

MAR 12 2021

SENATE RESOLUTION

URGING THE BOARD OF EDUCATION TO FORM A SPECIAL COMMITTEE OR PERMITTED INTERACTION GROUP TO MONITOR AND ACCOUNT FOR HOW THE DEPARTMENT OF EDUCATION IS SPENDING ITS FEDERAL RELIEF FUNDS.

1 WHEREAS, the Coronavirus Aid, Relief, and Economic Security
2 (CARES) Act, Public Law 116-136, created the Education
3 Stabilization Fund to provide emergency funding for education
4 systems, and within that fund is the Elementary and Secondary
5 School Emergency Relief (ESSER) Fund, which awards moneys to
6 states based on their relative share of Elementary and Secondary
7 Act (ESEA) grants for fiscal year 2019; and

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9 WHEREAS, allowable uses for ESSER funds include the
10 coordination of preparedness and response efforts with state and
11 local public health departments; providing principals with
12 resources necessary to address needs of individual schools;
13 address needs of low-income children, children with
14 disabilities, English learners, racial and ethnic minorities and
15 students experiencing homelessness and foster care youth;
16 including how outreach and service delivery will meet the needs
17 of each population; purchasing educational technology for
18 students, including low-income students and students with
19 disabilities; providing mental health services and support;
20 planning and implementing activities related to summer learning
21 and supplemental after-school programs, including online
22 instruction; and the maintenance of continuity of services and
23 the continued employment of existing staff; and

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25 WHEREAS, in May 2020, the Department of Education applied
26 for Hawaii's share of relief funds from the United States
27 Department of Education and received \$43,385,229; and

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29 WHEREAS, on December 21, 2020, Congress passed the
30 Coronavirus Response and Relief Supplemental Appropriations
31 (CRRSA) Act, Public Law 116-260, 2021, which authorized
32 \$900,000,000,000 in stimulus relief through various programs and
33 a \$1,400,000,000,000 omnibus spending; and

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S.R. NO. 168

1 WHEREAS, states that received certain federal funds,
2 including moneys from the ESSER Fund established by the CARES
3 ACT and the CRRSA Act, are required to assure that they will
4 maintain support for education programs; and
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6 WHEREAS, on January 5, 2021, the Department of Education
7 received notification from the United States Department of
8 Education that the allocation of ESSER II funds is \$183,595,211,
9 which are available for expenditure through September 30, 2023;
10 and
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12 WHEREAS, expanded allowable uses for ESSER II funds include
13 addressing learning loss; preparing schools for reopening; and
14 testing, repairing, and upgrading projects to improve air
15 quality in school buildings; and
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17 WHEREAS, under the CRRSA Act, any state that receives ESSER
18 II funds "shall to the greatest extent practicable, continue to
19 pay its employees and contractors during the period of any
20 disruptions or closures related to the coronavirus" and "shall
21 provide assurances that such State will maintain support for
22 elementary and secondary education ... in fiscal year 2022 at
23 least at the proportional levels of such State's support for
24 elementary and secondary education ... relative to such State's
25 overall spending, averaged over fiscal years 2017, 2018, and
26 2019"; and
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28 WHEREAS, on February 18, 2021, the Department of Education
29 recommended that these limited federal funds be used in Fiscal
30 Year 2020-21 and 2021-22 for:
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- 32 (1) Public charter schools' pro-rata share of the award
33 (\$9,000,000);
- 34 (2) Current fiscal year 2020-21 shortfalls (\$79,400,000);
- 35 (3) Off-setting a portion of the \$41,100,000 Program
36 Review Reduction for Fiscal Year 2021-2022 to restore
37 cuts to the general fund budget that remain assigned
38 at the program level (\$82,100,000);
- 39 (4) Learning loss mitigation strategies (\$65,700,000); and
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S.R. NO. 168

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(5) Health and safety measures (\$15,00,000); and

WHEREAS, there are ongoing concerns with how the Department of Education has been utilizing these ESSER funds, and there have been disagreements between the Board of Education and Department of Education on how ESSER II funds should be spent; and

WHEREAS, although the Department of Education has reported its use of ESSER I funds on a monthly basis, there has been a lack of transparency and accountability in how the Department of Education and their schools have utilized their funds to service students; now, therefore,

BE IT RESOLVED by the Senate of the Thirty-first Legislature of the State of Hawaii, Regular Session of 2021, that the Board of Education is urged to form a special committee or permitted interaction group to monitor and account for how the Department of Education is spending its federal relief funds; and

BE IT FURTHER RESOLVED that the special committee or permitted interaction group should meet twice a month to ensure that the Board of Education and the public can receive timely updates on the Department of Education expenditures of funds until all federal funds are expended; and

BE IT FURTHER RESOLVED that the special committee or permitted interaction group is requested to submit a preliminary report of its findings and recommendations to the Legislature no later than twenty days prior to the convening of Regular Session of 2022, and a final report no later than twenty days prior to the convening of the Regular Session of 2024; and

BE IT FURTHER RESOLVED that certified copies of this Resolution be transmitted to the Chairperson of the Board of Education and the Superintendent of Education.

OFFERED BY: Michelle K. Tedeni