

**STATE DEPARTMENT OF EDUCATION
FEBRUARY 17, 2022**

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SUBJECT

Developments in K-12 Education

BACKGROUND/DISCUSSION

Sherri Ybarra, Superintendent of Public Instruction, will share developments in K-12 Education with the Board, including:

- Legislative Update
- Mastery – Based School Tour
- ESSA Consolidated State Plan Amendment Update

BOARD ACTION

This item is for informational purposes only.

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SUBJECT

Federal Coronavirus Relief K-12 Funding Update

REFERENCE

March – April 2020	The Board received weekly updates on the federal response to the coronavirus (COVID-19) pandemic and the availability of funding through the CARES Act.
April 27, 2020	The Board received an update on the allowable uses and amount of funds available to Idaho through the Elementary and Secondary School Emergency Relief Fund and Governor’s Emergency Education Relief Fund.
May 4, 2020	The Board directed staff to move forward with data analysis for the discussed proposals and to identify sources of funds for those proposals.
June 10, 2020	The Board approved the use of the ESSER 10% SEA reserve funds for grants to local education agencies and for funding for professional development to provide social emotional and behavioral health supports remotely;
July 15, 2020	The Board approved a methodology and grant application for \$30,000,000 from Idaho’s relief funds through the Governor’s Coronavirus Financial Advisory Committee.
August 26, 2020	The Board approved a methodology and allocation for \$1,000,000 from the ESSER 10% SEA reserve funds for social emotional and behavioral health supports.
October 21, 2020	The Board received a CARES Act funding source and equitable services update.
February 17, 2021	The Board received a CARES Act funding update and a CRRSA Act overview.
April 5, 2021	The Board approved the use of \$1,851,300 of CRRSA Act ESSER II State Set-Aside Reserve funds to be distributed to local education agencies who received no ESSER II funds or low ESSER II funding and approved the use of up to \$300,000 in ESSER II SEA Reserve funds for the State Department of Education to administer the federal coronavirus relief funds. The Board approved to preliminarily designate the use of the 2.5% of the ARP ESSER State Set-Aside Reserve funds to local education agencies who received no ARP ESSER funds or low ARP ESSER funds.

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April 22, 2021	The Board received an update on the COVID Relief K-12 funds, which included CARES Act ESSER, CRRSA Act ESSER, ARP ESSER, CRRSA EANS and ARP EANS.
June 16, 2021	The Board was provided an update on the Coronavirus Relief, CFAC Funds and ESSERF, including CARES Act, CRRSA Act, EANS, and ARP ESSER.
August 25, 2021	The Board received an ESSER draw down overview and a brief update on the CRRSA Act Emergency Assistance to Non-Public Schools grant.
October 21, 2021	The Board received a brief update on expended ESSER funds, the status of the LEA Safe Return to In-Person Instruction Plans and the LEA ARP ESSER Use of Funds Plans, and the amendment for the Idaho ARP ESSER State Plan. The Board also approved the distribution methodology of 2.5% of the 10% ARP ESSER SEA reserve.
December 15, 2021	The Board received a high level update on expenditure amounts and percentages for the CARES Act, CRRSA Act, and ARP ESSER, a brief overview of the U.S. Department of Education's (USED) proposed ESSER reporting requirements, and an update on the Governor's Substitute grant, which closed for reimbursement requests December 15, 2021.

BACKGROUND/DISCUSSION

The CARES Act, signed into law March 27, 2020, provides financial relief to local educational agencies (LEAs) from the Elementary and Secondary School Emergency Relief (ESSER) Fund and the Coronavirus Relief Fund through the Governor's Coronavirus Financial Advisory Committee. The CARES Act allowed the State Education Agency (SEA), to reserve up to 10 percent of the Elementary and Secondary School Emergency Relief (ESSER) Fund for grants to LEAs to be used for emergency needs as determined by the SEA to address issues responding to COVID-19. These funds were required to be awarded by May 18, 2021, and expended by September 30, 2022. At its July 15, 2020 meeting, the Board adopted the funding distributions, which included \$3.785 million for distance/blended learning with a priority for a learning management system (LMS). At the July 15 meeting, the Board also approved a methodology and grant application for \$30 million in funding from Idaho's relief funds through the Governor's Coronavirus Financial Advisory Committee to close the digital divide. A Review Committee was convened to read the applications and make recommendations for funding.

