



April 23, 2020

Dear Governor Kemp and Superintendent Woods:

We, the undersigned civil rights and education equity organizations, write in response to the opportunity to implement the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act for the Georgia Department of Education and to submit waiver requests to the United States Department of Education (ED). Like you, we are deeply concerned about this once-in-a-generation pandemic and the short- and long-term effects it will have on students and families in our state. We are particularly concerned about the plight of Georgia's most vulnerable students and families, and we want to encourage the state and local school districts to prioritize the needs of students from low-income families, English learners, and other historically underserved students and families. As you receive funding awarded from the CARES Act and carry out the waiver relief granted to Georgia by ED, we urge you to consider the following:

- 1) Ensure that any state or Local Education Agency (LEA) waiver request is posted on the homepage of the Georgia Department of Education's website for at least 5 business days, and that daily notices are sent to the public using a variety of mediums that such waiver requests have been posted for public comment**

The CARES Act requires that any state or LEA seeking a waiver request from ED make their waiver request available for public comment, and that the Department must provide notice of and the opportunity to comment on the request by posting information regarding the waiver request and the process for commenting on the Department's website. To ensure that any request does not negatively impact students from low-income families, students of color, students with disabilities, and other historically underserved students, we request the Georgia Department of Education to provide sufficient notice and time for the public to comment on the waiver being sought and the implications for students and educators.

- 2) Ensure public transparency within the Education Stabilization Fund in the CARES Act**

The CARES Act awards [\\$965.8 million](#), including \$403.2 million for higher education, to the State of Georgia from the Education Stabilization Fund. These funds are extremely flexible in how they

can be spent. We urge the state to expend these funds through the most equitable and transparent means, ensuring that students of color, students from low-income families, English learners, and others who are historically underserved are supported to the fullest extent. We ask that the funding allocation methodology to local districts and institutions of higher education granted through the Education Stabilization Funds is made public through the Department's website. The Department should also require LEAs to report, with specificity, how the LEAs used CARES Act funding to reduce education inequities for marginalized students during the school closure, over the summer, and once schools reopen, and to provide maximum transparency on reported uses of federal funds.

3) Articulate measurable equity goals and include them in a publicly-accessible state plan for recuperating lost instructional time and improving student achievement for historically underserved students

As you know, the students that will be most severely affected by an extended school closure are the students who have little or no access to instructional technology and support and may already be academically behind in our state. In Georgia, between 37 and 43 percent of students in grades 3 through 8 are proficient on the state's English Language Arts end-of-year Milestones Assessment. For Black students, proficiency levels decrease significantly, with nearly 30 percent fewer Black students scoring in the "Proficient" or "Distinguished" category than their white peers. The gaps in educational opportunity during this crisis will only serve to widen those achievement gaps. While extended school closures may be necessary from a public health perspective, this will inevitably have adverse academic effects for students of color, students from low-income families, and English learners who have little or no access to technology and high-quality learning resources outside their school building. The equity plan should be made public and allow residents and interested organizational parties to make public comments on the plan. We also urge the Department to include a framework and tools schools can use to address academic and the non-academic needs of low-income students and other vulnerable students.

4) To the extent possible, adhere to Maintenance of Effort provisions outlined in the CARES Act

As you know, the CARES Act passed by Congress and signed by President Trump at the end of March includes a \$30.75 billion Education Stabilization Fund, through which Georgia is estimated to receive \$105.4 million for the Governor's Emergency Education Relief Fund, \$457.2 million for K-12 schools, and \$403.2 for institutions of higher education to address educational needs stemming from the COVID-19 pandemic. In particular, the Department must allocate 90% of the Elementary and Secondary School Emergency Relief Fund to school districts for a wide range of uses related to addressing the COVID-19 pandemic and school closures. While the CARES Act includes a maintenance of effort provision, requiring states receiving emergency relief funds to hold school funding at least 90% of current levels in this and the upcoming fiscal year, the CARES Act also allows United States Secretary of Education Betsy DeVos to waive this requirement (as is also allowed under ESSA).

We urge the department to adhere to ESSA's maintenance of effort requirement. [Funding analysis](#) by the Education Law Center shows a decade of disinvestment in public schools. Further, schools in the United States are already among the [most inequitably funded](#) of any industrialized country—creating dramatic disparities in educational opportunities and outcomes for children. Students from low-income families and students of color experience the greatest disparities, despite the [research](#) showing the benefits of adequate and equitable funding for schools, including improved test scores and graduation rates and the closing of the education attainment

gap. Georgia funds public education at \$9,861 per student, well below the [national average](#). To improve student achievement, historically underserved students will need more resources, not fewer, to address the lost instructional time, stress, and trauma caused by this crisis. This is especially important as underfunded school districts work to transition entire student populations and their educators to digital learning platforms. We also ask that the Department require districts to put forward plans to continue serving students with disabilities in addition to adhering to the maintenance of effort provision.

5) Make public a comprehensive plan to bridge the digital divide between students in both urban and rural communities, as well as between racial and socioeconomic subgroups

An encouraging sign during this pandemic throughout the southern states, including in Georgia, has been the innovative means through which school and system leaders are attempting to narrow the opportunity gap for students who lack technology and internet access. These attempts include strategies ranging from public-private partnerships with telecommunications companies, to technology lending programs offered through individual schools and LEAs. The Southern Education Foundation (SEF) is working to make digital learning more accessible to every student by officially partnering with [Wide Open School](#) to create an open-source digital learning platform.

Until now, states have not been forced to reckon with the disparities in technology and internet access between affluent students and low-income students. However, as prolonged school closures have prompted LEAs to switch exclusively to technology as a means for continued instruction, Georgia's primary concern for instruction should be to ensure that the perpetual gap in academic outcomes between student subgroups does not widen as a result of disparate opportunities to access distance learning programs. For example, according to the Brookings Institution, [Black](#) households have a broadband adoption rate of just 82%, which is 12% lower than white households. Additionally, nearly [20%](#) of Black children ages 3-18, as well as families earning less than \$40k a year, have no access to the internet at home. At a minimum, the plan should describe how the state will expand broadband and access to devices, as well as professional training for educators, school district leaders, and parents on effective strategies to reduce education inequity during the COVID-19 school closures.

We also ask you to ensure that any curriculum, digital or otherwise, is accessible and differentiated for English Learners (ELs) and students with disabilities. This includes appropriate speech and language services. The implementation of the provisions outlined in the Department's assessment waiver should ensure that the educational needs of both of these populations are still met, pursuant to standards- and assessment-related measures within Section 1111 of ESEA. Finally, we ask that you make the necessary investments in educator and other school personnel development such that they can effectively use technology to provide personalized instruction to all students and the supports they need to succeed.

Thank you again for the opportunity to provide comments regarding the implementation of the CARES Act. We would welcome the opportunity to discuss our recommendations in a meeting with you and your staff. If you have any further questions regarding our comments, please reach out to SEF's Director of Government Affairs and Public Policy, Fred Jones, at fjones@southerneducation.org. We look forward to hearing from you soon.

Sincerely,

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