



The Senate

STATE CAPITOL
HONOLULU, HAWAII 96813

April 15, 2020

Dr. Christina Kishimoto
Superintendent, Department of Education
P.O. Box 2360
Honolulu, HI 96804

Dear Superintendent Kishimoto:

The Coronavirus Aid, Relief, and Economic Support (CARES) Act established the "Education Stabilization Fund" (Sec. 18001). According to the article, Massive Federal Stimulus Bill Approved — Contains Funding and Waiver Authority for Educational Entities, published on March 27, 2020, the Education Stabilization Fund consists of the following:

Governors Emergency Relief Fund (Sec. 18002)

Governors may apply for and will receive 9.8% of the money – to be allocated to local educational agencies and institutions of higher education "most significantly impacted by coronavirus."

Elementary and Secondary School Emergency Relief Fund (Sec. 18003)

State Educational Agencies may apply for and will receive 43.9% of the money, the vast majority of which (90%) must be allocated to LEAs (including charter schools), who can spend the money for a broad range of purposes.

A notice inviting grants will be issued within 30 days; and grant applications will be approved or denied within 30 days of receipt.

Elementary and Secondary Education Act of 1965

States may request waiver of certain federal requirements under the Elementary and Secondary Education Act of 1965, pertaining to academic assessment; statewide accountability systems; targeted support for low-performing schools or student subgroups; rules governing collection and reporting of certain data relevant to State Report Cards and/or LEA Report Cards; and rules governing reversion of federal funds allocated on a "use it or lose it" basis.

State educational agencies and local educational agencies (including charter schools) may request waiver of certain federal requirements under the Elementary and Secondary Education Act of 1965, pertaining to: (1) Portions of Title I, including Title I requirements pertaining to "maintenance of effort," and limits on carryover and waiver of Title I funds allocated but not

expended in a fiscal year; (2) Certain requirements for "Student Support and Academic Enrichment Grants," including the obligation to conduct a "comprehensive needs assessment," and the obligation to direct grant funding to specified purposes; and (3) Requirements for "professional development."

Mitigation: State educational agencies and LEAs receiving waivers must "work to mitigate any negative effects..."

Waivers limited to 2019-20: Waivers are limited to the 2019-2020 academic year "except to carry out full implementation of any maintenance of effort waivers granted during the 2019-2020 academic year."

Additional K-12 Waivers Contemplated: Within 30 days, the Secretary of Education is required to submit a report "with recommendations on any additional waivers" under various laws including the Elementary and Secondary Education Act of 1965 and the Carl D. Perkins

Career and Technical Education Act of 2006. Any such additional waivers would become effective only if enacted into law. For further discussion about the impact on special education and Section 504, please see our Firm's separate Alert regarding today's historic legislation.

Understanding that the Department of Education is eligible for these funds and waivers, please provide the Committee an update on the following:

- Status of applying for Education Stabilization Funds;
- Total calculation of funds to be provided to the Department of Education;
- The plan for waivers the Department intends to request if any; and
- The Department's strategy to cover budget shortfalls due to Coronavirus.

The Committee appreciates your attention to this matter, and respectfully requests a response by **4:00 p.m., Thursday, April 16, 2020**. Please email your response to all Senate Special Committee COVID-19 members. Should you have any questions, please contact Dane Wicker at 586-6639 or via email at d.wicker@capitol.hawaii.gov.

Sincerely,

Senator Donovan M. Dela Cruz
Senator Jarrett Keohokalole
Senator Michelle N. Kidani
Senator Donna Mercado Kim
Senator Sharon Moriwaki
Senator Kurt Fevella

Cc. Senate President
All Senators