The Coronavirus Response and Relief Supplemental Appropriation (CRRSA) Act was signed into law December 27, 2020. Included in the CRRSA Act, the performance period for the CARES Act Coronavirus Relief Fund was extended

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from December 30, 2020 to December 31, 2021. The Division of Financial Management closed the Coronavirus Relief Funds June 30, 2021, which means Departments last Grant Reimbursement Application (GRA) payment to LEAs was made June 25, 2021.

The CRRSA Act provides Idaho an additional \$195,890,413 for K-12 public education under ESSER II. Of this amount, 90% or \$176,301,372 has been allocated to local education agencies (LEAs) based on each LEA's proportional share of Title I-A funds for 2020-2021. The remaining 10%, or \$19,589,041, represents a state set-aside reserve for emergency needs as determined by the SEA to address issues responding to COVID-19, including measuring and addressing learning loss. Of these state set-aside funds, \$979,452 may be used for administrative costs. The State Department of Education requested \$300,000 of these funds to administer the federal fund distributions. All CRRSA Act ESSER I and ESSER II funds must relate to preventing, preparing for, and responding to COVID-19.

The American Rescue Plan (ARP) Act was signed into law March 11, 2021 and provides Idaho \$440,131,922 for K-12 education. Of this amount, 90% was allocated to LEAs. LEAs must spend 20% of their allocation on addressing lost instructional time. The remaining 10% State Set-Aside Reserve must be used to address learning loss (5%), summer enrichment (1%), after school programs (1%) and emergency needs and administrative costs (3%) identified by the Board. The Idaho ARP ESSER State Plan was approved with conditions on September 13, 2021. An amended plan with more information on stakeholder engagement (Section C) and identification of the evidence-based interventions (Section D) was provided to the U.S. Department of Education on October 28, 2021. Idaho received its final award amount for ARP Act ESSER Funds on September 13, 2021.

During the October 21, 2021 regular Board Meeting, the Board approved the methodology for allocating 2.5% of ARP ESSER State Set-Aside funds for non-Title and low Title LEAs, including the Idaho Bureau of Educational Services for the Deaf and Blind (IBESDB). The methodology included funding IBESDB \$590,000 first and using the base amount of \$349,143 to 16 non-Title LEAs and 42 low-Title I-A LEAs to bring them up to a base amount.

The Governor's Emergency Education Relief Fund (GEER) includes a separate program of Emergency Assistance for non-Public Schools (EANS) under the CARES Act for which eligible non-public schools may apply to an SEA to receive services or assistance related to the pandemic. The EANS Certification and Agreement application was submitted to and approved by the U.S. Department of Education on February 11, 2021. The State Board identified the State Department of Education as the administrator of this program. Idaho received \$19,581,608 for services and assistance to non-public schools. \$5,543,122 is obligated for assistance, services, and reimbursements to non-public schools. This includes

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\$200,000 for the Department to implement the program, monitor the schools for uses of funds, and to oversee inventory expenditures. \$13,838,486 was reverted back to the Governor's office.

On November 12, 2021, Idaho was awarded \$21,961,960 through the ARP EANS grant to provide services and assistance to non-public schools. Similar to the CRRSA Act EANS, the Governor is the grantee and the SEA is the fiscal agent and administrator of the grant, the Department of Education was delegated to administer the grant on behalf of the Board. The Department has released an application to all non-public schools. The application period closes February 9, 2022. Applications will be reviewed for eligibility and to ensure that all required information is provided. Consultation with each individual non-public school will determine which services or assistance the Department will provide either directly to private schools or through contractors. The Department will provide technical assistance support to these non-public schools through the life of the grant, September 30, 2024. Unobligated funds in the amount of approximately \$15.9M remaining six months after the grant was issued, will revert to the Governor's office for use on any authorized activity under the Governor's Emergency Education Relief (GEER) fund.

IMPACT

This agenda item provides the Board with a high-level update on the most recent information on the COVID-19 relief funds.

