



April 23, 2021

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: Federal Emergency Relief and Educational Equity**

Dear Governor Abbott, Commissioner Morath, and Commissioner Keller

The undersigned organizations form the Texas Legislative Education Equity Coalition (TLEEC). For decades, TLEEC's member organizations have advocated for the rights of all students to have access to excellent and equitable public education opportunities. We write to urge you to ensure that federal COVID-19 relief monies are used to advance those goals and address the inequities in our educational systems that have been worsened by the pandemic.

We wrote to you approximately one year ago [urging you to thoughtfully and equitably distribute federal Coronavirus Aid, Relief, and Economic Security \(CARES\) Act funds](#) to ensure support for historically marginalized students and the schools that serve them. We asked you to work with advocates and impacted communities to determine the best uses for funds; focus those funds on meeting the academic, social, and emotional needs of students of color, emergent bilingual (English learner) students, and students from families with limited incomes among others; and meet regularly with stakeholder workgroups to ensure the equitable distribution and use of relief funds. Even one year ago, when we had limited information about COVID-19, it was clear that these communities would be disproportionately impacted by the pandemic and that long-standing educational inequities would be exacerbated by it.

Now, we see those effects playing out. Schools are struggling to meet the needs of everyone in their communities, to effectively support and assess learning for all students, and to ensure meaningful engagement with students and families. According to data presented by Commissioner Morath to the Texas

Senate, half of Texas' students are likely to perform below grade level by the end of the school year.<sup>1</sup> Texas' track record for helping those students through acceleration programs is worrisome – Commissioner Morath reported that only 4% of students who perform below grade level are able to reach grade-level performance in two years. In a previous hearing, the Commissioner noted that Texas schools have not had contact with approximately 600,000 students since the pandemic began.<sup>2</sup>

As we did one year ago, we again urge you to ensure that federal relief funds like those allocated through the Coronavirus Response and Relief Supplemental Appropriations Act (CRRSA) and the American Rescue Plan Act (ARPA) are distributed, used, and monitored equitably with robust community involvement and sufficient supports for effective programs.

**We are concerned that Texas has not accessed and distributed significant portions of the funds to which it is entitled, specifically ESSER II and ESSER III funds. At the time of writing, the state has not yet accessed more than \$13 billion currently available through those funds (ESSER II and two-thirds of ESSER III).** That means that school districts across the state--which are supposed to receive at least 90% of funds – are unable to plan for the use of these funds. Some state leaders have said that the delay in obtaining the funding is related to outstanding questions regarding the use of funds, including how maintenance of effort provisions in the relief packages may impact the state.<sup>3</sup> The Department of Education has issued guidance specifically on maintenance of effort requirements and is clear about their expectation that states not use federal funds to supplant state funding for K-12 and postsecondary education.<sup>4</sup> **We urge you to meet all state funding obligations for elementary, secondary, and postsecondary schools and immediately distribute the federal relief funds to school districts, as many other states have done.**

To promote distribution equity, we also urge you to ensure historically-marginalized students, families, and other advocates are included in the creation of the state distribution and use plans required by ARPA. Those state plans must include input from “students; families; Tribal Nations; civil rights organizations, including disability rights organizations; teachers, principals, school leaders, other educators, school staff and their unions, school and district administrators; superintendents; charter school leaders; and other stakeholders representing the interests of children with disabilities, English learners, children experiencing homelessness, children and youth in foster care, migratory students, children who are incarcerated, and other underserved students.”<sup>5</sup>

Families, students, and other advocates must also be involved in school district allocation plans detailing how funds should be spent and should be able to easily monitor those funds and program efficacy through transparent data-sharing and reporting processes. While applicable state agencies should certainly provide

---

<sup>1</sup> See testimony of Texas Education Agency Commissioner Mike Morath, Texas Senate Education Committee, March 18, 2021, available at [https://tlcsenate.granicus.com/MediaPlayer.php?view\\_id=49&clip\\_id=15493](https://tlcsenate.granicus.com/MediaPlayer.php?view_id=49&clip_id=15493).

<sup>2</sup> TEA. (August 13, 2020). [SY 2020-2021 COVID-19 Crisis Code Reporting Guidance](https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/sy-2020-2021-covid-19-crisis-code-reporting-guidance). Texas Education Agency, <https://tea.texas.gov/about-tea/news-and-multimedia/correspondence/taa-letters/sy-2020-2021-covid-19-crisis-code-reporting-guidance>.

<sup>3</sup> See Coronavirus Response and Relief Supplemental Appropriations Act waiver request from Texas Governor Greg Abbott, detailing the state's reasons for requesting a waiver of maintenance of effort requirements for funds allocated in support of non-public schools, available at <https://doggett.house.gov/sites/doggett.house.gov/files/2.22.2021%20Abbott%20Letter%20to%20Dept.%20of%20Education.pdf>.

