Dear Secretary of Education Cardona: March 24, 2021

Today as you convene a National Safe School Reopening Summit, the undersigned organizations call upon you to take every action within your power to ensure that the historic education and related investments in the American Rescue Plan (ARP) and its recent precursor, the CRRSA, are utilized to advance education equity for marginalized students. As you said at the March 18, 2021 CAA event, the substantial funds present an opportunity to “reset”, “reshape” and “reimagine” education, establishing a “culture of justice for our students” and of “equity for our families”, including “re-engaging” our students in education, and ensuring that “social/emotional and mental health supports for students”, “especially for our black and brown students who have experienced more trauma” in COVID, are “embedded in schools” that become “trauma-informed” and “restorative”.

Specifically we call upon you, as soon as possible, through letters and/or guidance, to **strongly encourage** SEAs and LEAs to develop detailed plans for both ARP Education funding and more than $54 b. in the CRRSA, enacted late December 2020, that clearly direct the Education funding to particular schools with high concentrations of children in poverty and other marginalized children, and to have the schools use the funding to address inequities (pre-existing and COVID-related) experienced by marginalized children, including through:

■  Training – not just one-off trainings, but series of trainings (possibly with train-the-trainer approach) -- for newly hired and current school leaders, educators, counselors, social workers, RJ staff, special ed behavioral staff, tutors, staff for extended school day, extended year/summer & compensatory education, and other staff, to:

o   increase their effectiveness in addressing instructional loss, especially for marginalized children, including but not limited to embedded training addressing culturally relevant pedagogy and eliminating bias; and

o   utilize restorative, PBIS, MTSS and other effective approaches to handle the vast majority of behavior issues, serving as the alternative to exclusionary discipline and law enforcement involvement in schools, especially for marginalized children;

Training must be culturally-relevant, evidence-based and trauma-informed.

■  Recruitment and hiring educators with culturally relevant backgrounds and training with a focus on recruitment/hiring of teachers of color, and recruitment/hiring and/or contracting with nonprofits with demonstrated effectiveness, enabling those educators and nonprofit staff to also serve as:

* tutors (per the research, a tutoring corps that is selected, trained, paid, supervised, & helping students on work related to their classroom instruction),
* Staff for extended school day, extended year/summer, and
* Staff for compensatory education, etc.,

to address instructional loss, especially that experienced by marginalized children;

■  Recruitment and hiring counselors, social workers, Restorative Justice workers, special ed behavioral staff, etc. -- including through a community schools approach -- to address trauma and behavioral needs, and serve as the alternative to exclusionary discipline and law enforcement involvement in schools; these critical staff members are needed always, but now more than ever due to COVID-related trauma, especially that experienced by marginalized children;

■  Establishing asset-based, culturally competent student/parent/family engagement and outreach approaches that will be ongoing;

■  Establishing cooperative agreements among districts for shared staffing approaches (e.g., therapeutic specialists) to assist marginalized students once the ARP/CRRSA funding ends;

■  Purchasing culturally-relevant and English Learner-appropriate classroom and library materials and curricula, providing needed “mirrors and windows” for all children;

■  Purchasing quality math/science equipment for schools with high proportions of marginalized students, which lack such equipment;

■  Improving data management systems to ensure ACCURATE and TIMELY data on all Civil Rights Data Collection elements (including interactions with law enforcement -- questioning, searches, and seizures -- referrals to law enforcement and school arrests), all ESSA elements (especially the more recent fiscal data transparency requirements), data regarding each district’s amount of and uses of the CRRSA/ARP funds, and longitudinal student data; and

■  An auditor, to accurately track expenditures of funds;

■  While we expect that the next federal aid package (the “Build Back Better” package) will be used for major upgrades to the aging, inadequate and often harmful school physical plant especially for marginalized children (e.g., HVAC system overhaul, safe & plentiful drinking water, kitchen overhaul, remediating lead and asbestos, etc.), there are some quicker/easier fixes that can be done ASAP with these funds to ensure the safe return of children learning in school buildings (e.g., windows, fans, filters, etc.) – see the recent [NY Times article](https://www.nytimes.com/interactive/2021/02/26/science/reopen-schools-safety-ventilation.html).