BOARD STAFF COMMENTS AND RECOMMENDATIONS

The CARES Act established multiple funds dedicated to addressing impacts to education due to the COVID-19, two of these provide allocations at the state level, while a third fund, the Higher Education Relief Act is distributed directly to the postsecondary institutions. The two funds that provided allocations at the state level are the Governor's Emergency Education Relief (GEER) Fund and the Elementary and Secondary School Emergency Relief (ESSER) Fund. The CARES Act ESSER Fund allocated funds to the state education agencies based on the same proportion as states receive funds under Part A of Title I of the Elementary and Secondary Education Act in fiscal year 2019. Idaho's share of this fund was \$47,854,695. From this amount a minimum of \$43,069,20226 (90%) had to be distributed to the local education agencies (LEAs) based on the LEAs' proportional share of the state's Part A, Title I funds. These funds are then distributed based on each LEAs' propositional share of Part A, Title I funds received in 2019. Not all LEAs receive Part A, Title I funds. Part A, Title I funds are distributed based on an LEAs share of eligible Title I students. Up to 10 percent (10%) of these funds, \$4,785,470, could be reserved by the SEA "to be used for emergency needs as determined by the SEA to address issues responding to COVID-19." States have one year from date of the federal ESSER award to award or subgrant the funds.

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The Coronavirus Response and Relief Supplemental Appropriations Act, 2020 (CRRSA Act) expanded the ESSER Fund. Funds appropriated through the CRRSA Act are referred to as the ESSER II funds. The ESSER II fund awards to SEAs are in the same proportion as each State received funds under Part A of Title I of the Elementary and Secondary Education Act of 1965, as amended, in fiscal year 2020. Idaho will receive \$195,890,413 in ESSER II funding. Of this amount, at least \$176,301,372 must be distributed to LEAs based on the Title I distribution methodology. Like ESSER I, 10% of the funds may be reserved for use by the SEA. Of these reserve funds ½ of 1% of the total award may be used for administrative costs. The SEA 10% reserve is \$19,589,041, of this, up to \$979,452 could be used for administrative costs. The State Department of Education requested spending authority for \$300,000 of these funds to administer the distribution of the federal funds. To date, the Board has earmarked the following portions of the SEA set aside for use:

Total 10% SEA Set Aside	\$43,994,204	Proposed Use	Remaining
3% of Total - Emergency Needs	\$13,198,261	2.5% Non-Title, Low-Title \$10,998,551 Statewide PD and mentoring Platform \$1,600,000	\$599,710
5% of Total - Learning Loss	\$21,997,102	AOC Use \$100,000	
		Mathematics Accelerated Learning Collaborative \$3,500,000 Dyslexia Handbook \$100,000 ISEE Enhancements \$18,000,000	\$297,102
1% of Total - Summer Enrichment	\$4,399,420	ISEE Enhancement \$1,000,000 Summer/After School Learning Initiative \$3,399,420	\$0
1% of Total - After School Programs	\$4,399,421	ISEE Enhancement \$1,000,000 Summer/After School Learning Initiative \$1,000,579	\$2,398,842

BOARD ACTION

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SUBJECT

IDAPA 08.02.03.105 – Graduation Requirements – Partial Waiver – College Entrance Exam

REFERENCE

March 23, 2020	Board approved partial waiver of IDAPA 08.02.03.105, waiving the college entrance exam and senior project graduation requirements for students graduating in 2020.
October 2020	Board approved partial waiver of IDAPA 08.02.03.105, waiving the senior project graduation requirement for students graduating in 2021.
December 17, 2020	Board approved partial waiver of IDAPA 08.02.03.105, waiving the college entrance exam and senior project graduation requirements for students graduating in 2021.
June 16, 2021	Board approved temporary rules re-enacting education related administrative rules that would have expired at the end of the 2021 Legislative session.
August 25, 2021	Board approved proposed rule, docket number 08-0202-2101, removing the college entrance exam from the high school graduation requirements while maintaining the assessment as one of the required assessments schools must administer annually.
October 21, 2021	Board approved proposed omnibus rule docket number 08-0000-2100, incorporating negotiated rule, Docket 08-0203-2101.
November 29, 2021	Board approved pending rule, docket number 08-0000-2000, removing the college entrance exam from the high school graduation requirements while maintaining the assessment as one of the required assessments schools must administer annually.

