



April 23, 2020

Delivered via e-mail

Dear Member of the California Congressional Delegation:

California is built on a foundation of civil rights and protecting vulnerable populations, including the rights of individuals with disabilities. The educational associations participating in this letter represent California local educational agencies (LEAs) and are relentless advocates of equity for ALL students. We believe all students in California, and the United States, have the right to a free and appropriate public education during this unprecedented time of the COVID-19 pandemic, a worldwide health crisis. The array of services and educational options provided for students during this pandemic is impressive, given the extraordinary circumstances. This pandemic continues to expose and exacerbate inequities in many systems, health care, social programs, and the economy, which shape the public education system in America.

LEAs across the country rapidly shifted to distance learning delivery as their general education foundation. We know many students are not adequately served by these services, and there is additional challenge for many students with Individualized Education Programs (IEPs) who rely on in-person related services for health, speech, occupational, physical, or behavioral therapy and psychological counseling, as well as instructional aides to access education in regular classrooms. During this global pandemic, where school facilities are closed and the greater educational community is doing their best to meet the needs of all

students, LEAs need relief due to these unique circumstances, when individualized and in-person services cannot be provided, and may be challenging or impossible to provide as potential required compensatory service due to a variety of issues including hours in a day, days in a week, and even potentially depleted workforce.

Special education is inadequately funded at all levels and the majority of the cost to educate students with disabilities is left to the state and, in California, LEAs, which are now facing unprecedented financial responsibility during this crisis. The California total special education cost in the 2018–19 school year was more than \$16 billion, which is larger than the total 2020 fiscal year appropriation of \$13.885 billion for the Individual with Disabilities Education Act (IDEA), and the California appropriation of \$1.29 billion covered less than 8% of the total special education cost.

As California’s Congress Members, we are asking you to take action on the following request for funding raised by educational stakeholders. In the next stimulus package, we would respectfully request additional IDEA funding to address the challenges schools are facing in providing special education and related services through distance learning. Similar to the bipartisan American Recovery and Reinvestment Act of 2009, new IDEA funds would provide additional opportunities for states, LEAs, and early intervention service providers to implement innovative strategies to improve outcomes for infants, toddlers, and students with disabilities while stimulating the economy. We hope that as Congress contemplates additional stimulus packages, students with disabilities are a high priority.

Going forward, policy makers should anticipate, and provide additional funding for, extraordinary costs for education services resulting from the potential inability to provide special education and related services due to COVID-19. We recognize many students may experience ongoing effects of trauma, academic loss, potential regression and limited growth, including students with disabilities. For students with disabilities, regression and recoupment considerations raise potentially significant liability issues for LEAs and there needs to be some relief when services and staff, at the state and local levels, are not able to provide the necessary range of services due to the pandemic. In California, we are already experiencing workforce shortages due to illness, childcare, or other caregiving responsibilities. The potential for extraordinary cost claims for education services could result in fiscal insolvency for hundreds of LEAs. Further, the potential provision of remediation education services may extend well past this school year. Any extraordinary costs fund will need to span at least two years following this pandemic.

Thank you for your time and consideration of these funding requests. We have also sent requests for temporary flexibility in the IDEA to the US Department of Education, some of which will require law changes. We continue to be committed to ensuring access and equity to all students to the maximum extent possible during these challenging times. Should you have any questions or concerns, our many organizations would be happy to engage in conversations or be of whatever service we can be for you during this unprecedented time for all.

Sincerely,

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