Further, we call upon you, as soon as possible, through letters/guidance, to **strongly encourage** SEAs and LEAs to ensure that they are maximizing their use of other (non-Education) federal CRRSA and ARP funding, e.g., ARP funding from:

·  FCC $7.2 bil. in E-rate funds for devices and broadband.

·  FEMA $50 b. for PPE (face masks, face shields), vaccines, sanitation of schools

·  Public health: $48 b. for COVID testing/tracing and the HHS $10 b. recently announced for school COVID testing

·  Public health: CDC - $7.5 b. for vaccine distribution; and $5.2 b. for vaccine & supplies procurement

·  Public health staffing: $7.7 b., plus Community Health Centers: $7.6 b., including to administer vaccines

·  School meal program funding, with waivers for flexible delivery, in addition to SNAP & P-EBT for families

·  Mental health treatment $3.9 b. (expanding the funding in CRRSA), in addition to other health care funding

·  Child Care $39 b., Head Start $1 b.

·  Corporation for National and Community Service: $1 b., including staffing to help schools reopen safely

·  There’s also $350 b. in assistance to state/local/tribal governments, which could also support education needs.

We also call upon you, as soon as possible, through letters/guidance, to **prohibit** any use of CRRSA or ARP Education funds for the following and to clarify that these expenses are NOT allowable uses of funds under CRRSA/ARP:

■  School policing, the placement of law enforcement in schools, or interactions with law enforcement beyond their physical presence (e.g., truancy patrols, serving as crisis intervention staff, or serving as collaborators with mental health/counseling teams, etc.), school hardening devices (metal detectors, surveillance, etc.), student threat assessments, arming teachers, etc.

In addition, we call upon you, as soon as possible, through letters/guidance, to **strongly encourage** institutions of higher education to ensure that they are making a top priority for the new $40 b. in higher education funding to help with recruitment and education of educators and other school staffing -- especially educators of color -- to be hired for above purposes.  We also urge you to ensure institutions of higher education are using these dollars in ways to promote the retention of low-income, first generation college students studying to become educators.

Further, we call upon you, as soon as possible, through letters/guidance, to **strongly encourage** schools to communicate with families to help ensure they know how to access the ARP cash payments, unemployment assistance, housing assistance, utilities assistance, refundable tax credits (CTC/EITC), etc. for families in need.

Finally, we call upon you, as soon as possible, through letters/guidance, to **ensure**:

■  Accountability and transparency of how ARP/CRRSA funds are spent (including parent/student-friendly web-accessible expenditure reporting – with contact info for parents/students to ask questions of relevant district personnel);

■  TRUE (NOT “check the box”) community involvement (especially with historically marginalized parents and students) in the development of SEA and LEA plans and ongoing state/local oversight;

■  SEAs and LEAs do not supplant state/local funding (strongest possible interpretation of and enforcement of maintenance of effort – and NOT waiving MOE; and strongest possible oversight and enforcement of new “maintenance of equity” provisions);

■  Federal oversight, monitoring, and evaluation of the impact of expenditures of funds, including the extent to which targeting uses of funds to marginalized children increases Return on Investment; and

■  That statutorily specified funding for specific groups of marginalized children (e.g., students with disabilities under IDEA, and students experiencing homelessness) constitute floors – but not ceilings – of federal funds to help those groups of children.

As you stated at the March 18 CAA event, “equity has to drive everything we do”.  We completely agree.  We thank you for your consideration of these steps, and we look forward to working with you to make them happen.  If you have any questions, please contact Miriam Rollin, Director of the Education Civil Rights Alliance (convened by the National Center for Youth Law), mrollin@youthlaw.org.

