

April 24, 2020

The Honorable Benjamin L. Cardin  
United States Senator  
509 Hart Senate Office Building  
Washington, DC 20510

The Honorable Christopher J. Van Hollen, Jr.  
United States Senator  
110 Hart Senate Office Building  
Washington, DC 20510

Dear Senators Cardin and Van Hollen:

On behalf of the Maryland Association of Boards of Education (MABE), which represents all of Maryland's 24 local boards, thank you for your leadership and engagement as our State, the nation, and the globe develop responses to the COVID-19 coronavirus pandemic.

MABE greatly appreciated the opportunity to discuss our priority issues and concerns with you on April 13, 2020 as the federal government works to provide funding and legislative and policy reforms to alleviate the severe public health and economic distress being felt by individuals, health care systems, businesses, state and local governments, and most certainly local school systems. Local boards of education are grateful for the passage of the Coronavirus Aid, Relief, and Economic Security (CARES) Act which is providing more than \$2 trillion in much needed public health and economic relief funding, but only \$13.5 billion in direct aid for local school systems throughout the nation. The CARES Act also authorizes the U.S. Department of Education to grant waivers from certain federal funding and policy restrictions. MABE respectfully requests that forthcoming federal legislation meaningfully expands on these efforts.

#### Education Funding Stability

Maryland's State budget and each of our 24 local government budgets are confronting catastrophic losses in forecasted tax revenues. Maryland's public schools rely on more than \$6 billion in state aid and a similar overall investment by the 24 local governments. Without immediate federal funding relief commensurate with the anticipate revenue shortfalls, our nearly 1 million public school students will suffer the consequences of disastrous cuts in operating funding for the remainder of fiscal 2020 and the upcoming 2020-2021 school year.

MABE appreciates the targeting of CARES Act funding to local school systems in order to help us meet our immediate needs in feeding students, purchasing personal protective equipment for our staff, and purchasing computer devices and tools such as laptops and mobile hot spots to increase access to distance learning for our students and communities during the extended school closures. However, the CARES Act funding is not intended or available for expenses related to the day-to-day operation of public schools. Only the federal government has the resources to remedy the funding crisis for public education in Maryland and across the nation. Therefore, MABE urges your support for the provision of education stabilization funding in the next supplemental appropriations bill.

In 2009, in response to a global economic crisis, Congress passed the American Recovery and Reinvestment Act (ARRA) to guarantee a level of stability in State investments in public education. ARRA included the State Fiscal Stabilization Fund to bolster state education funding levels impacted by the national recession, and provided supplemental appropriations for two fiscal years for all major federal education programs, including Title I, the Individuals with Disabilities Education Act (IDEA), and the McKinney-Vento Homeless Act. Maryland benefitted mightily from the funding provided at that time by maintaining the level of State and local funding already in place and not losing ground which would have been nearly impossible to regain once the economic crisis passed.

Today, just as in past economic crises, there are many competing and deserving demands for the amount of federal funding relief provided to states. This is why MABE is urging your strong support for clear restrictions on the federal funding relief intended to maintain school funding levels. These grants must be structured to guarantee that the State and local educational efforts being made in Maryland and other States not only may, but shall, be sustained through the duration of this crisis.

### Connectivity & Equity

Maryland's local boards join the National School Boards Association (NSBA) and other educational organizations in requesting that increased federal funding be provided through the E-Rate program for investments in learning technology and the purchase of goods and services so that each student in every household has access to online learning. Too many students lack such access, in rural and urban communities, and the constitutional right to an excellent and equitable public education should not be infringed by gaps in connectivity that could be readily closed. Therefore, MABE requests that the next major COVID-19 funding initiative include not only increased funding but also the legislative amendments necessary to ensure that E-Rate will fulfill the promise of connecting all students with online instruction and other educational resources.

Connectivity is critically needed now because school systems will be delivering distance learning for the foreseeable future due to school closures, but connectivity is also essential to equitably prepare all students for their educational futures in the 21<sup>st</sup> Century. MABE has adopted an Equity Policy and Equity Lens to advance the goal that all policy decisions are made in consideration of educational equity. MABE believes that educational equity means providing access to essential academic, social, emotional, and economic supports in order to engage each student in rigorous instruction with appropriate educational resources to achieve their highest potential. Without federal funding and legislative reforms to provide educational connectivity, educational equity cannot be fully achieved.

### Special Education Flexibility

The COVID-19 pandemic and the closing of schools and adoption of distance learning strategies is posing serious challenges to local school system efforts to serve students receiving special education instruction with accommodations through related professional services. Maryland's local boards of education place a very high priority on ensuring that students receive high quality special education programs and instruction. Our school systems serve students at high standards of care and due process protections under State laws and regulations that exceed the federal IDEA requirements. The following requests are intended to facilitate the reasonable, good faith efforts of Maryland's school systems to meet these high standards during this crisis.

Unfortunately, without changes in federal regulations establishing specific procedures, timelines, and financial requirements, Maryland's school systems, and the teachers and other professionals who serve students with special education needs, face extraordinary and unavoidable obstacles in

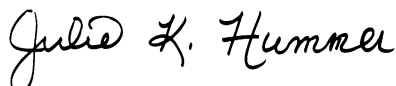
complying with the letter of the law. Therefore, MABE joins the Public School Superintendents Association of Maryland (PSSAM) in seeking flexibility from current federal special education regulations. Specifically, MABE is requesting limited flexibility under the federal regulations governing initial evaluations and re-evaluation timelines, annual IEP review timelines, complaint timelines, transition timelines, and IEP meeting procedures. Financial flexibility is requested regarding maintenance of effort, comprehensive coordinated early intervening services set-aside funds, and proportionate share regulations.

MABE recognizes that requests for flexibility under IDEA have raised concerns among special education advocacy organizations in Maryland and nationally. However, MABE believes that by providing flexibility around specific procedural timelines and financial requirements, and precluding future litigation on these matters, educators and parents can focus on communication and collaboration on behalf of students. Maryland's local school systems will remain dedicated to making good faith efforts to provide students continuity of instruction and services under these uniquely disruptive circumstances.

Again, Senators Cardin and Van Hollen, MABE truly appreciates the opportunity to speak directly with you on the call on April 13, and the thoughtful and substantial federal assistance being provided in response to this pandemic. MABE looks forward to your support for the funding and policy requests outlined above to ensure the ability of Maryland's 24 local school systems to meet the educational needs of our nearly 1 million public school students.

Please do not hesitate to call on MABE for future engagement on these issues.

Sincerely,



Julie Hummer, Chair  
MABE Legislative Committee



Karin Bailey, Chair  
MABE Federal Relations Network Committee

Cc:

Local Board of Education Presidents/Chairs  
Local Superintendents/CEOs  
Dr. Karen B. Salmon, State Superintendent  
Brig. Gen. Warner Sumpter (Ret.), President, State Board of Education  
Frances Hughes Glendening, Executive Director, MABE  
Mary Pat Fannon, Executive Director, PSSAM