

JANUARY 21, 2021

The 2021-22 Budget: In-Person Instruction Grants

PRESENTED TO:

Senate Budget and Fiscal Review Committee
Subcommittee No. 1 on Education
Hon. John Laird, Chair
and
Senate Committee on Education
Hon. Connie M. Leyva, Chair



LEGISLATIVE ANALYST'S OFFICE

Background on School Reopening

- ▶ **Administration Established County Tier Framework, Which Guided School Reopening**
 - On August 28, 2020, the Governor established a four-tier framework to guide county reopening, including schools reopening for in-person instruction. Counties fall into one of four tiers—Purple (widespread), Red (substantial), Orange (moderate), and Yellow (minimal). Tiers are based on coronavirus disease 2019 (COVID-19) case rates per 100,000 people and testing positivity rates.

- ▶ **New Public Health Guidance Modifies When Schools Are Permitted to Reopen**
 - On January 14, 2021, the California Department of Public Health (CDPH) released updated guidance that modifies the criteria for school reopening under the four-tier framework. Most notably, the updated guidance allows schools to reopen for younger children when case rates are higher compared to the earlier guidance. This decision was informed by research showing lower infection and transmission rates among younger children compared to older children and adults.
 - Under the updated state guidance, schools that have reopened or plan to reopen are required to publicly post a school reopening plan.



Background on School Reopening

(Continued)

California Public Health Criteria for When Schools Are Permitted to Open		
	Effective Starting August 2020	Effective Starting January 2021
High-Needs Students (Small Cohorts)	Permitted regardless of tier.	No change.
TK-Grade 6	Red Tier for 14 days, except for elementary schools with approved waivers.	Five-day average case rates below 25 cases per 100,000 people, halts previous waiver process.
Grades 7-12	Red Tier for 14 days.	Red Tier for five days.
<p>Notes: Under the Red Tier, seven-day average case rates are between 4 and 7 cases per 100,000 people and seven-day average testing positivity is between 5 percent and 8 percent. In Orange and Yellow Tiers, schools are permitted to reopen.</p> <p>TK = transitional kindergarten.</p>		

► Governor Announces Other Efforts Along With Updated Guidance

- Additional state support for routine testing, personal protective equipment, contact tracing, and vaccinations.
- Technical assistance for schools reopening from a cross-agency team including CDPH, the California Division of Occupational Safety and Health, and education agencies.
- Launch of a web hub consolidating all school guidance and resources. It will include a school dashboard showing the status of school reopening and data on cases linked to schools.



Background on School Reopening

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- ▶ **When Permitted, Schools Have Discretion Over When and How to Reopen**
 - Once allowed to reopen, the ultimate decision to do so is left up to districts, county offices of education, and independently operated charter schools.
 - The Governor’s executive orders require school districts to comply with state and local public health guidance, including posting a school reopening plan. However, districts may otherwise design their approach for reopening schools, including whether to routinely test staff and students.
 - The 2020-21 budget package provides schools with significant one-time state and federal funding that can be used to support school reopening. This includes \$5.3 billion for learning loss mitigation and \$1.5 billion in grants to schools from the federal stimulus package passed in March 2020. Recent federal relief legislation passed in December 2020 includes an additional \$6 billion in grants to schools that can be used for a variety of activities, including school reopening costs.



Governor's Budget Proposal

► Requests Immediate Action to Provide \$2 Billion for In-Person Instruction Grants

- The one-time grants are intended to encourage in-person instruction for elementary school students and students with high needs, such as students with disabilities and foster youth.
- To receive funding, districts must complete a school reopening plan that includes routine asymptomatic testing of all students and staff consistent with the state-supported testing cadence described in the updated state guidance (potentially as often as every week). They also must approve collective bargaining agreements that support implementation of the plan.
- Districts able to complete the requirements by February 1 would receive between \$450 and \$700 per student, with higher per-student rates for districts with larger proportions of low-income students and English learners. Districts also would be required to offer in-person instruction for (1) all students in transitional kindergarten through grade 2 and all students with high needs by February 16 and (2) all elementary school students by March 15, if permitted under the updated state guidance. Districts that meet these requirements one month later could receive somewhat lower grant amounts. Funds could be used for any purpose to support in-person instruction, including COVID-19 testing.
- Districts in counties with five-day average case rates above 25 cases per 100,000 people could still receive funding if they meet all other requirements and reopen once permitted under state guidance.



Issues for Consideration

- ▶ **Governor’s Proposal Likely Leaves Insufficient Time for Schools to Meet Funding Requirements**
 - To meet the February 1 deadline, districts would have a short amount of time to complete their updated school reopening plans, arrange for routine testing, and develop collective bargaining agreements with their labor unions. This tight time line may be particularly challenging for schools that have been closed for in-person instruction since March 2020.

- ▶ **Other Components of the Governor’s School Reopening Plan Are Also on Ambitious Time Line**
 - It is unclear whether state agencies and local health departments have the capacity to provide the necessary technical assistance to help schools develop and implement their reopening plans in such a short time frame. For example, the Governor’s budget does not augment CDPH or local budgets for this purpose. We are uncertain how they would absorb the significant new workload.

- ▶ **Proposal Unlikely to Lead to Earlier In-Person Instruction**
 - Reopening schools is often very logistically challenging. Although the proposal provides funding to support reopening, the funding requirements layer on even more complex logistical challenges to reopening, which may discourage districts from applying. For instance, even with state financial and technical support, districts would be required to essentially run a testing operation capable of testing all staff and students on a weekly basis.
 - Furthermore, COVID-19 case rates are currently high across the state (more than 90 cases per 100,000 people as of January 12), with little certainty over when case rates will drop below the threshold for school reopening under the updated guidance. Given the potential delays in school reopening due to these high case rates, the proposal may not actually result in more in-person instruction in February.



Other Options to Support School Reopening

▶ **Begin With All High-Needs Students**

- The Legislature could modify the Governor’s proposal to require schools to first offer in-person instruction to all high-needs students a month before bringing back all younger students. This allows time for schools to ramp up testing capabilities and address other implementation issues with a smaller group of students and staff.

▶ **Provide Some Flexibility on Meeting Asymptomatic Testing Requirements**

- The Legislature could allow some flexibility on the asymptomatic testing requirements—the aspect of the proposal most likely to dampen school participation. For instance, the Legislature could provide districts with an option to develop an alternative testing cadence with their labor partners. Alternatively, the Legislature could allow districts to test all staff and a random sample of students on a weekly basis. This option could make routine testing more feasible while still requiring recurrent testing of asymptomatic students and staff.

▶ **Focus on Statewide Testing Capacity and Infrastructure**

- Separately, the Legislature could direct resources to expanding statewide testing capacity and infrastructure that would allow schools to more easily access routine testing as a way to support school reopening. However, doing so would require non-Proposition 98 General Fund and may be difficult to accomplish by February 1.