Respectfully submitted,

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| ACCESS (Arab Community Center for Economic and Social Services) |
| Activists With A Purpose Plus (MS) |
| Advocates for Children of New York |
| Advocating 4 Kids, Inc (VA) |
| Alaska Youth and Family Network |
| Alliance for Quality Education (NY) |
| Amazing Grace Advocacy (NC) |
| APNI, Inc (PR) |
| Association for Special Children & Families (NJ) |
| Autistic Self Advocacy Network |
| BreakOUT! (New Orleans, LA) |
| California AfterSchool NetworkCenter for Civil Rights Remedies at UCLA's Civil Rights Project |
| Center for Disability Rights |
| Center for Family Involvement @ VCU |
| Center for Law and Education |
| Center for LGBTQ Economic Advancement & Research (CLEAR) |
| Center for Popular Democracy |
| Champions for Children's Mental Health (DE) |
| Child Welfare League of America |
| Children's Advocacy Alliance (NV) |
| Coleman Advocates for Children & Youth (San Francisco, CA) |
| Colorado Children's Campaign |
| Communities for Just Schools Fund |
| Community Inclusion & Development Alliance (Bayside, NY) |
| Council for Children's Rights (Charlotte, NC) |
| Disability Rights Education & Defense Fund (DREDF) |
| Disability Rights Nebraska |
| Disability Rights Tennessee |
| Disability Rights Wisconsin |
| East Bay Community Law Center (CA) |
| Education Deans for Justice and Equity (EDJE) |
| Education Justice Alliance (Raleigh, NC) |
| Education Law Center-PA |
| Exceptional Children's Assistance Center (NC) |
| Family Equality |
| Family Network on Disabilities  |
| Family Support Organization of Passaic County |
| Family Voices NJ |
| Fannie Lou Hamer Center for change (MS) |
| Federation for Children with Special Needs (MA) |
| Federation of Families of Central Florida, Inc. |
| Genders & Sexualities Alliance Network |
| Gwinnett Parent Coaltion to Dismantle the School to Prison Pipeline (Gwinnett SToPP, GA) |
| HUNE (Philadelphia, PA) |
| Illinois Latino Coalition of Education Leaders (ILCEL) |
| INCLUDEnyc |
| Juvenile Law Center |
| Lawyers For Good Government (L4GG) |
| Lawyers' Committee for Civil Rights - San Francisco |
| Learning Rights Law Center (Los Angeles, CA) |
| Legal Aid Justice Center (VA) |
| Maine Parent Federation |
| Michigan Teacher of the Year Network |
| Minnesota Assoc. for Children's Mental Health |
| MomsRising |
| Montgomery Citizens United for Prosperity (MCUP, MS) |
| National Center for Parent Leadership, Advocacy, and Community Empowerment (National PLACE) |
| National Center for Youth Law |
| National Disability Rights Network (NDRN) |
| National Equality Action Team (NEAT) |
| National Juvenile Justice Network |
| National Parent Union |
| National Resource Center on Domestic Violence |
| NEA Foundation |
| Nollie Jenkins Family Center (MS) |
| Our Children Oregon |
| Parent to Parent of Colorado  |
| Parents Helping Parents, Inc. (San Jose, CA) |
| Parents Reaching Out to Help (NM) |
| Partnership for America's Children |
| PEAL Center (PA) |
| Players Coalition |
| PowerOn, a program of LGBT Technology Institute |
| Project KnuckleHead |
| Public Advocacy for Kids (PAK) |
| Public Counsel |
| Public Education Matters Georgia |
| RESULTS |
| RI Parent Information Network |
| Southeast Asia Resource Action Center (SEARAC) |
| SPAN Parent Advocacy Network (SPAN NJ) |
| Special Education Equity for Kids in Connecticut (SEEK-CT) |
| SPLC Action Fund |
| Starbridge (Rochester, NY) |
| Strategies for Youth |
| SWIFT Education Center |
| Texas Appleseed |
| Texas Parent to Parent |
| The Advocacy Institute |
| The Children's Agenda (Rochester, NY) |
| The Education Trust |
| The Parents' Place of MD |
| THRIVE Center (CO) |
| United We Stand of New York |
| Vermont Family Network |
| Voices for Vermont's Children |
| Washington State Community Connectors |
| Westchester Children's Association (NY) |
| Youth on Board |