APPLICABLE STATUTE, RULE, OR POLICY

Idaho Administrative Code, IDAPA 08.02.01 - Administration and 08.02.03.105, High School Graduation Requirements

BACKGROUND/DISCUSSION

In accordance with IDAPA 08.02.03.105, students must take a college entrance exam to meet minimum state graduation requirements. This requirement was put in place as part of the high school redesign efforts in 2006, effective for students entering the 9th grade in 2009. At that time, it was determined that many students were choosing not to take a college entrance exam because they did not feel they would be successful in college or had just not contemplated going on to some form of postsecondary education after high school. It was also determined that the cost of taking the exam was a barrier for many students. By requiring a college entrance

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exam as part of the State's minimum graduation requirements, the Board and the State Department of Education were able to advocate for and received funding for a statewide administration of a college entrance exam, allowing students the opportunity to take the exam during their junior year at no cost to themselves. Through the state procurement processes, the College Board and the SAT were contracted with to provide the exam.

The statewide administration of the exam takes place in the spring each year. Due to the Coronavirus pandemic the administration of the Spring 2020 exam was cancelled, and consequently the requirement was waived for the Class of 2020. The Fall 2020 exam was provided in place of the cancelled Spring 2020 exam for the Class of 2021 to meet the requirement; however, the Board later waived the requirement for the Class of 2021 due to public safety concerns from COVID-19, as well as a significant gap in instructional time earlier in the year.

For the Class of 2022, of the 22,730 unique seniors who were enrolled in Idaho public schools as of the first Friday of November, only 82.1% (n=18,658) participated in the Spring 2021 exam. This is identical to that of the Class of 2021 for whom the requirement was waived by the Board, as referenced in the agenda for the December 17, 2020 board meeting. Although some of the non-participants are exempt from the graduation requirement or participate in ACT or ACCUPLACER in accordance with IDAPA 08.02.03.105, our students, schools, and communities still struggle with COVID-19. SAT is a paper-and-pencil assessment, and no remote testing option is available due to test security reasons. In addition, once the pending rule docket number 08-0202-2101 takes effect, the Class of 2023 and beyond will not be held to this graduation requirement.

IMPACT

Waiver of the college entrance exam requirement for students graduating at the end of the current school year will remove the requirement as a minimum state requirement while still allowing schools who want to maintain it to still require it. Given the ongoing uncertainties of the pandemic, students' ability to participate could be affected.

BOARD STAFF COMMENTS AND RECOMMENDATIONS

IDAPA 08.02.01.007 authorizes the Board to waive education rules not required by state or federal law. This authorization grants the Board the ability to provide school districts and charter schools with added flexibility to respond to unforeseen circumstances. Waivers approved by the Board are specific and time limited.

The Board waived the requirement for the students graduating in 2021 from having to take a college entrance exam to graduate at the December 2020 regular Board meeting. The 2021 graduating class had limited opportunities to take the exam during their junior year as a result of the pandemic. As seniors, in 2021, this class of students was provided an opportunity to take the SAT during the Idaho school test days in September (September 23rd) and October (October 14th and 27th) and

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had multiple opportunities to participate in the assessment during the national test dates. Even though the graduation requirement had been waived for seniors graduating in FY 2021, approximately 80% of seniors took the SAT prior to graduating spring 2021.

While there have been continuing disruptions due to the pandemic in FY 2022, there has been a much greater level of access and more opportunities for students to take a college entrance exam in FY 2021 and FY 2022 than there were for students who were juniors in FY 2020. Additionally, the pending rule promulgated by the Board removing the college entrance exam as a graduation requirement will take effect when the 2022 Legislature adjourns in the spring. Due to the expiration of the previously codified administrative rules, the current graduation requirements were enacted through a temporary rule approved by the Board at the June 2021 Regular Board meeting. The rule will expire at the same time the new rule takes effect. Due to the expiration of the previously codified rules, in order for the graduation requirement to stay in place, the legislature would need to take affirmative action by passing legislation to retain it. At this time there has been no indication that either the House or Senate Education Committees have concerns with the removal of the high school graduation requirement.

At this time, it is expected the new rule, removing the requirement for the graduating class of 2022, will take effect prior to the end of the current school year. Nevertheless, local education agencies are getting ready to administer the SAT, so they would benefit from certainty and as much advance notice as possible regarding the status of the graduation requirement.

BOARD ACTION

I move to waive IDAPA 08.02.03.105.03 college entrance examination for students graduating during the 2021-2022 school year, including summer 2022 term.

Moved by _____ Seconded by _____ Carried Yes _____ No _____