



Commissioner Kevin C. Brown
Office of the Commissioner of Education
300 Sower Blvd, 5th Floor
Frankfort, KY 40601

May 1, 2020

Re: CARES Act Funding

Dear Commissioner Brown:

We write to encourage the Commonwealth of Kentucky to direct additional and repurposed education funds appropriated to it for K-12 under the federal Coronavirus Aid, Relief, and Economic Security (CARES) Act toward the state's most vulnerable students. We are a group of Kentucky based organizations who represent and advocate for youth. Children's Law Center is a non-profit legal service center protecting the rights of children and youth to help them overcome barriers and transition into adulthood, better advocate for their needs, and successfully contribute to society. Emerging Workforce Initiative is a nonprofit organization creating programs, partnerships, and supports that prepare vulnerable youth and young adults for career pathways. Coalition Supporting Young Adults is a collective action initiative of more than 60 community organizations and individuals in Louisville who are committed to transforming the way Louisville provides care for and supports vulnerable youth and young adults. Institute for Compassion in Justice is a law firm devoted to providing legal representation, impacting policy, and sharing advances through education in the most critical areas impacting the well-being of Kentucky's children and young adults. Louisville Family Justice Advocates is a coalition that

advances equitable policies and fair practices for families with incarcerated loved ones in Jefferson County, Kentucky. We want to assist in making sure all of the new CARES Act federal funds are used to support the needs of marginalized students at this crucial period.

As you know, students from the following groups were already educationally disadvantaged before the COVID-19 crisis began: low-income children, children of color, children with disabilities, English-language learner children, children in immigrant families, children in foster care, migrant children, children experiencing homelessness, LGBTQ children, children in the juvenile justice system, and children whose identities span two or more of these categories. It is likely that these children will fall further behind their peers during school closures, as education services are provided using out-of-school models.

The pre-existing achievement gap is likely to be exacerbated due to inequities these children all too often experience due to the following:

- The technology-gap (gaps in availability of computers/internet access, limits in student technology knowledge, lack of needed assistive technology, lack of computer repair access, etc.);
- The lack of space to learn (homelessness, too many people/pets in a space and/or other noise, lack of desk/chair/supplies, etc.);
- The time and capacity limitations of caretakers who have a critical role in supporting learning (they are working, they have limited English proficiency, they have limited tech capacity, they aren't trained to provide needed special education services, they have Coronavirus-related or other health conditions that impede their ability to help, etc.);
- The lack of student time (they are caregivers for younger children, they are working, etc.);
- The extent to which the child – due to disabilities and/or other factors – requires in-person services unavailable during school closure;
- The social-emotional well-being of the student being harmed by Coronavirus-related factors of family stress (financial stress, unemployment, homelessness), personal stress (uncertainties, lack of connection with friends), etc., thus impeding the student's learning;
- The physical well-being of the student being harmed by Coronavirus-related factors (hunger exacerbated by school closure, homelessness, child abuse, Coronavirus itself, etc.), thus impeding the student's learning; and
- Other challenges of districts, schools and staff in connecting with a particular student to effectively support the student's remote learning.

Moreover, the disproportionate impact of the Coronavirus on communities of color compounds all of these factors, exposing already crippling equity gaps. The options for uses of funds for the

new federal funding that will be available to Kentucky and to LEAs in our Commonwealth must be used to advance equity for and support the needs of marginalized children and their families.

Ensure Vulnerable Student Populations are Provided a Sound Basic Education through Distance Learning

The only certain thing we know, is that there is no way to predict how long Kentucky will need to continue distance learning now and even later if we experience a resurgence of the virus. We urge Kentucky to take all needed steps to ensure that these new federal resources advance equity for marginalized students. For these vulnerable student populations to receive a sound basic education through distance learning, the Kentucky Department of Education should direct additional and repurposed educational funding to school districts to provide:

- Laptops or tablets and free internet service for all students in need;
- Access to quiet learning environments, especially for students experiencing homelessness and those in the foster care system;
- Academic tutoring outside of normal coursework;
- Academic counseling and access to credit recovery programs;
- Special education and related services necessary to provide a free and appropriate public education
- Training for students on how to use the required educational software and internet platforms; and
- Training for teachers and other school staff with students on best practices for distance/virtual learning

