institutional responses on all students, particularly those most impacted by the inequities that are worsened by this public health crisis. Thank you for taking the time to review our recommendations. We look forward to working with you to ensure students receive the resources they need during these unprecedented times.

Our coalition is interested in discussing the above recommendations more in depth and being involved in any stakeholder engagement processes coordinated by your offices and agencies. To ensure educational equity in all facets of the ongoing response to Covid-19, we request that the TEA create working groups concerning each special population listed in this letter and include TLEEC member organizations in their membership given our coalition's expertise and history in advocacy for English learners, students of color, and students from families with limited incomes and resources, among others. We appreciate your continued efforts and look forward to furthering them together. Please do not hesitate to reach out to Ana Ramon, Deputy Director of Advocacy at IDRA, at Ana.Ramon@idra.org, and Fátima Menéndez, Legislative Attorney at MALDEF, at Fmenendez@maldef.org, with any such opportunities or other questions.

Respectfully,

The Texas Legislative Education Equity Coalition

César E. Chávez Legacy and Educational Foundation | Center for Public Policy Priorities (CPPP) | Dr. Hector P. García G.I. Forum | Intercultural Development Research Association (IDRA) | Mexican American Legal Defense and Educational Fund (MALDEF) | Mexican American School Board Members Association (MASBA) | National Association for Chicana and Chicano Studies (NACCS) – Tejas Foco | San Antonio Hispanic Chamber of Commerce | Texas American Federation of Teachers | Texas Association for Bilingual Education (TABE) | Texas Association for Chicanos in Higher Education (TACHE) | Texas Association of Mexican American Chambers of Commerce (TAMACC) | Texas Center for Education Policy at the University of Texas – Austin | Texas Hispanics Organized for Political Education (HOPE) | Texas League of United Latin American Citizens (LULAC) | Texas NAACP | McNeil Educational Foundation for Ecumenical Leadership | UnidosUS (formerly known as NCLR) | Houston Community Voices for Public Education | ARISE