<sup>4</sup> See Guidance on Maintenance of Effort Requirements and Waiver Requests under the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Governor's Emergency Education Relief (GEER) Fund (April 19, 2021), U.S. Department of Education, which explains “[t]he purpose of ARP ESSER, ESSER I, ESSER II, GEER I, GEER II, and EANS funds is to expand resources for K-12 and postsecondary schools and students, not to replace existing State commitments to K-12 and postsecondary education.”

<sup>5</sup> See the press release and guidance released by the U.S. Department of Education, available at [https://www.ed.gov/news/press-releases/us-education-department-releases-state-plan-template-american-rescue-plan-elementary-and-secondary-school-emergency-relief-fund?utm\\_content=&utm\\_medium=email&utm\\_name=&utm\\_source=govdelivery&utm\\_term=](https://www.ed.gov/news/press-releases/us-education-department-releases-state-plan-template-american-rescue-plan-elementary-and-secondary-school-emergency-relief-fund?utm_content=&utm_medium=email&utm_name=&utm_source=govdelivery&utm_term=).

guidance to school districts, distribution and use decisions should be driven by districts and communities as long as they are consistent with the allowable uses described in the laws.

As we did before, TLEEC recommends that your state agencies use any funds Texas is entitled to equitably and that you provide robust guidance and assistance for school districts and institutions of higher education (IHEs) to distribute, use, and monitor their allotted funds in the following ways:

### **Effective Programs that are Funded and Targeted Equitably**

Funds should be targeted to support programs, services, and resources that meet the needs of the students most impacted by the crisis, including:

- **Accelerated instruction, tutoring services, and expanded learning opportunities to ensure students' academic success is adequately supported.** While many allowable uses of the federal relief funds remain consistent across the relief packages, more of an emphasis has been placed on addressing learning loss, including through required spending in the ARPA on evidence-based interventions like afterschool and summer programs, and extended-day and -year programs;
- **Access to internet connectivity through statewide broadband services, devices for every student who needs them, and digital literacy programs that allow all students and families to participate in online learning;**
- **More counselors, social workers, and other mental and behavioral health professionals who have the resources to support students and families who may be experiencing social, emotional or mental health challenges.** These professionals were critical resources for many students and school staff prior to the COVID-19 crisis and remain an important resource to address the needs of the entire school community as we return to in-person learning;
- **Sufficient resources and supports that protect the civil rights of emergent bilingual (English learner) students and allow them and their families to participate meaningfully in their education.** Supports should equip schools to use curricula, instructional materials and teaching methods that are responsive to the unique needs of emergent bilingual students and are not simply translations of the materials distributed to other students;
- **Service repositories and schoolwide communication platforms** that 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; and
- **Resources and supports for personnel and programs that promote student and family engagement. This includes outreach surveys, parent liaisons, family engagement specialists, and IHE student support services.** These resources and supports are important for ensuring the academic, social, and emotional success of all in a school community. They also ensure that students and families can participate meaningfully in developing the policies and practices that impact them, including emergency relief fund distribution and use plans. Additionally, specific funds should be used to locate families who have not had contact with their schools since closures began.

### **Systems that Ensure Accountability and Transparency**

Federal funds recipients must comply with appropriate accountability and transparency measures, including:

- Funding distribution and use plans that are open to public comment and are made publicly available. These plans are required in the ARPA for school districts and for states that do not already have them;
- Regular meetings between your agencies and stakeholders (advocates, parents, students, teachers, administrators, and other experts) to discuss the needs of students, families, and schools;
- Accounting supports to ensure all fund recipients, including school districts, are prepared to track and report the use of emergency funds; and
- Robust and up-to-date statewide “spending equity guidance” distributed to school districts and IHEs 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 historically marginalized students.

To ensure the success of the approaches and programs above, we urge the state to maintain, and not cut, state education dollars using the federal dollars to supplement state education funding. School districts and public IHEs need this funding to address long-standing needs that have been historically underfunded as well as the new costs incurred due to the pandemic.

**TLEEC coalition members remain interested in discussing the above recommendations with you and being involved in any stakeholder engagement processes coordinated by your offices and agencies, including those required by ARPA.** 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](mailto:ana.ramon@idra.org), with any such opportunities or other questions.

Respectfully,

**The Texas Legislative Education Equity Coalition**

ARISE Adelante  
 Breakthrough Central Texas  
 Coalition of Texans with Disabilities (CTD)  
 Dr. Hector P. García G.I. Forum  
 Easterseals Central Texas  
 Every Texan  
 Houston Community Voices for Public Education  
 Intercultural Development Research Association (IDRA)  
 Just Fund It TX  
 McNeil Educational Foundation for Ecumenical Leadership  
 Mexican American School Board Members Association (MASBA)  
 National Association for Chicana and Chicano Studies (NACCS) – Tejas Foco  
 San Antonio Hispanic Chamber of Commerce  
 Texans Advocating for Meaningful Student Assessment (TAMSA)  
 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, University of Texas – Austin  
 Texas Hispanics Organized for Political Education (HOPE)  
 Texas League of United Latin American Citizens (LULAC)  
 Texas NAACP  
 Texas State Teachers Association (TSTA)  
 The Education Trust in Texas  
 Unidos (Formerly known as NCLR)