Require LEAs to Put Equity for Marginalized Students at the Center of LEA Plans for the Use of New Funds

This can be accomplished through the Kentucky Department of Education requiring LEA plans to:

- Demonstrate, with specificity, how the LEA plan is targeting the new federal financial resources to the schools with the highest proportion of the marginalized students in the groups listed above;
- Demonstrate, with specificity, how the LEA plan is using the new federal funds to support approaches that are reasonably expected to have the greatest impact on reducing education inequities for marginalized students in the groups listed above during the COVID-19 school closure, over the summer and once schools re-open; and

- Provide maximum transparency on planned uses of the new federal funds (posting plans on LEA websites and the SEA website in languages accessible to students/families in the district).

You must also require LEAs to report, with specificity, how the LEA used the new federal funds to reduce education inequities for marginalized students, during the COVID-19 school closure, over the summer and once schools re-open, and to provide maximum transparency on reported uses of federal funds (posting reports on LEA websites and the SEA website in languages accessible to students/families in the district).

The Commonwealth must ensure that uses of the Kentucky's share of the new federal education funding (including the 10% of the State's P-12 funds, and Governor Andy Beshear's funding for both P-12 and postsecondary education) are targeted to schools and to approaches that are reasonably expected to have the greatest impact on reducing education inequities for marginalized students in the groups listed above, during the COVID-19 school closure, over the summer and once schools re-open. You also must provide transparency on – including through putting on their website in languages accessible to students/families in the state – the Commonwealth's plan for the funds, and the report on how funds were used.

Provide leadership and Reduce the Wasteful “Reinventing the Wheel” that is Going on at the District Level

This can be accomplished by:

- Providing guidance on effective strategies for reducing education inequities for marginalized students during the COVID-19 school closure, over the summer and once schools re-open,
- Gathering and sharing informational resources on effective strategies for reducing education inequities for marginalized students in the COVID-19 school closure, over the summer and once schools re-open,
- Providing training for district and school leadership and for educators on effective strategies for reducing education inequities for marginalized students in the COVID-19 school closure, over the summer and once schools re-open; and
- Provide guidance to LEA's in safeguarding each student's Constitutional Fourth amendment right to privacy as remote learning is utilized.

The Commonwealth of Kentucky Must Also Maintain (Not Cut) State Education Dollars, and Use the Federal Dollars to "Supplement Not Supplant" State Dollars.

Throughout all of the above federally-funded activities, Kentucky must ensure that marginalized students in the groups listed above are prioritized for instructional and socio-emotional support and opportunities to catch up and advance academically, which includes: McKinney-Vento services for homeless children, compensatory education services under IDEA for children with disabilities, addressing the technology gap for low-income children and children of color,

educational materials and resources in the child's/parent's native language, and needed mental health services for marginalized students, to name a few.

Support the Physical, Mental, and Social Wellbeing of All Students

Public schools are also responsible for promoting the physical, mental, and social well-being of all students during these trying times. The COVID-19 crisis, resulting in school closures and stay-at-home orders, is undoubtedly impacting students' ability to stay physically active, mentally sound, and engaged in positive social activities. Therefore, it is imperative that the additional and repurposed funding for education also be directed toward:

- Mental health resources, including access to school psychologists, therapists, and social workers;
- Resources to promote physical health, including free breakfast and lunch, physical education instruction and access to school nurses and other health professionals; and
- Resources to promote social well-being, including opportunities to socialize and learn with fellow students in structured environments.

These unprecedented times require an unprecedented response and an intentional effort to educate and support our most vulnerable students. For the sake of these students, we urge the Kentucky Department of Education to direct additional and repurposed educational funds obtained through the Coronavirus Aid, Relief, and Economic Security (CARES) Act toward the aforementioned resources.

Sincerely,

Acena Beck
Executive Director
Children's Law Center



Elizabeth Senn-Alvey
Executive Director
Emerging Workforce Initiative



Judith Jennings
Coordinator
Louisville Family Justice Advocates



Lynn Rippy
Nikki Thornton
Executive Committee
Coalition Supporting Young Adults



Rebecca Ballard DiLoreto
Executive Director
Institute for Compassion in Justice

